



**RESEARCH REPORT
LEGAL NEEDS SURVEY
FOR VULNERABLE GROUPS
2022**

Legal Needs Survey for Vulnerable Groups
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PREFACE FROM

Access to justice is a fundamental human right, but this right is not always accessible to all groups, especially vulnerable groups. Vulnerable groups often experience discrimination and marginalization, one of which is due to a lack of understanding both externally and internally regarding their special legal needs. Current legal policies have transitioned towards ones that are sensitive to the needs of vulnerable groups. One measuring tool that can be used to view this situation is a legal needs survey.


Through a legal needs survey based on the concept developed by Prof. Pascoe Pleasence, we explore various legal needs of vulnerable groups that are often neglected, including the legal needs of diverse gender and sexual minorities, persons with disabilities, indigenous peoples, women and children, and the poor. These groups often face disproportionate legal problems, both in the criminal and civil sectors, due to environmental issues in terms of land, water and air, the field of work, and other public services. This is exacerbated by the lack of access and information regarding legal aid in resolving legal disputes for vulnerable groups.

Therefore, the Indonesia Judicial Research Society (IJRS) together with a coalition consisting of Asosiasi LBH APIK Indonesia, Perhimpunan Bantuan Hukum dan Hak Asasi Manusia Indonesia (PBHI), and Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI) with support from the Norwegian Human Rights Center (NCHR) took the initiative to conduct a legal needs survey for vulnerable groups. The survey was conducted in three provinces in Indonesia, namely Jakarta, East Nusa Tenggara and East Kalimantan. The selection of these three provinces was carried out by looking at the special characteristics of each province, both from the human development index, the gender development index, the





situation of providing legal aid, the character of vulnerable groups in the region, as well as the reported level of violence and crime statistics.



Through this survey, we dig deeper into the specific legal needs of each group, including realities and challenges, perspectives and dynamics of the legal process, barriers for persons with disabilities to access justice, the ongoing struggle to achieve self-sufficiency and indigenous peoples' land rights, the impact of poverty on access to justice, and the legal needs of women and children, particularly in relation to violence. Based on the survey results, we found that the factor of poverty will intersect with other forms of vulnerability, offend legal needs, and complicate access to justice. With these achievements, we would like to underline the importance of addressing economic vulnerabilities in any effort to increase access to justice.

We then published the survey in book form so that we could illustrate the importance of conducting a legal needs survey to collect data, identify gaps, and inform the development of targeted and effective legal aid programs and policies. Through a combination of normative research and empirical practice as well as the analysis of quantitative data, this book is expected to provide a comprehensive understanding of the complex realities faced by these vulnerable groups and their impact on increasing access to justice.

For this reason, we hope that this book can be used as a reference for policymakers, legal practitioners, academics, and advocates who work to increase access to justice, especially for vulnerable groups. This research was conducted on a limited basis in three provinces, so it is our great hope that this research can trigger new research that can describe the legal needs of vulnerable groups in other provinces or nationally.





Finally, we would like to express our highest gratitude and appreciation to all those who have contributed to this research, in particular the Norwegian Center for Human Rights (NCHR), Asosiasi LBH APIK Indonesia, Perhimpunan Bantuan Hukum dan Hak Asasi Manusia Indonesia (PBHI), and Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), enumerator teams, and partners in each region. Each contributor has a very significant role in completing the research and of course in the process of changing policies and protecting vulnerable groups in the future.

Nisa Istiani, S.H., M.LI
Chairman of the IJRS Association





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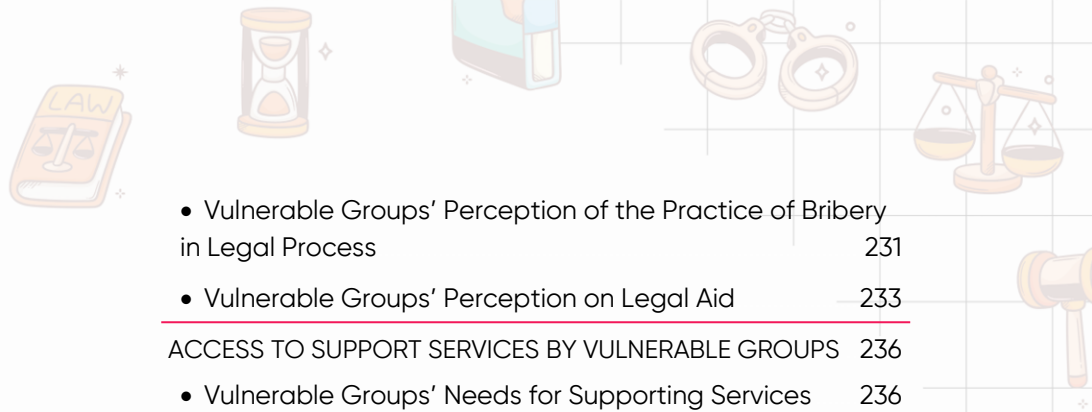
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01 INTRODUCTION



BACKGROUND



“The possession of rights is meaningless without mechanisms for their effective vindication.”



- (Cappelletti and Garth, 1978, p. 185) -

Indonesia is a legal state that upholds the rule of law principles as stated in Article 1 Paragraph 3, Article 27 Paragraph 1, and Article 28 D Paragraph 1 of the 1945 Constitution. Meanwhile, according to A.V Dicey, an important element in every legal state is supremacy of law, equality before the law, and due process of law.¹ However, the existing reality shows that every day people around the world are not immune from various forms of problems related to justice.² It is estimated that currently there are 1.4 billion people worldwide who are denied access to justice related to the need for justice in the civil and administrative spheres.³ When looking at the context of the situation in Indonesia, the results of measuring the access to justice index in 2019 were at a score of 69.6 which indicates a sufficient condition. This category explains that access to justice is available, but has not been able to meet the community's need for achieving justice that can be accessed by all groups.⁴ The Civil Society Consortium for Access to Justice sees that access to justice

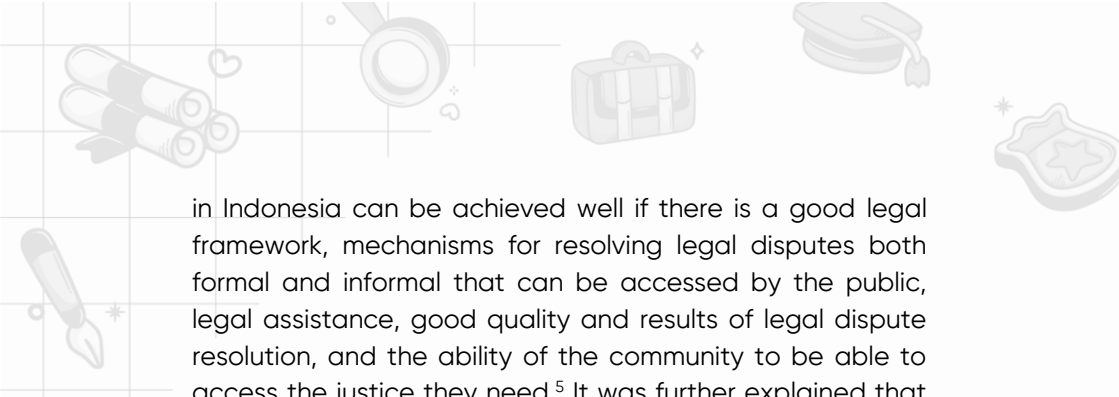
¹ Zaid Afif, *Konsep Negara Hukum Rule of Law dalam Sistem Ketatanegaraan Indonesia*, (Jurnal Pionir LPPM Universitas Asahan, Vol. 2 (5), 2018), p. 56

² Ebenezer Durojaye, et al., *Legal empowerment as a tool for engendering access to justice in South Africa*, (International Journal of Discrimination and the Law, 20(4) 2020), p. 2

³ Ibid.

⁴ Dio Ashar Wicaksana, et al., *Indeks Akses terhadap Keadilan di Indonesia 2019*, (Jakarta: IJRS, 2020), p. 90





in Indonesia can be achieved well if there is a good legal framework, mechanisms for resolving legal disputes both formal and informal that can be accessed by the public, legal assistance, good quality and results of legal dispute resolution, and the ability of the community to be able to access the justice they need.⁵ It was further explained that access to justice is closely related to meeting the legal needs of people experiencing legal problems. If access to justice is defined as the community's ability to obtain legal dispute resolution and exercise their rights in accordance with human rights principles, then legal needs are things that arise when the community's legal capacity needed to deal with legal dispute resolution is not optimal.⁶ Legal needs are not fulfilled when legal issues are not resolved properly due to the unavailability of legal support needed to maximize legal capabilities.⁷ In other words, if legal needs are not met, then there is no access to justice. Therefore, to ensure the achievement of access to justice, it is necessary to know what legal needs arise within the society as justice seekers.

In terms of regulations, both material and formal, Indonesia already has various legal rules that guarantee anyone to obtain justice when in conflict with the law, from the Criminal Code, Criminal Procedure Code, to other legal rules that support the achievement of justice, such as the Legal Aid Law to the Law on the Protection of Witnesses and Victims. However, in practice, the guarantees of this legal framework appear to be insufficient to support the people in obtaining justice that they need. This can be seen from the

⁵ Ibid, p. 4

⁶ Organisation for Economic Co-operation and Development (OECD), *Access to Justice and Legal Need Survey*, (OSF: 2018), p. 22

⁷ Ibid.



results of an assessment of the implementation of fair trials in Indonesia in 2018⁸ which showed that the rights of suspects in the judicial process were very minimally fulfilled, which only reached 37.6 out of 100; the achievement of the principle of equality before the law was less than optimal, namely only reaching 53.6; courts which are still considered less competent, independent and impartial which also only reaches 51.4; as well as the minimum fulfillment of the principle of assistance by legal adviser, which only reached 50.5. Reports of the implementation of fair trials in Indonesia are said to have worsened due to the pandemic condition which has increasingly hampered the implementation of fair trials.⁹ Moreover, the results of the access to justice index in Indonesia showed that 38% of people decided not to do anything about their legal problems for fear of making things more complicated.¹⁰ Meanwhile, for those who decide to do something about their legal problems, 60.5% tend to prefer to use informal resolution mechanisms (outside state institutions/actors).¹¹ These findings show that there are legal needs both in the side of existing formal legal framework and the availability and quality of case handling in the legal dispute resolution institutions which turned out have been unable to facilitate public access to justice.

Not only that, people's access to legal assistance or aid—as an important aspect in achieving access to justice—is also still facing many challenges, even after the enactment

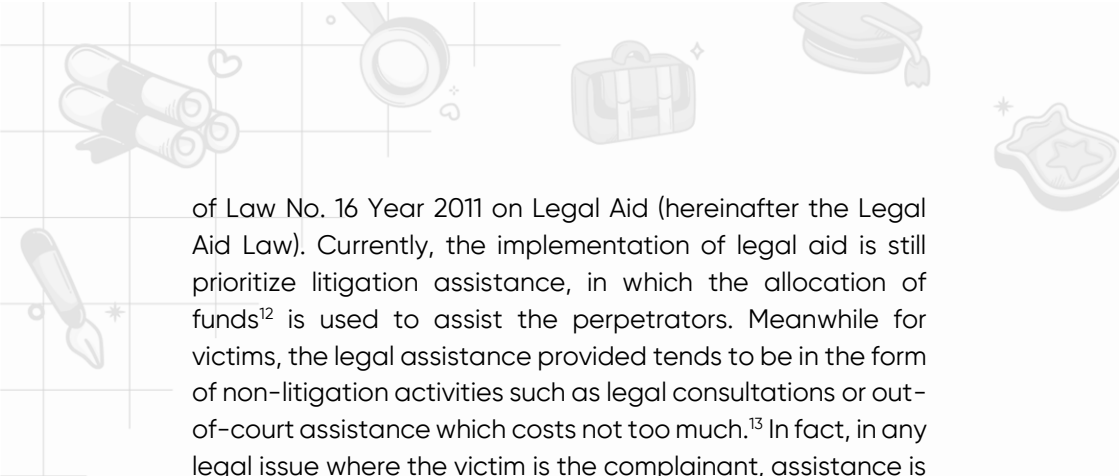
⁸ Miko Ginting, *Laporan Penilaian Penerapan Prinsip Fair Trial di Indonesia Tahun 2018*, (ICJR: 2019), p. 5

⁹ Miko Ginting, *Laporan Penilaian Penerapan Prinsip Fair Trial di Indonesia Tahun 2021*, (ICJR: 2021), p. 17

¹⁰ Dio Ashar Wicaksana, et al, *Indeks Akses terhadap Keadilan di Indonesia 2019*, p. 99–100

¹¹ *Ibid.*





of Law No. 16 Year 2011 on Legal Aid (hereinafter the Legal Aid Law). Currently, the implementation of legal aid is still prioritize litigation assistance, in which the allocation of funds¹² is used to assist the perpetrators. Meanwhile for victims, the legal assistance provided tends to be in the form of non-litigation activities such as legal consultations or out-of-court assistance which costs not too much.¹³ In fact, in any legal issue where the victim is the complainant, assistance is still needed, both litigation and non-litigation until the problems experienced are resolved. However, this has been overlooked in the national legal aid scheme.¹⁴ Furthermore, the condition of legal aid described in the access to justice index is still in the sufficient category with an index score of 61.2.¹⁵ This value indicates that there are still many people, which were 64% who decided to not use legal aid when experiencing legal problems.¹⁶ Meanwhile, for those who used legal aid, 88% choose to use non-legal assistants (such as family, local leaders, etc.) and only 11% use Legal Aid Organizations (LAO).¹⁷

¹² See Minister of Law and Human Rights Decree No. M.HH.-01.HN.03.03 Year 2021 on the amount of litigation legal aid per case is Rp. 8.000.000, this amount is much different from the amount of non-litigation legal aid.

¹³ Indah Rahayu, *Refleksi Sembilan Tahun UU Bantuan Hukum*, (Rechts Vinding Online, 2019), p. 4

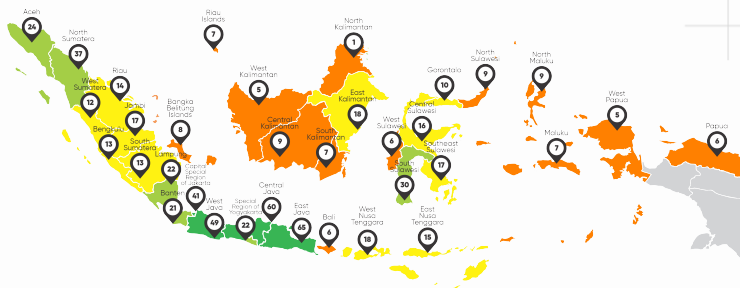
¹⁴ LBH Apik Jakarta, *Siaran Pers 10 Tahun Law Bantuan Hukum: Hingga Hari Ini DKI Jakarta Belum Memiliki Peraturan tentang Bantuan Hukum*. LBH Apik Jakarta, 2021) Accessed at <https://www.lbhapik.org/2021/11/siaran-pers-10-tahun-undang-undang.html> on 10 November 2022

¹⁵ Dio Ashar Wicaksana, et al, *Indeks Akses terhadap Keadilan di Indonesia 2019*, p. 160

¹⁶ *Ibid*, p. 110.

¹⁷ *Ibid*.

Chart 1. Distribution of Institutions or LAO Passing Verification and Accreditation in the Period of 2022 – 2024



Source: National Law Development Agency (BPHN) (2022), reproduced by the researchers

Graph 1 above shows that in terms of quantity according to the Minister of Law and Human Rights of the Republic of Indonesia Decree Number M.HH-02.HN.03.03 Year 2021¹⁸, in the 2022–2024 period there have been 619 legal aid institutions or organizations in Indonesia that have passed verification and are accredited by the National Legal Development Agency (BPHN). However, in terms of the distribution in each province, there is still inequality regarding access to legal aid in each region or the number of existing are not yet represented, because the BPHN in this case applies certain standards in determining verification and accreditation. The implication is that there are still LAOs who do not receive financial assistance from the government.¹⁹ This shows that people’s access to legal aid provided by the state still tends to be limited so there is a legal need to use


¹⁸ Accessed at https://jogja.kemenkumham.go.id/attachments/article/6305/kepmen_verifikasi_akr_editasi_OBH_2022-2024.pdf on 6 July 2022.

¹⁹ Ibid.





non-legal assistants whose legal capacities and capabilities are uncertain.



Another challenge in the fulfillment of legal needs to achieve access to justice for the people is the incomprehensiveness of guarantee and practice of rights fulfillment especially for vulnerable groups in conflict with the law. In Indonesia there have been many laws and regulations as well as policies that guarantee the protection of vulnerable groups such as women, children, persons with disabilities, migrants, such as the ratifications of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Protection of All Rights of Migrant Workers and Their Families (CMW), Law on the Child Protection, to Law on Disabilities. At present, there are already several legal framework that guarantees the protection of vulnerable groups in conflict with the law, including Law No. 11 Year 2012 on the Juvenile Criminal Justice System (SPPA), Supreme Court Regulation (PERMA) No. 3 Year 2017 on Guidelines for Trying Women In Conflict with the Law, Prosecutor's Guidelines No. 1 Year 2021 on Access to Justice for Women and Children in Criminal Cases Handling, up to Chief of Police Regulation (PERKAP) No. 3 Year 2008 on the Establishment of Special Service Rooms and Procedures for Examining Witnesses and/or Victims of Crime. However, in practice these regulations are still unable to guarantee the needs of vulnerable groups when in conflict with the law which can vary according to their vulnerabilities both in terms of legal aid and recovery aspects. The results of a study on 735 judgments showed that only 0.1% of restitution was received by women who were in conflict with



the law, even though all of these women were affected by the cases they experienced.²⁰ In addition, there was only a small proportion, which was 8.7% of women in conflict with the law who were accompanied by companion and 0.4% who were accompanied by a legal adviser.²¹ This shows that the fulfillment of women's rights as a vulnerable group when in conflict with the law still tends to be hampered.

It is important for vulnerable groups to be given special protection, because the more vulnerable a person is the more at risk they become victims of crime.²² Protection of vulnerable groups in conflict with the law is becoming increasingly important considering that in accessing justice they are often hampered by fees and procedures, the existence of perception of doubt they will be treated fairly, and the lack of services that can meet their legal needs.²³ Komnas Perempuan's Annual Note (CATAHU) (2022) states that gender-based violence will still occur throughout 2021. Gender-based violence occurs in three domains, namely: (1) the personal domain, totaling 2,527 cases with the largest percentage of 44% psychological violence and 25% sexual violence, (2) the public domain with the largest percentage of 69% cyber violence, and (3) 38 cases in the state domain with the highest percentage in cases of women in conflict with the law.²⁴ There were also 42 cases of women with

²⁰ Arsa Ilmi Budiarti, et al., *Refleksi Penangan Perkara Kekerasan Seksual: Indeksasi Terhadap Putusan Pengadilan*, (IJRS: 2022), p. 119

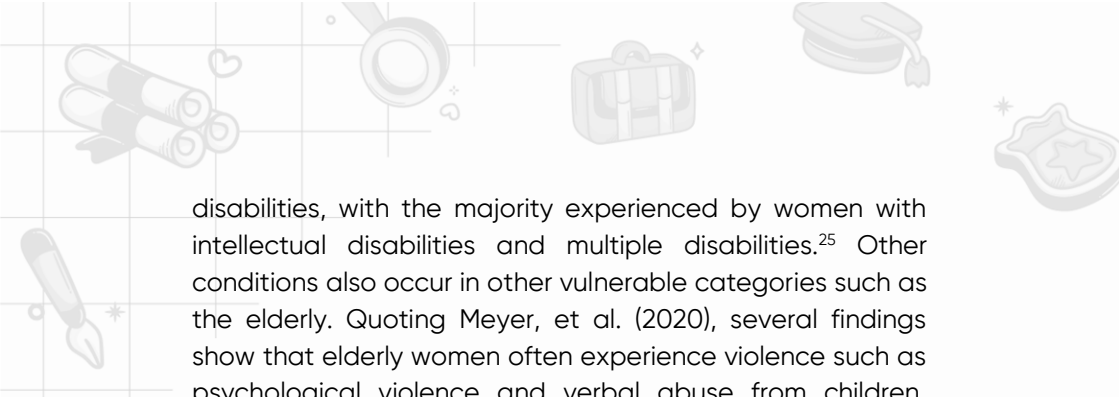
²¹ *Ibid.*, p. 121.

²² Scott Keay and Stuart Kirby, *Defining vulnerability: From the Conceptual to the Operational*, (Policing: a Journal of Policy and Practice, 12(4), 2018), p. 3

²³ Vladyslav Teremetskyi, et al., *Access to Justice and Legal Aid for Vulnerable Groups; New Challenges Caused by the Covid-19 Pandemic*, (Journal of Legal, Ethical and Regulatory Issues, 24, 2021), p. 2.

²⁴ Komnas Perempuan, *Perempuan Dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak, Dan Keterbatasan Penanganan Di Tengah Covid-19*, (Komnas Perempuan: 2021).





disabilities, with the majority experienced by women with intellectual disabilities and multiple disabilities.²⁵ Other conditions also occur in other vulnerable categories such as the elderly. Quoting Meyer, et al. (2020), several findings show that elderly women often experience violence such as psychological violence and verbal abuse from children, caregivers, and other family members and are reluctant to disclose or report the problems they experience because they think that their lives still depend on the care given by the perpetrators.²⁶ In this case, many women are ultimately unable and trapped in threatening situations, from unable to access legal assistance for their problems because it is not available and they do not have any resources, to do not receive any compensation.²⁷

On the issue of the fulfillment of vulnerable groups in conflict with the law, it can also be seen that the Legal Aid Law only provides legal assistance to people within the poor category²⁸ which needs to be evidenced by a Poor Certificate and the like (Article 14 paragraph (1) point c of the Legal Aid Law). Referring to Article 1 point 2 in conjunction with Article 5 of the Legal Aid Law, the qualifications of receiving legal aid are limited to people or groups of poor people who cannot fulfill their basic rights properly and independently, such as the right to food, clothing, health services, education services, work and business, and/or housing who face legal problems. The qualifications of legal

²⁵ Ibid.

²⁶ Sarah R. Meyer, et al, *Violence Against Older Women: A Systematic Review of Qualitative Literature*, (PloS one, 15(9), 2020)

²⁷ Ebenezer Durojaye, *Legal Empowerment As a Tool For Engendering Access to Justice in South Africa*, International Journal of Discrimination and the Law, 20(4), 2020), p. 8

²⁸ Indonesia, Article 5 of Law Number 16 Year 2011 on Legal Aid.



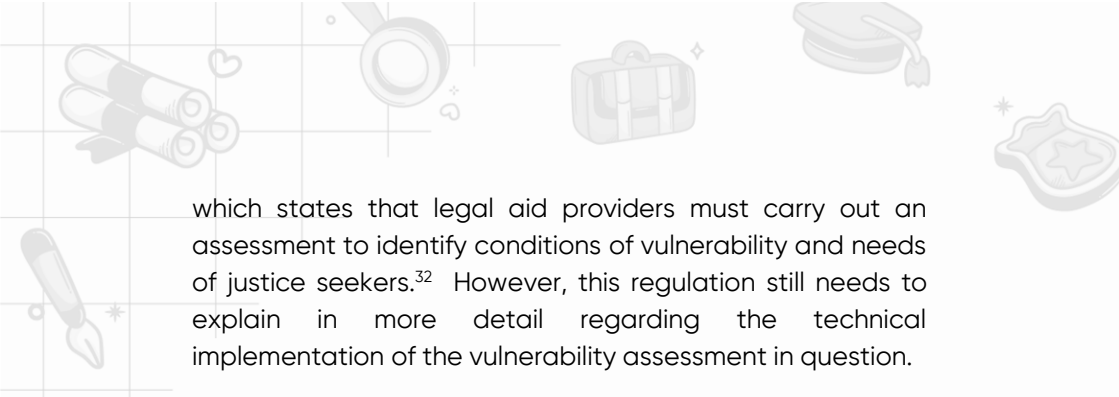
aid recipients, which are limited to indicators of economic disability in this law, are considered to have not provided equal access to justice for all citizens, especially vulnerable groups²⁹. The discourse on vulnerable groups in the practice of providing legal aid actually existed in the practice of providing legal aid through legal aid posts conducted by the Supreme Court a year before the Legal Aid Law was promulgated. The Supreme Court issued a Supreme Court Circular (SEMA) Number 10 Year 2010 concerning Guidelines for Providing Legal Aid, in which article 19 in conjunction with Article 27 stipulates that people who are entitled to receive services from Legal Aid Posts are people who cannot afford to pay for advocate services, especially women and children and persons with disabilities in accordance with laws and regulations. Although SEMA No. 10 Year 2010 has accommodated vulnerable groups such as women, children and people with disabilities, this rule could be considered incomprehensive in regulating several other needs of vulnerable groups such as the assistance of sign interpreters which are needed by persons with sensory disabilities in every trial process which are not accommodated in this rule. On the other hand, there is also a need for legal assistance from vulnerable groups such as children, women, indigenous peoples and persons with disabilities regardless of their economic conditions.³⁰ Moreover, the Minister of Law and Human Rights Regulation (Permenkumham) Number 4 Year 2021 on Legal Aid Service Standards³¹ has been passed,

²⁹ Indah Rahayu, *Refleksi Sembilan Tahun UU Bantuan Hukum*, (Rechtsvinding Online: 2019), p. 2-4

³⁰ Kementerian Hukum dan Hak Asasi Manusia, et al., *Panduan Penyelenggaraan Bantuan Hukum di Daerah*, (Kemenkumham, 2018), p. 26

³¹ In 2021, the Ministry of Law and Human Rights issued this regulation with the objective to ensure the quality of legal aid providers in accordance with the ideal competencies and the existing needs of the public.





which states that legal aid providers must carry out an assessment to identify conditions of vulnerability and needs of justice seekers.³² However, this regulation still needs to explain in more detail regarding the technical implementation of the vulnerability assessment in question.

Therefore, it is important to know more about legal needs, especially for vulnerable groups in accessing justice. Meeting legal needs and providing greater access, especially for vulnerable groups, can not only strengthen the rule of law, but also affect their quality of life.³³ In addition, vulnerable groups can also obtain effective remedies for legal problems they experience.³⁴ Currently in Indonesia there is no research that comprehensively looks at the legal needs of vulnerable groups as justice seekers. Therefore, research related to the legal needs of vulnerable groups as justice seekers can be a reference for the development and reform of institutions and legal aid that are more targeted, evidence-based, and according to the needs of each vulnerable group based on their vulnerabilities.



RESEARCH OBJECTIVES

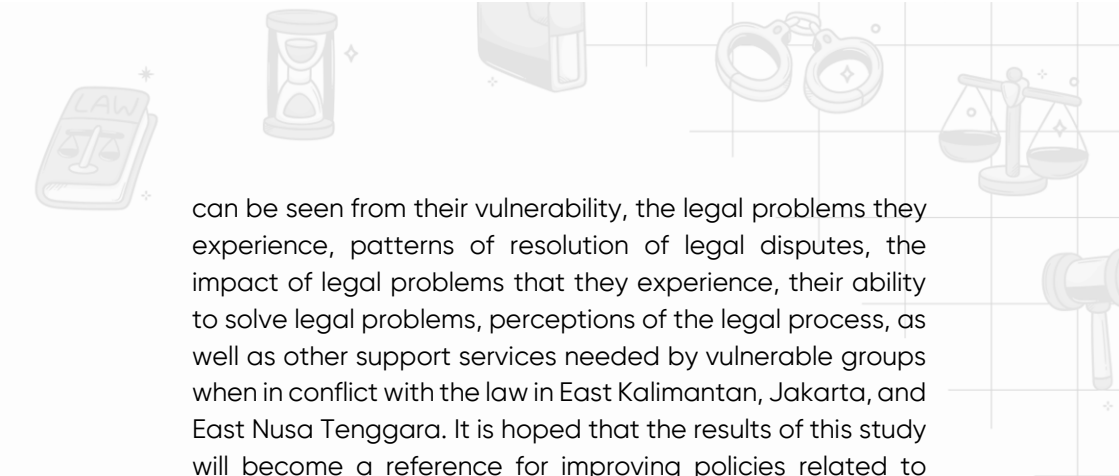
The purpose of this study is to provide a comprehensive picture of the legal needs of vulnerable groups from the perspective of the vulnerable groups themselves when they face legal problems. This legal needs

³² Article 3 paragraph 2 of the Regulation of Ministry of Law and Human Rights on Legal Aid Standards includes at least eight responsibilities for legal aid providers when providing legal aid, one of which is the assessment of legal condition and needs of the aid receiver regarding the problems that they face.

³³ Vladyslav Teremetskyi, et al, *Access to Justice and Legal Aid for Vulnerable Groups; New Challenges Caused by the Covid-19 Pandemic*, p. 5-6.

³⁴ *Ibid*, p. 4





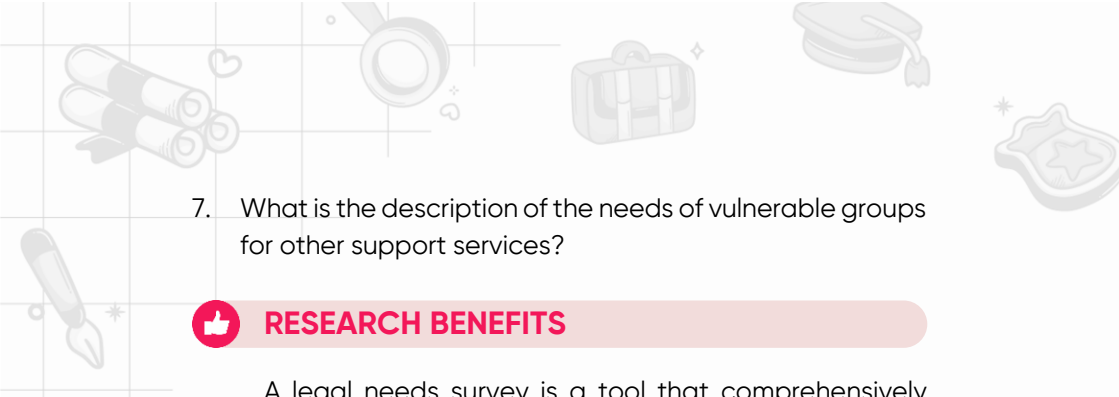
can be seen from their vulnerability, the legal problems they experience, patterns of resolution of legal disputes, the impact of legal problems that they experience, their ability to solve legal problems, perceptions of the legal process, as well as other support services needed by vulnerable groups when in conflict with the law in East Kalimantan, Jakarta, and East Nusa Tenggara. It is hoped that the results of this study will become a reference for improving policies related to access to justice that is evidence-based, right on target, and according to the needs of vulnerable groups.

RESEARCH QUESTIONS

Based on the above background and research objective, the main questions of this research are: **What are the legal needs and its condition of vulnerable groups when experiencing legal problems?** In detail, the derivative research questions are as follows:

1. What is the description of the vulnerability experienced by vulnerable groups?
2. How is the prevalence of legal problems experienced by the majority of vulnerable groups?
3. What are the patterns of behavior in resolving legal disputes by vulnerable groups?
4. What is the impact of taking legal proceedings experienced by vulnerable groups?
5. What is the description regarding the legal capacity of vulnerable groups as a support for solving their problems?
6. What is the description of the perceptions of vulnerable groups regarding the legal process?



- 
7. What is the description of the needs of vulnerable groups for other support services?



RESEARCH BENEFITS

A legal needs survey is a tool that comprehensively seeks to explore a person's experience when facing legal problems from the perspective of those who experience it directly, not from administrative data from certain institutions or related institutions that play a role in solving community legal problems. Thus, comprehensive information can be obtained regarding the response of justice seekers to legal issues, available assistance and so on.³⁵ This survey emphasizes individuals who experience legal problems and their efforts and journey to deal with these problems.³⁶ By obtaining data on legal needs through a survey, it is possible to obtain the condition of the legal needs of justice seekers which can be used as a reference to encourage access to justice that is better and right on target and according to needs. The legal needs survey is able to provide a comprehensive picture of the legal system and the experiences of individuals in solving their problems. On a macro scale, a legal needs survey can identify evidence-based policy reform needs for policy makers, public service designers and practitioners. For the government, a legal needs survey can provide some information regarding the development of services to the public and monitor the resolution of legal issues. For civil society organizations (CSOs), a legal needs survey can provide recommendations for improvements to legal service infrastructure, legal aid

³⁵ OECD, *Access to Justice and Legal Need Survey*, p. 32

³⁶ Choky Risda Ramadhan et al., *Survei Kebutuhan Hukum di Dua Provinsi: Lampung dan Sulawesi Selatan*, (Jakarta: IJRS, 2019), p. 12





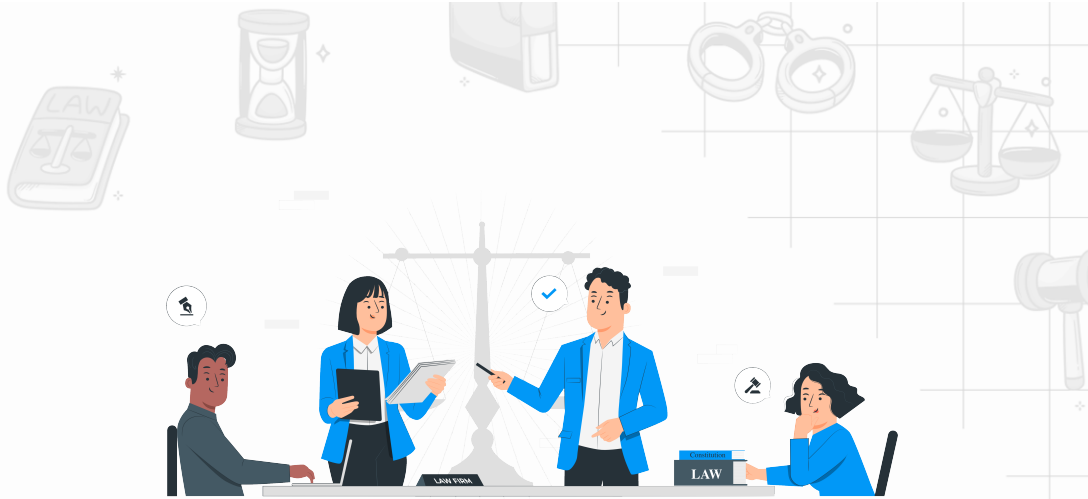
systems or even fundamental justice sector reform.³⁷ In addition, the results of a survey on the legal needs of vulnerable groups can be used as a reference for determining policies and budgetary mechanisms that are appropriate and in general and specifically able to encourage wider access to justice for vulnerable groups.

³⁷ Pascoe Pleasence, *'Legal Need' and Legal Needs Surveys: A Background Paper*, (Sussex: Pascoe Pleasence Ltd, 2016), p. 6, last accessed at https://namati.org/wp-content/uploads/2016/11/OSJI-Legal-Needs-Surveys-Background-Materials-1-An-Introduction-to-Legal-Needs-Surveys-1-v3.6-2016-06-22-web_Pascoe.pdf on 6 July 2022





02 **CONCEPTUAL FRAMEWORK**



WHAT IS LEGAL NEEDS SURVEY?

Legal Needs Survey has a long history, where it was first carried out in the 1930s and has continued to increase in the last few decades, until now it has become relatively commonly used by various parties around the world.³⁸ Over the past 25 years, more than 55 large-scale legal needs surveys, i.e. 1,000 or more respondents have been conducted in more than 30 jurisdictions in the world by certain individuals or organizations.³⁹ In Indonesia, a legal needs survey was conducted by The Hague Institute for Innovation of Law (HiIL) in 2014⁴⁰, the World Justice Project (WJP) in 2019⁴¹ and the Indonesia Judicial Research Society (IJRS) in 2020,⁴² which successfully mapped various types of legal issues and resolution steps experienced directly by the community in several regions in Indonesia.

³⁸ OECD, *Legal Needs Surveys and Access to Justice*, p. 13

³⁹ Ibid.

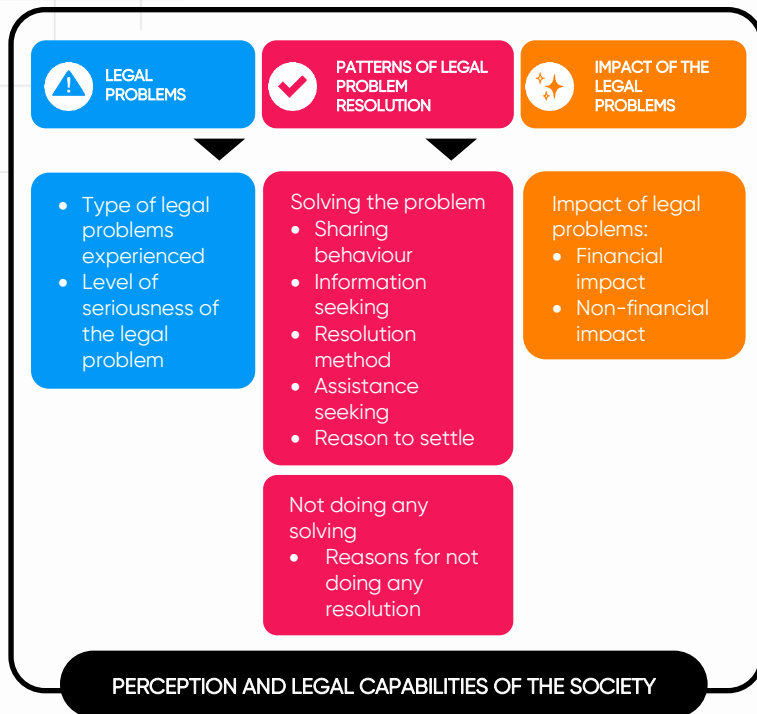
⁴⁰ HiIL, *Justice Needs in Indonesia 2014: Problems, Processes and Fairness*, (HiIL, 2014) accessed at <https://www.hiil.org/wp-content/uploads/2018/09/Justice-needs-in-Indonesia.pdf>, on 20 July 2022

⁴¹ World Justice Project, *Global Insights on Access to Justice, 2019*. Washington: World Justice Project accessed at <https://worldjusticeproject.org/sites/default/files/documents/WJP-A2J-2019.pdf>, on 20 Juli 2022

⁴² Choky Risda Ramadhan, et.al., *Survei Kebutuhan Hukum di Lampung dan Sulawesi Selatan 2020*, p. 23



Table 1. Legal Aid Survey Framework



Legal needs survey is a method that can be used by various interested parties to understand how far access to justice has been achieved.⁴³ Legal needs survey is defined as a tool to look at legal problems and experiences of individuals.⁴⁴ The legal needs survey emphasizes the views of individuals who experience legal problems and how efforts or journeys are made to deal with these legal problems.⁴⁵ In essence, legal needs survey begins with finding and

⁴³ OECD, *Legal Needs Surveys and Access to Justice*, p. 22

⁴⁴ Ibid.

⁴⁵ Choky Risda Ramadhan, et al., *Survei Kebutuhan Hukum di Lampung dan Sulawesi Selatan 2020*, p. 24



compiling the categories and level of seriousness of **legal problems** that people may experience.⁴⁶ This survey also identified the scope of legal issues in individuals, households or even communities.⁴⁷ Another thing that becomes an assessment point is **the society's behavior when facing legal problems**, such as seeking help to resolve the legal problems that they experience.⁴⁸ As further explanation, this survey also looks for the stages of the process that the community goes through in solving problems, as well as who is the party that initiates the steps taken.⁴⁹ The important and new addition to the legal needs survey is looking at **the impact of legal issues resolution** chosen by individuals as well as individual **legal capabilities** in dealing with legal issues and all the processes involved.⁵⁰ (see Table 1)

Legal needs survey can identify and provide a broad picture of individual responses to legal problems.⁵¹ This also includes who and where the legal aid comes from. Thus, the results of the survey can also map the reasons and background of a person's decision in resolving their legal problems.⁵² This survey was able to carry out quantitative calculations on information regarding the experience of legal problems and also mapped patterns of resolution of legal problems at the population level.⁵³ Furthermore, legal needs survey is needed to see the experience of legal problems from an individual perspective, not only from

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.



professionals or institutions that play a role in resolving legal issues, but also from people who directly experience these legal problems.⁵⁴



WHO ARE VULNERABLE GROUPS?

🔑 Definition of Vulnerable Groups

Vulnerable groups has different terms from different countries, including Indonesia. From 'vulnerable persons' which then divided into 'vulnerable children', and 'vulnerable adults'; there is also the use of term 'adult at risk', 'person at risks', and so on. Aside from those terms, the concept of vulnerable groups is attached to the aspect of risk, which is primarily discrimination. Mandelstam (2009), for example, associates this risk with harm, abuse, neglect, including by institutions in the form of omission.⁵⁵ Meanwhile, Martha Albertson Finemen (2008) defines vulnerability as something complex. According to her, vulnerability is—and must be understood—as something universal and constant, inherent in the human condition. The vulnerability approach is an alternative to the traditional equal protection analysis, and beyond identity which **focuses not only on discrimination against certain groups**, but related to the privileges and assistance afforded to limited segments of the population by the state and wider society through their institutions.⁵⁶

⁵⁴ OECD, *Legal Needs Surveys and Access to Justice*, p.23

⁵⁵ Michael Mandelstam, *Safeguarding Vulnerable Adults and the Law*, (London and Philadelphia: Jessica Kingsley Publisher, 2009), p. 24-25 in Antoni Putra et al., *Pengembangan Strategi Advokasi Anti-Diskriminasi bagi Kelompok Rentan di Indonesia*, (Jakarta: Pusat Studi Hukum dan Kebijakan Indonesia (PSHK) and Konsorsium Crisis Response Mechanism (CRM), 2021), p. 11.

⁵⁶ Martha Albertson Fineman, "The Vulnerable Subject: Anchoring Equality in the Human Condition", (*Yale Journal of Law & Feminism*, Vol. 20, No. 1, Emory Public Law Research Paper: 2008), p. 1-24 in Antoni Putra et al., *Pengembangan Strategi Advokasi Anti-Diskriminasi bagi Kelompok Rentan di Indonesia*, (Jakarta: Pusat Studi Hukum dan





Thus, vulnerability analysis concentrates on institutions and structures that must be built from the conditions of vulnerability that exist around us. This approach has the potential to move us beyond the limited boundaries of current discrimination-based models and into a more substantive vision of equality. It was further explained that there are political and legal influences on the fact that we live in materiality which makes us constantly susceptible to changes, both positive and negative, in our bodily and social circumstances.⁵⁷

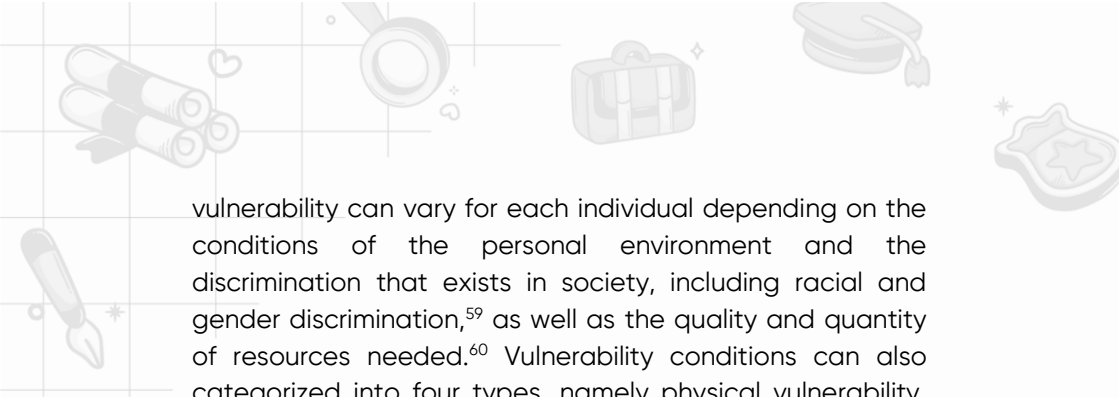
To understand the problem of vulnerable groups, it is necessary to initially understand what the meaning of vulnerability itself. Vulnerability is often attached to the concept of poverty, where poverty is explained as a condition of a household that reflects a lack or unavailability of resources or ability to meet current needs. Meanwhile, vulnerability is explained as a risk in the household that can cause shortages and negatively impact its welfare. Thus, what distinguishes the two is the presence of risks that can cause a person's condition to become uncertain. Examples of this risk include the possibility of bad harvest, rise of food prices, the breadwinner become sick, and so on. If these risks do not exist and conditions are stable in the future, then there is no difference between vulnerability and poverty. Therefore, **vulnerability can include possibilities or risks that arise at this time and can lead to poverty or a condition of poverty that is worse than before.**⁵⁸ This condition of

Kebijakan Indonesia (PSHK) dan Konsorsium Crisis Response Mechanism (CRM), 2021), p. 11

⁵⁷ Ibid.

⁵⁸ LASPNET, *Access to Justice for the Poor, Marginalised and Vulnerable People of Uganda: A Research Report* (Uganda: LAPSNET, 2015), p. 46 accessed at





vulnerability can vary for each individual depending on the conditions of the personal environment and the discrimination that exists in society, including racial and gender discrimination,⁵⁹ as well as the quality and quantity of resources needed.⁶⁰ Vulnerability conditions can also be categorized into four types, namely physical vulnerability, political vulnerability, social vulnerability, economic vulnerability, environmental vulnerability, academic vulnerability and attitude vulnerability.⁶¹ In other words, vulnerability is a complex concept and can be seen not only from an economic perspective but also from a social, political and legal perspective. This is as stated by Fajriando (2020) that although poverty is indeed recognized as a vulnerability, it is necessary to realize that there are other groups that are included in the vulnerable category because of the social structure due to discrimination and marginalization.⁶²

In addition to the problems that can lead to poverty, vulnerable groups are also often identified with the stigma that is often given from the dominant society or group of people to other, more vulnerable groups.⁶³ The existence of

<https://namati.org/wp-content/uploads/2015/12/Access-to-Justice-for-the-Poor-Marginalised-and-Vulnerable-People-of-Uganda.pdf> on 16 July 2022.

⁵⁹ Elizabeth L. MacDowell, *Vulnerability, Access to Justice, and the Fragmented State*, (Michigan Journal of Race and Law, Volume 23, Issue 1&2, 2018). p. 77

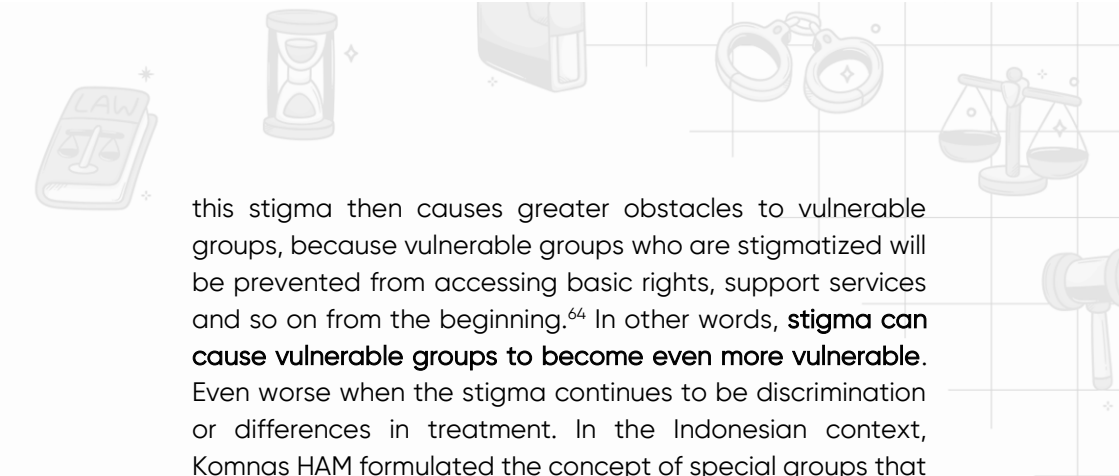
⁶⁰ *Ibid.*, p. 76.

⁶¹ Peter Terna Iorhen, *Vulnerability: Types, Causes, and Coping Mechanism*", (International Journal of Science and Management Studies, Volume: 4 Issue: 3 May to June: 2021), p.189 accessed at <https://www.ijmsjournal.org/2021/volume-4%20issue-3/ijms-v4i3p116.pdf> on 14 July 2022.

⁶² Hakki Fajriando, *Revisi UU Bantuan Hukum Demi Meningkatkan Pemenuhan Hak Korban untuk Mendapatkan Bantuan Hukum*, (Jurnal HAM, Vol. 11(3), 2020), p. 478, accessed at <https://ejournal.balitbangham.go.id/index.php/ham/article/view/1402/pdf> on 14 July 2022.

⁶³ Arboleda-Florez, 2002 and Livingston et al., 2011, in Emily Forte et.al, *Reducing Stigma for Vulnerable Groups Opportunities for Stigma Reduction at Romero House*,





this stigma then causes greater obstacles to vulnerable groups, because vulnerable groups who are stigmatized will be prevented from accessing basic rights, support services and so on from the beginning.⁶⁴ In other words, **stigma can cause vulnerable groups to become even more vulnerable.** Even worse when the stigma continues to be discrimination or differences in treatment. In the Indonesian context, Komnas HAM formulated the concept of special groups that can also be referred to as vulnerable groups, namely **non-dominant groups that have a lower bargaining position than groups that are more dominant politically, culturally and economically and are groups that are structurally marginalized and prone to discrimination.**⁶⁵ This special or vulnerable groups are also **disadvantaged groups due to the lack of social, cultural (including legal knowledge and information), educational, social, economic, and political resources.** Komnas HAM emphasized that vulnerable groups need special protection and treatment due to their circumstances and situations in obtaining the right to justice.⁶⁶ This special or vulnerable group can consist of indigenous minority groups, religious/beliefs minority groups, groups with different political choices from the majority, groups of sexual orientation and gender identity that are different from the majority, women, children, persons with disabilities, the elderly, and the poor.⁶⁷

Saint John, New Brunswick, (Urban and Community Studies Institute University of New Brunswick, 2019), accessed at https://www.unb.ca/initiatives/_assets/documents/ucsi/vulnerable-populations-stigma.pdf p. 1

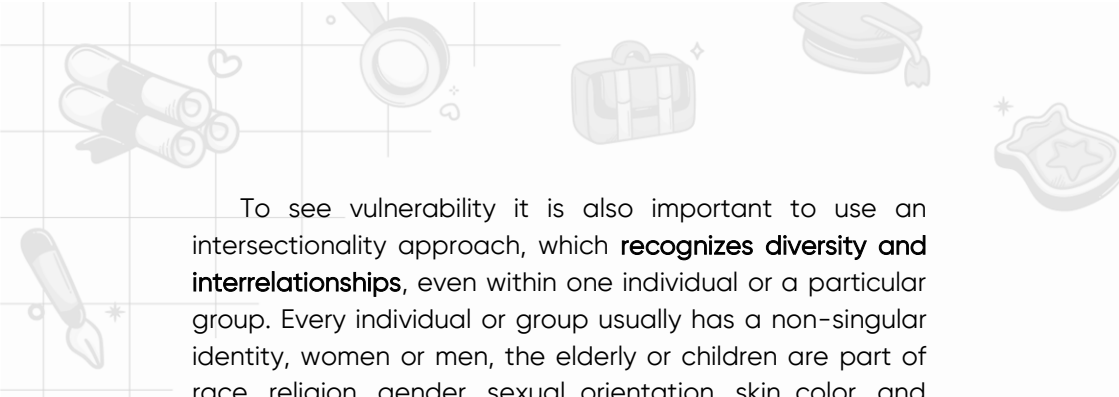
⁶⁴ Ibid.

⁶⁵ Komisi Nasional Hak Asasi Manusia, *Standar Norma Pengaturan No. 8 tentang Hak Memperoleh Keadilan*, (Jakarta: Komisi Nasional Hak Asasi Manusia, 2022). p. 32.

⁶⁶ Ibid.

⁶⁷ Ibid.





To see vulnerability it is also important to use an intersectionality approach, which **recognizes diversity and interrelationships**, even within one individual or a particular group. Every individual or group usually has a non-singular identity, women or men, the elderly or children are part of race, religion, gender, sexual orientation, skin color, and other identities that intersect. This intersectionality approach is needed to see vulnerability from various angles as well as a single or definite action. This intersectionality is briefly explained as every person lives **multiple and layered self-identities as a result of social relations**, history and the operation of power structures.⁶⁸ Thus, a person can be a member of more than one community at the same time and simultaneously experience both oppression and privilege.⁶⁹ Examples of vulnerable groups with diverse identities are women who come from poor families and are persons with disabilities, or elderly women with a different sexual orientation from the majority.

Categories of Vulnerable Groups

The answer to the question about who can be included in vulnerable groups will depend on the point of view of that vulnerability. This can be seen from the range of categories of vulnerable groups which tend to vary in global policies and laws and regulations in Indonesia. In global discussions, UNHCR identified vulnerable groups consisting of women, survivors of violence, people with disabilities, and ethnic

⁶⁸ Association for Women's Rights in Development (AWID), Intersectionality: A Tool for Gender and Economic Justice, Facts and Issues Women's Rights and Economic Change No.9 August in Herlina Permata Sari, *Analisis Interseksionalitas Terhadap Rancangan Aksi Nasional Penghapusan Perdagangan (Trafficking) Perempuan Dan Anak*, (Jurnal Kriminologi Indonesia Vol. 4 No. 1 September, 2005), p. 7-13

⁶⁹ Ibid.



minorities.⁷⁰ WHO defines vulnerable groups as consisting of children, pregnant women, the elderly, sick and malnourished people, and victims of natural disasters.⁷¹ While based on the categorization of economic and socio-political rights by the United Nations (UN), the groups that need attention are women, children, people with disabilities, and migrants.⁷² Furthermore, the Special Rapporteur on the right to health from UNHCR said that vulnerable and marginalized groups could include children, women, people with disabilities, migrants/refugees, LGBTI, and the elderly.⁷³ In addition, the Human Rights Reference categorizes groups classified as vulnerable as follows: a. Refugees; b. Internally Displaced Persons (IDPs); c. National Minorities; d. Migrant Workers; e. Indigenous Peoples; f. Children; and g. women⁷⁴. While according to the European Union the scope of vulnerable groups is wider, which include: “minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.”⁷⁵

⁷⁰ UN Women, et al., *A Practitioner’s Toolkit on Women’s Access to Justice Programming*, (UN: USA, 2018), p. 190.

⁷¹ *Ibid.*

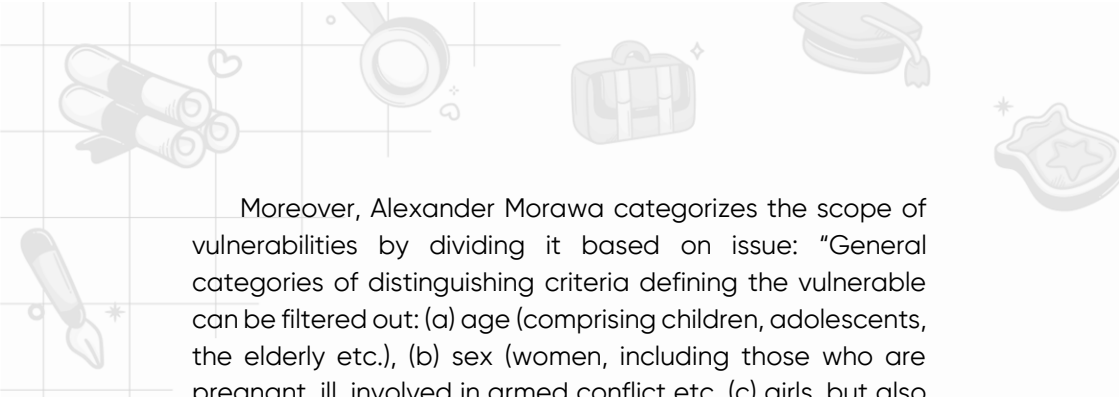
⁷² Marc Bossuyt, *Categorical Rights and Vulnerable Groups: Moving Away From the Universal Human Being*, (The George Washington International Law Review, 2016), accessed at https://gwilr.org/wordpress/wp-content/uploads/2017/02/ILR-Vol-48.4_Marc-Bossuyt.pdf, accessed on 16 July 2022.

⁷³ UNHCR, *Non-discrimination: groups in vulnerable situations*, accessed at <https://www.ohchr.org/en/special-procedures/sr-health/non-discrimination-groups-vulnerable-situations> on 16 July 2022.

⁷⁴ Willem van Genugten J.M (ed), *Human Rights Reference*, (The Hague: Netherlands Ministry of Foreign Affairs, 1994), p. 73.

⁷⁵ European Union, Chapter 4 Article 21 Directive No. 2013/33/EU European Council and Parliament, 26 June 2013.





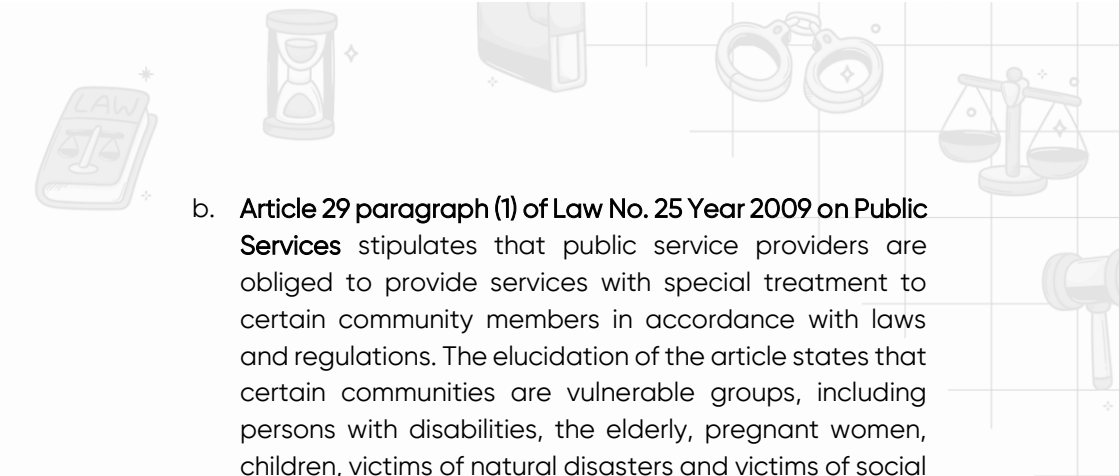
Moreover, Alexander Morawa categorizes the scope of vulnerabilities by dividing it based on issue: "General categories of distinguishing criteria defining the vulnerable can be filtered out: (a) age (comprising children, adolescents, the elderly etc.), (b) sex (women, including those who are pregnant, ill, involved in armed conflict etc), (c) girls, but also transsexuals), (d) ethnicity, sometimes intertwined with residency status (minorities and indigenous peoples, the rural population, people living on islands, or people living in disaster-prone areas), (e) health status (physically and mentally handicapped people, the terminally ill etc.), (f) liberty status (detainees and prisoners under whatever regime of deprivation of liberty)".⁷⁶

In the Indonesian context, there are more than 30 (thirty) categories of vulnerable groups contained in various laws and regulations in Indonesia.⁷⁷ Several laws and regulations that mandate the protection of vulnerable groups as well as mention the categories of vulnerable groups include:

- a. **Article 5 paragraph (3) of Law No. 39 Year 1999 on Human Rights** stipulated that everyone who are included as vulnerable society groups have the right to obtain treatment and more protection related to their specialties. In the elucidation of the article vulnerable society groups is defined as, among others, the elderly, children, the poor, pregnant women and persons with disabilities.

⁷⁶ Alexander H. E. Morawa: "Vulnerability as a Concept of International Human Rights Law", *Journal of International Relations and Development* 6 (June 2003). p. 141

⁷⁷ Antoni Putra et al., *Pengembangan Strategi Advokasi Anti Diskriminasi bagi Kelompok Rentan di Indonesia*, p. viii

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- b. **Article 29 paragraph (1) of Law No. 25 Year 2009 on Public Services** stipulates that public service providers are obliged to provide services with special treatment to certain community members in accordance with laws and regulations. The elucidation of the article states that certain communities are vulnerable groups, including persons with disabilities, the elderly, pregnant women, children, victims of natural disasters and victims of social disasters. Special treatment for certain communities is given without additional cost.⁷⁸
- c. **Article 55 of Law No. 24 Year 2007 on Disaster Mitigation** mentions that those included as vulnerable groups are infants, toddlers and children, mothers who are pregnant or breastfeeding, persons with disabilities, and the elderly.

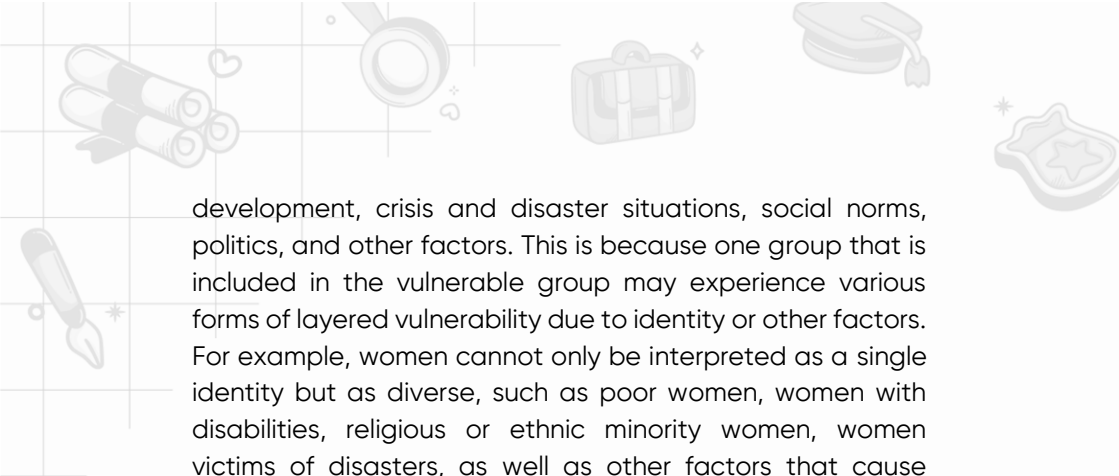
Komnas HAM has also formulated the scope of vulnerable groups in the context of human rights defenders which include women, minorities, such as persons with disabilities, indigenous peoples, ethnic, religious and belief minorities, sexual orientation and gender identity minorities, elderly people, children, migrant workers and refugees. or stateless persons.⁷⁹

The categorization of vulnerable groups in laws and regulations as well as various concepts above does not necessarily capture all vulnerable groups affected by

⁷⁸ In the original draft of the Elucidation of the Article, the term used was "*wanita hamil*" and "*penyandang cacat*" (Translator note: the term "*wanita*" is less preferable and has a condescending context compared to "*perempuan*" to refer to women/female; while "*penyandang cacat*" has the meaning of persons with faults or defect.)

⁷⁹ Komisi Nasional Hak Asasi Manusia, *Standar Norma Pengaturan No. 8 tentang Hak Memperoleh Keadilan*, (Jakarta:Komisi Nasional Hak Asasi Manusia, 2022), p. 3-4





development, crisis and disaster situations, social norms, politics, and other factors. This is because one group that is included in the vulnerable group may experience various forms of layered vulnerability due to identity or other factors. For example, women cannot only be interpreted as a single identity but as diverse, such as poor women, women with disabilities, religious or ethnic minority women, women victims of disasters, as well as other factors that cause multiple vulnerabilities. Not only that, the category of vulnerable groups can also appear in socio-economic situations and special situations from those that were not originally included as vulnerable groups. For example, the age group called as the sandwich generation, which is in the transition of socio-economic change in a country, is subject to a greater burden of supporting the family, but is also not subject to access to programs that are appropriate to their situation, so they are vulnerable to poverty but are not included as poor.



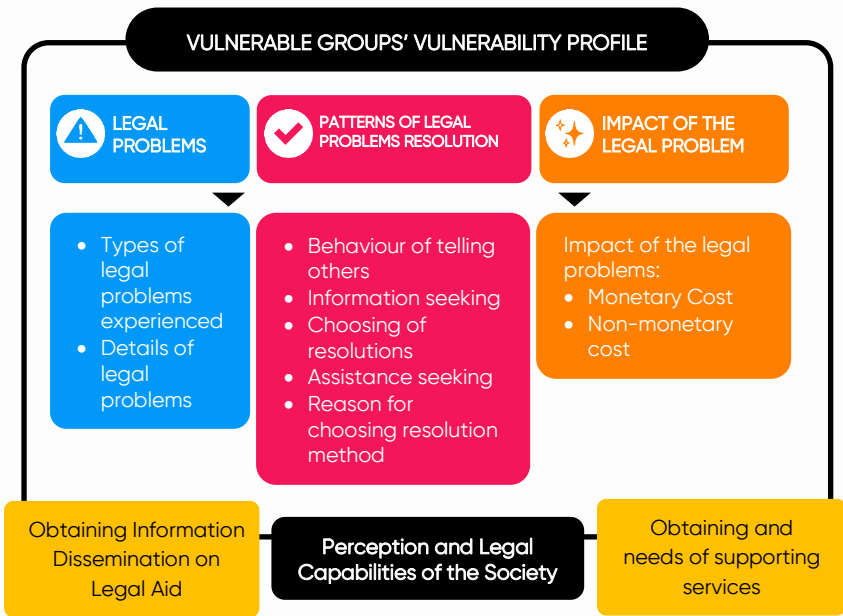
HOW TO MEASURE THE LEGAL NEEDS OF VULNERABLE GROUPS?

In order to be able to measure the legal needs experienced by vulnerable groups, based on the legal needs survey framework and the definition of vulnerable groups above, the legal needs of vulnerable groups can be measured by first knowing the vulnerability conditions of the vulnerable category studied. By knowing the condition of their vulnerability, it can be seen in which group the legal need arises. Furthermore, following the conceptual framework of the legal needs survey, types of problems, patterns of resolution to the impact of the process of



resolving legal disputes can also be identified. Likewise the perceptions and legal abilities of vulnerable groups when dealing with the law. Within the framework of the legal needs of vulnerable groups, the need for support services and the acquisition of legal aid socialization are also measured as important aspects within the framework of the needs of vulnerable groups. (see Table 2)

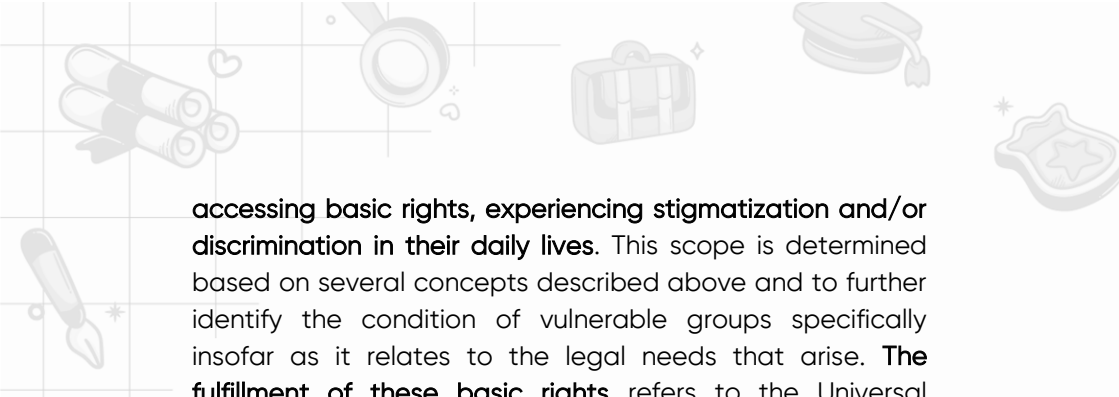
Table 2. Survey Concept Framework of Legal Needs Survey of Vulnerable Groups



🌟 Vulnerability Profiles of Vulnerable Groups

Based on the concepts and categories of vulnerable groups described above, this study focuses on the scope of vulnerable groups, namely **groups that have difficulty**





accessing basic rights, experiencing stigmatization and/or discrimination in their daily lives. This scope is determined based on several concepts described above and to further identify the condition of vulnerable groups specifically insofar as it relates to the legal needs that arise. **The fulfillment of these basic rights** refers to the Universal Declaration of Human Rights (UDHR), which states that all human beings have basic rights that are inherent in human beings and must be guaranteed by the state.⁸⁰ These basic rights include the right to life, the right to have a family and descendants, the right to self-development, the right to justice, the right to personal freedom, the right to feel safe, and so on.⁸¹ If these basic rights are not fulfilled, individuals can become increasingly vulnerable and impacted their aspects of life, physical and mental health⁸², knowledge and social and political economic conditions of a person,⁸³ so that s/he becomes more vulnerable. Stigmatization is explained as a negative label and is often unfair and incorrect given by society or a group of people to another group.⁸⁴ Stigma is divided into three, namely **social stigma**

⁸⁰ Aulia Rachmah Putri, *Deklarasi Universal HAM; Dokumen Rujukan Dunia untuk HAM*, <https://www.infid.org/news/read/deklarasi-universal-ham-dokumen-rujukan-dunia-untuk-ham>, accessed on 17 June 2022.

⁸¹ The complete version could be accessed on <https://www.ohchr.org/en/human-rights/universal-declaration/translations/indonesian>.

⁸² Matthew W. Kreuter, et.al., *Unmet Basic Needs and Health Intervention Effectiveness in Low-Income Populations*, (Preventive medicine vol. 91, 2016) p. 2, accessed on <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5050133/> on 17 June 2022

⁸³ Global System for Sustainable Development, *Knowledge System: Unmet Basic Needs*, accessed on <https://gssd.mit.edu/knowledge-system/guide-core-concepts/unmet-basic-needs> accessed on 17 June 2022.

⁸⁴ Arboleda-Florez, 2002 in Emily Forte et al., *Reducing Stigma Towards Vulnerable Populations: Opportunities For Stigma Reduction at Romero House, Saint John, New Brunswick*, (Urban and Community Studies Institute, 2020), p. 2 accessed on https://www.unb.ca/initiatives/_assets/documents/ucsi/vulnerable-populations-stigma.pdf



(stereotypes given by the dominant group in society which is associated with the vulnerable groups) and contributes to the second form of stigma; **self-stigma**, namely those who experience stigma and then internalize it within themselves so as to develop negative feelings towards themselves resulting in dysfunctional participation and behavior in society; and **structural stigma**, which is an institutionalized form of stigma in which governments, organizations and policies intentionally and unintentionally create barriers for groups that experience stigma that can lead to loss of socio-economic status for vulnerable populations.⁸⁵

From the stigma, there is a possibility of discrimination against vulnerable groups. Stigma is a negative stereotype and discrimination is the behavior resulting from that negative stereotype.⁸⁶ **Discrimination** occurs when a person or group of people is treated less favorably than other people or groups because of their background or certain personal characteristics.⁸⁷ This includes when there are rules or policies that may not apply to everyone, but adversely affect some people because of their personal characteristics.⁸⁸ Therefore, vulnerable groups can be identified with these three criteria—which can be intertwined with each other—which do not only talk about one particular identity but rather about the condition of vulnerability that belongs to and arises from social, political and economic factors.

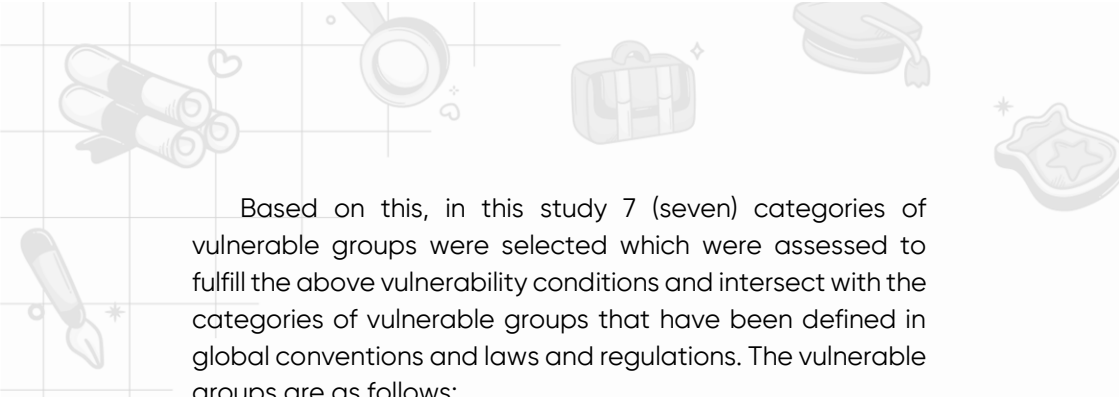
⁸⁵ Ibid., pp. 2-3

⁸⁶ Canadian Mental Health Association, *Stigma and Discrimination*, accessed on <https://ontario.cmha.ca/documents/stigma-and-discrimination/> on 18 June 2022 accessed on <https://ontario.cmha.ca/documents/stigma-and-discrimination/>.

⁸⁷ Australian Human Rights Commission, *Discrimination*, accessed on <https://humanrights.gov.au/quick-guide/12030>.

⁸⁸ Ibid.





Based on this, in this study 7 (seven) categories of vulnerable groups were selected which were assessed to fulfill the above vulnerability conditions and intersect with the categories of vulnerable groups that have been defined in global conventions and laws and regulations. The vulnerable groups are as follows:

a. Women

Women are those who biologically/based on sex are identified as women.

b. Children

Children are those aged <18 years old⁸⁹

c. The elders

Elders are those who aged ≥ 60 years old.⁹⁰

d. Indigenous people

Indigenous people are a group of people who live for generations in a certain geographical area, having ancestral origins and/or the same place of residence, cultural identity, customary law, strong relationship with land and the environment, as well as a value system that determines economic, political, social, cultural and law⁹¹ and/or those who identify as indigenous groups.

e. Sexual and gender identity minorities

Sexual and gender identity minorities are those who identify themselves as LGBTQI as well as those who identify themselves as women/men as their gender and not as their sex.

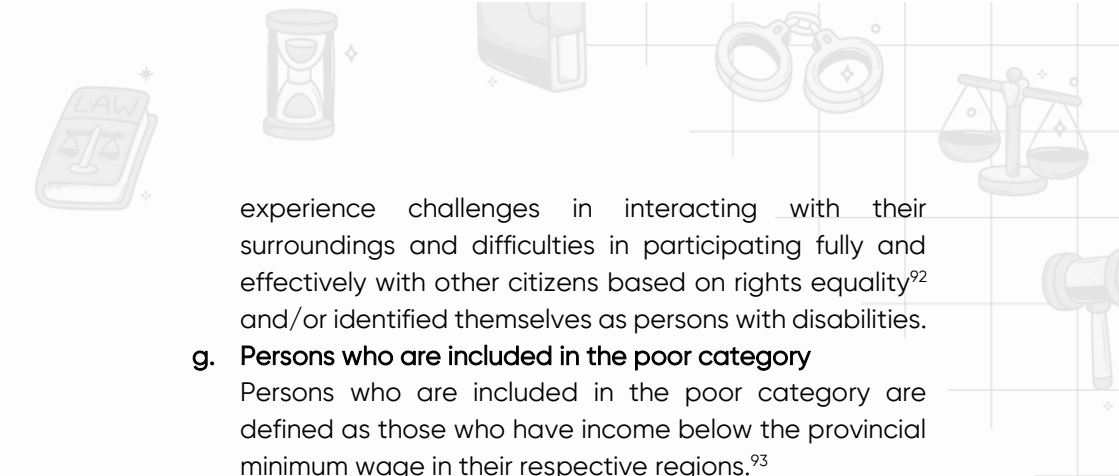
f. Persons with disabilities

Are those who has limitation of physic, intellectual, mental, and/or censors in a long period which could

⁸⁹ Indonesia, Article 1 number 1 Law Number 35 Year 2014 on the amendment of Law Number 23 Year 2002 on Child Protection.

⁹⁰ Indonesia, Article 1 number 2 Law Number 13 Year 1998 on Elders Welfare.

⁹¹ In accordance to the Indigenous People Bill (2017 version).



experience challenges in interacting with their surroundings and difficulties in participating fully and effectively with other citizens based on rights equality⁹² and/or identified themselves as persons with disabilities.

g. Persons who are included in the poor category

Persons who are included in the poor category are defined as those who have income below the provincial minimum wage in their respective regions.⁹³

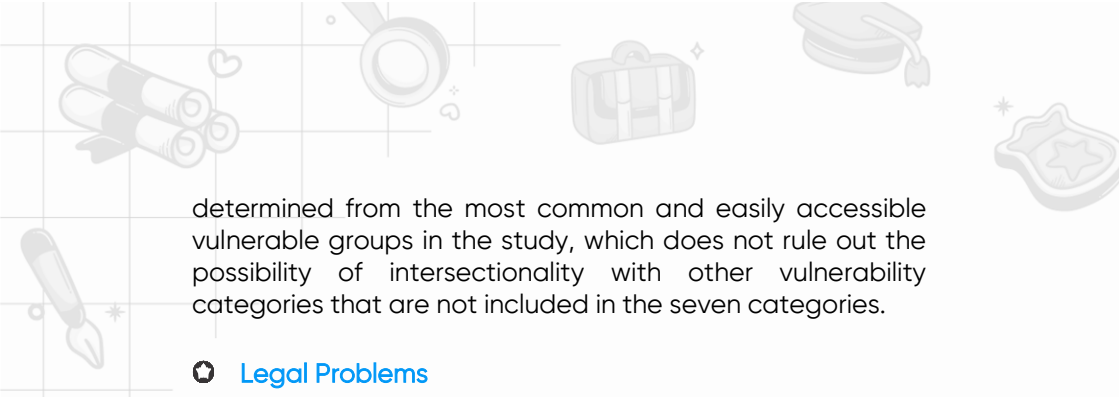
Apart from the definitions, these categories was chosen based on the existing policy context in Indonesia, where the protection of these groups is specifically guaranteed in Indonesian laws and regulations. Some of these regulations include, Law No. 35 Year 2014 on Child Protection, Law No. 7 Year 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Law No. 8 Year 2016 on Disabilities, Law No. 16 Year 2011 on Legal Aid (especially for poor communities), Law No. 39 Year 1999 on Human Rights (regulating the issue of vulnerable groups in general which includes the poor, children, and disabilities), and Law No. 13 Year 1998 on Elderly Welfare, to the Indigenous Peoples Bill which is currently being discussed by the legislatives.

The choice of the category of vulnerable groups does not imply that other groups such as migrant workers, PLWHA/PLWHIV, domestic workers, refugees, and so on are not vulnerable groups. The selection of these categories was

⁹² Indonesia, Article 1 number 1 Law No. 8 Year 2016 on Persons with disabilities.

⁹³ The poor category here does not follow the standard held by the Statistics Indonesia, where poverty is seen as an economic inability to afford basic food and non-food needs as measured from the expenditure side. This is because when viewed from an expenditure perspective, there will be conditions where expenses are high but the income is less so that there is a potential for debt and/or the inability to meet all basic needs regardless of expenses that are already high.





determined from the most common and easily accessible vulnerable groups in the study, which does not rule out the possibility of intersectionality with other vulnerability categories that are not included in the seven categories.

Legal Problems

The legal needs survey conducts investigations into legal problems (justiciable problems) from the perspective of individuals who are in conflict with the law.⁹⁴ Legal problems themselves can arise when a **rule is violated or when the rights of an individual or group are violated**. In particular, this research will look at the dimensions of conflict that exist in a legal issue as an individual's goal of accessing justice. This research looks at the types of problems experienced by the community into 14 separate sections and the quantity of each incident. Each section aims to identify various types of legal problems experienced by respondents.

The first part is violence aimed at individuals based on their biological sex or gender identity. This section consists of 20 kinds of detailed issues that aim to identify the respondent's experience of gender-based violence. These legal problems can be experienced by respondents in online and offline spaces and in various social relationships, such as family to the surrounding environment. *The second part* is about criminality which aims to see the respondents' problems related to crimes that harm against and harmed by other people. This section aims to identify the experiences of respondents both as perpetrators and victims in matters related to criminal acts.

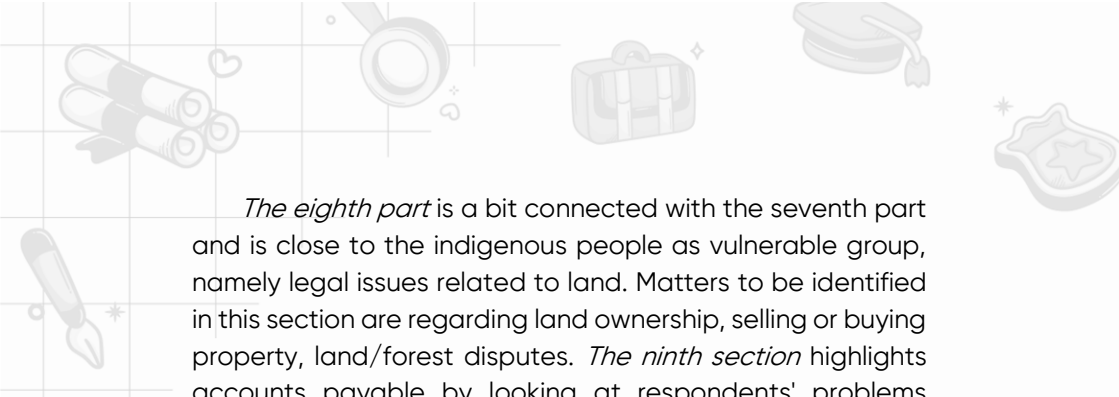
⁹⁴ Choky Risda Ramadhan, et al., *Survei Kebutuhan Hukum di Lampung dan Sulawesi Selatan 2020*, p. 11.



The third section highlights public services with the aim of looking further at the legal problems experienced by respondents related to their rights as citizens to obtain public services. The main thing to look at is the right to obtain letters and documents related to identity, as well as the respondent's right to obtain health assistance. Furthermore, *the fourth part* wishes to look at the experiences of respondents and state apparatus such as the police and other state officials. This section deals with violence experienced/perpetrated by the police and other state apparatus, discriminatory treatment of indigenous peoples, to torture including inhumane behavior such as violence during legal proceedings, for example: force shaved, beaten, etc.

The fifth part is about work, related to issues of status/place of work, payment of wages that are not commensurate, prohibition of forming unions by companies, discriminatory treatment, threats of imprisonment, recruitment of jobs that discriminate based on sex, religion, race, inter-groups (SARA), not accepting PLHIV status and persons with disabilities, and HIV mandatory testing for workers. *The sixth section* deals with social security and government, which further identifies the experience of respondents in obtaining and accessing government-funded social assistance. This social assistance is seen from the right to education, pensions, and other subsidies. *The seventh section* deals with water sources, electricity, forests, discriminatory behavior in relation to natural resources, including access to natural resources and disturbances such as fire, water pollution, soil pollution.





The eighth part is a bit connected with the seventh part and is close to the indigenous people as vulnerable group, namely legal issues related to land. Matters to be identified in this section are regarding land ownership, selling or buying property, land/forest disputes. *The ninth section* highlights accounts payable by looking at respondents' problems related to debts and receivables/debt collectors, online loans, and difficulties in applying for credit. This also includes the experiences of respondents being harassed and terrorized in the process of debts and receivables. *The tenth section* is about family. In this section, we will look at problems related to family or dissolution of relationships within the family, for example divorce. In more detail, we will look at the respondents' problems related to custody in divorce, children in conflict with the law problems, and domestic violence.

The eleventh part is the part that is intended to look at problems related to housing and its environment, for example related to sanitation, being evicted/forced out of the house, to leasing. Furthermore, *the twelfth part*, is the accident section which looks at accidents or injuries experienced by respondents which caused by other people or at work. The thirteenth part relates to the respondent's experience as a consumer and looks at the legal problems that occur with his status as a consumer. Issues regarding insurance to payment for services are also included in this part of the problem. Finally, related to sales transactions, bankruptcy or business/private/small and medium business matters that are included in the business section. In this section, we will explore the experiences of respondents related to various disputes in the business world.



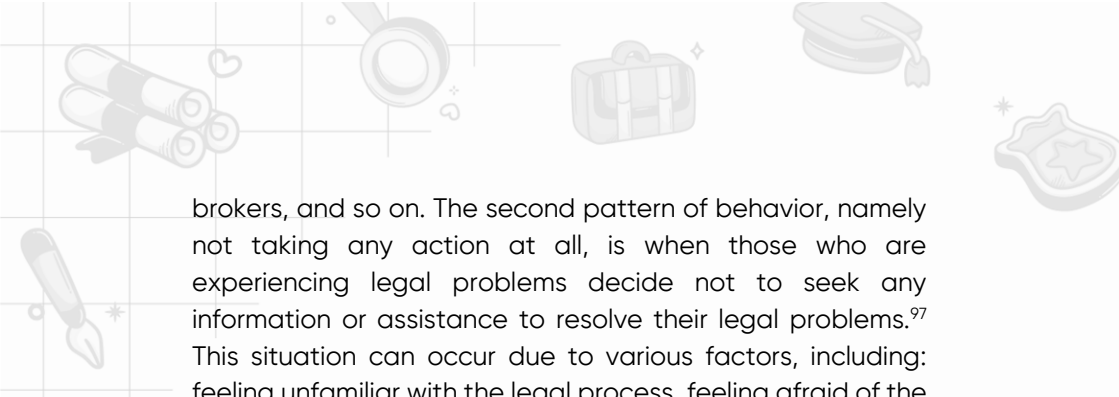
Pattern of Legal Dispute Resolution Behavior

Based on the legal needs survey framework, there are two patterns of behavior which are the basis for viewing legal dispute resolution, namely **taking action** and **not taking any action at all**.⁹⁵ The first pattern, namely taking action, is when those who experience legal problems make efforts that can help solve their problems. In the first stage, they **share their problems** and **conduct information searches**, both to family members, friends, neighbors, co-workers, and even to social media. This information can also be in the form of validation of what is experienced, suggestions or suggestions about further efforts, namely **seeking help**. In this second stage those who experience legal problems report their problems to external parties such as the police, neighbourhood association officers, village officials, religious leaders, related agencies, and others.⁹⁶ After seeking assistance, the next stage is the process of **resolving legal disputes** through both formal and informal channels. The formal channel can be in the form of reporting to judicial and non-judicial institutions which are state institutions/actors. The final result of legal dispute resolution can be in the form of court decisions, reports, and others. Meanwhile, informal channels can be in the form of resolutions carried out in non-state institutions and/or in ways that are not in accordance with procedures such as family forums, customary forums, paying brokers, and so on. Meanwhile, informal channels can be in the form of resolutions carried out in non-state institutions and/or in ways that are not in accordance with procedures such as family forums, customary forums, paying

⁹⁵ OECD, *Legal Needs Surveys and Access to Justice*, p. 16.

⁹⁶ Choky Risda Ramadhan, et al., *Survei Kebutuhan Hukum di Lampung dan Sulawesi Selatan 2020*, pp. 20-21.





brokers, and so on. The second pattern of behavior, namely not taking any action at all, is when those who are experiencing legal problems decide not to seek any information or assistance to resolve their legal problems.⁹⁷ This situation can occur due to various factors, including: feeling unfamiliar with the legal process, feeling afraid of the potential for unbalanced legal services/potential power relations, fear that the situation will turn against him/herself or being criminalized, as well as the absence of adequate legal assistance in the ongoing process.⁹⁸ This research will explore the behavior patterns of vulnerable groups in Indonesia when facing legal problems, both as witnesses, victims, perpetrators, and as parties in civil and state administrative dispute cases.

Impact of Legal Problems Resolution Process

The legal process that a person undergoes will cause substantial impacts or problems, which are social problems, health problems, to broader economic problems.⁹⁹ Everyday legal issues experienced by the community will result in various costs or impacts.¹⁰⁰ When experiencing legal problems, the community will struggle to overcome these problems through the resolution process or may even fail to resolve them altogether which will lead to the resulting impact.¹⁰¹ The impacts experienced are not only those

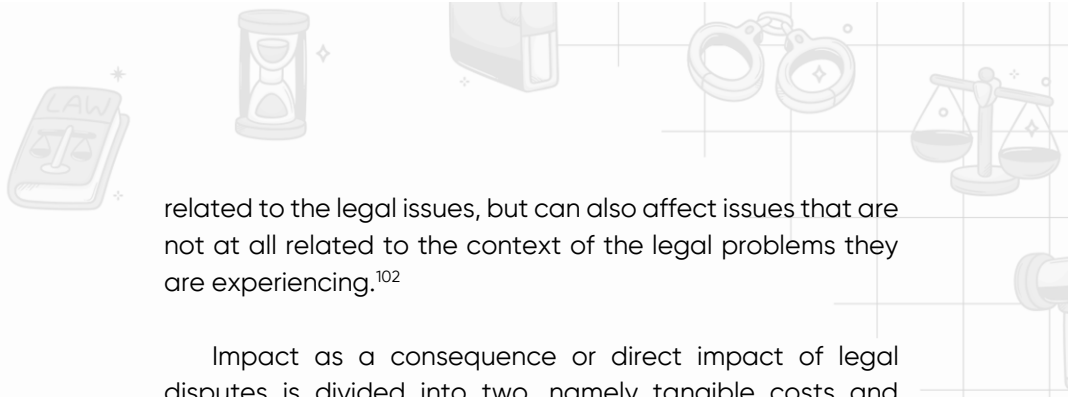
⁹⁷ Ibid, p. 20

⁹⁸ Choky Risda Ramadhan, et al., *Survei Kebutuhan Hukum di Lampung dan Sulawesi Selatan 2020*, p. 110

⁹⁹ OECD, *Legal Need Survey and Access to Justice: Launch Copy*, p. 30.

¹⁰⁰ Trevor C.W. Farrow, et al, *Everyday Legal Problems and The Cost of Justice in Canada: Overview Report*, (Toronto: Canadian Forum on Civil Justice, 2016) p. 12, accessed on <https://cfjc-fcjc.org/wp-content/uploads/Everyday-Legal-Problems-and-the-Cost-of-Justice-in-Canada-Cost-of-Justice-Survey-Data.pdf> on 20 June 2022.

¹⁰¹ Ibid.



related to the legal issues, but can also affect issues that are not at all related to the context of the legal problems they are experiencing.¹⁰²

Impact as a consequence or direct impact of legal disputes is divided into two, namely tangible costs and intangible costs.¹⁰³ In this study we divide tangible costs as **monetary costs, which are material impacts and intangible costs** as **non-monetary costs which include physical, psychological, economic, social, and relational impacts**. In addition, this research will also look at the positive impact that a person feels from solving legal problems from the point of view of someone who experienced legal problems. This research tries to see positive impacts that are felt by vulnerable groups from the legal process experienced. This positive impacts will explore the experiences of vulnerable groups, those with legal status as victims, witnesses, and perpetrators. The research will look at the positive impacts related to increasing legal knowledge, compensation obtained, and increasing access to legal aid which can be useful in the future. These impacts are explained as follows:

a. **Monetary Impacts/Tangible Costs**

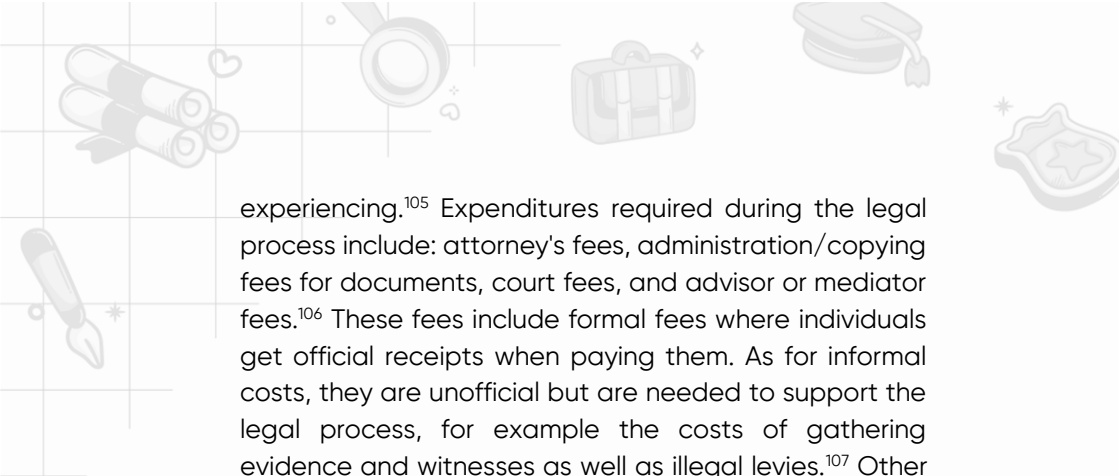
Tangible costs are direct impacts experienced by the community, for example monetary costs when they are trying to solve legal issues¹⁰⁴ or because of the consequences of the legal process they are

¹⁰² Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*, (Department of Justice Canada, 2009), p. 28 accessed on https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr07_la1-rr07_a1/index.html on 20 June 2022.

¹⁰³ Trevor C.W. Farrow, et al, *Everyday Legal Problems and The Cost of Justice in Canada: Overview Report*, pp. 12-16

¹⁰⁴ *Ibid*, p. 12.





experiencing.¹⁰⁵ Expenditures required during the legal process include: attorney's fees, administration/copying fees for documents, court fees, and advisor or mediator fees.¹⁰⁶ These fees include formal fees where individuals get official receipts when paying them. As for informal costs, they are unofficial but are needed to support the legal process, for example the costs of gathering evidence and witnesses as well as illegal levies.¹⁰⁷ Other tangible costs are expenditures that are not related to the legal process but are paid to support the legal dispute resolution process, for example: transportation costs for mobility during legal proceedings, telephone/long-distance communication costs, child care costs and household expenses that increase due to the legal process¹⁰⁸, as well as costs incurred due to taking leave for ongoing legal proceedings.¹⁰⁹

b. Non-monetary impacts/Intangible costs

Intangible costs are the direct impact that a person feels due to legal problems¹¹⁰ that may be permanent or temporary. The intangible costs above have a direct impact on people who experience legal problems, whether resolved formally, non-formally, or who choose not to resolve them. Everyone who experiences legal

¹⁰⁵ Ibid, pp. 77–78.

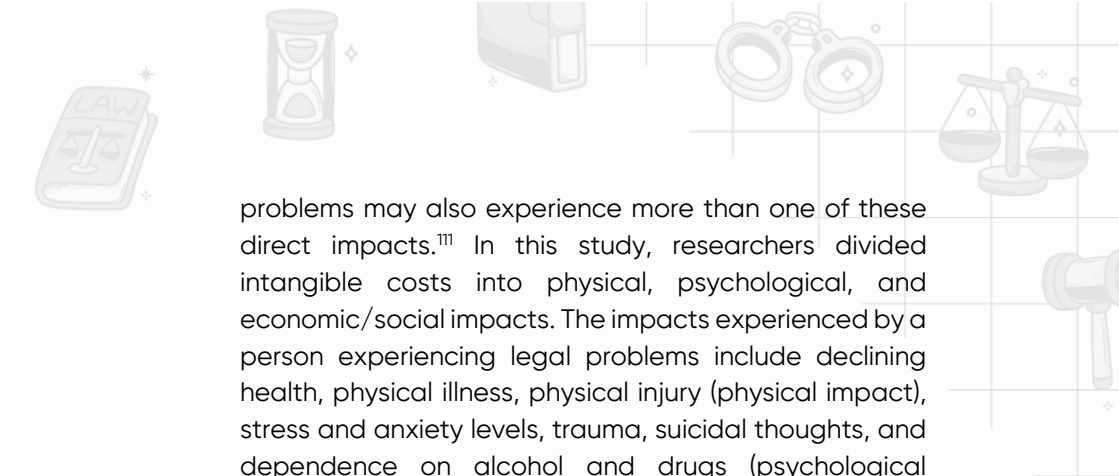
¹⁰⁶ Ibid, p. 12–14.

¹⁰⁷ Sarah Barakat, *The Cost of Justice: Exploratory Assessment on Women's Access to Justice in Lebanon, Jordan, Egypt and Yemen*, (Oxfam, 2018) p. 13, accessed on <https://policy-practice.oxfam.org/resources/the-cost-of-justice-exploratory-assessment-on-womens-access-to-justice-in-leban-620488/> on 21 June 2022.

¹⁰⁸ Trevor C.W. Farrow, et al, *Everyday Legal Problems and The Cost of Justice in Canada: Overview Report*, pp. 14–15.

¹⁰⁹ Sarah Barakat, *The Cost of Justice: Exploratory Assessment on Women's Access to Justice in Lebanon, Jordan, Egypt and Yemen*, p. 13

¹¹⁰ Trevor C.W. Farrow, et al, *Everyday Legal Problems and The Cost of Justice in Canada: Overview Report*, p. 16



problems may also experience more than one of these direct impacts.¹¹¹ In this study, researchers divided intangible costs into physical, psychological, and economic/social impacts. The impacts experienced by a person experiencing legal problems include declining health, physical illness, physical injury (physical impact), stress and anxiety levels, trauma, suicidal thoughts, and dependence on alcohol and drugs (psychological impact), tension in the relationship between family members, stigmatized, threats from the perpetrators (social impact), loss of productivity, loss of work, and loss of housing. The social impact of legal issues can place a person in a more vulnerable situation, one of which is poverty.¹¹² The physical and psychological impacts above are "non-legal" problems that arise as a result of legal issues. This includes impacts related to declining health, increasing stress levels, straining and damaging relationships, and loss of employment or adequate housing.¹¹³ Intangible costs also include temporary but significant impacts/costs that affect and are experienced by people who have legal problems, which can take the form of: loss of employment opportunities, reduced levels of productivity, reduced time and energy to maintain good relations with family and social environment.¹¹⁴

¹¹¹ Ibid., p. 13

¹¹² OECD, *Legal Need Survey and Access to Justice: Launch Copy*, p. 30.

¹¹³ Lisa Moore, et al., *The Cost of Experiencing E The Cost of Experiencing Everyday Legal Pr y Legal Problems Related to Problems Related to Physical and Mental Health*, (Canadian Forum on Civil Justice, 2017), p. 5

¹¹⁴ Trevor C.W. Farrow, et al, *Everyday Legal Problems and The Cost of Justice in Canada: Overview Report*, p. 3





c. Positive impacts

The legal process, both formal and non-formal, does not always have a negative impact on someone who experiences it. The positive impact of the legal process can be seen by measuring the level of individual satisfaction of the legal process and the results of the legal process. Furthermore, the level of individual satisfaction can be assessed through how fair the legal process is and whether the legal process provides justice for him/herself.¹¹⁵ Pleasence et al. (2015) classify the positive impact on the legal process based on the subject's level of understanding of the law, which are vulnerable groups who have high and low legal capability.¹¹⁶ For this reason, in looking at the positive impact it is also important to see how changes in individual legal capability after undergoing legal process for their problems.

Legal Capability and Legal Process Perception

Community's legal capability is individual capability to respond to legal problems that they are experiencing. The capability is consisting of needed skills for individuals to support the resolution of their problems, such as what are the binding rights and obligations, options that are available to resolve the legal problem, and identifying available legal aid.¹¹⁷ This capability is much affecting the action taken by an

¹¹⁵ Pascoe Pleasence et al., *How People Understand and Interact with the Law*, (Cambridge: PPSR 2015), p. 162.

¹¹⁶ The categorization of these 2 (two) legal capabilities are assessed by several variables such as knowledge on rights inherent to the legal problem experienced and legal knowledge, and knowledge related to access to seek assistance (Pascoe Pleasence, *How People Understand and Interact with the Law*, p. 167)

¹¹⁷ Pascoe Pleasence and Nigel J. Balmer, *Legal Confidence and Attitudes to Law: Developing Standardized Measures of Legal Capability*, (Cambridge: PPSR, 2018), p. 1



individual when s/he is experiencing problem, whether to resolve it or not. The lack of legal capability of vulnerable groups and the unavailability of adequate legal support resulted in inappropriate resolution of legal problems. As an impact, legal needs are not met and further resulting in the of access to justice will not be realized.¹¹⁸ There are 3 (three) indicators that can be used to measure legal capability of vulnerable groups:

a. Legal Knowledge and Understanding

Defined as basic knowledge initially needed by the community. The knowledge assessed is on how the community understands their rights as citizens and the legal issues. This knowledge could encourage the community to resolve their legal problems and substantially increase the likelihood to obtain some sort of assistance instead of dealing with the problem themselves.¹¹⁹ When they do not have the ability to identify the legal dimensions of a problem, then that will be the main barrier for vulnerable groups to resolve their legal problems.¹²⁰

b. Capability to understand legal services and process

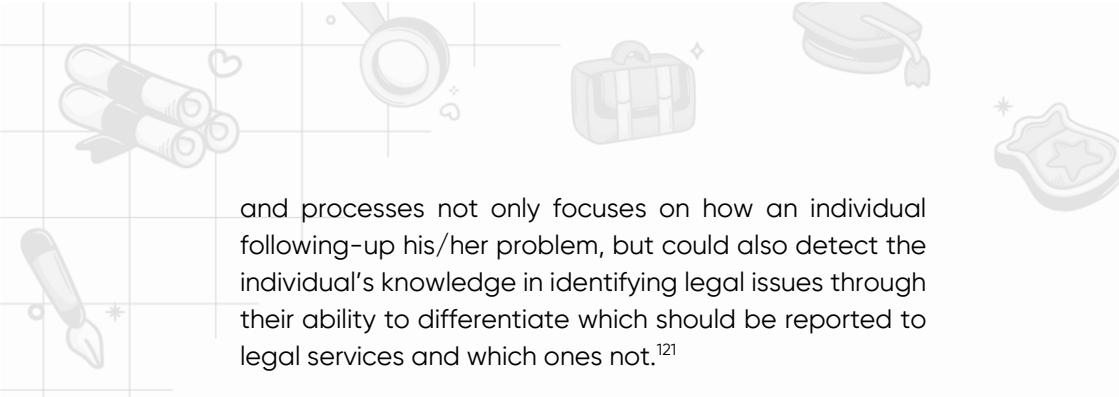
Knowledge on legal problems resolution process will be assess through individual knowledge on the existence of formal and informal mechanisms and their knowledge on the existence of legal aid. This indicator could explain how far the community knowledge on sources of assistance and the methods surrounding to resolve legal problems. The capability to understand legal services

¹¹⁸ OECD, *Legal Need Survey and Access to Justice: Launch Copy*, p. 22

¹¹⁹ Lisa Wintersteiger, *Legal Needs, Legal Capability and the Role of Public Legal Education*, (Law for Life/The Legal Education Foundation, 2015), p. 20

¹²⁰ *Ibid.*





and processes not only focuses on how an individual following-up his/her problem, but could also detect the individual's knowledge in identifying legal issues through their ability to differentiate which should be reported to legal services and which ones not.¹²¹

Factors that determine the level of individual capability to understand legal services are among others: past experience in accessing legal services, age, education level, and mental health.¹²² The lack of understanding of legal services and processes could be addressed by providing maximal and accessible legal consultation/aid.¹²³

c. Capability to go through legal process

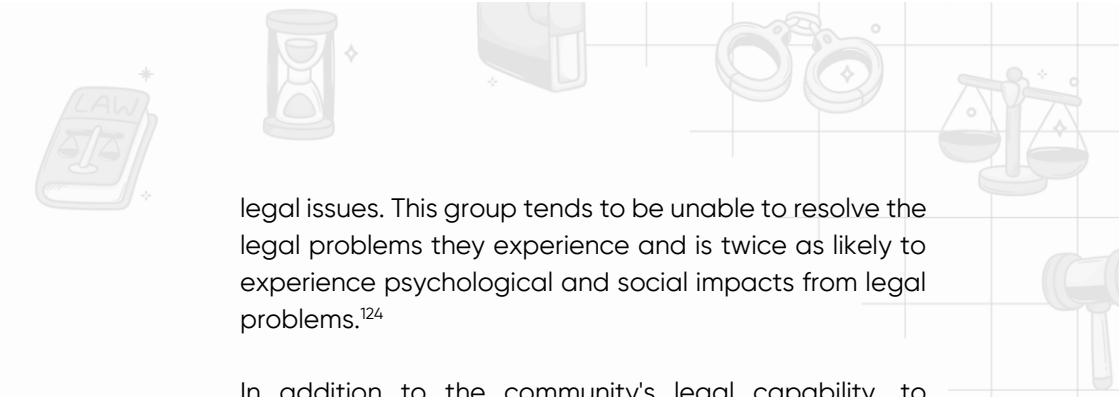
Capability to go through legal process is a competence that support the society in resolve their legal problems. This capability is related to the capacity to access information, communicate, confidence, and readiness to undergo all legal processes/stages. This capability is related to skills needed by the community in undergoing the process to resolve their legal problems. This knowledge supports the smoothness in going through legal problems resolution process.

Vulnerable groups who have low legal capability tend to choose not to act and take legal proceedings, do not resolve matters personally, and are less effective or familiar in using the internet to find information related to

¹²¹ Ibid.

¹²² Ibid, p. 19.

¹²³ Ibid, p. 20.



legal issues. This group tends to be unable to resolve the legal problems they experience and is twice as likely to experience psychological and social impacts from legal problems.¹²⁴

In addition to the community's legal capability, to understand access to justice and legal needs a survey of legal needs can include legal problems experiences of the community, one of which is through perception or assessment.¹²⁵ In fact, a legal issue that has been resolved by an institution cannot be said equal to justice has been upheld.¹²⁶ For example, it was explained that a legal needs survey could explore respondents' perceptions of the quality of the legal process, the quality of the results of the legal process, or the process of resolving legal problems as a whole.¹²⁷ Measuring public perception in efforts to resolve this problem also has benefits as input (feedback) on the systems, procedures, and available infrastructure/institutions in helping the community to resolve their legal issues. Thus, the State can map out the path of legal reform to realize access to justice that is right on target.¹²⁸

Legal Aid Awareness Raising

Socialization of legal aid is a work program of various parties ranging from the government, civil society organizations, law enforcement officials and even

¹²⁴ Lisa Wintersteiger, *Legal Needs, Legal Capability and the Role of Public Legal Education*, (Law for Life/The Legal Education Foundation, 2015), p. 18.

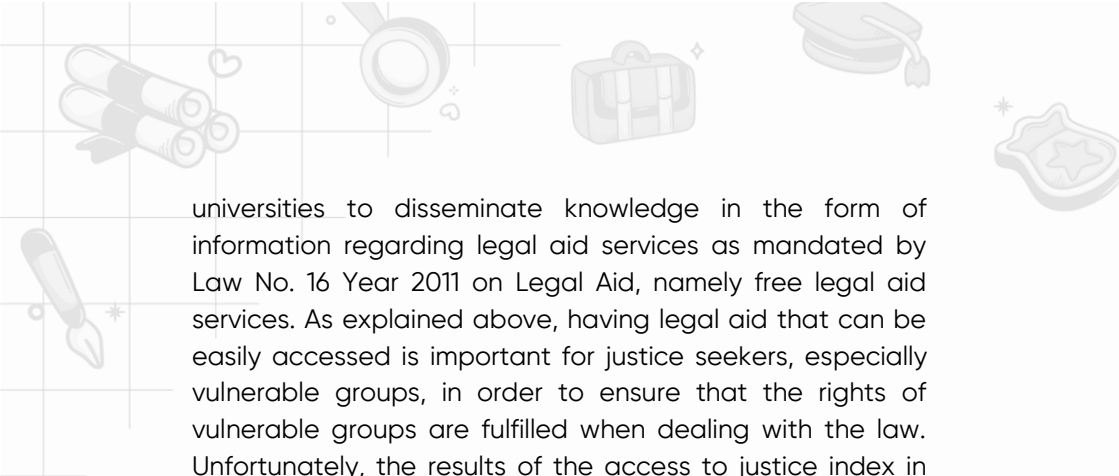
¹²⁵ OECD, *Legal Need Survey and Access to Justice: Launch Copy*, p. 75.

¹²⁶ Ibid.

¹²⁷ Ibid, p. 75-76.

¹²⁸ Choky Rida Ramadhan, et al., *Survei Kebutuhan Hukum di Lampung dan Sulawesi Selatan 2020*, p. 23.





universities to disseminate knowledge in the form of information regarding legal aid services as mandated by Law No. 16 Year 2011 on Legal Aid, namely free legal aid services. As explained above, having legal aid that can be easily accessed is important for justice seekers, especially vulnerable groups, in order to ensure that the rights of vulnerable groups are fulfilled when dealing with the law. Unfortunately, the results of the access to justice index in 2019 showed that 53% of justice seekers do not know about free legal aid.¹²⁹ Therefore, in this study it is also important to see the extent to which vulnerable groups receive socialization on legal aid as part of efforts to fulfill the legal needs of vulnerable groups who are in conflict with the law for access to justice.

Needs of Supporting Services

Other support services are additional services needed by the community to support the process of resolving their legal problems. Regarding vulnerable groups, Law No. 25 Year 2009 on Public Services has stated that every public service provider is required to provide quality services for every service user without exception, including for vulnerable groups.¹³⁰ One of the examples is people with disabilities. In the context of resolving legal problems through the judicial process, persons with disabilities are one of the vulnerable groups who are entitled to proper accommodation in the form of facilities and infrastructure to ensure smoothness,

¹²⁹ Dio Ashar Wicaksana, et al, *Indeks Akses terhadap Keadilan di Indonesia 2019*, p. 162

¹³⁰ Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi, *Unit Pelayanan Publik Perlu Sarana Bagi Kelompok Rentan*, May 2020, accessed on <https://menpan.go.id/site/berita-terkini/unit-pelayanan-publik-perlu-perhatikan-sarana-bagi-kelompok-rentan> on 22 June 2022



security, health and safety. This is also regulated in Government Regulation No. 39 Year 2020 on Adequate Accommodations in the Judicial Process which stipulates that law enforcement institutions are required to provide appropriate accommodations, for example providing doctors, health workers, psychologists, psychiatrists, companions, and interpreters/translators. Interpreters will assist law enforcement officials in communicating with victims in court. The provisions above are also in accordance with Law No. 12 Year 2005 on the Ratification of the International Covenant on Civil and Political Rights which guarantees the right to a free interpreter¹³¹ and Law No. 31 Year 2014 on Protection of Witnesses and Victims. Guarantees for interpreters are provided from investigation to examination at trial.¹³² Therefore, in the framework of measuring the legal needs of vulnerable groups, it is necessary to know the extent of the need for and access to these support services. Some of the supporting services referred to in this study include:

a. Companion Services¹³³

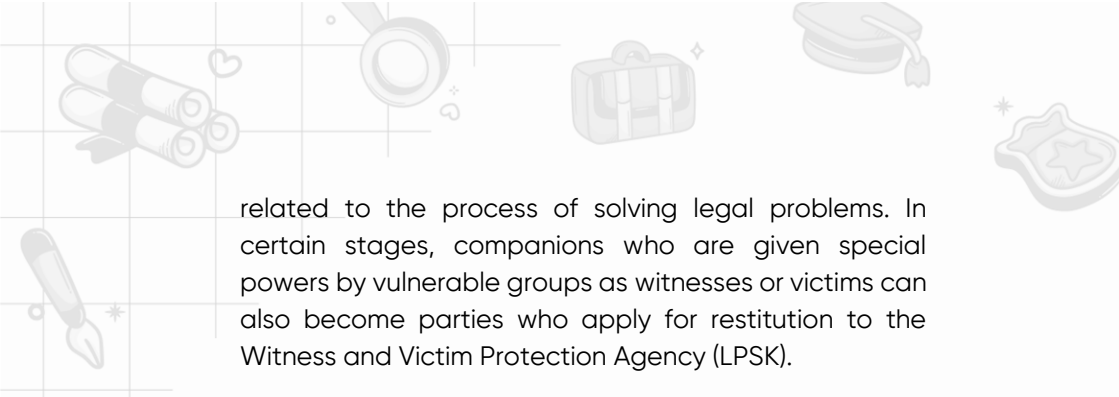
A companion is a person or group that is trusted by vulnerable groups and/or has the skills and knowledge to assist during the legal problem resolution process. Companion services can be a source of psychological support for vulnerable groups, including acting as a party to channel information from related parties, such as the police, prosecutors, courts, agencies/ministries,

¹³¹ Indonesia, Article 14 Paragraph 3 Letter F Law No. 12 Year 2005 on the Ratification of the International Covenant on Civil and Political Rights.

¹³² Indonesia, Article 5 Paragraph 1 Letter D Law No. 31 Year 2014 on Witness and Victim Protection.

¹³³ Indonesia, Article 1 Number 10 Supreme Court Regulation (PERMA) No. 3 Year 2017 on Guidelines on Adjudicating Women in Conflict with the Law *juncto* juncto Article 5 Paragraph (1) Letter o Law No. 31 Year 2014 on Witness and Victim Protection.





related to the process of solving legal problems. In certain stages, companions who are given special powers by vulnerable groups as witnesses or victims can also become parties who apply for restitution to the Witness and Victim Protection Agency (LPSK).

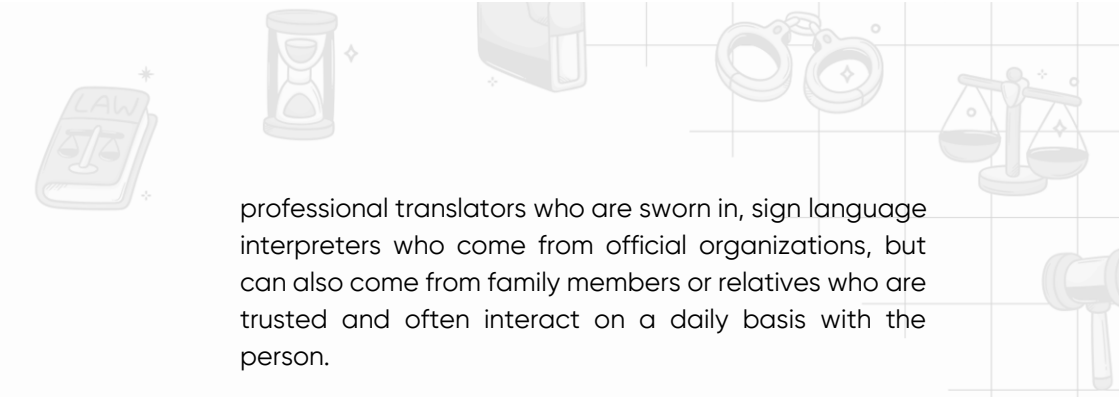
b. Interpreter and/or Sign Language Interpreter¹³⁴

Interpreters and/or sign language interpreters are people who have the ability and knowledge to understand and use the language spoken by persons with disabilities. The translator certainly has experience in associating and interacting effectively with persons with disabilities.¹³⁵ The presence of interpreters and/or sign language interpreters can be used for vulnerable groups who are unable to communicate using the Indonesian language as well as for persons with disabilities, whether deaf, mute or multi-disabilities.

In various reports and presentations on legal problems experienced by groups with disabilities, there are still many groups with disabilities in Indonesia who did not get formal basic education, so they do not have the ability to communicate using formal sign language, namely BISINDO (Indonesian Sign Language) and SIBI (Indonesia Sign Language System). They use the regional language or family language as their daily language. Therefore, those who can become translators and/or sign language interpreters are not only interpreted as

¹³⁴ Indonesia, Article 5 Paragraph (1) Letter d UU No. 31 Year 2014 on Witness and Victim Protection.

¹³⁵ Indonesia, Article 1 Number (4) *juncto* Article 15 Paragraph (4) Government Regulation No. 39 Year 2020 on Adequate Accommodation for Persons with Disabilities in the Judicial Process.



professional translators who are sworn in, sign language interpreters who come from official organizations, but can also come from family members or relatives who are trusted and often interact on a daily basis with the person.

c. Health Services¹³⁶

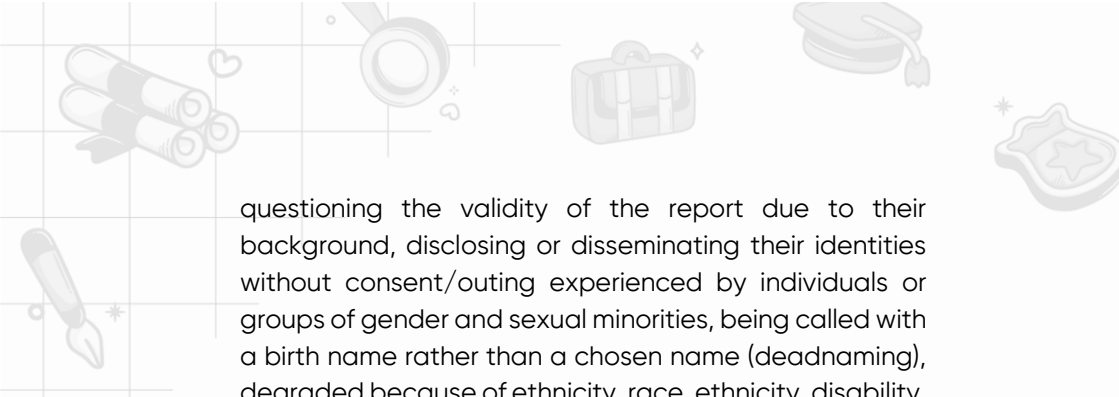
Every vulnerable group with certain health situations, for example PLHIV who need access to ARV therapy drugs, persons with psychosocial disabilities who usually have access to drugs such as anti-depressants, anti-anxiety and anti-psychotics, as well as other health conditions are entitled to health services while resolving their legal problems. Usually there is a routine schedule in accessing the consumption of medicines to maintain their health condition.

d. Psychologists and/or Psychiatrists

In addition to the psychological impact for vulnerable groups resulting from legal problems, the process of resolving the legal problems also has the potential to be physically and mentally tiring especially if they are witnesses or victims. They must go through a process that involves many parties, and are asked repeatedly to retell the chronology of the legal problems they have experienced. Not to mention, vulnerable groups also have the potential to experience re-victimization or become victims for the second time by the responder of legal problem complaints, either in the form of

¹³⁶ Indonesia, Article 58 Law No.8 Year 1981 on Criminal Procedure Code (KUHP) *juncto* Article 20 of Government Regulation No. 39 Year 2020 Adequate Accommodation for Persons with Disabilities in the Judicial Process.





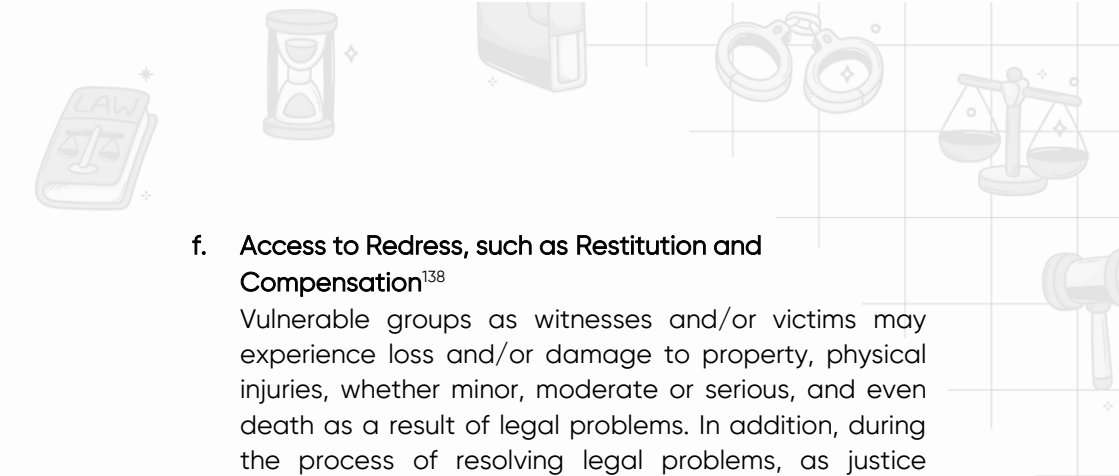
questioning the validity of the report due to their background, disclosing or disseminating their identities without consent/outing experienced by individuals or groups of gender and sexual minorities, being called with a birth name rather than a chosen name (deadnaming), degraded because of ethnicity, race, ethnicity, disability, health status, or other discriminatory actions.

Therefore, both during the legal problems resolution process and after the process, vulnerable groups need access to psychological services, from psychological services from counselors or psychologists in psychological service units at universities, clinics providing psychological recovery services to psychiatric services from psychiatric specialists at hospitals.

e. Temporary Protection and/or Safehouse Services¹³⁷

In certain circumstances, for example as witnesses or victims in legal problems wherein there is a potential for violations or threats to the safety and security caused by opposing parties or related parties against vulnerable groups for their information or reports, vulnerable groups as witnesses or victims are entitled to safe home services. Meanwhile, safe house services for witnesses or victims are usually provided by the implementer of women and children protection services, for example, the LPSK which location is kept secret. Access to safe house services is usually limited for a certain period of time.

¹³⁷ Indonesia, Article 10 Law No. 23 Year 2004 on the Elimination of Domestic Violence *juncto* Article 5 Paragraph (1) Letter k and I Law No. 31 Year 2014 on Witness and Victim Protection.



f. **Access to Redress, such as Restitution and Compensation**¹³⁸

Vulnerable groups as witnesses and/or victims may experience loss and/or damage to property, physical injuries, whether minor, moderate or serious, and even death as a result of legal problems. In addition, during the process of resolving legal problems, as justice seekers, vulnerable groups will also incur other costs such as fees for accessing legal and psychological assistance, transportation costs for reporting, and other administrative costs. For these costs incurred, in the case of vulnerable groups undergoing a formal legal resolution process through adjudication, there is a redress mechanism such as restitution and compensation that can be accessed, both before the judgment become final and binding and after the judgment become final and binding. Restitution is damages for loss of wealth or income, losses incurred as a result of suffering directly related to a crime and/or reimbursement for medical and/or psychological treatment costs, where the payment comes from the perpetrator. Whereas in the event that the perpetrator does not have the ability to pay restitution or the perpetrator dies, then a request for compensation can be submitted to the state for the losses suffered.

¹³⁸ Indonesia, Article 7A Law No. 31 Year 2014 *juncto* Government Regulation No. 7 Year 2018 on Provision of Compensation, Restitution, and Assistance to Witness and Victim which as amended by Government Regulation No. 35 Year 2020.





03 RESEARCH METHODOLOGY



The legal needs survey is a tool that comprehensively seeks to explore a person's experience when facing legal problems from the perspective of those who experience it directly, not from administrative data from certain institutions or related institutions that play a role in solving problems in the legal community. Thus, comprehensive information can be obtained regarding the response of justice seekers for legal problems, available assistance and so on.¹³⁹ This survey emphasizes the views of individuals who experience legal problems and how they attempt or journey in dealing with these problems.¹⁴⁰ By obtaining data on legal needs through surveys, the legal needs of justice seekers (in this case vulnerable groups) can be used as a reference for evidence-based policy reform.



RESEARCH APPROACH

This research was conducted using a quantitative approach through survey techniques with a measuring instrument in the form of a questionnaire. In the **quantitative approach**, measurements are carried out sequentially starting from conceptualization, operationalization, to data collection.¹⁴¹ Conceptualization and operationalization is required for each variable in the quantitative approach.¹⁴² This approach was chosen in order to obtain a quantitative descriptive picture of the legal needs of vulnerable groups in

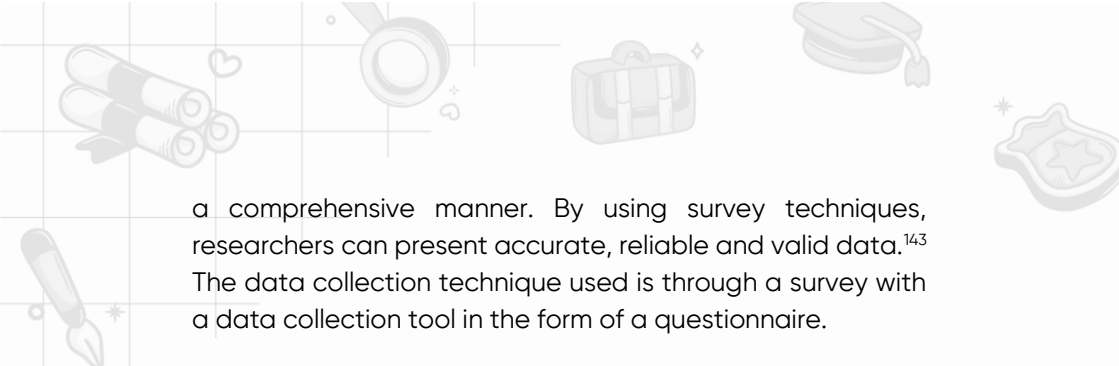
¹³⁹ OECD, *Legal Needs Surveys and Access to Justice*, p. 32.

¹⁴⁰ Choky Risdha Ramadhan, et al., *Survei Kebutuhan Hukum di Lampung dan Sulawesi Selatan 2020*, p. 12.

¹⁴¹ Further explanations on quantitative conceptualization and operationalization could be read in W Lawrence Neuman, *Social Research Methods: Qualitative and Quantitative Approaches 7th Edition*, Essex: Pearson Education Limited, (2014), pp. 204-211.

¹⁴² *Ibid*, p. 219.





a comprehensive manner. By using survey techniques, researchers can present accurate, reliable and valid data.¹⁴³ The data collection technique used is through a survey with a data collection tool in the form of a questionnaire.



RESEARCH AREA SELECTION

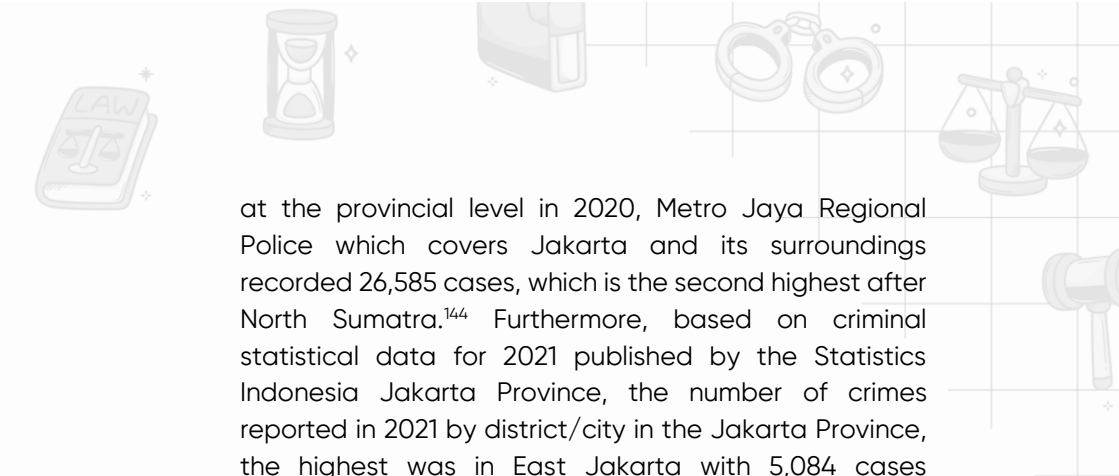
In determining survey locations, the research team choose three provinces: Jakarta, East Kalimantan and East Nusa Tenggara. The selection of the three provinces in exploring the legal needs of vulnerable groups took into account the unique criteria of the three provinces located on different islands to bring about more comprehensive regional representation. Therefore, the selection of these locations was carried out to ensure that the legal needs that belonged not only to vulnerable groups coming from the capital city area, where access to information and services tends to be easier. Apart from that also adjusts to vulnerable groups of indigenous peoples who can be found in East Nusa Tenggara and East Kalimantan, while for gender and disability minority groups can be found in Jakarta. The selection of the three provinces is expected to be able to describe how vulnerable groups navigate their legal needs, both descriptions of the types of legal needs, access and legal needs from regions with good gender development and low gender inequality.

Jakarta

Jakarta as the capital city and center of government has **a fairly high crime rate** proportional to the legal needs of the community. Based on the number of crimes

¹⁴³ Ibid, p. 317.





at the provincial level in 2020, Metro Jaya Regional Police which covers Jakarta and its surroundings recorded 26,585 cases, which is the second highest after North Sumatra.¹⁴⁴ Furthermore, based on criminal statistical data for 2021 published by the Statistics Indonesia Jakarta Province, the number of crimes reported in 2021 by district/city in the Jakarta Province, the highest was in East Jakarta with 5,084 cases followed by South Jakarta with 2,550 cases.¹⁴⁵

As for 2020-2021, the types of crimes recorded by Polda Metro Jaya are grouped into nine types which include (1) crimes against life, (2) crimes against body/physic, (3) crimes against decency, (4) crimes against a person freedom/independence, (5) crimes against ownership/goods by violence, (6) crimes against property/goods, (7) crimes related to narcotics, (8) crimes related to fraud, embezzlement, and corruption, and (9) crimes against public order.^{146,147} Not only that, related to the vulnerable groups, although there has been Gender Development Index¹⁴⁸ and gender inequality¹⁴⁹ in Jakarta still categorized as good, however based on the Susenas (National Socio-economic Survey) data per March 2018, **child marriage¹⁵⁰ in Jakarta mostly increasing**, where in 2015 it reached

¹⁴⁴ Indonesian Statistics, *Statistik Kriminal 2021*, (Jakarta: BPS, 2021), p. 10.

¹⁴⁵ *Ibid.* p. 13

¹⁴⁶ *Ibid.* p. 18

¹⁴⁷ The complete data is available in Annex 2.

¹⁴⁸ The complete data is available in Annex 2.

¹⁴⁹ The complete data is available in Annex 2.

¹⁵⁰ The number of child marriage is percentage of women of 20-24 years old who got married before 18 years old.





4,88% then in 2016 4,93%.¹⁵¹ Apart from that, another condition that makes Jakarta important to look at is **the relatively high rate of violence against women and children in Jakarta**. LBH APIK Jakarta's 2021 End-of-Year Report recorded 374 complaints of domestic violence cases which became the second highest after online gender-based violence.¹⁵² There are several areas in Jakarta with the highest level of complaints in 2021, namely East Jakarta (227 cases), South Jakarta (125 cases), and West Jakarta (97 cases).¹⁵³ The forms of domestic violence that occur in general were not independent, but are interrelated. In fact, four forms of domestic violence (physical, psychological, sexual, and neglect of the household) can be found in one domestic violence case.¹⁵⁴ In addition, cases of domestic violence were also experienced by women with disabilities, with 10 cases involved various disabilities. The majority of victims are persons with intellectual and mental disabilities.¹⁵⁵ Another data on the number of divorces caused by domestic violence in Jakarta also have increased, from 2020 when there were only 191 cases, in 2021 it has significantly increased to 1,999 cases.¹⁵⁶ In

¹⁵¹ Indonesian Statistics, *Angka perkawinan anak adalah persentase perempuan usia 20-24 tahun yang usia perkawinan kurang dari 18 tahun*, available on <https://www.bps.go.id/indicator/40/1360/2/proporsi-perempuan-umur-20-24-tahun-yang-berstatus-kawin-atau-berstatus-hidup-bersama-sebelum-umur-18-tahun-menurut-provinsi.html> accessed on 22 December 2022.

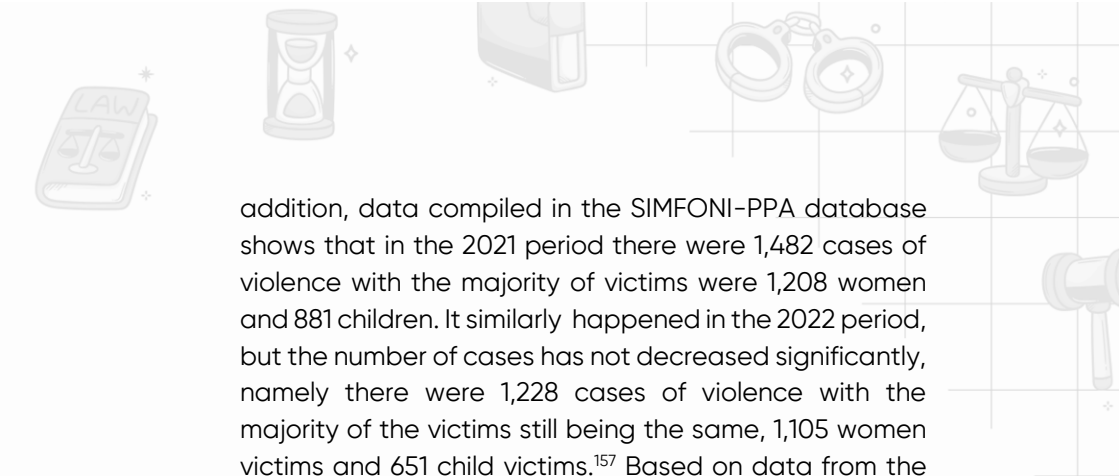
¹⁵² LBH APIK Jakarta, *Kekerasan terhadap Perempuan Meningkat, Negara Wajib Memberikan Ruang Aman: Catatan Akhir Tahun LBH APIK Jakarta Berdasarkan Pengalaman Penanganan Kasus dan Advokasi*, 2021, p. 10

¹⁵³ *Ibid*, p. 8.

¹⁵⁴ *Ibid*, p. 17.

¹⁵⁵ *Ibid*, p. 40.

¹⁵⁶ Indonesian Statistics, *Jumlah Perceraian Menurut Faktor dan Kabupaten/Kota di Provinsi DKI Jakarta 2021*, accessed on <https://jakarta.bps.go.id/indicator/27/603/1/jumlah-perceraian-menurut-faktor-dan-kabupaten-kota-di-provinsi-dki-jakarta.html> on 22 October 2022.



addition, data compiled in the SIMFONI-PPA database shows that in the 2021 period there were 1,482 cases of violence with the majority of victims were 1,208 women and 881 children. It similarly happened in the 2022 period, but the number of cases has not decreased significantly, namely there were 1,228 cases of violence with the majority of the victims still being the same, 1,105 women victims and 651 child victims.¹⁵⁷ Based on data from the Online Information System for the Protection of Women and Children (SIMFONI-PPA) belonging to the Ministry of Women Empowerment and Child Protection, the types of violence with the highest prevalence in the 2021-2022 period were physical violence, psychological violence, and sexual violence.^{158,159}

In the midst of the prevalence of crime and violence against women and children, **the number of LAO in Jakarta cannot be said to be sufficient and evenly distributed.** Based on data on the distribution of Legal Aid Organizations (LAO) listed in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-02.HN.03.03 Year 2021, in the period of 2022 - 2024 it is known that 41 legal aid institutions or organizations in Jakarta have been verified and accredited by the National Legal Development Agency (BPHN).¹⁶⁰ Based on these data, it

¹⁵⁷ Ministry of Women Empowerment and Child Protection, *Database SIMFONI-PPA* (Online Information System for the Protection of Women and Children) accessed on <https://drc-simfoni.kemennppa.go.id/ringkasan> on 30 October 2022.

¹⁵⁸ Ibid.

¹⁵⁹ The complete data is available in Annex 2.

¹⁶⁰ Ministry of Law and Human Rights, *Keputusan Menteri Hukum dan HAM Republik Indonesia Nomor M.HH-02.HN.03.03 Tahun 2021 tentang Lembaga/Organisasi Bantuan Hukum yang Lulus Verifikasi dan Akreditasi sebagai Pemberi Bantuan Hukum Periode tahun 2022-2024*, accessed on



can be seen that Jakarta occupies the fourth position as the province with the most accredited LAOs.

East Kalimantan

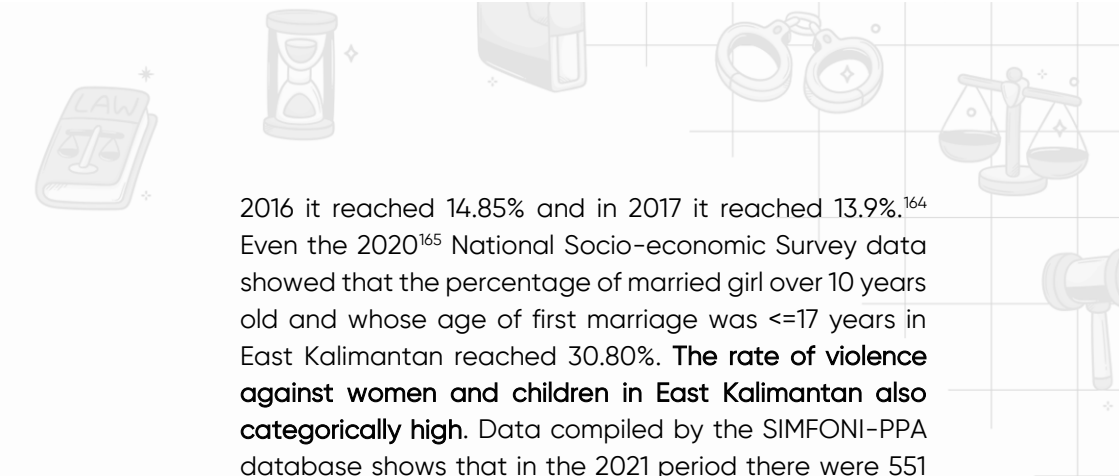
East Kalimantan Province is the next state capital, which has been determined by the Government as the new State Capital as stated in Law No. 3 Year 2022 on State Capital. The choice of East Kalimantan was also due to the fact that so far the region of East Kalimantan has not been the subject of much research that reflect the condition of vulnerable groups in various academic research. Thus, the choice of the province of East Kalimantan is expected to illustrate East Kalimantan's readiness as the national capital that can support development, especially in inclusive development. **In terms of crime rates, when compared to DKI Jakarta, crime rates in East Kalimantan tend to be low.**¹⁶¹ Based on the number of crimes at the provincial level during 2020, the East Kalimantan Regional Police recorded 3,609 reported crime cases.¹⁶² Even though the index for inequality and gender development are relatively good (although not as good as Jakarta), it is interesting that in East Kalimantan **the number of child marriages is very high**, exceeding the average target number of child marriages at the national level.¹⁶³ Based on National Socio-economic Survey data as of March 2018, the child marriage rate in East Kalimantan in 2015 was 14.78%, in

https://jogja.kemenkumham.go.id/attachments/article/6305/kepmen_verifikasi_akreditasi_OBH_2022-2024.pdf.

¹⁶¹ The complete data is available in Annex 2.

¹⁶² Indonesian Statistics, *Statistik Kriminal 2021*, p. 11

¹⁶³ Average of child marriage at the national level was 11.2%, accessed in PUSKAPA and UNICEF, *Pencegahan Perkawinan Anak Percepatan yang Tidak Bisa Ditunda*, (Jakarta: PUSKAPA, 2020), p. 6



2016 it reached 14.85% and in 2017 it reached 13.9%.¹⁶⁴ Even the 2020¹⁶⁵ National Socio-economic Survey data showed that the percentage of married girl over 10 years old and whose age of first marriage was <=17 years in East Kalimantan reached 30.80%. **The rate of violence against women and children in East Kalimantan also categorically high.** Data compiled by the SIMFONI-PPA database shows that in the 2021 period there were 551 cases of violence with the majority of victims were 520 women and 416 children. This seems to be still happening in the 2022 period and even the number of cases has increased to 694 cases of violence with similar majority of the victims, female victims rose to 660 and 378 child victims.¹⁶⁶ Also based on SIMFONI-PPA data, the types of violence with the highest prevalence in the 2021-2022 period were physical violence, psychological violence, and sexual violence.¹⁶⁷

With conditions of high violence, **conditions for the availability of LAO still tend to be very limited and uneven.** Based on data on the distribution of Legal Aid Organizations (LAO) listed in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-02.HN.03.03 Year 2021, in the 2022-2024 period it is known that 18 legal aid institutions or

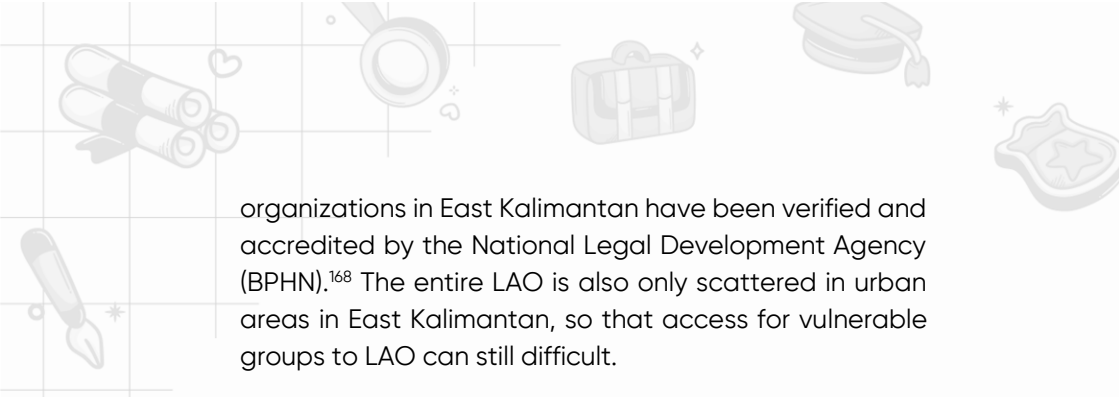
¹⁶⁴ Indonesian Statistics, *Angka perkawinan anak adalah persentase perempuan usia 20-24 tahun yang usia perkawinan kurang dari 18 tahun*, accessed on <https://www.bps.go.id/indikator/40/1360/2/proporsi-perempuan-umur-20-24-tahun-yang-berstatus-kawin-atau-berstatus-hidup-bersama-sebelum-umur-18-tahun-menurut-provinsi.html>

¹⁶⁵ Ministry of Women Empowerment and Child Protection, *Profil Perempuan Indonesia Tahun 2021*, (Jakarta: KemenPPPA, 2021), p. 78

¹⁶⁶ Ministry of Women Empowerment and Child Protection, *Database SIMFONI-PPA* (Online Information System for the Protection of Women and Children) accessed on <https://drc-simfoni.kemenpppa.go.id/ringkasan> on 30 October 2022.

¹⁶⁷ Ibid.





organizations in East Kalimantan have been verified and accredited by the National Legal Development Agency (BPHN).¹⁶⁸ The entire LAO is also only scattered in urban areas in East Kalimantan, so that access for vulnerable groups to LAO can still difficult.

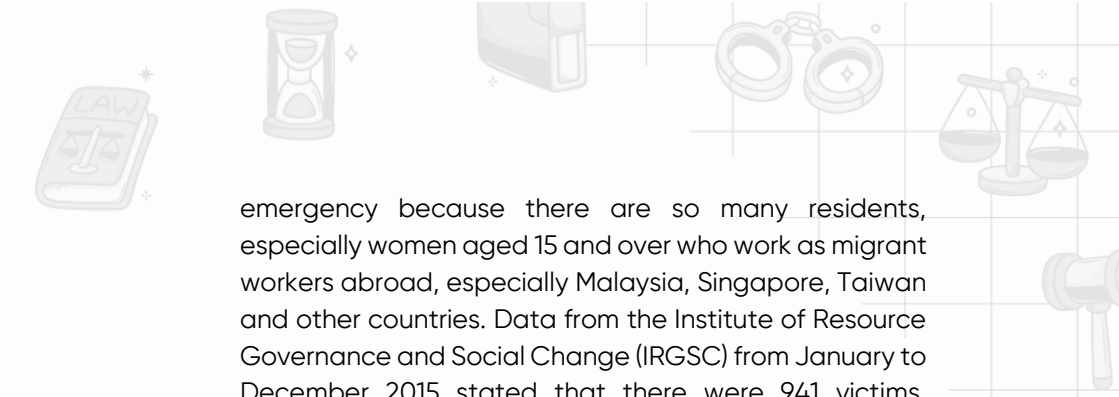
East Nusa Tenggara

East Nusa Tenggara Province was chosen based on its specificity in the prevalence of cases of trafficking in persons, low per capita income, child marriage rates, and the need to explore the perspectives of indigenous peoples in the region. In addition, the crime rate in East Nusa Tenggara can be said to be low, according to East Nusa Tenggara Province Indonesian Statistics, the areas with the highest crime reports in the 2019-2021 period were Kupang City (5,765 cases), Alor Regency (1,790 cases), and Southwest Sumba Regency (1,397 cases)¹⁶⁹ patterned on variations of theft, assault, arson, murder, rape, juvenile delinquency, gambling, and extortion accompanied by threats. Various other crimes that are unique to East Nusa Tenggara are the relatively high crime of trafficking in persons (TPPO), where in 2019 there were 816 illegal workers who failed to depart, and there were 89 victims of TIP who died.¹⁷⁰ Human trafficking in East Nusa Tenggara could be categorized as an

¹⁶⁸ Ministry of Law and Human Rights, Decree of Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-02.HN.03.03 Year 2021.

¹⁶⁹ East Nusa Tenggara Indonesian Statistics, *Provinsi Nusa Tenggara Timur dalam Angka 2022*, (East Nusa Tenggara: BPS, 2022), p. 270.

¹⁷⁰ Sylvia R. Peku Djawang, *Situasi Terkini TPPO di East Nusa Tenggara*, accessed on https://e-learningtpo.kemenpppa.go.id/pluginfile.php/461/mod_resource/content/1/5.%20Materi%20Dinas%20PPPA%20NTT%20-%20SITUASI%20TERKINI%20TPPO%20DI%20NTT%20-%20Materi%20Gub%20NTT%29%201.pdf on 22 December 2022.



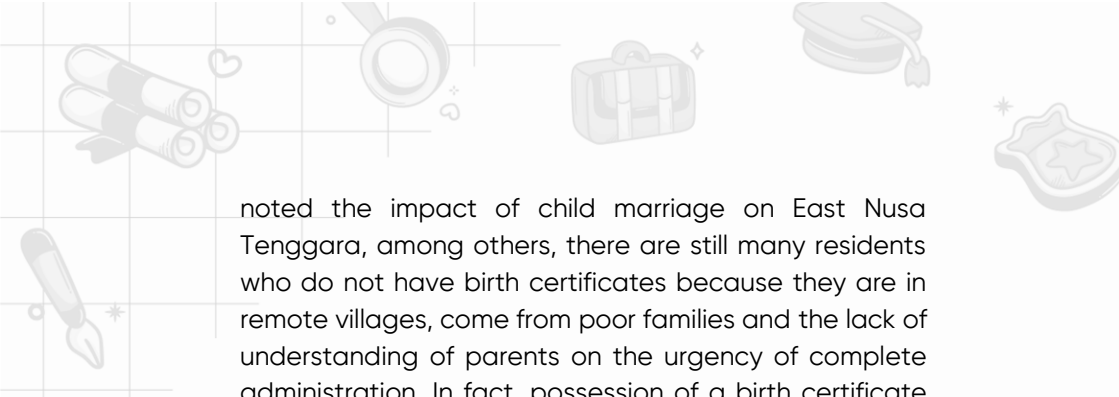
emergency because there are so many residents, especially women aged 15 and over who work as migrant workers abroad, especially Malaysia, Singapore, Taiwan and other countries. Data from the Institute of Resource Governance and Social Change (IRGSC) from January to December 2015 stated that there were 941 victims, allegedly there were seven corporate networks and individual involved. In 2015 there were 1,667 women migrant workers from East Nusa Tenggara who were victims of human trafficking. Meanwhile, in 2016, from January to July, there were around 726 women migrant workers who had problems or indicated as victims of human trafficking.¹⁷¹

Not only that, East Nusa Tenggara has a relatively high child marriage rate above the national average where Rote Ndao district has the percentage of the age of first marriage under 19 years of 12.93%, followed by Malacca District of 12.18%, and Belu Regency with a rate of 12.04%.¹⁷² In data reported by the National Population and Family Planning Agency (BKKBN) for the East Nusa Tenggara region in 2021 alone, there were 82,957 couples of childbearing age who were married under the age of 19. The reasons for marrying under the age of 19 were based on socio-cultural factors such as customary demands, unplanned pregnancies, and poverty. Marriage efforts, especially for girls, are seen as a way to get out of the poverty trap. In addition, the BKKBN also

¹⁷¹ Everd Scor Rider Daniel et al., *Human Trafficking di Nusa Tenggara Timur*, (Social Work Journal, Volume 7 No. 1, 1-129), p. 24 accessed on <https://media.neliti.com/media/publications/181641-ID-human-trafficking-di-nusa-tenggara-timur.pdf> accessed on 22 December 2022.

¹⁷² East Nusa Tenggara Indonesian Statistics, *Statistik Sosial dan Kependudukan Provinsi Nusa Tenggara Timur 2021*, (East Nusa Tenggara: BPS, 2021), p. 70.



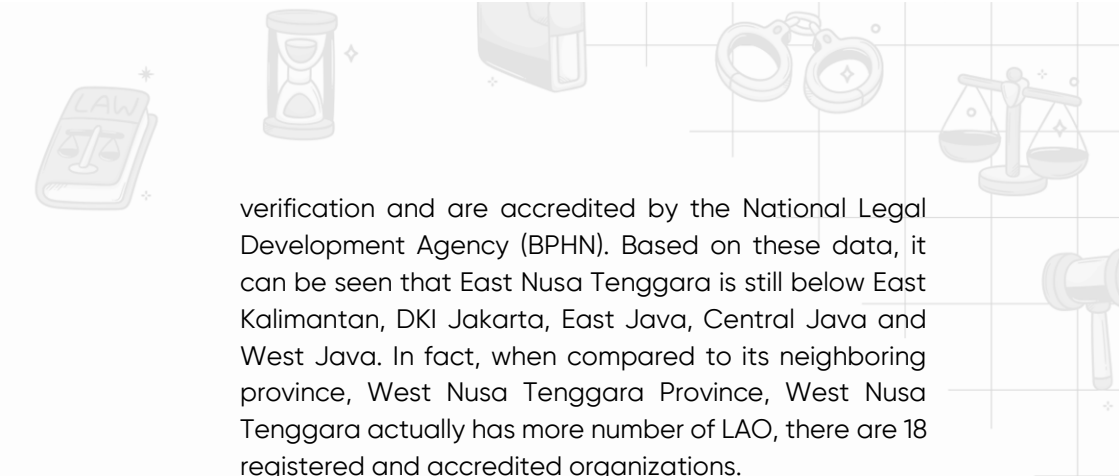


noted the impact of child marriage on East Nusa Tenggara, among others, there are still many residents who do not have birth certificates because they are in remote villages, come from poor families and the lack of understanding of parents on the urgency of complete administration. In fact, possession of a birth certificate will have a major impact on children born to marriages under the age of 19, one of which is access to government social assistance and involvement in the efforts to prevent stunting and malnutrition.¹⁷³ In addition, **the number of violence against women is quite high.** The SIMFONI-PPA database shows that in the 2021 there were 810 cases with 743 female victims. In the database, the South Central Timor region (128 cases), Kupang City (110 cases), and Belu (92 cases) respectively became areas with the most reported violence. In 2022, there were 689 reported cases, of which 629 cases involved women victims.¹⁷⁴

In the midst of these conditions, unfortunately **the availability of Legal Aid Organizations (LAO) in East Nusa Tenggara is still very minimal.** Based on the data on the distribution of LAO as stated in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-02.HN.03.03 Year 2021, in the period 2022 - 2024 it is known that 15 legal aid institutions or organizations in East Nusa Tenggara have passed

¹⁷³ Kompas Online, *82.957 Pasangan Usia Subur di NTT Menikah di Bawah Usia 19 Tahun*, accessed on https://www.kompas.id/baca/nusantara/2021/11/14/82-957-pasangan-usia-subur-di-East-Nusa-Tenggara-menikah-di-bawah-usia-19-tahun?status=sukses_login&status_login=login accessed on 12 July 2022.

¹⁷⁴ Ministry of Women Empowerment and Child Protection, *Database SIMFONI-PPA* (Online Information System for the Protection of Women and Children) accessed on <https://drc-simfoni.kemenpppa.go.id/ringkasan> on 30 October 2022.



verification and are accredited by the National Legal Development Agency (BPHN). Based on these data, it can be seen that East Nusa Tenggara is still below East Kalimantan, DKI Jakarta, East Java, Central Java and West Java. In fact, when compared to its neighboring province, West Nusa Tenggara Province, West Nusa Tenggara actually has more number of LAO, there are 18 registered and accredited organizations.

Based on the explanation of each region covered in the research, it can be understood that the three coverage areas have similarities and characteristic, which are:

1. Jakarta and East Kalimantan have the same prevalence of crimes that occur, which are physical/body crimes, narcotics crimes, and property crimes. Meanwhile, in East Nusa Tenggara, the majority of crimes related to persecution, murder and rape.
2. Jakarta and East Nusa Tenggara have the same gender development index score in the high category above Indonesia's national gender development index score. Meanwhile, East Kalimantan is still under the scores of Jakarta, East Nusa Tenggara, and the national gender development index.
3. East Kalimantan and East Nusa Tenggara have similar gender inequality index scores in the lower middle category, in contrast to Jakarta which is in the low gender inequality category.



4. The prevalence of child marriage is still high in the Provinces of East Kalimantan and East Nusa Tenggara, but the prevalence is small in Jakarta.
5. Cases of violence against women and children are still high in Jakarta Province, reaching >1,000 cases, then East Kalimantan and East Nusa Tenggara, reaching >500 cases.
6. The distribution of Legal Aid Organizations (LAO) in these 3 provinces is uneven when compared. Jakarta has 41 accredited LAOs while East Kalimantan and East Nusa Tenggara only have 15-18 accredited LAOs.

SELECTION OF RESEARCH RESPONDENTS

Based on determined region and vulnerable groups category, respondents in this research are selected with the following proportion:

Table 1. Respondent sample proportion per region

Region	Number of respondents
Jakarta	435 respondents
East Kalimantan	290 respondents
East Nusa Tenggara	295 respondents
Total Respondents	1,020 Respondents

Based on these proportion distribution, it can be seen that there are different divisions in each region. This study took a total sample of **1,020 respondents** who were

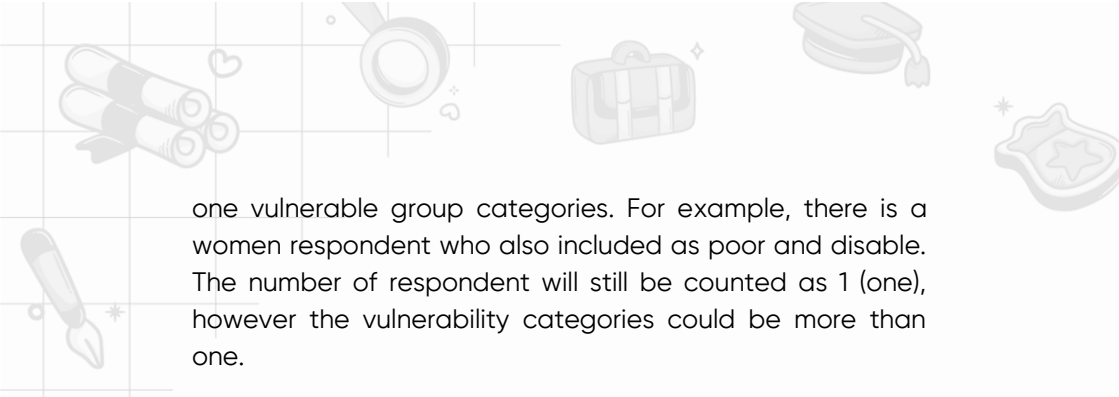
obtained purposively by conducting **quota sampling** for each predetermined category of vulnerable groups. The existing quota was determined based on the availability of access and respondents that could be provided in each region. This is due to the absence of comprehensive data regarding the number of groups in a predetermined category, so that the population number of vulnerable groups in Indonesia cannot be determined. In other words, several categories of groups that are not dominant in number can be added more or less, so that the proportions of the seven group categories are as follows:

Table 2. Respondent Sample Proportion per Category of Vulnerable Groups

Vulnerable Group Categories	Number of Respondent
Women	255 respondents
Children	30 respondents
Disabilities	60 respondents
Seniors/Elderly	190 respondents
Poor	335 respondents
Indigenous communities	100 respondents
Sexual minorities	50 respondents
Total	1,020 respondents

Biggest proportion are given to women, elders and the poor, since respondents of these three groups more available and easily accessed. We also need to underline that every respondent can be categorized into more than





one vulnerable group categories. For example, there is a women respondent who also included as poor and disable. The number of respondent will still be counted as 1 (one), however the vulnerability categories could be more than one.

123 RESEARCH STAGES

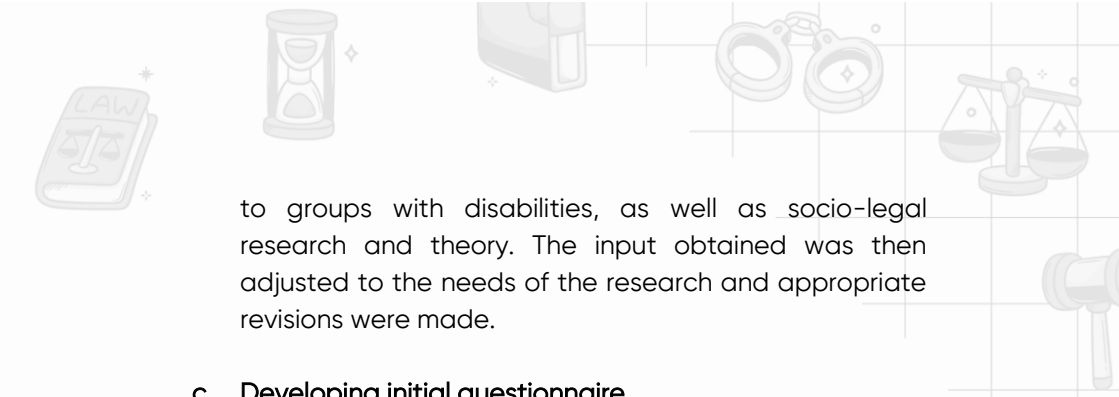
This quantitative research using survey data collection techniques went through various stages of research until finally the results legal needs survey of vulnerable groups were obtained. The stages are as follows:

a. Conceptual framework development

Before compiling the questionnaire, the first step is to develop a conceptual framework consisting of variables and indicators which will be measured by the questionnaire. The determination of these variables and indicators is carried out by referring to the research objectives achieved, the relevant theories used, and the existing literature review. The variables that have been determined are then studied in more depth to obtain indicators within the conceptual framework.

b. Experts Peer review and Focus Group Discussion (FGD)

After the questionnaire was developed, a peer review process was carried out with representatives of CSOs and/or legal aid institutions (LBH) and companion as well as Expert Focus Group Discussions (FGD) to obtain input on the existing conceptual framework. Four experts were selected based on their experience as academics and practitioners who have expertise in research on children, legal aid, research and assistance



to groups with disabilities, as well as socio-legal research and theory. The input obtained was then adjusted to the needs of the research and appropriate revisions were made.

c. Developing initial questionnaire

From the conceptual framework that has been amended and completed, questions and/or statements in the questionnaire was developed based on the indicators in the conceptual framework. Questions and/or statements were structured by considering plot, language simplicity, as well as ease in filling and questioning the respondents.

d. Trial of the questionnaire

The initial questionnaire that had been prepared was then tested online and face to face with 30 respondents. The criteria for respondents are those who have experienced legal problems and are divided unequally among respondents from children, the elderly, gender and other sexual identity minorities, women to the poor. The trial was carried out with the aim of getting input on the questionnaire and seeing how to fill it out. From the results of this trial, it was known that the flow and diction in some questions and/or statements need to be improved because it was difficult for the respondents to understand. The next things were simplifying the language, condensing questions and/or statements in the questionnaire, until a final questionnaire was completed for data collection.



e. Development of final questionnaire

The revised questionnaire based on input from peer reviews, expert interviews, and trial results will be finalized and used to collect data on respondents. The data obtained through this questionnaire will be processed into the main findings and analyzed according to research needs. The questionnaire is also attached in the attachment to this report.¹⁷⁵

f. Data collection process

Data collection through a survey with the questionnaire was carried out on 10 to 26 October 2022 by involving collaboration with civil society organization partners in each research area (local partners) to coordinate with several target vulnerable groups who became respondents in the research area coverage. Meanwhile, the distribution of respondents and partners per research area is as follows:

Table 3. Distribution of Local Partners and Respondent Category Target

Research Region	Local Partner	Vulnerable Groups Target
Jakarta	LBH APIK Jakarta	Children
	PKBI Jakarta	Children
	Arus Pelangi	Gender and Sexual Identity Minorities

¹⁷⁵ The complete version is available in Annex 1.



Research Region	Local Partner	Vulnerable Groups Target
	Sanggar Seroja	Gender and Sexual Identity Minorities
	DPP HWDI Jakarta	Persons with disabilities
East Kalimantan	LBH Samarinda	Persons with disabilities
	PADI Kalimantan Timur	Indigenous community
East Nusa Tenggara	LBH APIK Nusa Tenggara Timur	Children
	PKBI Nusa Tenggara Timur	Children
	UPTD PPA Nusa Tenggara Timur	Children
	IMOF Nusa Tenggara Timur	LGBT
	Piar Nusa Tenggara Timur	Indigenous community

g. Data Processing and Analyzing Process

The whole result of data collection obtained through community survey using the questionnaire, which was in the form of raw data then processed with IBM SPSS Software and Microsoft Excel applications in several stages:





i. Data Cleaning

This stage was conducted to ensure the uniformity of the data obtained, to eliminate mistakes of filling or typing, and completely filled.

ii. Data Processing

This stage was done to process the data resulted from the data cleaning to become accumulated number of frequency and percentage. In this research, percentage number was rounded off automatically by the Ms. Excel app so that there is a possible margin of error in the accumulated percentage figures, namely $\pm 0.01\%$

iii. Data Visualization

This stage was conducted by processing the frequency and percentage numbers into a series of graphic/diagram which then could be analysed further.

The main data analysis in this research was done descriptively. This is done in order to obtain findings related to legal needs of the targeted vulnerable groups.

h. Final report

Based on the data processing and analysis, a final report was developed to provide a descriptive illustration related to the findings on legal needs of targeted vulnerable groups. The report was developed on 10 November to 30 December 2022.




RESEARCH LIMITATIONS AND SCOPE

This research had various limitations in its process which can serve as input and notes for improvement to complete subsequent studies related to the legal needs of vulnerable groups. This research was only a baseline or initial research that cannot be generalized at the population level, in this case national/Indonesia. This is because the number and categories of respondents selected were limited to 1,020 respondents who were spread unevenly in three regions, namely Jakarta, East Kalimantan and East Nusa Tenggara and consisted of seven main categories namely 1) women, 2) women and men with disabilities, 3) underage girls and boys, 4) poor women and men, 5) women and men from indigenous peoples groups, 6) elderly women and men, and 7) male sexual minorities. So based on these, this study has the following limitations:

a. Has not able to represent the whole vulnerable groups in Indonesia


The selection of vulnerable group categories was only limited based on the definition of vulnerable groups that are developing in Indonesia and the available resources in carrying out this research. This does not mean that other vulnerable groups do not have legal needs or are not as important. Thus, the results of this research can only describe the condition of the legal needs of vulnerable groups in general or in detail based on predetermined groups and areas and have not been able to provide an overview of other vulnerable groups in Indonesia. However, the researchers hope that the results of this study can provide an initial description of





the needs of most of the existing categories of vulnerable groups.

b. Has not able to represent provincial or national level



This research was unable to describe specifically the condition of vulnerable groups in the specified region because it could not meet the minimum threshold for the representativeness of vulnerable groups in each of these region. Likewise at the national level, this research cannot be generalized to describe the condition of vulnerable groups in Indonesia. However, at least the existence of this data can provide a quantitative picture of the condition of the legal needs of vulnerable groups in Indonesia, which has never been done before.



04 FINDINGS AND ANALYSIS



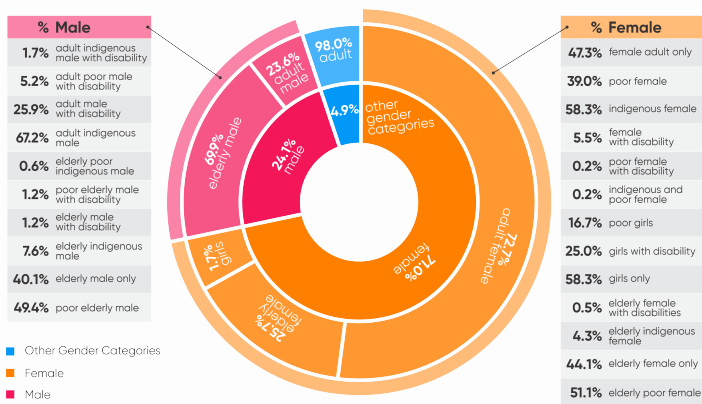
PROFILE OF VULNERABLE GROUP



Identity that contributes to the vulnerability of vulnerable groups

As explained in the methodology, this Legal Needs Survey involves 7 (seven) categories of vulnerable groups, which are female, elderly, children, indigenous people, persons with disability, gender diversity and sexual minorities, and the poor. Based on the findings, a graph was compiled which could show various vulnerability factors that were overlapping or where intersectionality of vulnerabilities found in the respondents surveyed.

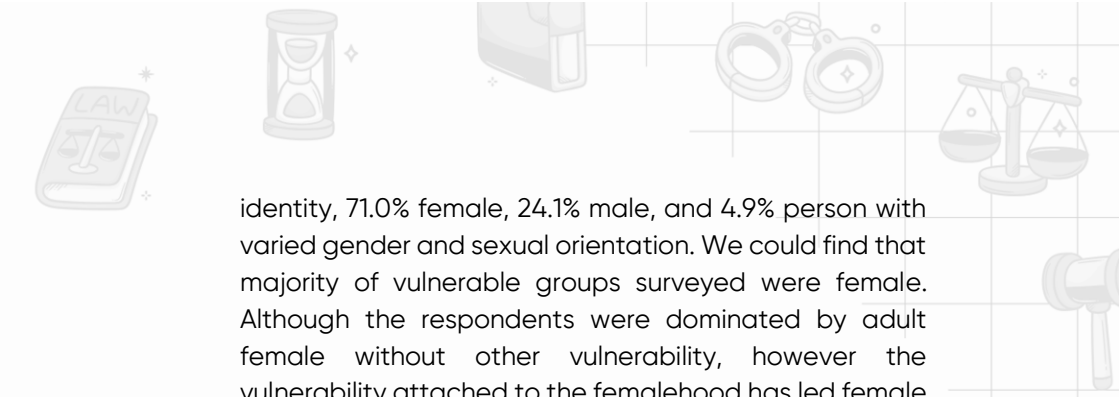
Chart 4.1 Vulnerability of vulnerable groups | n=1,020¹⁷⁶



In Graph 4.1 we could see that of 1,020 respondents, it is initially divided based on gender

¹⁷⁶ Number of total respondent could only be applied in the first (center) layer of the graph. The next layer follows the total number of respondent as in the center layer.

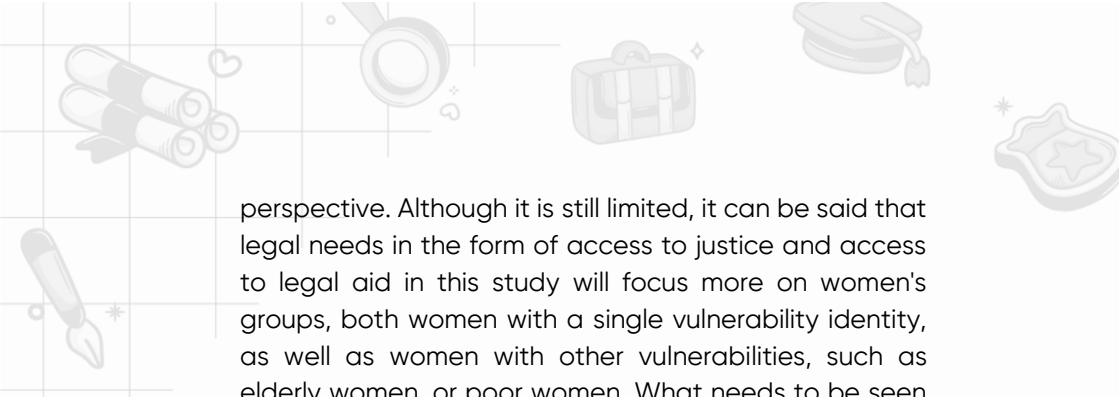




identity, 71.0% female, 24.1% male, and 4.9% person with varied gender and sexual orientation. We could find that majority of vulnerable groups surveyed were female. Although the respondents were dominated by adult female without other vulnerability, however the vulnerability attached to the femalehood has led female to various stereotypes that could result in the derogation or limitation of their rights. However, when divided further based on age and other vulnerabilities, we could see equally big proportion of poor and elderly vulnerable groups. This is shown, among others, in the amount of 25.7% of female respondents were elderly, and 69.9% of male respondents were elderly and 0.2% of the varied gender and sexual orientation were elderly. Moreover, of all elderly female, 51.5% were poor. Similar finding also found that 39.0% of all female respondents were poor. Not only female gender group, but also of all elderly male respondents 49.4% were poor. Apart from those three main groups, vulnerable groups from indigenous people, persons with disabilities, children and persons with varied gender and sexual orientation. Of all female respondents, 1.7% were girls. Of all adult female, 7.8% were belonged to indigenous people. Similarly found within the male respondents who were all adults, 67.2% were belonged to indigenous people. Moreover, of all adult male respondents, 1.2% were with disabilities and 1.2% were with disabilities and poor. Even of all adult female, 5.5% were females with disabilities.

Based on these findings, it can be seen that in viewing the vulnerability of a group, it cannot be seen as a single identity but instead through an intersectionality





perspective. Although it is still limited, it can be said that legal needs in the form of access to justice and access to legal aid in this study will focus more on women's groups, both women with a single vulnerability identity, as well as women with other vulnerabilities, such as elderly women, or poor women. What needs to be seen is that even just one vulnerability identity has a potential negative impact on respondents, especially with double/triple vulnerability factors.¹⁷⁷ Therefore, it can be said that the more vulnerability status of a woman, the more they are vulnerable to injustice or legal issues which resulted in greater legal needs. For example, women with their single identity as women alone have received many stereotypes such as women who are too emotional to do certain jobs, especially during pregnancy, women are responsible for taking care of parents and children at home, there is something wrong with women who do not want or do not have children, women do not need equal wages as men because they are supported by their husbands, women do not need to receive family allowances, women must be beautiful (white skinned, slim body), women are caregivers while men are leaders.¹⁷⁸ Will be worse when women have other vulnerabilities such as being poor, where they are considered to not need higher education because they will only end up in the kitchen (domestication),

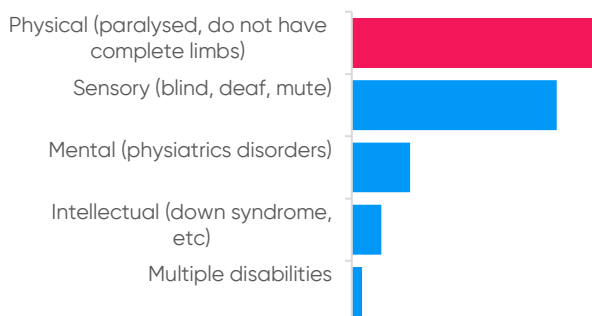
¹⁷⁷ Christian Henrik Alexander Kuran, et al., *Vulnerability and vulnerable groups from an intersectionality perspective*, International Journal of Disaster Risk Reduction, Volume 50, 2020, accessed at <https://www.sciencedirect.com/science/article/pii/S2212420920313285> on 22 December 2022

¹⁷⁸ Gender Equality Law Centre, Example of Gender Stereotypes, accessed at <https://www.genderequalitylaw.org/examples-of-gender-stereotypes> , on 6 December 2022

experience barriers to access proper reproductive health, in a polygamous relationship, can be married immediately after menstruation, or commonly known as child marriage, do not have good skills so it is enough to receive low wages, difficult to own assets, do not have the right to vote or do not involved in decision making.¹⁷⁹

📌 Detail of other status and identity of vulnerable groups

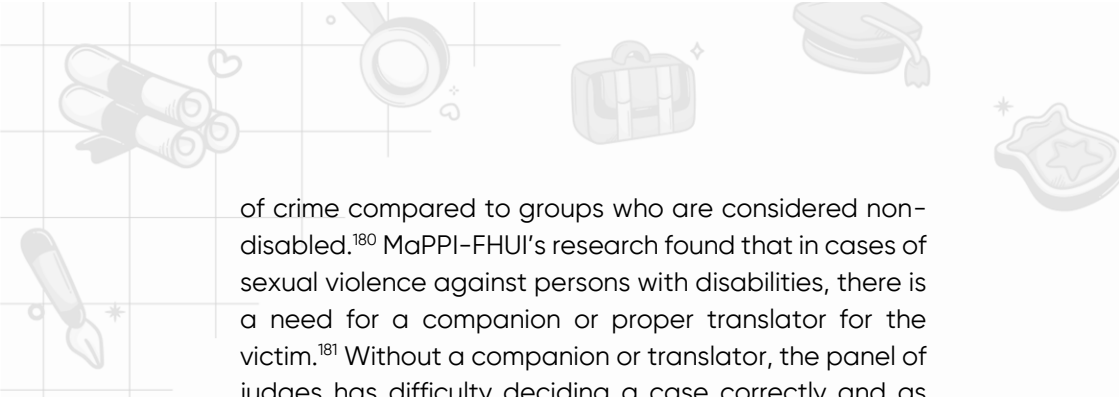
**Chart 4.2 Detail of Disability Status of Persons with Disability
Vulnerable Group | n =56**



In Graph 4.2 we could see that of all vulnerable groups that have disabilities could be categorised into physical disabilities 44.6%, sensory disabilities 37.5%, mental disabilities 10.7%, intellectual disabilities 5.4% and multiple disabilities (sensory and intellectual) 1.8%. The various categories of disabilities found in this study show that every person with disability also has legal needs. Persons with disabilities themselves have a vulnerability condition of 4 to 10 times higher risk of becoming victims

¹⁷⁹ Anna Lindqvist, et al., *The perception of the poor: Capturing stereotype content with different measures*, *Nordic Psychology*, 2017, 69:4, 231-247, accessed on 22 December 2022





of crime compared to groups who are considered non-disabled.¹⁸⁰ MaPPI-FHUI's research found that in cases of sexual violence against persons with disabilities, there is a need for a companion or proper translator for the victim.¹⁸¹ Without a companion or translator, the panel of judges has difficulty deciding a case correctly and as fairly as possible.¹⁸²

For example, in a case where the victim-witness was a person with a mute disability, it was difficult for the panel of judges to fully understand the testimony of the witness. Other barriers were found to occur frequently in situations related to persons with intellectual disabilities.¹⁸³ For example, there are conditions with disabilities that cause a person to have a mental age equivalent to the age of elementary school children (or less than 18 years), even though his/her biological age is more than elementary school children or over 18 years. What then becomes a question and needs to be discussed again with various parties and experts is whether the child examination process should be carried out using the provisions in the Juvenile Criminal Justice System Law, or the provisions in the Criminal Procedure Code (KUHAP).¹⁸⁴

¹⁸⁰ Sobsey, D. in Supriyadi Widodo Eddyono and Ajeng Gandini Kamilah, *Aspek-Aspek Criminal Justice bagi Penyandang Disabilitas (Pemetaan Keterkaitan Disabilitas dalam: UU No. 18 Tahun 2014 tentang Kesehatan Jiwa, UU No. 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, RUU Penyandang Disabilitas, Rancangan Kitab Undang-Undang Hukum Pidana, dan Rancangan Kitab Undang-Undang Hukum Acara Pidana)*, (Jakarta: Institute for Criminal Justice Reform, 2015), p. 9

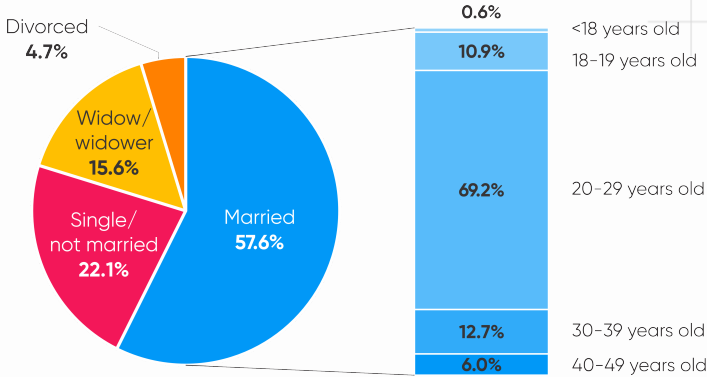
¹⁸¹ Choky Ramadhan, et.al, *Difabel dalam Peradilan Pidana (Analisis Konsistensi Putusan)*, (Depok: Badan Penerbit Fakultas Hukum Universitas Indonesia (FH UI), 2016), p. 37

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ Ibid

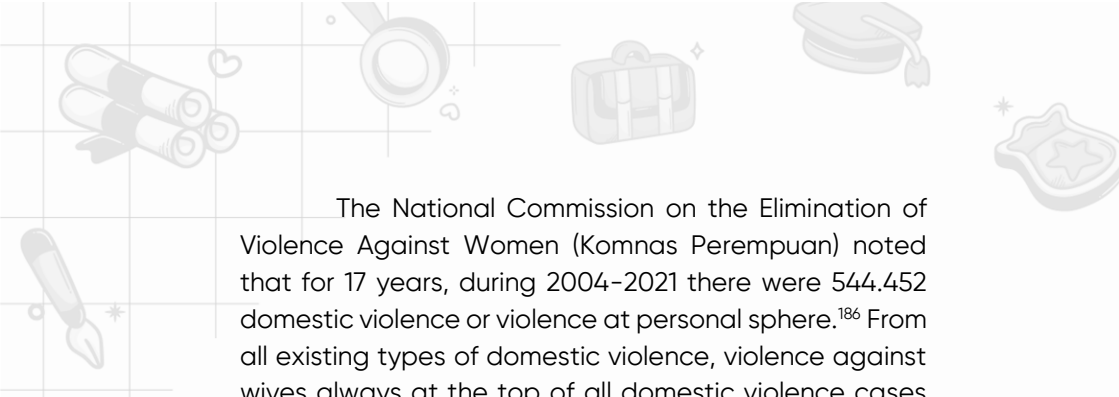
Chart 4.3a Marital Status of Vulnerable Groups | n = 1,020
Chart 4.3b Age at first marriage | n = 795



Marital status, age at marriage and acknowledgement of marital status are important in identifying vulnerabilities. Of all surveyed vulnerable groups, majority were married (57.6%), divorced or widowed who then became single parent or widow/widower (15.6%) and the rest of the respondents were single/not married (22.1%). Majority of surveyed vulnerable groups were female, both who are married, single parents, as well as single who have different vulnerabilities compared to male. One of the conditions inherent in marital status is the potential for and experience of domestic violence which is often more closely experienced by women than men, both physical, psychological, sexual and neglect.¹⁸⁵

¹⁸⁵ Deutsche Welle (DW) Online, *Perempuan Indonesia Lebih Rentan Alami KDRT*, April 2020, accessed at <https://www.dw.com/id/di-masa-corona-perempuan-indonesia-lebih-rentan-alami-kdrt/a-53126683> on 22 December 2022





The National Commission on the Elimination of Violence Against Women (Komnas Perempuan) noted that for 17 years, during 2004-2021 there were 544.452 domestic violence or violence at personal sphere.¹⁸⁶ From all existing types of domestic violence, violence against wives always at the top of all domestic violence cases and always above 70%.¹⁸⁷ Furthermore, in the household setting not only female/wives who are vulnerable to violence, but children are also potentially become victim of violence. IJRS's research on court judgments showed that of all victims of sexual violence, who were majority children (aged 6-18 years old), 13.5% experienced sexual violence perpetrated by their nuclear family members (such as father and sibling).¹⁸⁸ In addition Komnas Perempuan's data shows that in 2021 marital rape cases were the second highest of sexual violence at the personal sphere which reached 591 cases, and incests as many as 433 cases.¹⁸⁹ Therefore, women and girls in domestic context has specific legal and protection needs from violence potentials.

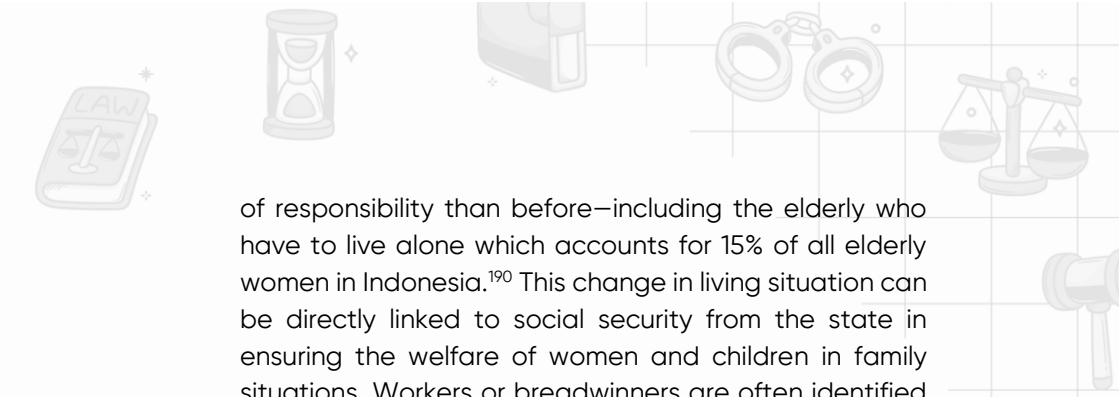
In addition, for those who are divorced or widowed are also vulnerable to changes in life situations, such as becoming a single parent with a different burden

¹⁸⁶ Kompas.com, *Sepanjang 2004-2021, Komnas Perempuan Catat 544.452 Kekerasan dalam Rumah Tangga, September 2021*, accessed at <https://nasional.kompas.com/read/2021/09/28/10181941/sepanjang-2004-2021-komnas-perempuan-catat-544452-kekerasan-dalam-rumah> on 22 December 2022

¹⁸⁷ Ibid.

¹⁸⁸ Arsa Ilmi Budiarti, et al., *Refleksi Penanganan Kekerasan Seksual di Indonesia*, p. 87

¹⁸⁹ Katadata Databoks, *Perkosaan Dominasi Kasus Kekerasan Seksual terhadap Perempuan Sepanjang 2021*, accessed at <https://databoks.katadata.co.id/datapublish/2022/03/09/perkosaan-dominasi-kasus-kekerasan-seksual-terhadap-perempuan-sepanjang-2021> on 22 December 2022



of responsibility than before—including the elderly who have to live alone which accounts for 15% of all elderly women in Indonesia.¹⁹⁰ This change in living situation can be directly linked to social security from the state in ensuring the welfare of women and children in family situations. Workers or breadwinners are often identified with men¹⁹¹ and when the husband is divorced or died, social security such as *BPJS Ketenagakerjaan* will only belong to the man as a worker. *BPJS Ketenagakerjaan*'s data for 2021 states that only around 36% (8.6 million) of women are active participants in the employment social security program.¹⁹² In addition, for poor women, most of the homeworkers only get wages without any benefits.¹⁹³ Employers do not provide employment benefits or compensation/assistance to homeworkers for their health when they are sick or when they have a work accident.¹⁹⁴ So that the potential for widows and poor

¹⁹⁰ Based on summary of elderly citizens data in National Socio-Economic Survey (*Susenas*) 2021, in Sri Kusumastuti Rahayu, Akses Penduduk Lanjut Usia terhadap Perlindungan Sosial di Daerah Istimewa Yogyakarta, August 2022, as a report of The National Team for the Acceleration of Poverty Reduction (TNP2K), accessed at https://smeru.or.id/sites/default/files/events/sri_kusumastuti_tnp2k_-_akses_lansia_terhadap_perlindungan_sosial_di_yogyakarta_1.pdf on 22 December 2022

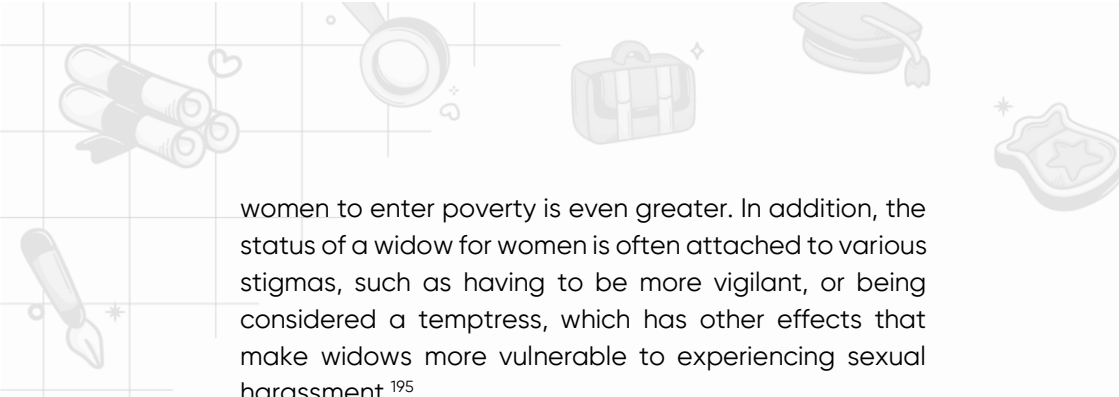
¹⁹¹ The Labor Force Participation Rate (TPAK) of women is still much lower than that of men, namely 53.1% (women) compared to 82.4% (men) based on the Indonesian Statistics (BPS) National Labor Force Survey (*Sakernas*) in 2021. In addition, wage gaps between male and female workers, both in the formal and informal sectors, still occur. The most striking wage gap is found in the informal sector, where the average wage received by female workers is only around 45% of that of male workers. The complete reference is at TNP2K, *The Urgency of Gender Equality in the Social Insurance for Employment Program*, accessed at <https://www.tnp2k.go.id/articles/the-urgency-of-gender-equality-in-the-social-insurance-for-employment-program> on 22 December 2022

¹⁹² TNP2K, *The Urgency of Gender Equality in the Social Insurance for Employment Program*, accessed at <https://www.tnp2k.go.id/articles/the-urgency-of-gender-equality-in-the-social-insurance-for-employment-program> on 22 December 2022

¹⁹³ Ana Rosidha Tamyis, et al., Laporan Penelitian Smeru: Laporan Tematik Studi Midline MAMPU Tema 2: Akses Perempuan Miskin Pekerja Rumahan terhadap Perlindungan Sosial Tenaga Kerja, (Jakarta: The SMERU Research Institute, 2019), p. 38

¹⁹⁴ *Ibid.*





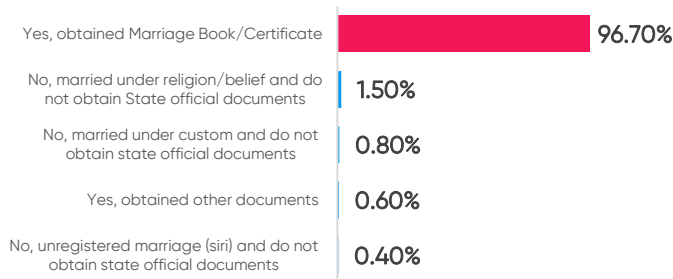
women to enter poverty is even greater. In addition, the status of a widow for women is often attached to various stigmas, such as having to be more vigilant, or being considered a temptress, which has other effects that make widows more vulnerable to experiencing sexual harassment.¹⁹⁵

The data above also shows that of all vulnerable groups who are married, there are 0.6% of the vulnerable groups who are married under the age of 18 (children's age), and there are 10.9% who are married at the age of 18-19 years. In other words, there are 11.5% who married for the first time under the age set as the marriage age limit in Law No. 16 Year 2019 on Marriage. Even though marriages could be carried out before the law was passed, the relatively high number of child marriages is shown in the data of this study. Child marriage itself is closely related to post-marital impacts which can increase women's vulnerabilities in the form of the potential for divorce, dropout of education, domestic violence, and even poverty.¹⁹⁶ However, further separated research needs to be carried out to find out to what extent the experience of underage marriage can contribute to women's vulnerability.

¹⁹⁵ Lyn Parker & Helen Creese, *The Stigmatization of Widows and Divorcees (janda) In Indonesian Society*, (Indonesia and the Malay World, 2016), 44:128, 1-6, DOI: 10.1080/13639811.2015.1111647, p. 1 accessed at <http://digilib.uinsgd.ac.id/30385/1/The%20stigmatisation%20of%20widows%20and%20divorcees%20janda%20in%20Indonesia%20and%20the%20possibilities%20for%20a%20agency.pdf> on 26 November 2022

¹⁹⁶ Kelompok Kerja Perempuan dan Anak Mahkamah Agung RI, *Buku Saku Pedoman Mengadili Perkara Dispensasi Kawin*, (Jakarta: IJRS, 2020), pp. 11-23

Chart 4.4 Status of Marriage Registration by the State for Vulnerable Groups | n = 795



The above mentioned potential vulnerability can be multiplied if the couple whose marriage is not recognized by the state or is not registered. In this study, there were couples whose marriages were carried out without state documents, both religiously (1.5%), custom marriages (0.8%), and other forms of unregistered marriage (0.4%). Women whose marital status is not recorded, are vulnerable to neglect, polygamy, and their rights as wives are not recognized by the state.¹⁹⁷ Not only that, not registering marriages can have an impact on the welfare of children and also families. According to the Indonesian Child Protection Commission (KPAI), unregistered marriages can hinder the fulfillment of children's rights such as the right to identity, the right to social security to the right to education¹⁹⁸ including

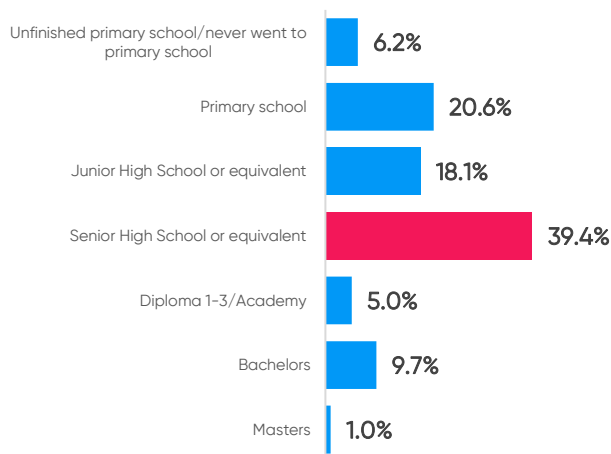
¹⁹⁷ As many as 44% of girls who got married experience domestic violence with a high frequency. The remaining 56% of girls experience low frequency domestic violence. Apart from the high rate of domestic violence, child marriage also has an impact on the reproductive health of girls, in PSKK UGM and Plan Indonesia, *Laporan Akhir Pernikahan Anak di Indonesia Tahun 2011*, (Yogyakarta: PSKK UGM, 2011)

¹⁹⁸ Komisi Perlindungan Anak Indonesia (KPAI), *Perkawinan Tidak Dicatatkan: Dampaknya bagi Anak*, June 2013, accessed at <https://www.kpai.go.id/publikasi/tinjauan/perkawinan-tidak-dicatatkan-dampaknya-bagi-anak> on 22 December 2022



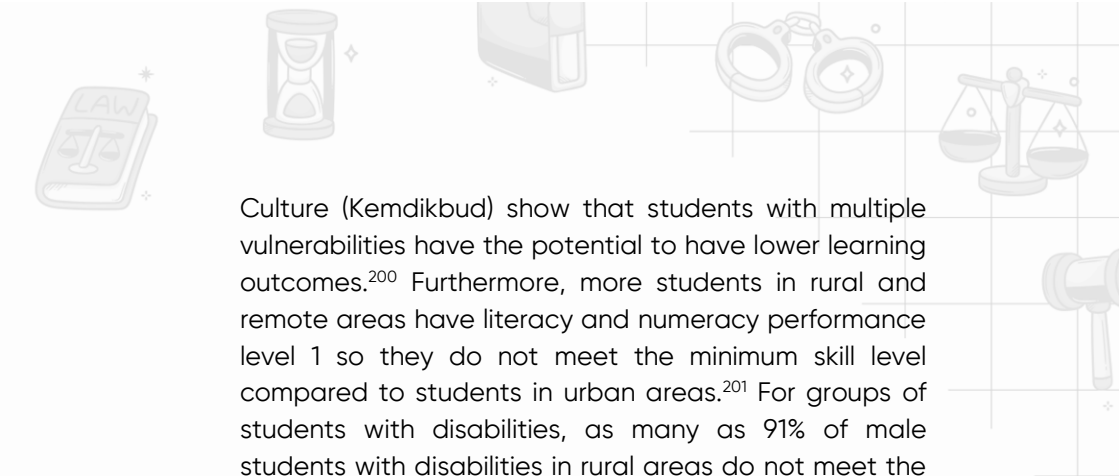
allowances for children in family situations which can only be obtained if there is a recorded relationship not only with women as mothers but also fathers.¹⁹⁹ The non-fulfillment of the rights of children and women as wives in situations of unregistered marriages can potentially increase women's vulnerabilities.

Chart 4.5 Education Status of Vulnerable Groups | n = 1,020



This study also looked at the educational status of the vulnerable groups surveyed, where the majority had senior high school education (SMA) or equivalent (39.4%) and junior high school (SMP) as much as 18.1%, and primary school (SD) as much as 20.6% and did not finish elementary school or did not attend school as much as 6.2%. Research results from the Ministry of Education and

¹⁹⁹ Hukumonline.com, *Apakah Anak Luar Kawin Berhak atas Manfaat BPJS?*, December 2018, accessed at <https://www.hukumonline.com/klinik/a/apakah-anak-luar-kawin-berhak-atas-manfaat-bpjs-1t4fedc70245b6e> on 22 December 2022



Culture (Kemdikbud) show that students with multiple vulnerabilities have the potential to have lower learning outcomes.²⁰⁰ Furthermore, more students in rural and remote areas have literacy and numeracy performance level 1 so they do not meet the minimum skill level compared to students in urban areas.²⁰¹ For groups of students with disabilities, as many as 91% of male students with disabilities in rural areas do not meet the minimum skill level. Meanwhile, the number of male students with disabilities in urban areas who do not meet the minimum skills reaches 82%. The research data also shows that 75% of students living in rural areas do not reach the minimum literacy level. A similar condition also occurs for 83% of students with disabilities and 68% of children who use local languages instead of Bahasa Indonesia. Female students also tend to lose more learning outcomes during the COVID-19 pandemic.²⁰² The educational level status of vulnerable groups in this survey which tends to indicate secondary to lower education levels can be affected by access to educational institutions both geographically, financially, and other social situations such as COVID-19, and can include discrimination based on gender or against persons with disabilities.²⁰³ Lower levels of education are closely related to lower incomes, which may also have

²⁰⁰ Jawapos.com, *UNICEF Cermati Dampak Pandemi ke Siswa Kelompok Rentan dan Disabilitas*, accessed at <https://www.jawapos.com/nasional/pendidikan/08/12/2022/unicef-cermati-dampak-pandemi-ke-siswa-kelompok-rentan-dan-disabilitas/> on 22 December 2022

²⁰¹ Ibid.

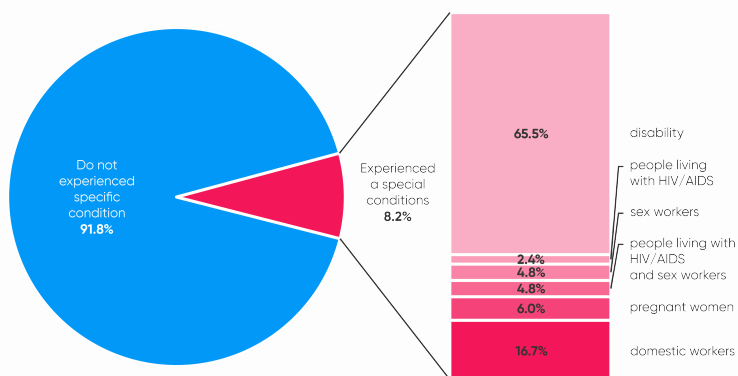
²⁰² Ibid.

²⁰³ Rifka Fachrunnisa, *Education of Indonesian Girls: The Outlook of Discrimination, Rights, and the Impact on Society*, World Conference on Gender Studies, 2020, KnE Social Sciences, pp. 349–359.



implications for poorer welfare and health conditions.²⁰⁴ In other words, the low level of education can contribute to adding to the vulnerabilities that are already owned by vulnerable groups which can then affect the legal needs of those who are required to face the law.

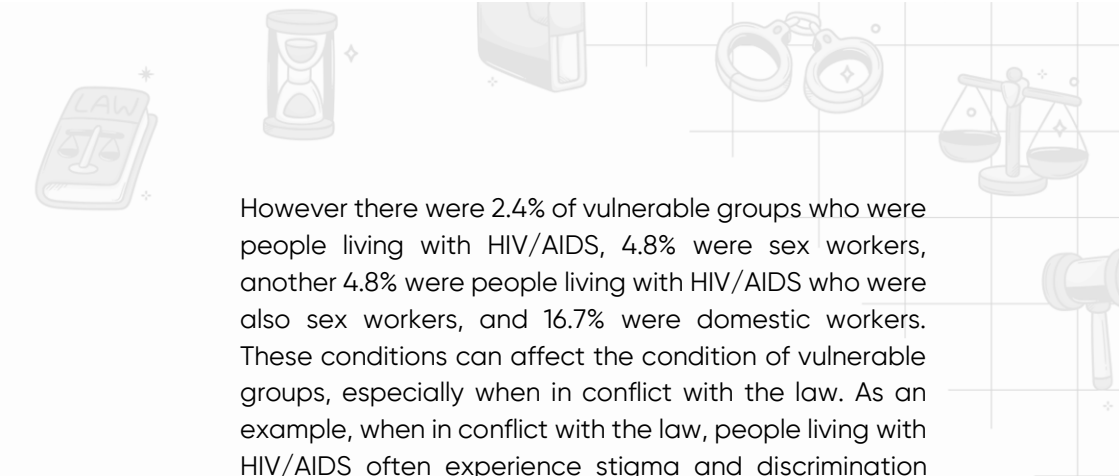
Chart 4.6 Other Special Vulnerability Conditions of Vulnerable Groups | n = 1,020



In addition to disability, education level, and marital status, this study also looked at other special conditions related to other vulnerabilities to show the profile of the group studied in a more comprehensive manner. Respondents with special conditions in question are health, employment or other situations that have the potential to add a higher or multiple level of vulnerability to respondents in the form of stigmatization, discrimination, and also experiencing violence and more difficulties in accessing basic rights. Of all respondents, the majority did not have special condition (91.8%).

²⁰⁴ Tulane University, *Education as a Social Determinant of Health*, January 27, 2021, accessed at <https://publichealth.tulane.edu/blog/social-determinant-of-health-education-is-crucial/> on 22 December 2022





However there were 2.4% of vulnerable groups who were people living with HIV/AIDS, 4.8% were sex workers, another 4.8% were people living with HIV/AIDS who were also sex workers, and 16.7% were domestic workers. These conditions can affect the condition of vulnerable groups, especially when in conflict with the law. As an example, when in conflict with the law, people living with HIV/AIDS often experience stigma and discrimination from law enforcement officials, which causes their identity to be disclosed without consent, hampered access to health services and medicines, and other legal rights which tend to be ignored.²⁰⁵ Another example, domestic workers or also known as household assistants can have a higher vulnerability when required to face the law. This is because domestic workers are in a work situation that does not have the legal norms of formal workers, supervision from an authorized agency or a work contract.²⁰⁶ Given these conditions, some problems are usually faced by domestic workers and require protection, including the problem of low or unpaid wages, unlimited working hours, inadequate supporting facilities for domestic workers for security, health and safety, entitlements to holidays or leave, the burden of unrestricted work and vulnerability to physical violence and human rights violations.²⁰⁷ These conditions can further encourage the existence of special legal needs for vulnerable groups.

²⁰⁵ Bestha Inatsan Ashilla, et al., *Kompendium Pendamping ODHA Berhadapan dengan Hukum*, (Depok: Badan Penerbit FHUI, 2020), pp. 80-90

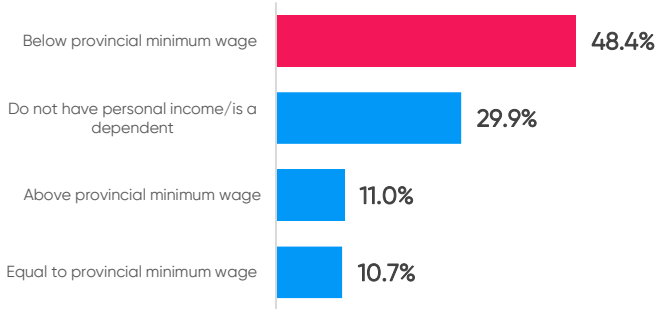
²⁰⁶ Ida Hanifah, *Kebijakan Perlindungan Hukum Bagi Pekerja Rumah Tangga Melalui Kepastian Hukum*, Jurnal Legislasi Indonesia, Vol 17 No. 2 - Juni 2020: 193-208 accessed at https://jdihi.go.id/files/804/jurnal%20hukum_2020_669-2256-1-pb.pdf on 22 December 2022

²⁰⁷ Ibid.



Economic status of vulnerable groups

Chart 4.7 Monthly Income of Vulnerable Groups | n = 1,020



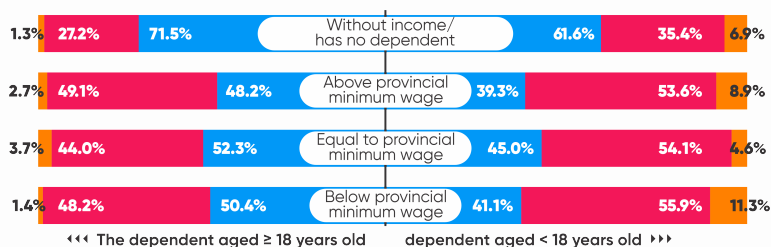
Monthly income in this study is explained as all funds obtained to finance the household. Most of the vulnerable groups surveyed, namely 48.4% had an income below the Provincial Minimum Wage (UMP), and another 10.7% had an income equal to the Provincial Minimum Wage, and only 11% had income above the Provincial Minimum Wage. Meanwhile, the rest have no income or are still dependents (29.9%). The minimum wage for each province is different, with the determination basis considers the variables of economic growth, inflation and certain index.²⁰⁸ While the main purpose of the Provincial Minimum Wage is as one of the efforts to realize the rights of workers/laborers to a decent living for humanity and to meet the needs of daily life.²⁰⁹ Therefore, income below the UMP can have an impact on people's ability to meet their basic needs. Not

²⁰⁸ Ministry of Manpower. Minister of Manpower Regulation No.18 Year 2022 on The Determination of Minimum Wage 2023 Article 6 paragraph (2).

²⁰⁹ Arrista Trimaya, *Pemberlakuan Upah Minimum Dalam Sistem Pengupahan Nasional Untuk Meningkatkan Kesejahteraan Tenaga Kerja*, Jurnal Aspirasi Vol. 5 No. 1, 2014, pp. 11-20

only that, low income also has the potential to affect the choice in the pattern of solving problems through the legal process, especially if you have to finance the settlement of these legal problems independently. This is in line with the findings of the National Labor Force Survey (*Sakernas*) in February 2021, where as many as 49.67% of workers are still paid below the minimum wage or almost half of the total workers in Indonesia are paid below standard.²¹⁰

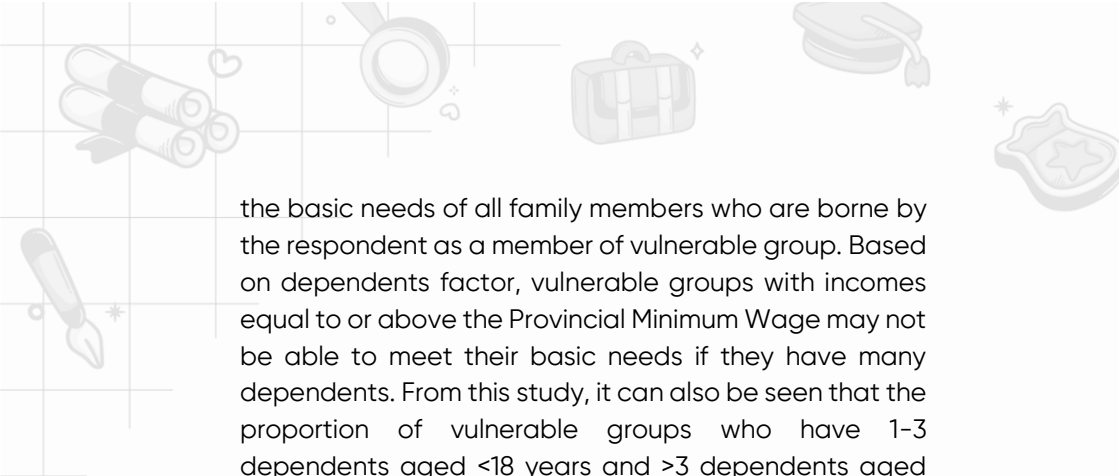
Chart 4.8 Number of Dependent of Vulnerable Groups Based on Income | n = 1,020



In the graph above it can be seen that the majority of vulnerable groups whose income is below the Provincial Minimum Wage (55.9%) have 1-3 dependents aged <18 years. Dependents in this study are seen as people who are paid for by you/your spouse for their needs, including people who do not live in the same house but are covered for their monthly needs. In looking at the economic capacity of the community through income levels, the number of dependents is identified to analyze whether the income earned is sufficient to meet

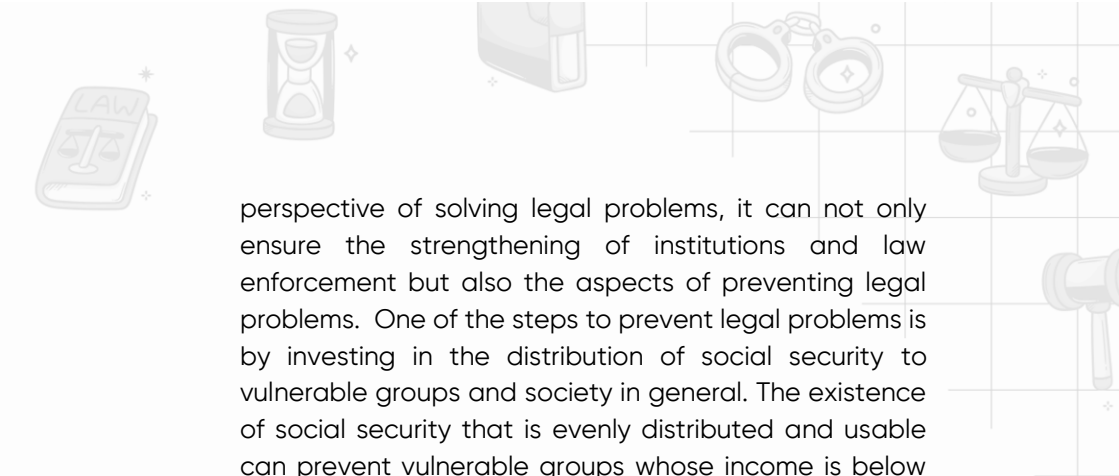
²¹⁰ Kompas TV, *Sebagian Besar Pekerja di Indonesia Digaji di Bawah Standar Upah Minimum*, Oktober 2021, accessed at <https://www.kompas.tv/article/218255/sebagian-besar-pekerja-di-indonesia-digaji-di-bawah-standar-upah-minimum> on 22 December 2022





the basic needs of all family members who are borne by the respondent as a member of vulnerable group. Based on dependents factor, vulnerable groups with incomes equal to or above the Provincial Minimum Wage may not be able to meet their basic needs if they have many dependents. From this study, it can also be seen that the proportion of vulnerable groups who have 1-3 dependents aged <18 years and >3 dependents aged <18 years are those whose income is below the Provincial Minimum Wage. In other words, vulnerable groups—with their existing vulnerability factors—are still required to sponsor more than 1 person on conditions of income that are below the minimum standard. This can make it difficult for vulnerable groups to get out of poverty. Moreover, if the poor vulnerable groups sponsor children who are likely to find it difficult to get out of the poverty trap.

The SMERU Research Institute stated in its study that children born to poor families tend to earn less in their adulthood where the income of poor children as adults is 87% lower than those who have not lived in poor families since childhood. This shows that the poverty trap experienced can have a long-term impact on the lives of vulnerable groups and the children they support—which are likely to be part of other vulnerable groups. Family poverty will limit children's access to various opportunities (e.g to get education and health services) that are actually needed to improve their economic conditions. Poverty can be a major contributor to a person's vulnerability which then makes them more likely to experience legal problems. Therefore, in the

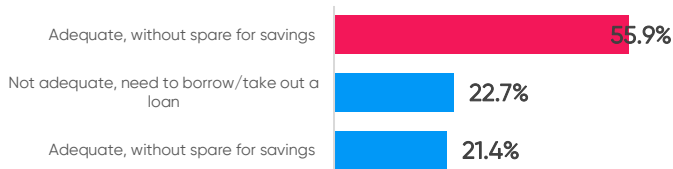


perspective of solving legal problems, it can not only ensure the strengthening of institutions and law enforcement but also the aspects of preventing legal problems. One of the steps to prevent legal problems is by investing in the distribution of social security to vulnerable groups and society in general. The existence of social security that is evenly distributed and usable can prevent vulnerable groups whose income is below the provincial minimum wage to be able to meet their basic needs so that the potential to experience legal problems can be reduced. Gaps in social protection coverage and inadequate benefits can exacerbate conditions of insecurity and economic inequality, including gender inequality, and can also undermine economic conditions and social cohesion in the communities.

“
77.9% of surveyed indigenous people had income below the provincial minimum wage. In addition, 65.4% of them had 2 dependents under 18 years old. This condition is quite different from the other vulnerable groups such as persons with disabilities and elderly who although have income below the provincial minimum wage, but do not have any dependents. These findings show that intervention in economic welfare also need to be ensured especially for indigenous people who are required to deal with the law.
”



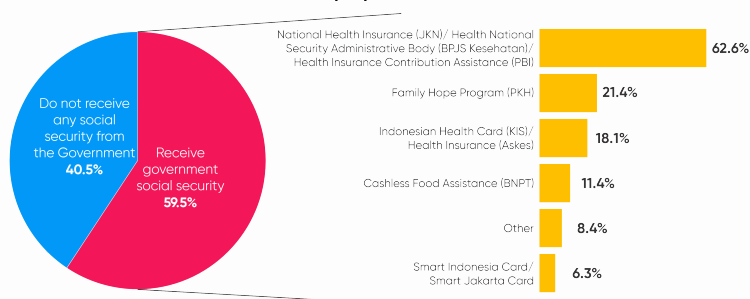
Chart 4.9 Vulnerable Groups' Income Adequacy for Household Spending | n = 1,020



An illustration of the adequacy of income to meet monthly needs can be seen in the chart above, where 22.7% of the vulnerable groups stated that their income was not sufficient, so they needed to take out loan. Even though the majority of vulnerable groups stated that their income was sufficient, they still had nothing left to save (55.9%). Only 21.4% of respondents stated that there was some left over for savings or for other purposes every month. This shows that the economic conditions of vulnerable groups are not sufficient to deal with legal problems which incidentally incur costs such as transportation, communication, and legal case fees. In several other countries, there is a practice where insurance pays for legal disputes or what is known as Legal Expenses Insurance (LEI). However, this practice is still limited to legal issues related to asset ownership, employment, corporations and so on. The existence of this lawsuit costs insurance can protect against legal fees and expenses of some common legal problems, including providing affordable access to legal counsel and representation in court when individuals or business owners are faced with unexpected legal issues and whom may face challenges when have to exercise their legal rights due to the huge costs involved. In simple terms, this concept can help people who have legal problems to have the costs of their legal proceedings

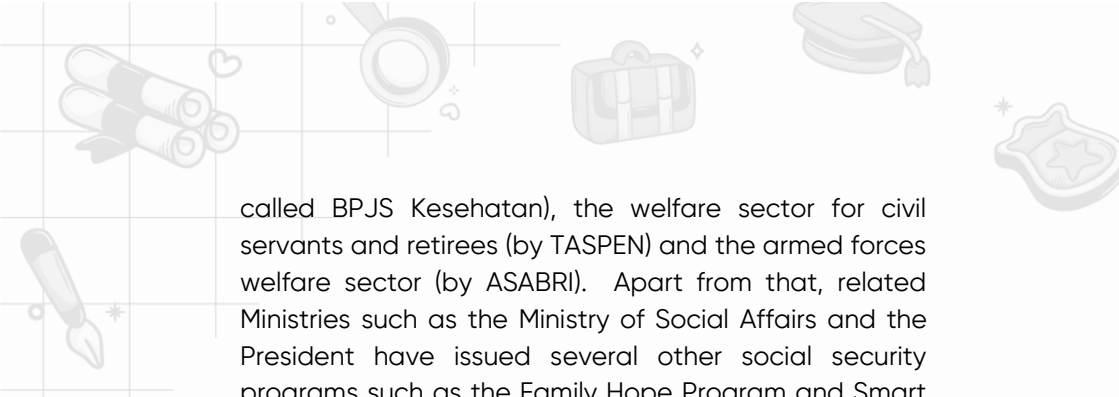
covered by the insurance service provider, just like the concept of health care insurance. But even so, it needs to be re-examined in more depth about how it can be implemented in Indonesia, including how this guarantee of protection against the costs of legal disputes can be integrated with the health protection system and/or other social guarantees that exist in Indonesia as government programs—especially to provide guarantee of legal protection for vulnerable groups with their respective legal needs.

Chart 4.10 Government Social Security Received by Vulnerable Groups | n = 1,020



The availability of social security can be one of the safety nets so that people can continue to access their basic rights properly, especially for low-income vulnerable groups. In Indonesia, arrangements regarding social security are regulated in Law No. 40 Year 2004 on Social Security System. Social security is defined as a form of social protection to ensure that all people can meet their basic needs for a decent life. In this law, social security from the state is provided in the field of employment (by Jamsostek or now it is called BPJS Ketenagakeraan), the health sector (by Askes or now it is



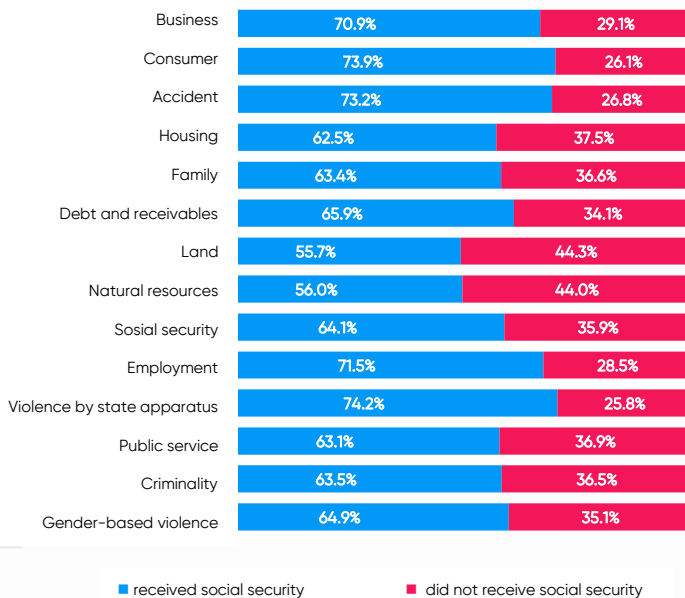


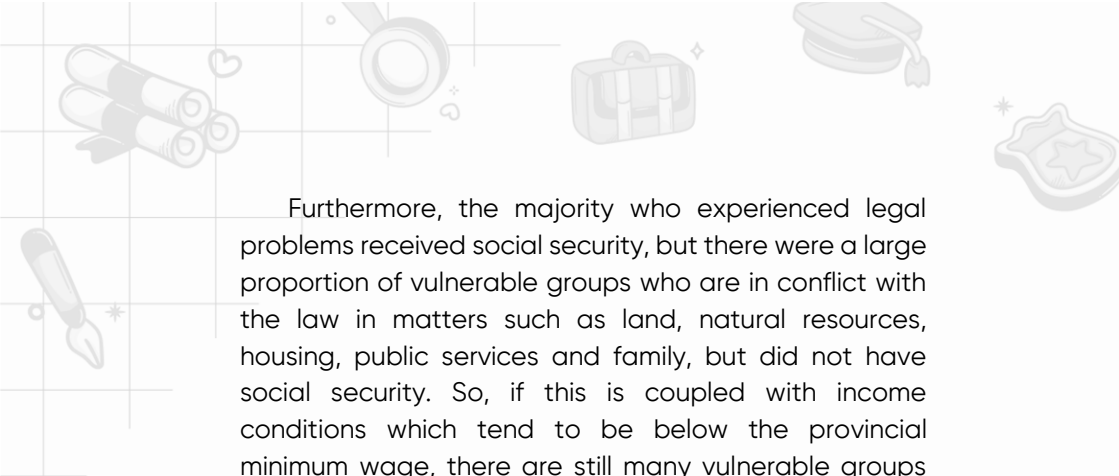
called BPJS Kesehatan), the welfare sector for civil servants and retirees (by TASPEN) and the armed forces welfare sector (by ASABRI). Apart from that, related Ministries such as the Ministry of Social Affairs and the President have issued several other social security programs such as the Family Hope Program and Smart Indonesia Cards to ensure that children's rights to education can continue to be fulfilled as well as Cashless Food Assistance (BPNT) . The findings of this study shows that the proportion of vulnerable groups who stated that they did not receive any program or social security was quite high, namely 40.5%. Meanwhile, of all vulnerable groups who receive social security, they get it through the BPJS (Social Security Administrative Agency) program as Recipients of Health Insurance Contribution Assistance (PBI) , which is 37.3% and the Family Hope Program (PKH) , which is 12.7%.

From the above findings it can be seen that social security mostly owned by vulnerable groups is in the health and education sectors. Unfortunately, not many vulnerable groups receive social guarantees or assistance to improve their economic conditions. This social security is important considering that the economic conditions of vulnerable groups, as described above, are still insufficient when it comes to meeting their basic needs and also supporting them in dealing with legal problems. In addition, the relatively large proportion of vulnerable groups who experience legal problems but do not receive social security indicates that the distribution of social security is uneven and cannot be reached by all vulnerable groups.

“
Social security from the government found in this study only focused on the elderly and poor groups. Most of the elderly (40.9%) and poor (41.2%) groups have National Health Insurance such as BPJS. However, other groups such as persons with disabilities and indigenous people who were surveyed stated that the majority do not have any kind of social security from the government.
 ”

Chart 4.11 Ownership of Social Security by Vulnerable Groups for Legal Issues Owned | n = 1,020





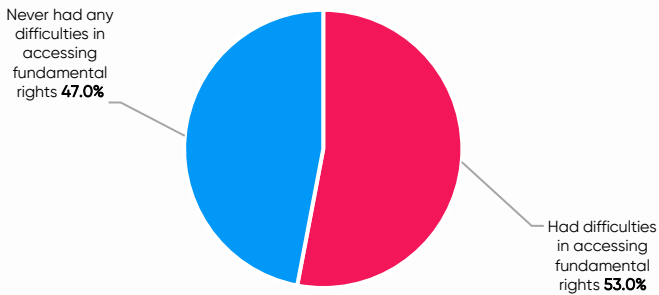
Furthermore, the majority who experienced legal problems received social security, but there were a large proportion of vulnerable groups who are in conflict with the law in matters such as land, natural resources, housing, public services and family, but did not have social security. So, if this is coupled with income conditions which tend to be below the provincial minimum wage, there are still many vulnerable groups who are in conflict with the law who do not have more economic conditions and do not have the necessary social protection guarantees for the impact of the legal problems they experience. Moreover, legal problems experienced most by vulnerable groups without any social security were land, natural resources and housing, where these problems are often closely related to housing or land which is a source of income. So, when dealing with these problems, vulnerable groups will be even more vulnerable to losing their homes and sources of income which is then exacerbated by the lack of social security which can have a long-term impact on poverty. Therefore, as explained above, state investment in social security can contribute to better welfare for the community, including minimizing the occurrence of legal problems in the future. This is because the vulnerable groups (e.g. the poor and low income) are more prone to experiencing legal problems.



CONDITIONS CONTRIBUTING TO THE VULNERABILITY OF VULNERABLE GROUPS

Vulnerable groups' experience of difficulties in accessing fundamental rights

Chart 4.12 Vulnerable groups' experience in accessing fundamental rights | n = 1,020



The level of difficulty for respondents to be able to access basic rights were quite high, reaching 53.0%. It was further shown that the highest obstacle experienced by vulnerable groups was access to social security (16.8%) and health insurance (13.0%) which could be directly related to the economic level and social security ownership of vulnerable groups. Vulnerable groups with incomes below the provincial minimum wage, accompanied by conditions of insufficient income and obstacles to obtaining the right to social security and the right to health insurance, will find it increasingly difficult to get a decent life. The fundamental rights referred above are fundamental rights in accordance with the Universal Declaration of Human Rights (UDHR). This unfulfillment of the right to social security is in line with previous findings where there is a large proportion

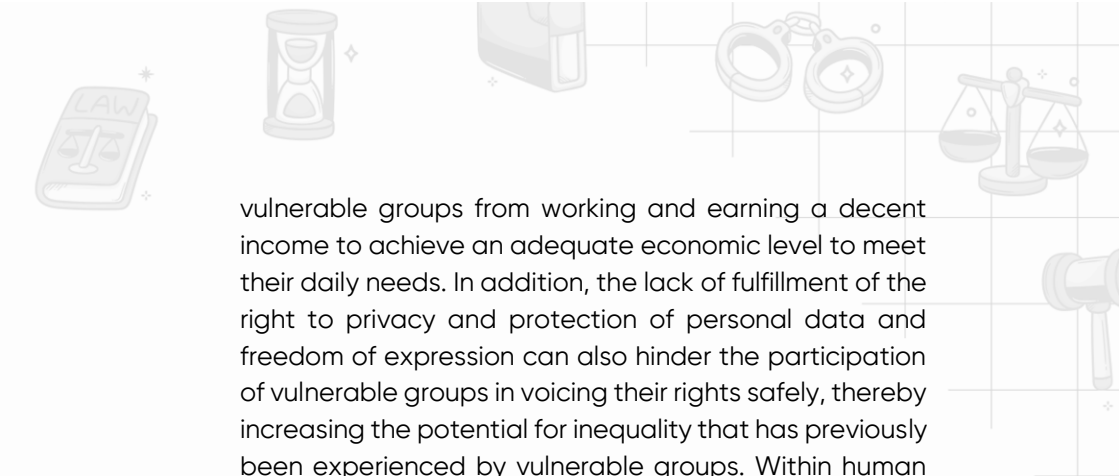




of vulnerable groups who do not have social security. The difficulty of fulfilling the right to social security can be caused by several factors including the overlapping social assistance programs as well as its target group so that their implementation is not effective, the low allocation of the social security budget, minimal and not yet universal integration with local government, lack of community involvement when collecting data, to the weakness of the complaint system at the regional level regarding malpractice or maladministration of social assistance.²¹¹ These various factors have contributed to making the access of vulnerable groups to social security increasingly hampered even though the need for strong social security is urgently needed, especially for vulnerable groups who are in conflict with the law. In addition, there are also obstacles to the fulfillment of civil and political rights, including the right to life, security and freedom (12.5%), the right to equality (10.5%) followed by obstacles to other rights such as the right to privacy, protection, and freedom of expression.

Difficulties in fulfilling these rights can affect the vulnerability of vulnerable groups to a life that is free from stigmatization, discrimination, violence, and various crimes. Not fulfilling social security rights could trigger vulnerable groups to be increasingly trapped in poverty and inadequate livelihoods so that the potential for experiencing legal problems is even higher. Likewise, the non-fulfillment of the right to health insurance will hinder

²¹¹ Tempo.co Magazine, *Program Bantuan Pemerintah Belum Merata*, accessed at <https://majalah.tempo.co/read/info-tempo/164745/program-bantuan-pemerintah-belum-merata> on 26 December 2022



vulnerable groups from working and earning a decent income to achieve an adequate economic level to meet their daily needs. In addition, the lack of fulfillment of the right to privacy and protection of personal data and freedom of expression can also hinder the participation of vulnerable groups in voicing their rights safely, thereby increasing the potential for inequality that has previously been experienced by vulnerable groups. Within human rights context, there is a principle of interdependence between one right and another.²¹² So, if there is one or more access to fundamental rights that are not fulfilled, it can affect access to other rights. So that it can be said that the conditions for fulfilling the rights of vulnerable groups must ensure that their fulfillment is intersectional, especially when vulnerable groups are conflicting with the law due to the unfulfillment of their basic rights.

In the findings above, it can be seen that there is a fairly large proportion of vulnerable groups who have never experienced difficulties accessing fundamental rights guaranteed in the UDHR, which was 47.0%. This could be due to the basic rights in the UDHR which are more focused and have nuances of civil and political rights that are less related to vulnerable groups from the poor (which make up one of the majority of respondents in this study). We take note for future researches to include the analysis on the fulfillment of economic, social and cultural rights which are also regulated in the International Covenant on Economic, Social and Cultural

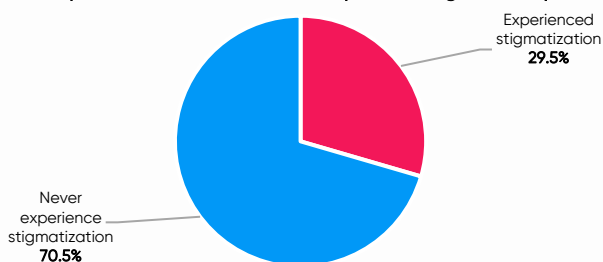
²¹² Actionaid, *Human rights: universal, inalienable and indivisible*, accessed at <https://actionaid.org/opinions/2019/human-rights-universal-inalienable-and-indivisible> on 26 December 2022



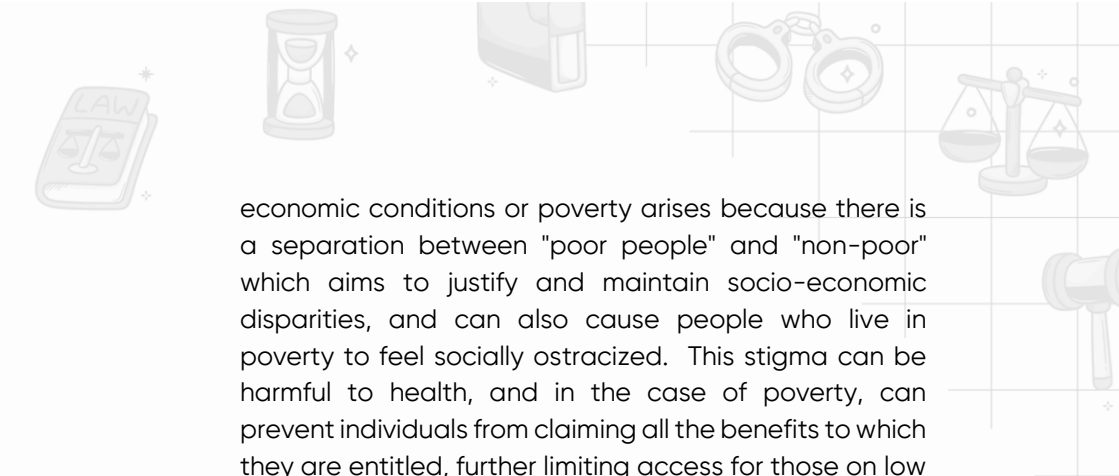
Rights (ICESCR). However, this also shows that access to other basic rights (e.g. civil and political) is not a challenge for other vulnerable groups or cannot be comprehensively described through this study.

🔗 Experience of Stigmatization against Vulnerable Groups

Chart 4.13 Experience of Vulnerable Groups who Stigmatized | n = 1,020



Stigmatization can occur due to social construction in society that views certain groups of people negatively so that various labels are attached to them. From the results of this study there were 29.5% of the vulnerable group who stated that they had experienced stigmatization. Of all those who had experienced this stigmatization, the most were said to have received a negative label because of their economic status (10.4%), their social status (7.5%), their status as victims or perpetrators of criminal acts (5.0%), and because of sexual orientation and gender differences (3.6 %). Stigma can be the beginning of the emergence of various discriminatory actions and even violence against stigmatized groups. These findings are in line with the low economic status of vulnerable groups and the difficulty in obtaining social security to support their basic needs so that they often experience stigma related to their economic condition. Stigma towards



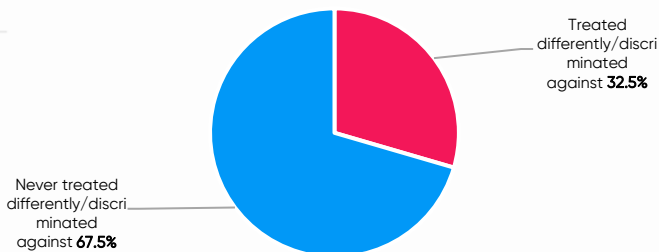
economic conditions or poverty arises because there is a separation between "poor people" and "non-poor" which aims to justify and maintain socio-economic disparities, and can also cause people who live in poverty to feel socially ostracized. This stigma can be harmful to health, and in the case of poverty, can prevent individuals from claiming all the benefits to which they are entitled, further limiting access for those on low incomes. In other words, the existence of stigma against vulnerable groups can add to their vulnerability factors and further hinder vulnerable groups' access to basic needs. The more limited access to basic needs fulfillment, the more vulnerable groups are to experience legal problems and the stigmatized condition can further hinder vulnerable groups from accessing justice. For example, people with disabilities as a vulnerable group are often considered unable to make decisions, will always need or depend on other people, and are even considered to not have sufficient intellectual intelligence/knowledge.

From the findings above it can also be seen that the majority of the vulnerable group, namely 70.5%, actually stated that they had never experienced stigmatization in the forms above. One possibility that could arise is that vulnerable groups are not aware that they are suffering from the negative label mentioned above, so they think that what is happening to them is normal. However, this needs to be studied further in relation to meeting the legal needs of vulnerable groups.



Experience of Discrimination against Vulnerable Groups

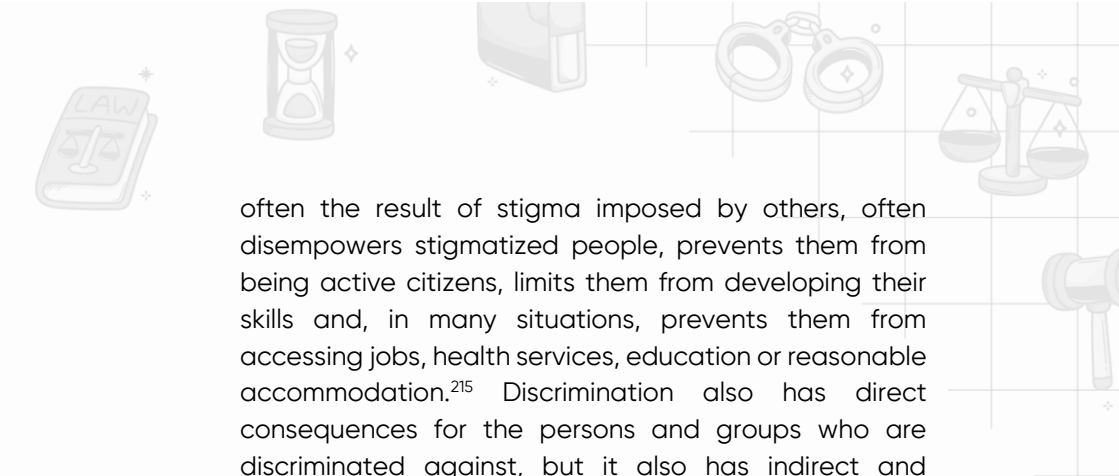
Chart 4.14 Vulnerable Groups' Discrimination Experience | n = 1,020



In this study it is also found that 32.5% of vulnerable groups also experienced discriminatory treatment. The interesting thing is that the order of the level of discrimination is almost all linear with the level of stigmatization – except discrimination based on area of residency (5.5%) – where discrimination is experienced because of economic status (11.7%), social status (8.1%) and being a victim/ perpetrators of criminal acts (3.5%). This shows that stigma is closely related to discrimination since stigma can lead to discrimination²¹³ which can further hinder vulnerable groups from accessing their basic rights.²¹⁴ Discrimination occurs when someone is treated less favorably than others in comparable situations simply because they belong to, or are perceived to belong to, a particular group or category of people. People may be discriminated against because of age, disability, ethnicity, origin, political beliefs, race, religion, sex or gender, sexual orientation, language, culture and many other reasons. Discrimination, which is

²¹³ Further details are available at <https://www.cdc.gov/hiv/basics/hiv-stigma/index.html>

²¹⁴ Council of Europe, *Discrimination and Intolerance*, accessed at <https://www.coe.int/en/web/compass/discrimination-and-intolerance> on 26 December 2022



often the result of stigma imposed by others, often disempowers stigmatized people, prevents them from being active citizens, limits them from developing their skills and, in many situations, prevents them from accessing jobs, health services, education or reasonable accommodation.²¹⁵ Discrimination also has direct consequences for the persons and groups who are discriminated against, but it also has indirect and profound consequences for society as a whole. A society in which discrimination is allowed or tolerated is one in which people cannot freely use their full potential for themselves and for society.²¹⁶ For example, discrimination against indigenous peoples who are considered not to have adequate resources causes them to be prevented from obtaining access to education, health, legal protection and access to proper housing and natural resources.²¹⁷

This finding also shows that the majority of vulnerable groups, namely 67.5%, stated that they had never been treated differently or experienced discrimination – which is still linear with findings related to stigmatization. However this can also show that the experience of discrimination is not realized as a form of discrimination or is considered as something that usually happens and is not a different treatment. This is closely related to the ability of the community, in this case the vulnerable group, to identify the stigma and discrimination they experience, which needs to be studied further.

²¹⁵ Ibid.

²¹⁶ Ibid.

²¹⁷ Further details are available at <https://www.amnesty.org/en/what-we-do/indigenous-peoples/>

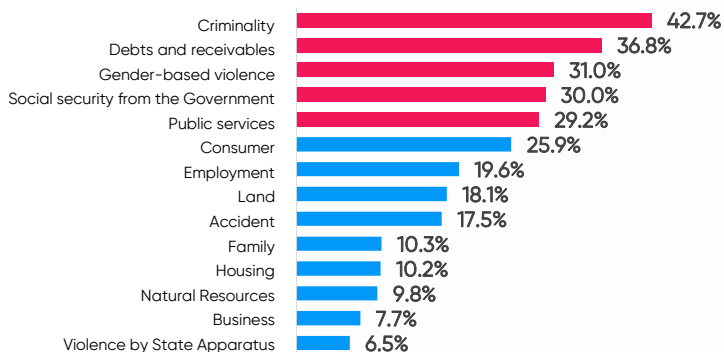




IDENTIFICATION LEGAL PROBLEMS EXPERIENCED

☛ Type of legal problems experienced by vulnerable groups in general

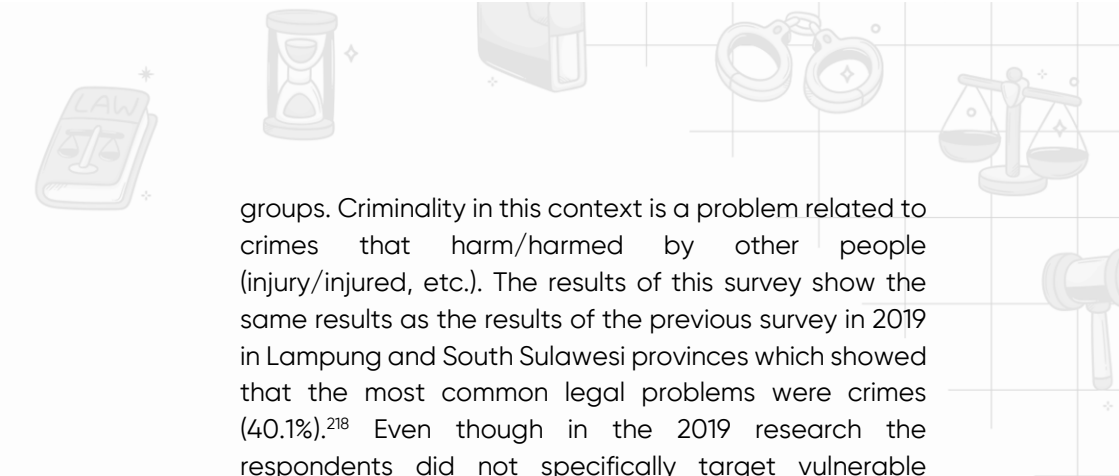
Chart 4.15 Type of legal problems experienced by vulnerable groups | n = 1,020



Based on the chart above, data on 14 (fourteen) types of legal problems experienced by vulnerable groups is obtained. The problems experienced by majority of vulnerable groups were crime (42.7%). In addition, there are also problems related to debts and receivables (36.8%), Gender-Based Violence (GBV) (31%), Social Security from the government (30%), Public Services (29.2%), Consumers (25.9%), Employment (19.6%), Land (18.1%), Accident (17.5%), Family (10.3%), Housing (10.2%), Natural Resources (9.8%), Business (7.7%), and Violence by State Apparatus (6.5%).

Based on the data above, criminality is still the most common legal problem experienced by vulnerable





groups. Criminality in this context is a problem related to crimes that harm/harmed by other people (injury/injured, etc.). The results of this survey show the same results as the results of the previous survey in 2019 in Lampung and South Sulawesi provinces which showed that the most common legal problems were crimes (40.1%).²¹⁸ Even though in the 2019 research the respondents did not specifically target vulnerable groups and the areas for data collection were also different, the results of the two surveys in 2019 and 2022 show the same results, namely crime is still the most common legal problem.

Furthermore, the highest crime rate for vulnerable groups was mostly experienced by women 67.0%, followed by the poor 34.4%, the elderly 27.8% and persons with disabilities 11.0%. From this survey data it can be seen that sometimes a person does not only have one vulnerability, but multiple vulnerabilities. For example, there is a woman who also belongs to the poor group, so the potential for experiencing legal problems related to crime can be even greater. For example, in several cases we often see that a poor woman is required to continue to provide for her family even though she has no income so that she has greater pressure to commit criminal acts, for example committing theft, fraud, acts of violence, etc. for the sake of simply surviving.²¹⁹

²¹⁸ Choky Ramadhan, et al., *Survei Kebutuhan Hukum di Lampung dan Sulawesi Selatan*, p. 12

²¹⁹ Kompas, *Setelah Suami Ditangkap, Perempuan Ini Curi Motor untuk Penuhi Kebutuhan Hidup*, October 2018, accessed at <https://megapolitan.kompas.com/read/2018/10/10/21360481/setelah-suami->

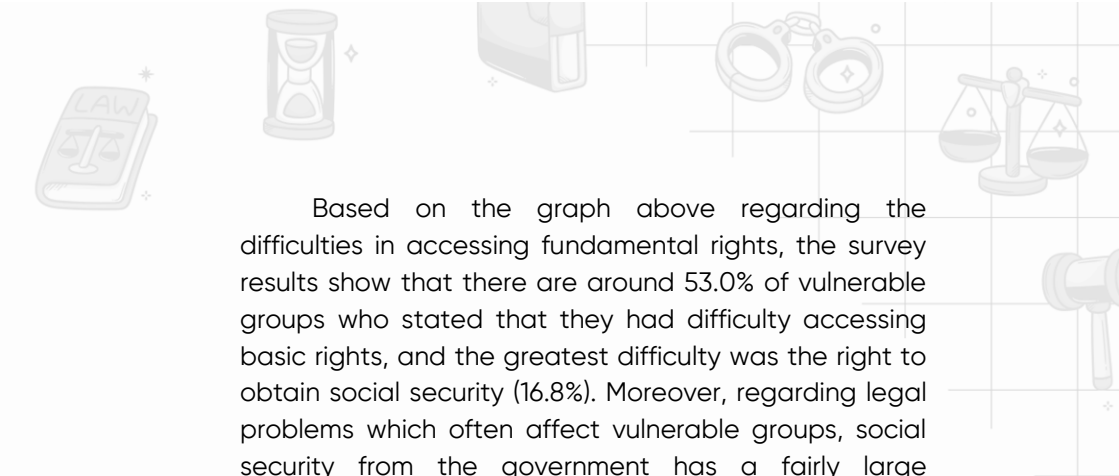




The next problem of debts and receivables is the second highest legal problem experienced by vulnerable groups. This is in line with the profile of vulnerable groups where most of their income is below the provincial minimum wage, while their monthly expenses are above the provincial minimum wage. This causes vulnerable groups to be forced into debt to meet their daily needs. Legal issues related to Gender Based Violence (GBV) are also legal problems experienced by many vulnerable groups. Based on the existing survey data, 31.0% of the vulnerable group had experienced GBV. Based on the National Commission on the Elimination on Violence Against Women (Komnas Perempuan)'s Annual Records (CATAHU) in 2022, throughout 2021 there were 338,496 cases reported. This shows that very high GBVs have occurred in Indonesia during 2021.²²⁰ Moreover, women comprises the majority, 78.5% of all respondents who answered that they had experienced GBV. Women in the social structure in Indonesia that still tend to be patriarchal, are still often required to be gentle, obedient, not rude, etc., this is what causes many acts of domestic violence, date violence, and rape against women. Apart from women, the poor group is also one of the vulnerable groups that most often experiences GBV. As many as 27.5% of the poor group stated that they have experienced GBV and not a few women from this group are those who most often experience GBV.

ditangkap-perempuan-ini-curi-motor-untuk-penuhi-kebutuhan on 26 December 2022

²²⁰ Komnas Perempuan, *CATAHU 2022: Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2021*, (Jakarta: Komnas Perempuan, 2022), p. 7



Based on the graph above regarding the difficulties in accessing fundamental rights, the survey results show that there are around 53.0% of vulnerable groups who stated that they had difficulty accessing basic rights, and the greatest difficulty was the right to obtain social security (16.8%). Moreover, regarding legal problems which often affect vulnerable groups, social security from the government has a fairly large percentage, which is equal to 30% and is still dominated by vulnerable groups of women (75.8%) and poor groups (57.7%). The combination of problems most often experienced by vulnerable groups is women who come from poor groups. This shows that the need for legal assistance for women and the poor is basically very important and very much needed considering that they are the group most often affected and also the most in need of legal assistance.

In more depth it was also stated that the majority of legal problems related to GBVs, crime, public services, violence by officials, employment, social security from the government, natural resources, family, housing, accidents and business, were mostly experienced by women. Problems related to land 43.2%, mostly experienced by the elderly group. Meanwhile, problems related to social security 50.7%, access to public services 32.2%, employment 29.5%, debts and receivables 44.0%, family 40.2%, housing 50.0%, consumers 35.6% and business 39.2% were experienced by the poor group—given that these problems are closely related with one's economic condition. Furthermore, the problem of debts and receivables is not only experienced by the poor, but

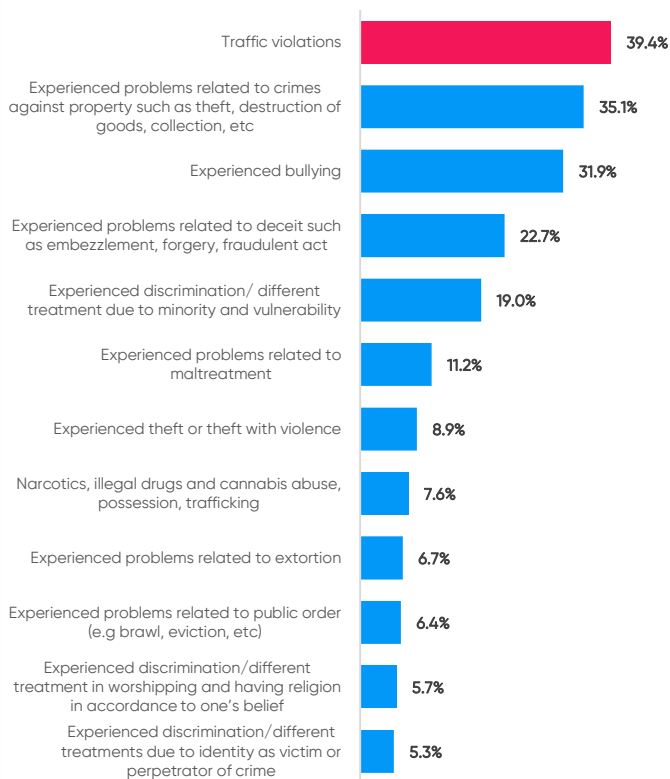


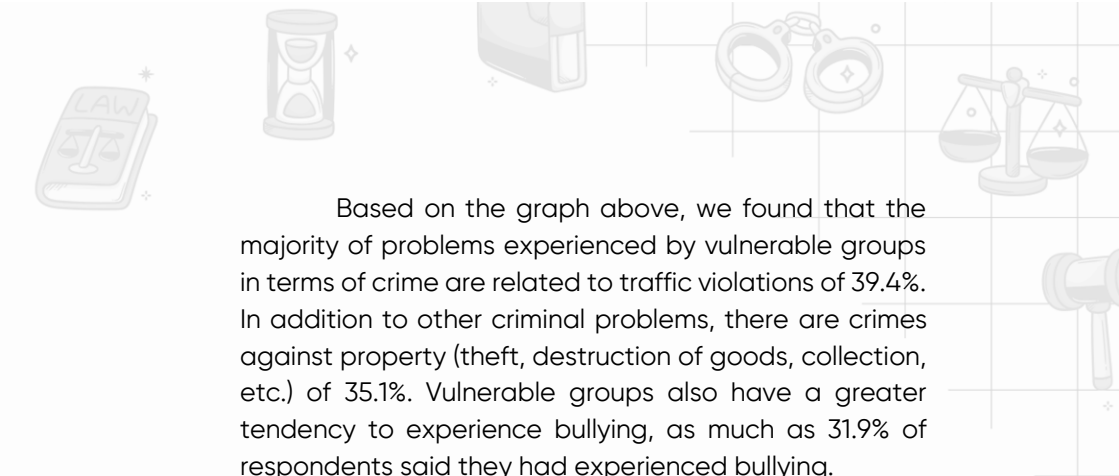
35.2% is experienced by the elderly group and 33.3% is the problem of violence by state apparatus often experienced by other gender groups, women, the elderly, and also children.

Type of legal problems experienced by the vulnerable groups per legal problem category

Problems Related to Criminality

Chart 4.16 Vulnerable Groups' Experience in Dealing With Criminality | n = 436



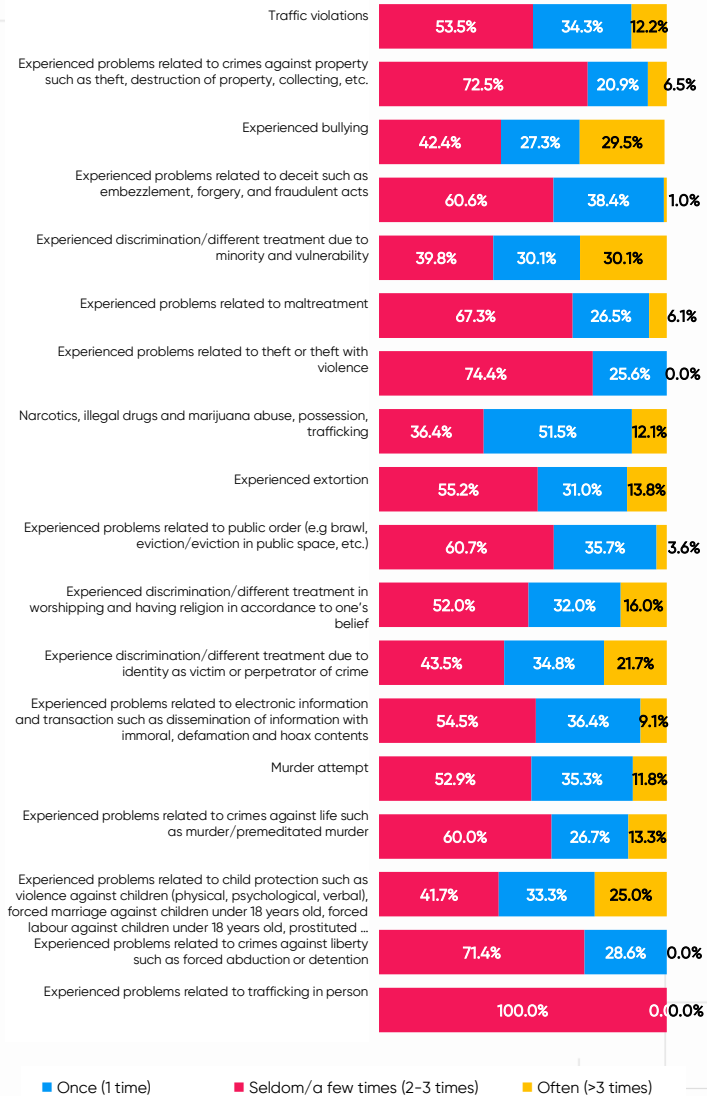


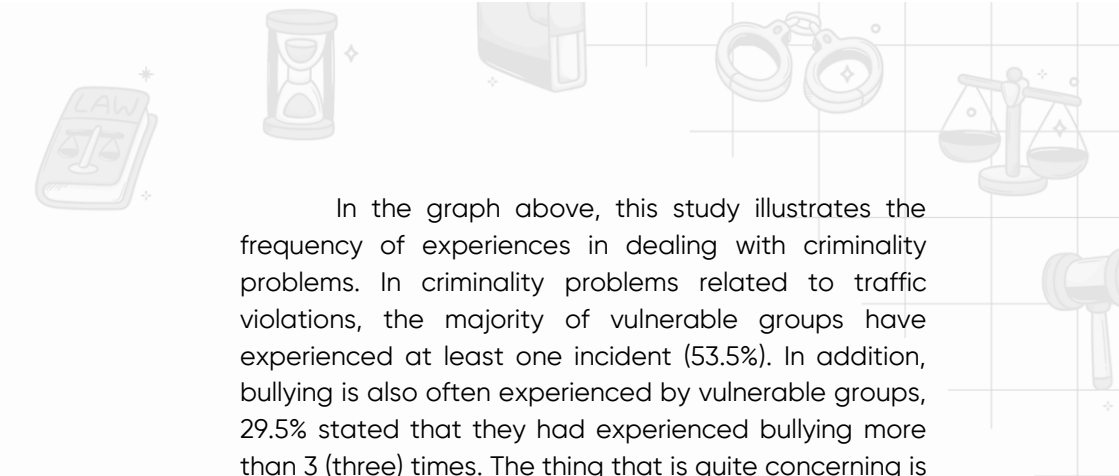
Based on the graph above, we found that the majority of problems experienced by vulnerable groups in terms of crime are related to traffic violations of 39.4%. In addition to other criminal problems, there are crimes against property (theft, destruction of goods, collection, etc.) of 35.1%. Vulnerable groups also have a greater tendency to experience bullying, as much as 31.9% of respondents said they had experienced bullying.

Other criminal problems, including deceit (embezzlement, forgery, and fraudulent acts) of 22.7%, discrimination due to minority and vulnerability of 19.0%, maltreatment of 11.2%, theft or theft by force of 8.9%, narcotics (abuse, possession of illegal drugs, trading illegal drugs and cannabis) by 7.6%, extortion by 6.7%, public order problems (brawls, evictions/evictions in public spaces etc.) by 6.4%, discriminatory acts/discrimination to worship and adhere to religion according to belief 5.7%, experience acts of discrimination/discrimination due to their identity as victims or perpetrators of crime 5.3%, problems related to electronic information and transaction (dissemination of electronic documents with immoral, defamation and hoax contents) of 5%, attempted murder 3.9%, crimes against life (murder/ premeditated murder) 3.4%, problems related to child protection in terms of physical/psychological/verbal (forced marriage under 18 years old, forced labor under 18 years old, prostituted children) by 2.8%, crimes against liberty such as forced abduction or forced detention by 1.6%, and trafficking in persons by 1.1%.



Chart 4.17 Frequency of Vulnerable Groups Experiencing Crime Problems | n = 436





In the graph above, this study illustrates the frequency of experiences in dealing with criminality problems. In criminality problems related to traffic violations, the majority of vulnerable groups have experienced at least one incident (53.5%). In addition, bullying is also often experienced by vulnerable groups, 29.5% stated that they had experienced bullying more than 3 (three) times. The thing that is quite concerning is that from vulnerable groups who experience criminalization problems, even though the number is small, around 1.1%, turned out that vulnerable groups have experienced problems related to the Crime of Trafficking in Persons (TPPO), and all of them say that they have experienced this more than 3 (three) times.

Legal issues related to criminalization are closely related to vulnerable groups, vulnerable groups often become victims of criminalization because of their vulnerability. Vulnerable groups can include women, children, indigenous peoples, people with disabilities, the elderly, the poor, and people with various gender identities and sexual orientations. Sometimes a person can have more than one vulnerability, for example an indigenous woman who is poor, elderly and has a variety of gender identities and sexual orientations. The multi-layered situation of a vulnerable group can make their situation even more vulnerable, and access to assistance from the government (e.g legal aid) is also more difficult. Especially now that free legal aid only covers vulnerability for the poor²²¹, and has not considered other vulnerabilities. Going forward, the

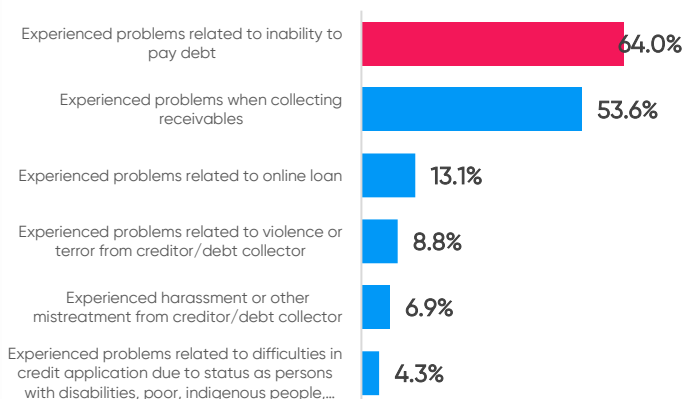
²²¹ Indonesia, Law No. 16 Year 2011 on Legal Aid, Article 1 number 2



definition of vulnerability in the Legal Aid Law needs to be expanded to take into account other aspects of vulnerability, this is also in accordance with the recommendations of the National Legal Aid Conference which was held in 2019, to define vulnerability from social and economic aspects.²²²

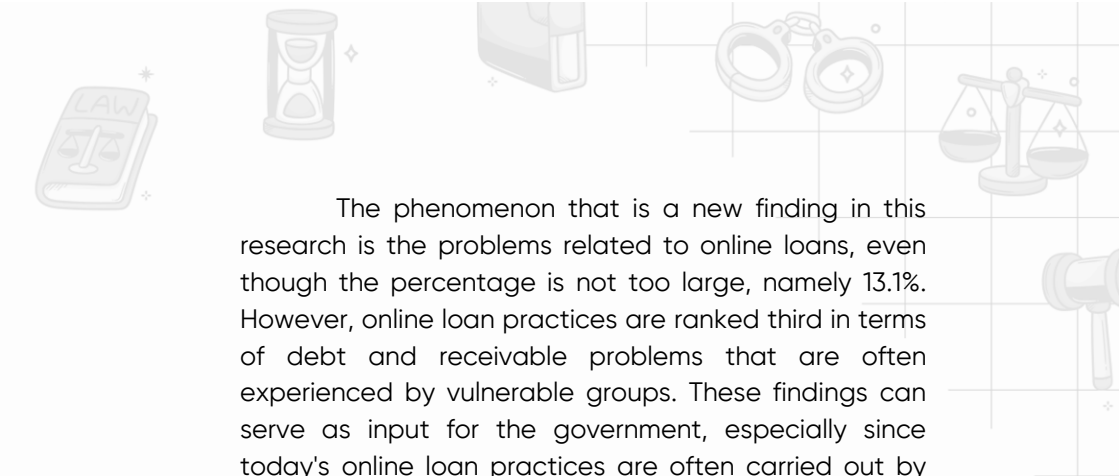
Debts and Receivables Problems

Chart 4.18 Vulnerable Groups' Experience in Dealing with Debts and Receivables Problems | n = 375



Based on the graph above, the most common debt and receivable problems experienced by respondents were related to the inability to pay debts by 64%, the problem of difficulty in collecting debts by 53.6% and problems related to online loans by 13.1%. Based on the graphic data above, 64.0% of the vulnerable group experienced debt problems related to the inability to pay debts.

²²² Asfinawati, et al., *Laporan Konferensi Nasional Bantuan Hukum I*, (YLBHI, 2019), p. 22, accessed at <https://ylbhi.or.id/bibliografi/laporan/konferensi-nasional-bantuan-hukum-perluasan-akses-keadilan-melalui-optimalisasi-layanan-bantuan-hukum-yang-berkualitas/> dated 16 December 2022



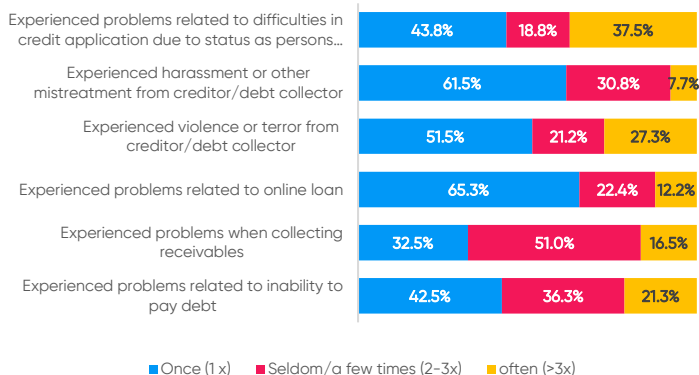
The phenomenon that is a new finding in this research is the problems related to online loans, even though the percentage is not too large, namely 13.1%. However, online loan practices are ranked third in terms of debt and receivable problems that are often experienced by vulnerable groups. These findings can serve as input for the government, especially since today's online loan practices are often carried out by illegal online loan practices and have the potential to terrorize and threaten those who cannot afford to pay—as was the case with a mother in Wonogiri in 2021 . Moreover, during the period from 2018 to October 2021, the Ministry of Communication and Information has closed 4,874 online loan accounts .

In general, problems related to debts and receivables related to 48.4% of vulnerable groups who have income below the provincial minimum wage, and 29.9% have no personal income/was dependent. With the majority of vulnerable groups having income below the provincial minimum wage having 1-3 dependents aged <18 years (55.9%). Therefore it should be noted that the correlation of the vulnerability of the poor will have a high potential to experience legal problems related to debts and receivables.

Debts and receivables problems mostly experienced by the elderly (35.2%) and the poor (44.0%).



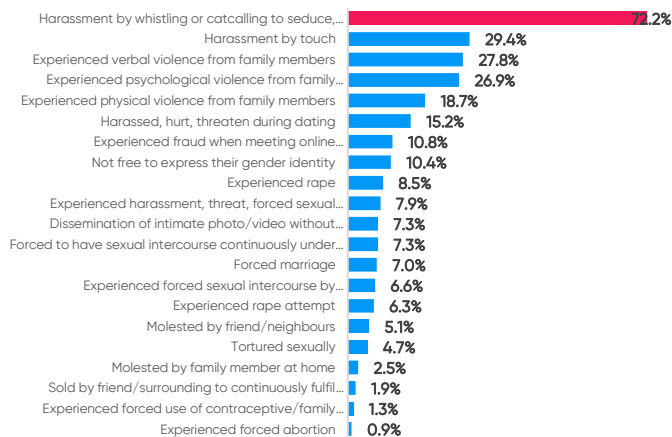
Chart 4.19 The Frequency of Vulnerable Groups Experiencing Debts and Receivables Problems | n =375



Based on the above graph it is evident that those who experienced debts and receivables only experienced it once (1 time).

Gender-Based Violence Problems

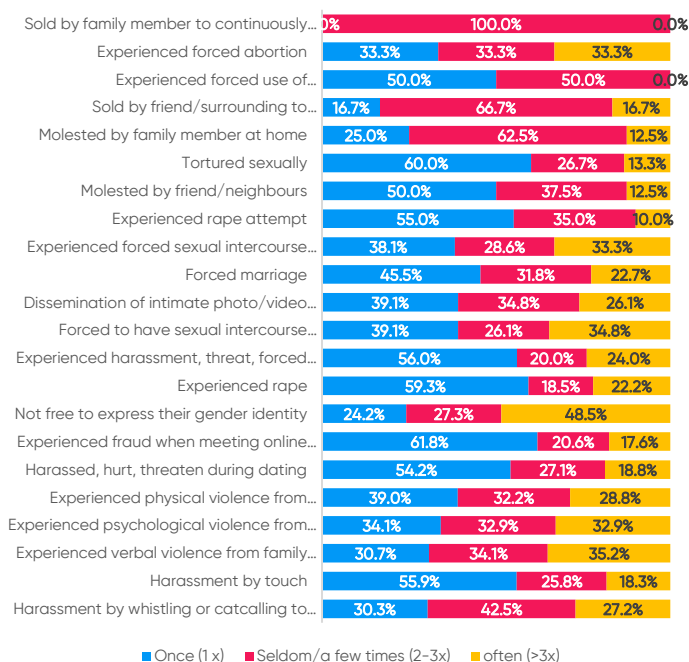
Chart 4.20 Vulnerable Groups' Experience in Gender-based Violence Problems | n = 316



Based on the graph above, 72.2% of respondents answered that they had experienced gender-based violence in the form of harassment by whistling and catcalling with the aim of seducing, insulting and 42.5% of them stated that they had experienced it 2-3 times.

Gender-based violence problems mostly experienced by women (78.5%) and gender diversified and minority group (15.8%)

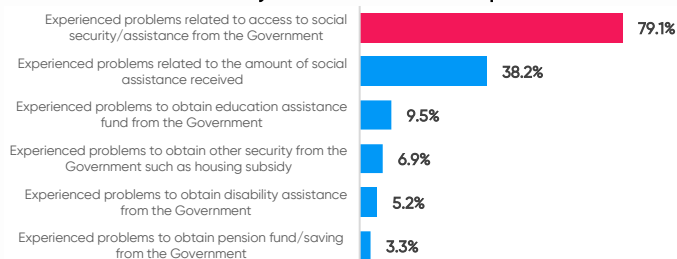
Chart 4.21 The Frequency of Vulnerable Groups Dealing with Gender-based Violence Problems | n = 316



Other findings obtained through this study, many respondents experienced gender-based violence by other family members, such as around 27.8% had experienced verbal violence by family members, 26.9% had experienced psychological violence by family members, 18.7% had experienced physical violence by family members, 2.5% were molested by family members, and 0.6% were sold by family members to fulfill other people's sexual desires. This finding is also in line with a research study on sexual violence judgment for the 2018–2020 period which was conducted by the Indonesia Judicial Research Society (2022), where this research found that 13.3% of the perpetrators of sexual violence came from nuclear family members, and 13.5% of the perpetrators were other family members²²³. In fact, other findings also found that sexual violence often occurred at the victim's house (59.9%)²²⁴. This indicates the role of education in the family or community regarding gender sensitivity is an important thing to do.

Social Security Problems

Chart 4.22 Vulnerable Groups' Experience in Dealing with Problems of Social Security from the Government | n = 306



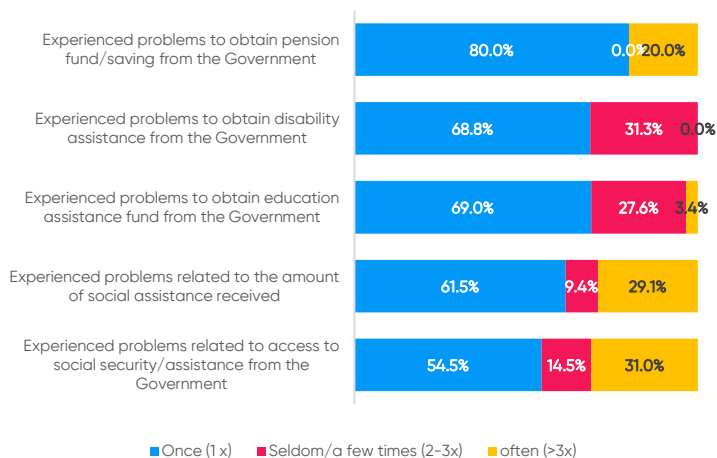
²²³ Arsa Ilmi Budiarti, et al., *Refleksi Penanganan Kekerasan Seksual di Indonesia (Ineksasi terhadap Putusan Pengadilan tahun 2018–2020)*, Jakarta: IJRS, 2022, p. 143

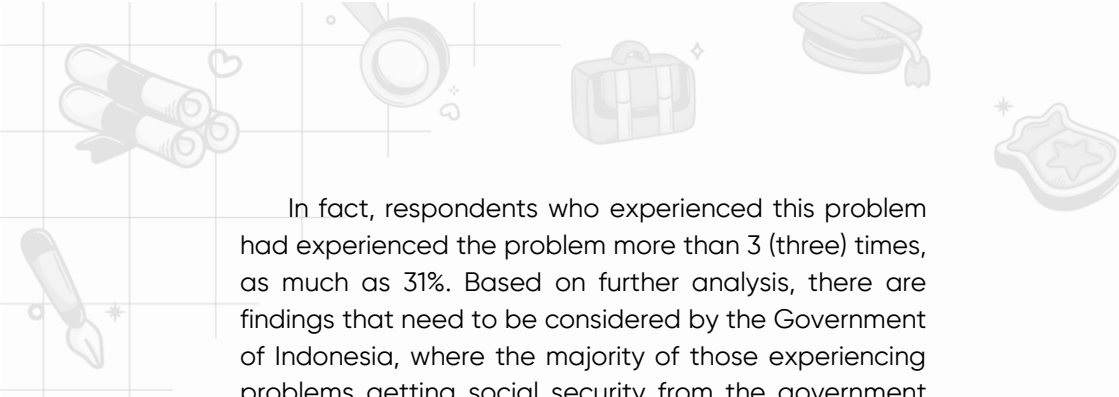
²²⁴ *Ibid*

Vulnerable groups experiencing problems in obtaining social security from the government were 40.5% of the total respondents. Then, the findings of this study found that the majority of respondents who experienced legal problems related to social security from the government had experienced problems related to access to social security/assistance from the government (79.1%).

Social security problems are mostly experienced by the poor (50.7%) and the elderly (41.5%). In other words, even though they have social security, this group still experiences difficulties in using the social security they have.

Chart 4.23 The Frequency of Vulnerable Groups Dealing with Problems with Social Security from the Government | n = 306





In fact, respondents who experienced this problem had experienced the problem more than 3 (three) times, as much as 31%. Based on further analysis, there are findings that need to be considered by the Government of Indonesia, where the majority of those experiencing problems getting social security from the government are groups of people who have incomes below the provincial minimum wage. In the context of this research, the form of social security in question is the National Health Insurance (JKN), Family Hope Program, Healthy Indonesia Card, Non-Cash Food Assistance, Smart Jakarta Card, and other social security programs. Therefore, through this research it can be a reflection for the government to evaluate the distribution of social security coverage for all Indonesian citizens. Referring to this data, the community – especially people who belong to the poor vulnerable group – has the potential to find it increasingly difficult to get out of the poverty trap when experiencing legal problems such as accessing social security. This finding is also in line with the research conducted by the SMERU Research Institute (2022²²⁵ which found that JKN participation for poor families can reduce the burden of Out of Pocket (OOP)²²⁶ costs by 23.6%. Moreover, by virtue of the constitutional mandate, the state is obliged to ensure that all its citizens have the right to live in physical and spiritual prosperity, to have a place to live, to have a good and

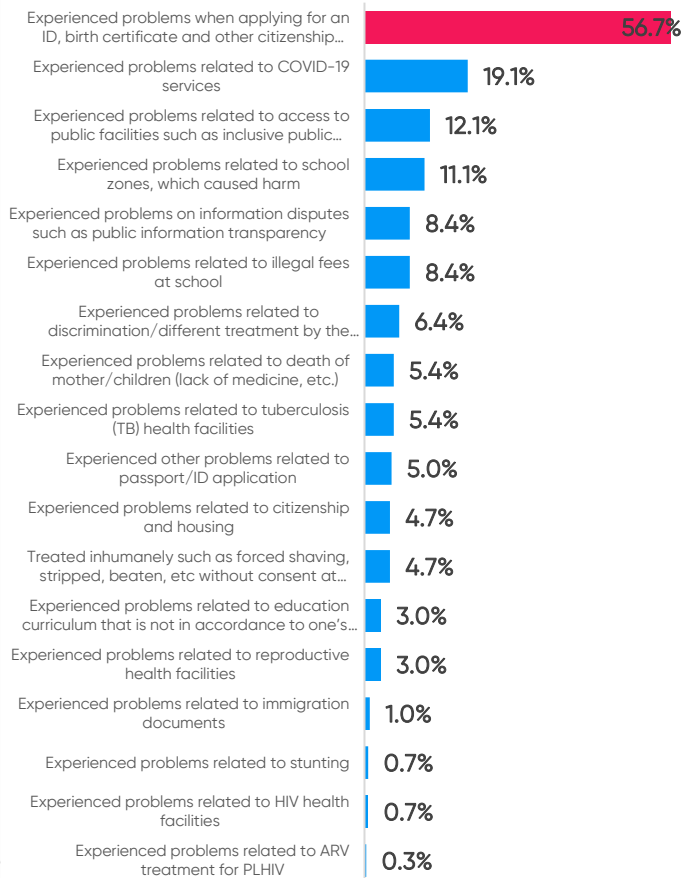
²²⁵ Nurmala Selly Saputri & Sri Murniati, *Laporan Penelitian Smeru (Kajian Dampak Bantuan luran Program Jaminan Kesehatan pada Masyarakat Miskin dan Tidak Mampu)*, (Jakarta: The SMERU Research Institute, 2022), p. vi

²²⁶ OOP is a condition where the poor is forced to spend a big portion of their limited income to afford health services. Further details are available at <https://manajemen-pembiayaankesehatan.net/index.php/berita-nasional/2312-alasan-rakyat-miskin-habiskan-pendapatannya-untuk-kesehatan> accessed on 16 December 2022

healthy environment, to receive health services, and to receive social security as dignified human beings.²²⁷

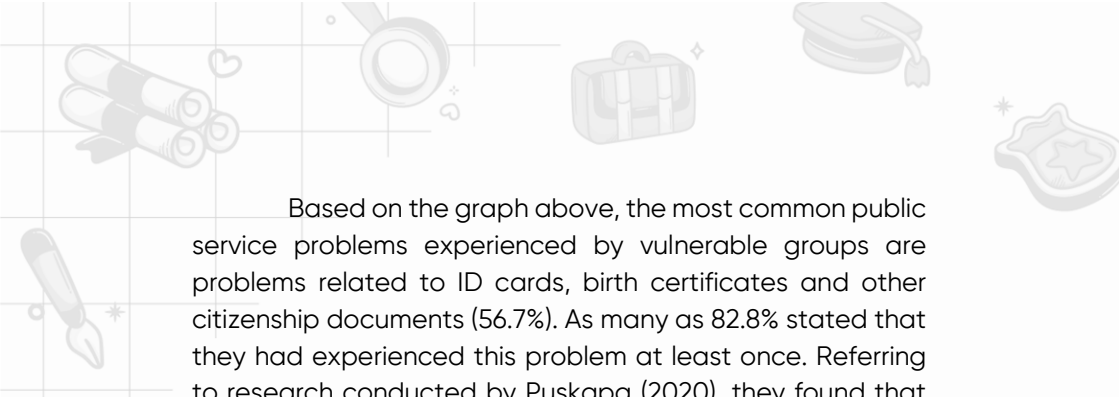
Problems Related to Public Services

Chart 4.24 Vulnerable Groups' Experience in Dealing with Public Service Problems | n = 298



²²⁷ Indonesia, 1945 Constitution, Art. 28H 1-3





Based on the graph above, the most common public service problems experienced by vulnerable groups are problems related to ID cards, birth certificates and other citizenship documents (56.7%). As many as 82.8% stated that they had experienced this problem at least once. Referring to research conducted by Puskapa (2020), they found that data collection problems for vulnerable groups in population administration (*adminduk*) are still having difficulties accessing administrative services due to the economy. Although the provisions of Law No. 24 Year 2013 on Amendments to Law No. 23 Year 2000 on Population Administration has guaranteed administration services free of charge, but residents are still experiencing difficulties in accessing these services because they have to spend transportation costs and working time which has an impact on productivity and economic income on that day.²²⁸ Other findings also found that residents still lack access to information about the population administration, such as not informed, do not know the process, feeling that they do not need birth certificates, and feeling lazy to request birth certificates.²²⁹

In addition, Puskapa (2020) also identified obstacles to accessing population administration services that also occur related to marital status – such as residents who have unregistered marriages, polygamy, interfaith marriages, and unregistered marriages – and residents who are in a situation of natural disasters, social disasters, and war²³⁰. The

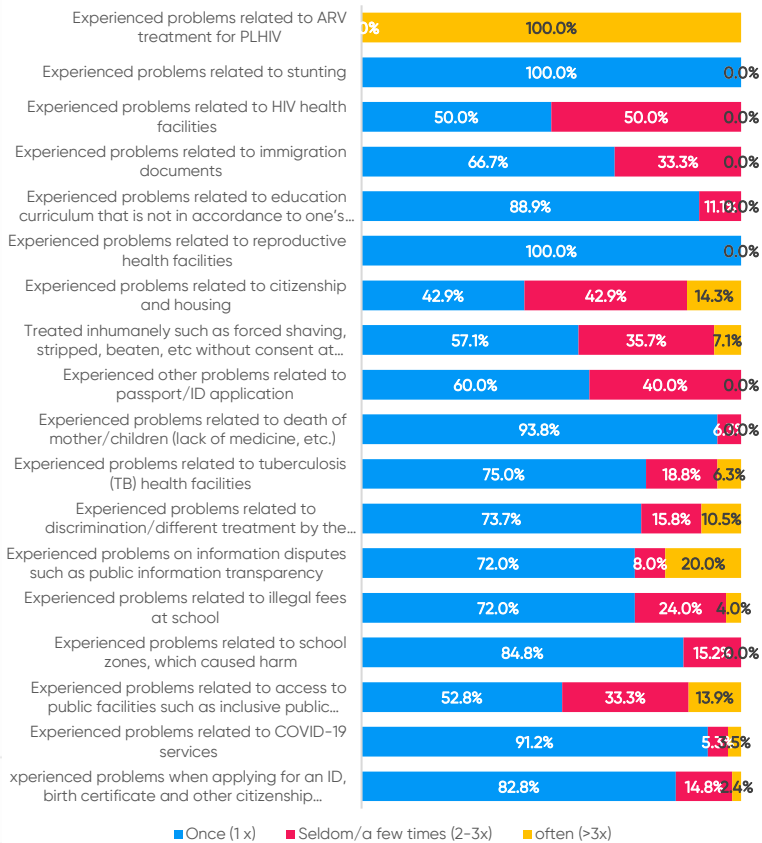
²²⁸ Meutia Aulia Rahmi, et al., *Menyambung Rantai Inklusi: Memahami Kerentanan dalam Sistem Administrasi Kependudukan di Indonesia*, (Depok: Puskapa, 2020), hlm. 40

²²⁹ Ibid.

²³⁰ Ibid., hlm. 41

findings from Puskapa UI's research are relevant to the findings of this study which show that when Indonesia experienced the Covid-19 pandemic situation, 19.1% of respondents experienced problems with public services having difficulty accessing services related to handling the Covid-19 pandemic.

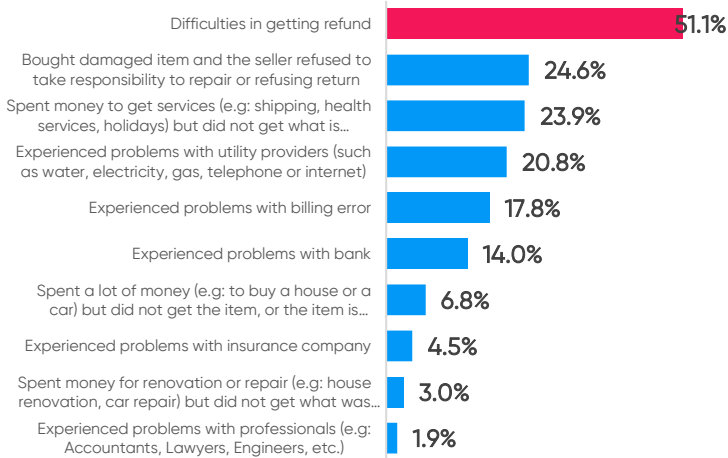
Chart 4.25 The Frequency of Vulnerable Groups Dealing with Public Service Problems | n = 298



Another problem least experienced by respondents was related to access to antiretroviral drugs (ARV) for PLWHA (0.3%), but this is important to note, because all respondents said they experienced this very often (>3 times), from this data It can be seen that, access to ARV drugs for PLWHA is still very difficult to obtain. Even though regular and continuous consumption of ARVs is important for PLWHA, because these drugs aim to decelerate HIV activity in infecting healthy cells²³¹. Therefore, the Government and Regional Governments guarantee the availability of drugs and health supplies needed for HIV and AIDS prevention, where ARV drugs are one of the drugs that must be ensured.²³²

Problems Related to Consumer

Chart 4.26 Vulnerable Groups' Experience in Consumer Problems | n = 264



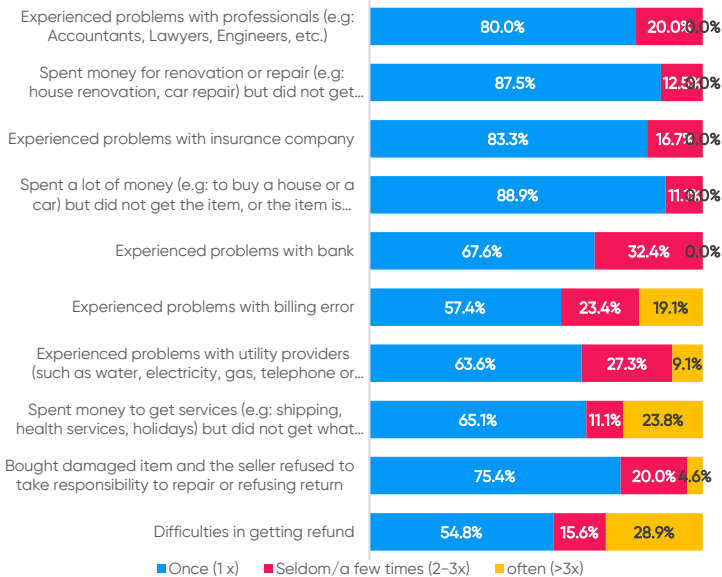
²³¹ Samsuridjal Djauzi dikutip dalam Bestha Inatsan Ashilla, et al., *Kompendium Pendamping ODHA Berhadapan dengan Hukum*, (Depok: Fakultas Hukum UI, 2020), p. 10

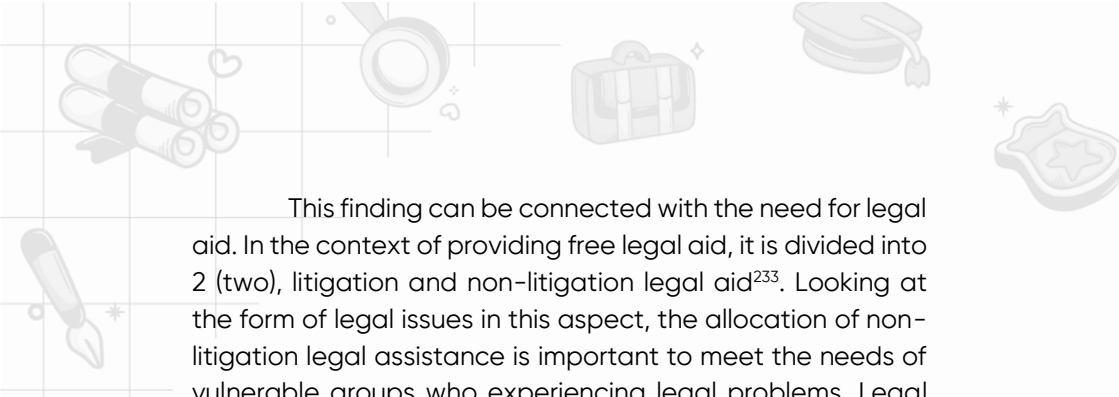
²³² Ministry of Health of the Republic of Indonesia, Minister of Health Regulation Number 21 Year 2013 on the Treatment of HIV and AIDS, Art. 44 paragraph (1) dan (2)



Based on the graph above, the most common consumer problem experienced by vulnerable groups is difficulty getting refunds (51.1%). The majority of vulnerable groups, as much as 54.8%, have experienced at least one refund problem. These findings indicate that there are still consumers from vulnerable groups who do not get their rights, namely refunds when they receive goods/services that do not match what was purchased. Even though one of the consumer rights guaranteed in laws and regulations, namely the right to comfort, security and safety in consuming goods and/or services, as well as the right to receive compensation, compensation and/or reimbursement, if the goods and/or services received is not in accordance with the agreement or not as it should be.

Chart 4.27 The Frequency of Vulnerable Groups Dealing with Consumer Problems | n = 264





This finding can be connected with the need for legal aid. In the context of providing free legal aid, it is divided into 2 (two), litigation and non-litigation legal aid²³³. Looking at the form of legal issues in this aspect, the allocation of non-litigation legal assistance is important to meet the needs of vulnerable groups who experiencing legal problems. Legal issues such as consumer protection, insurance, or compensation refund do not always require settlement at the court, however, forms of services such as legal consultations, mediation, and negotiations can be suitable options for the legal requirements on this issue.

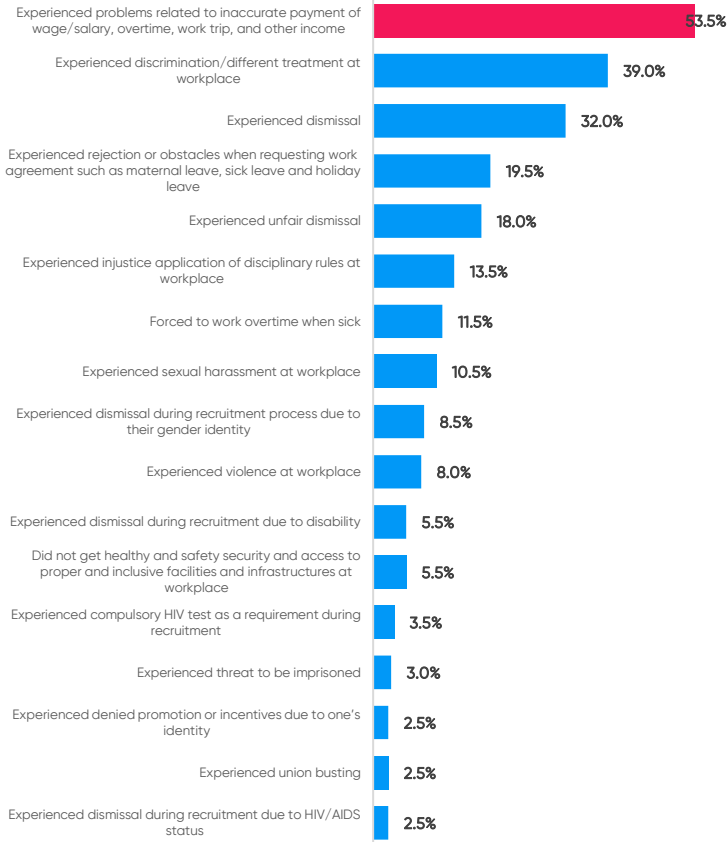
Therefore, these results can be used as an evaluation for future legal aid budgeting allocations. When referring to the legal aid budget allocation at the National Law Development Agency (BPHN) in 2020, it shows that the budget allocation for litigation legal aid is 45 billion rupiahs, while the non-litigation legal aid budget allocation is only 8 billion rupiahs. The discrepancy between the budget for litigation and non-litigation legal aid can also be seen from the legal aid budget unit, where litigation legal aid has a budget unit of Rp. 8,000,000, while the non-litigation legal aid budget for legal consultations is Rp. 200,000, mediation of Rp. 1,000,000, and a negotiation of Rp. 500,000²³⁴.

²³³ Litigation legal aid is legal assistance within the scope of the judicial process, while non-litigation legal aid is legal assistance in the form of legal counseling, legal consultation, case investigation, legal research, mediation, negotiation, community empowerment, assistance outside the court, and/or drafting legal documents. For further explanation, see Government Regulation No. 42 Year 2013 on Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds

²³⁴ Minister of Law and Human Rights of the Republic of Indonesia, Decree No. M.HH-01.HN.03.03 Year 2021 on Litigation and Non-litigation Legal Aid Costs

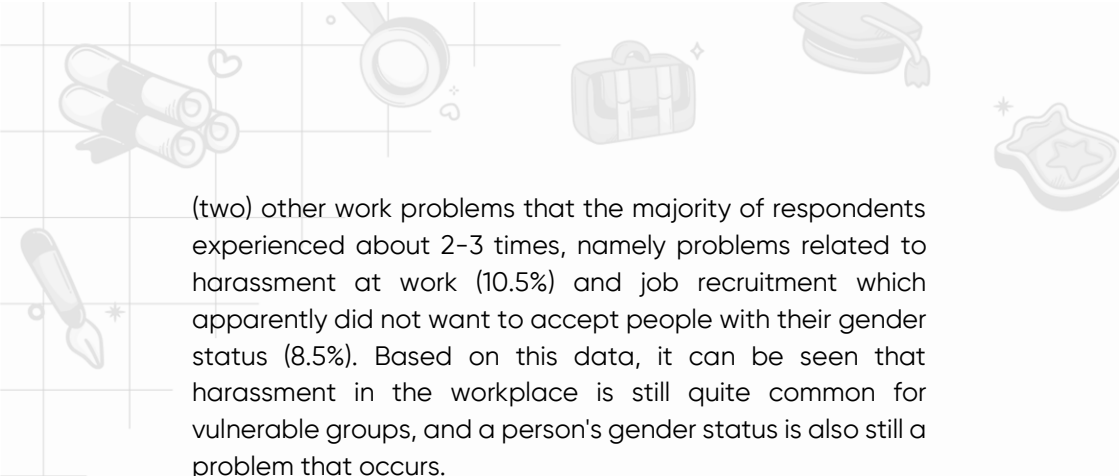
Problems Related to Employment

Chart 4.28 Vulnerable Groups' Experience in Employment Problems | n = 200



Based on the graph above, the three most common answers of employment problems experienced by respondents are related to payment of salary/wages, overtime, work trip, and other income that is inaccurate (53.5%), discrimination/different treatment at work (39.0%), and experienced dismissal (32.0%). However, there were 2





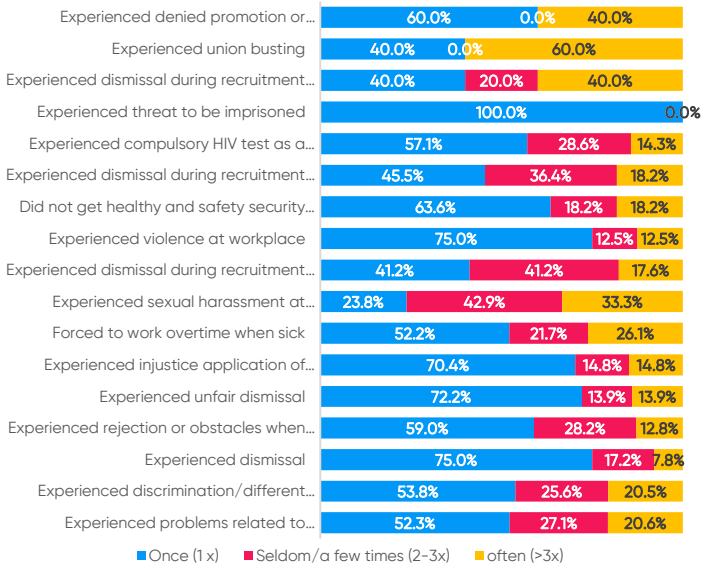
(two) other work problems that the majority of respondents experienced about 2–3 times, namely problems related to harassment at work (10.5%) and job recruitment which apparently did not want to accept people with their gender status (8.5%). Based on this data, it can be seen that harassment in the workplace is still quite common for vulnerable groups, and a person's gender status is also still a problem that occurs.

In addition, it can be seen that the stigma and fear related to HIV/AIDS is still very much embedded in everyday life, there are around 3.5% of vulnerable groups who have taken compulsory HIV tests for as a requirement for recruitment, and 2.5% of vulnerable groups have experienced dismissal during recruitment due to their status as people living with HIV/AIDS (PLWHA). Based on the graph above, 5.5% of vulnerable groups have experienced job recruitment which turned out to be unwilling to accept people with disability status and this seems to be in line with problems related to unavailability of healthy and safety security and access to proper and inclusive facilities and infrastructures at workplace, there are around 5.5% of vulnerable groups who experience this. This finding can be a reflection of how the implementation of the policy of the Government of the Republic of Indonesia to eliminate discrimination in employment still needs to be improved.²³⁵

²³⁵ The Government of Indonesia in Article 5 and 6 Law Number 13 Year 2003 on Manpower guarantees every worker to the same opportunity and treatment without discrimination



Chart 4.29 The Frequency of Vulnerable Groups Dealing with Employment Problems | n = 200



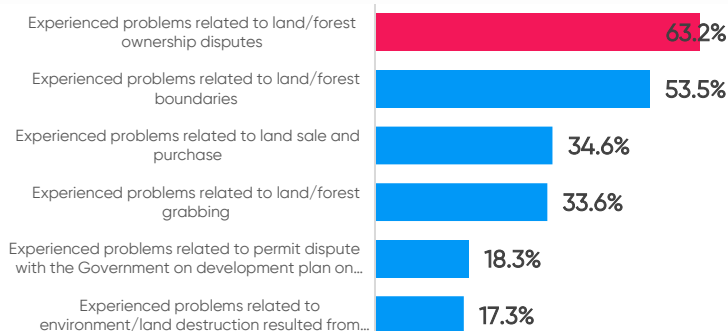
Related to employment issues, 2.5% of vulnerable groups stated that they had experienced being prohibited from forming trade unions (union busting), and the majority experienced this incident quite frequently (>3 times). Even though the government has regulated labor unions as stipulated in Law No. 21 Year 2000 on Trade/Labour Unions and this is also contained in Article 104 paragraph (1) of Law No.13 of 2003 on Manpower which emphasizes that the freedom to form, join or not join trade unions/labor unions is one of the fundamental rights of workers/labourers, then in Article 28 of Law No. 21 Year 2000 on Trade Unions regulates the protection of workers/laborers' rights to form trade unions, namely prohibiting someone from obstructing or forcing workers/workers not to form trade unions. In addition, 2.5% of the vulnerable groups denied promotions or



incentives because of their identity. Based on the data obtained, a person's identity greatly influences their rights related to work, therefore the position of vulnerable groups tends to have more vulnerability than those who are not categorised as vulnerable groups. Problems related to employment were mostly experienced by women 64.5%, the elderly 26.5%, the poor group 29.5%.

Problems Related to Land

Chart 4.30 Vulnerable Groups' Experience in Land Problems | n = 185

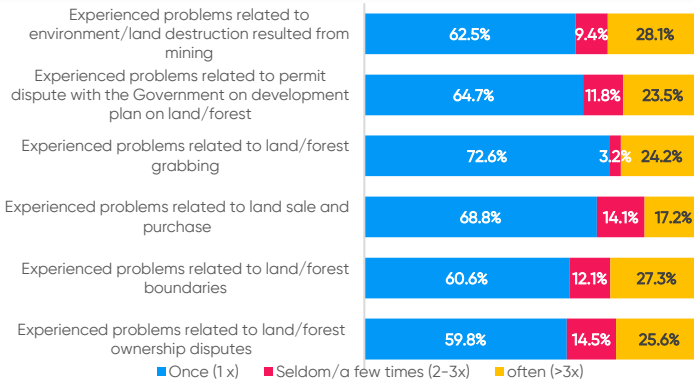


Based on the graph above, the most vulnerable groups who have problems related to land experienced problems related to land/forest ownership disputes (63.2%) and problems related to land boundaries (53.5%). This finding is also reinforced by the findings of the Legal Development Index in Indonesia, which states that problems related to land disputes generally occur because the process of recording data related to land ownership is still administratively unorganized²³⁶, so this has the impact of land ownership disputes or land boundaries.

²³⁶ Kementerian PPN/Bappenas RI dan Fakultas Hukum UI, *Indeks Pembangunan Hukum 2020*, (Jakarta: Kementerian PPN/Bappenas RI, 2021), p. 155

“
Land problems mostly experienced by indigenous people (34.6%)
 ”

Chart 4.31 The Frequency of Vulnerable Groups Dealing with Land Problems | n = 185

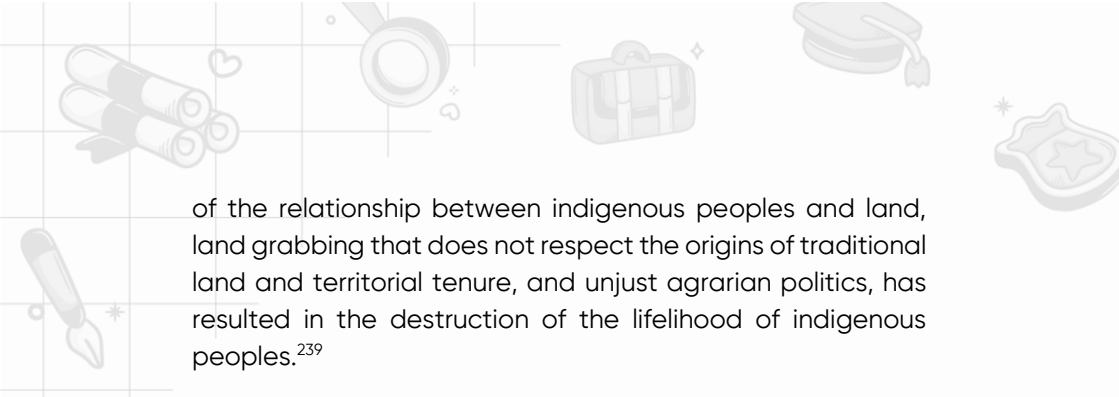


CNN Indonesia stated that polemics over customary (*adat*) land mostly occurred due to the unclear boundaries between customary forests and state-owned land.²³⁷ Indigenous peoples have a close dependence on the land and forests they occupy. For indigenous peoples, there is a multidimensional relationship between the community and the land and forests, not only as a place to fulfill their daily needs, but also as a balance for life, so their sustainability must be maintained.²³⁸ However, in an era like today, neglect

²³⁷ CNN Indonesia, *Masyarakat Adat Bukan Sekedar Tanah dan Uang*, accessed at <https://www.its.ac.id/news/2022/08/18/masyarakat-adat-bukan-sekedar-tanah-dan-uang/> on 17 December 2022

²³⁸ National Commission on Human Rights Inquiry Team, *Inkuri Nasional Komisi Nasional Hak Asasi Manusia: Hak Masyarakat Hukum Adat atas Wilayahnya di*





of the relationship between indigenous peoples and land, land grabbing that does not respect the origins of traditional land and territorial tenure, and unjust agrarian politics, has resulted in the destruction of the livelihood of indigenous peoples.²³⁹

Several cases of land/forest grabbing on the basis of development and economic progress, for example the case of the Kinipan Indigenous People, in Central Kalimantan, involved a conflict with the palm oil company PT. Sawit Mandiri Lestari (PT. SML) which has been going on since 2018. PT SML deliberately changed the function of customary forest to palm oil plantation, which consequently damaged the forest and also damaged the ecosystem in the forest by carrying out land clearing. Residents made reports, such as reports to local governments, provincial governments, the Ministry of Environment and Forestry, the Ministry of Agrarian Affairs and Spatial Planning, and other agencies.²⁴⁰

Indigenous peoples are one of the most vulnerable groups that experience legal problems, but the solutions are often not as they should be. The Indigenous Peoples Bill, which has not been ratified by the government. The bill had been discussed for the period 2014 – 2019 and approved since 2020,²⁴¹ indicating that the government has not

Kawasan Hutan, Jakarta:Komisi Nasional Hak Asasi Manusia Republik Indonesia, 2016, p. 25

²³⁹ *Ibid.*

²⁴⁰ Tempo.co, *Konflik PT. SML dan Masyarakat Adat Kinipan Memanas Awal 2018*, accessed at <https://nasional.tempo.co/read/1379881/konflik-pt-sml-dan-masyarakat-adat-kinipan-memanas-awal-2018> on 19 December 2022

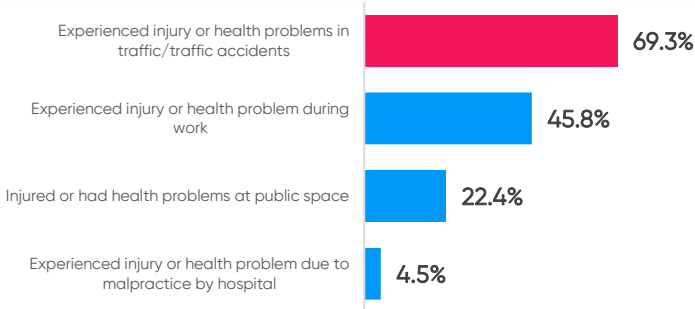
²⁴¹ Voice of America (VoA) Indonesia, *Mengapa RUU Masy Hukum Adat Tak Kunjung Disahkan?*, accessed at <https://www.voaindonesia.com/a/mengapa-ruu-masyarakat-hukum-adat-tak-kunjung-disahkan-/6324774.html> on 19 December 2022

prioritized the welfare of indigenous peoples in Indonesia. In fact, based on data from the Indigenous Peoples Alliance of the Archipelago (AMAN), Indonesia has 2,161 indigenous communities as of 9 August 2022. The majority or 750 indigenous communities are in Kalimantan. A total of 649 indigenous communities live in Sulawesi. There are 349 indigenous communities located in Sumatra. There are also 175 indigenous communities in Maluku. A total of 139 indigenous communities are located in Bali and Nusa Tenggara. In Papua, there are 54 indigenous communities. Meanwhile, 45 indigenous communities are located in Java.²⁴²

This shows the importance of a legal umbrella for indigenous peoples, and seeing from the location where they live, indigenous peoples have limitations in accessing legal assistance in the event of legal problems, this is due to the considerable distance.

Problems Related to Accident

Chart 4.32 Vulnerable Groups' Experience in Accident Problems | n = 179

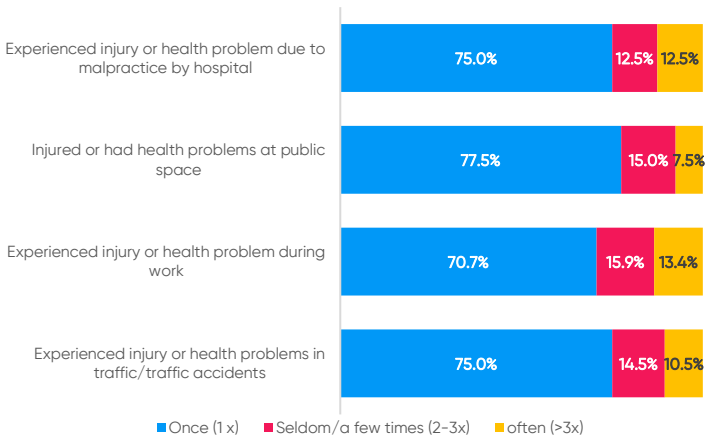


²⁴² Data Indonesia, *Ada 2.161 Komunitas Adat di Indonesia: Berikut Sebarannya*, accessed at <https://dataindonesia.id/ragam/detail/ada-2161-komunitas-adat-di-indonesia-berikut-sebarannya> pada 19 December 2022



Based on the graph above, the majority of accident problems experienced by vulnerable groups are related to injuries or health problems in traffic/traffic accidents by 69.3%. Based on the data obtained from the survey results, accidents most often occur in women (34.1%) and also the elderly (33.0%).

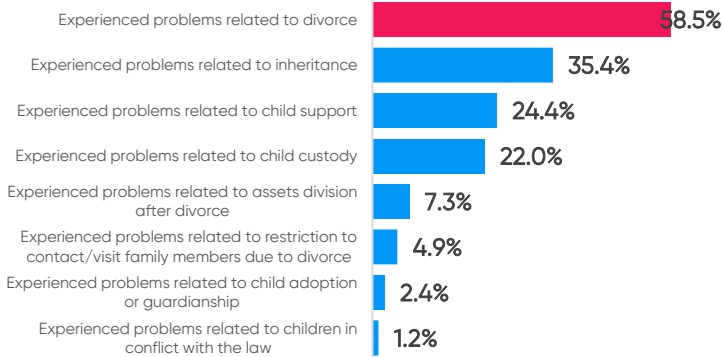
Chart 4.33 The Frequency of Vulnerable Groups Dealing with Accident Problems | n = 179



Apart from that, there are also many problems related to accidents, experiencing injuries or health problems while working, there are around 45.8% of the vulnerable group experiencing this. The government has basically made regulations regarding this matter, including Law No. 1 Year 1970 on Work Safety, Regulation of the Minister of Manpower (Permenaker) No. 5 Year 1996 on Occupational Safety and Health Management Systems and Permenaker No. 4 Year 1987 on Supervising Committee on Occupational Safety and Health (P2K3).

Problems Related to Family

Chart 4.34 Vulnerable Groups' Experience in Legal Problems Related to Family | n = 82

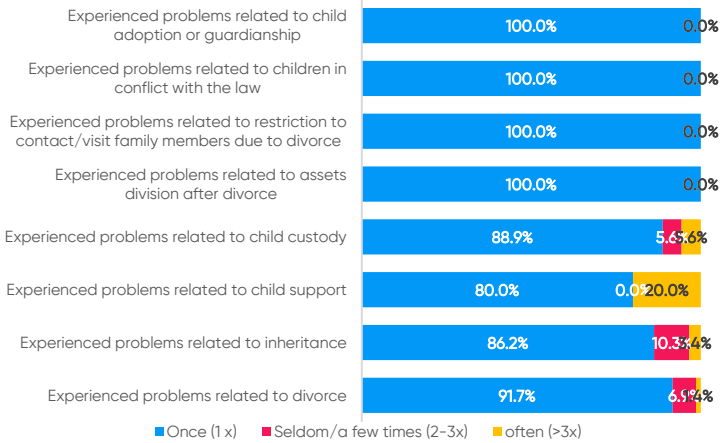


Through the graph above, data is obtained that vulnerable groups also experience vulnerability in legal issues in the context of civil law, where the majority of vulnerable groups experiencing family problems are experiencing the breakup of their marital relationship or divorce from their partners (58.5%). Then, vulnerable groups also experience post-divorce legal problems, such as lawsuits on alimony or child support (24.4%), child custody disputes (22.0%), asset division disputes (7.3%), and problems related to restrictions to contact or meet family members, for example children, due to divorce (4.9%). Vulnerable groups also experience legal problems, namely inheritance disputes (35.4%). There are also data identification results which illustrate that there are problems faced by vulnerable groups in the process of child adoption or guardianship (2.4%), as well as legal problems in the juvenile justice system, namely when a child is in conflict with the law (1.2%). In table 4.1 the findings above, family problems are mostly experienced by women (74%).



Family problems are mostly experienced by women (74.4%)

Chart 4.35 The Frequency of Vulnerable Groups Dealing with Legal Problems Related to Family | n = 82



The graph above illustrates the frequency of experience in dealing with family legal problems, where each vulnerable group experiences family legal problems at least once in their life. As for issues of inheritance and child custody, respondents revealed the frequency of problems encountered more than once. Moreover, in matters of child custody, as many as 20.0% of the respondents said that this experience could occur more than three times.

Divorce experienced by vulnerable groups, especially for vulnerable groups of persons with disabilities and PLHIV, have experienced being sued for divorce by their



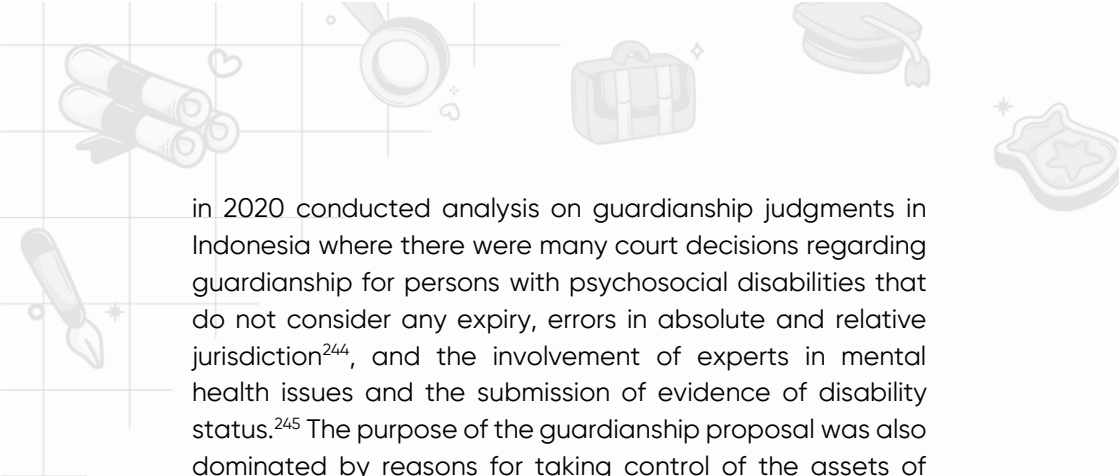
partners due to their disability status²⁴³, both physical and psychosocial disabilities and their health status are considered as one of the reasons that lead to inability to carry out their roles as husband or wife, including in terms of ability to provide a living. This can even refer to statutory regulations, namely Article 19 e of Government Regulation (PP) No. 9 Year 1975 on the Implementation of Law No. 1 Year 1974 on Marriage and Article 116 letter e of the Compilation of Islamic Law, which both stipulated: "Divorce can occur for reasons: e. One of the parties gets a disability or illness as a result of not being able to carry out his obligations as husband/wife".

For vulnerable groups from diverse gender groups and sexual minorities who have experienced being sued for divorce because their non-heterosexual identities were revealed, causing continuous conflict, causing disputes. Thus, there is no longer any hope of living in harmony as husband and wife and can be a valid reason for divorce.

On inheritance legal problems, legal issues of inheritance disputes against vulnerable groups relates to the elimination of vulnerable groups' right to inheritance. On the other hand, vulnerable groups, especially persons with disabilities, often lose their rights due to their status under guardianship. In Indonesia, the status of being under guardianship is also problematic because it automatically erases one's civil law capacity. This status can also be submitted easily to the local District Court. LBH Masyarakat

²⁴³ Solider.ID, *Kerentanan Difabel Berhadapan dengan Hukum Perkawinan*, accessed at <https://www.solider.id/baca/4525-kerentanan-difabel-hadapan-hukum-perkawinan> on 19 December 2022





in 2020 conducted analysis on guardianship judgments in Indonesia where there were many court decisions regarding guardianship for persons with psychosocial disabilities that do not consider any expiry, errors in absolute and relative jurisdiction²⁴⁴, and the involvement of experts in mental health issues and the submission of evidence of disability status.²⁴⁵ The purpose of the guardianship proposal was also dominated by reasons for taking control of the assets of persons with disabilities.²⁴⁶

In terms of custody, guardianship or adoption, provisions regarding adoption in Indonesia also do not fully accommodate equal rights for vulnerable groups. Persons with disabilities often lose child custody in divorce proceedings because they are considered to be legally incompetent.²⁴⁷ In other provisions, for example the Minister of Social Affairs Regulation No. 110/HUK/2009 on Child Adoption Requirements, the Regulation stipulates in Article 7 paragraph (1) several requirements to be Prospective Adoptive Parents. The requirements in Article 7 paragraph (1) letter (a) are physically and mentally healthy, (c) have the same religion as the prospective adopted child's religion, (e) have a legally married status of at least 5 (five) years, (f) not in same-sex partnership, show that the requirements for applying for adoption do not accommodate the diversity of religions and sexuality in Indonesia, and have not

²⁴⁴ Albert Wirya, et al., *Asesmen Hukum Pengampunan Indonesia: Perlindungan Hak Orang dengan Disabilitas Psikososial*, (Jakarta: LBH Masyarakat, 2020) pp. 29–30

²⁴⁵ *Ibid.*, p. 41

²⁴⁶ *Ibid.*, p. 38

²⁴⁷ Tempo.Co, *Difabel Kehilangan Hak Asuh itu Melanggar UU Penyandang Disabilitas*, accessed at <https://difabel.tempo.co/read/1419329/difabel-kehilangan-hak-asuh-itu-melanggar-uu-penyandang-disabilitas> on 19 December 2022



accommodate the reality of marriage registration in Indonesia.²⁴⁸

The data description above shows the fact that civil law issues in the aspect of family and inheritance are also included in the legal experience of vulnerable groups. Therefore, the provision of legal aid for vulnerable groups need to target civil procedural law as an equal focus as the criminal procedural law process. As stipulated in Article 4 of the Legal Aid Act, legal aid can also be provided for litigation and non-litigation civil cases.²⁴⁹

In addition, the need for supporting services such as companions, translators, psychologists and/or psychiatrists are also needed in the process of resolving legal problems, so that the need for the data above strengthens the identification of the legal needs of vulnerable groups that need to be strengthened in civil procedural law arrangements. Unfortunately, regulatory guarantees for this matter in the civil sphere are still minimal. A regulation already specifically contains the fulfillment of accessibility for vulnerable groups of persons with disabilities, which is Government Regulation No. 39 Year 2020 on Adequate Accommodations for Persons with Disabilities in the Judicial Process. For other vulnerable groups, such as women, one of the arrangements that can be used within the scope of litigation in civil proceedings includes Supreme Court Regulation No. 3 Year 2017 which also includes women as one of the subjects regulated within the Regulation.

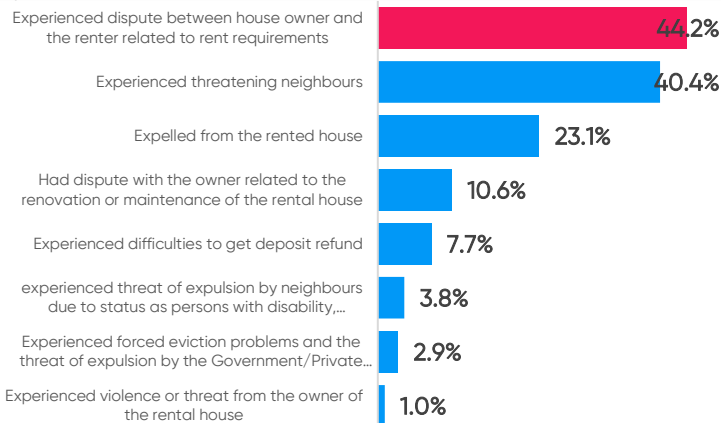
²⁴⁸ Ministry of Social Affairs, Minister of Social Affairs of the Republic of Indonesia Regulation No : 110 / HUK / 2009 on the Requirements for Child Adoption, Article 7

²⁴⁹ Indonesia, Law No. 16 Year 2011 on Legal Aid, Article 4.



Problems Related to Housing

Chart 4.36 Vulnerable Groups' Experience in Housing Problems | n = 104

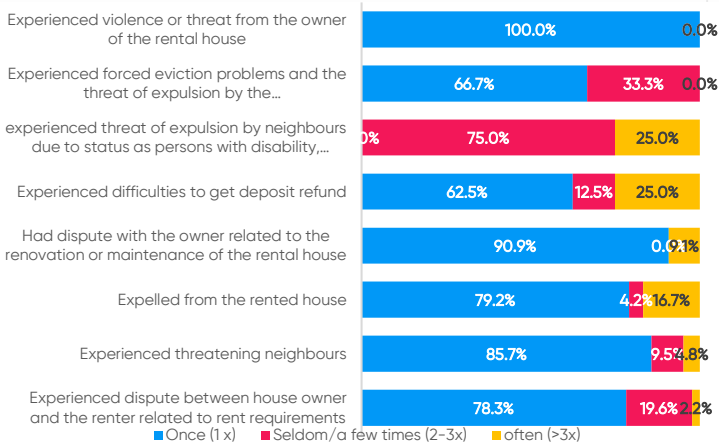


The graph above shows that against a background of vulnerable group respondents, aside from having an income below the provincial minimum wage, respondents who have housing problems (10.2%), their legal problems related to housing involve three main actors, namely: the owner of the rental house, the neighbors around the rental house, as well as the local government. There are two highest legal problems in the aspect of housing, which are problems with homeowners regarding rental requirements (44.2%) and threats from neighbors (40.4%). Vulnerable groups also experience loss of access to housing due to expulsion from their houses (23.1%).

Housing problems mostly experienced by the poor (50.0%)



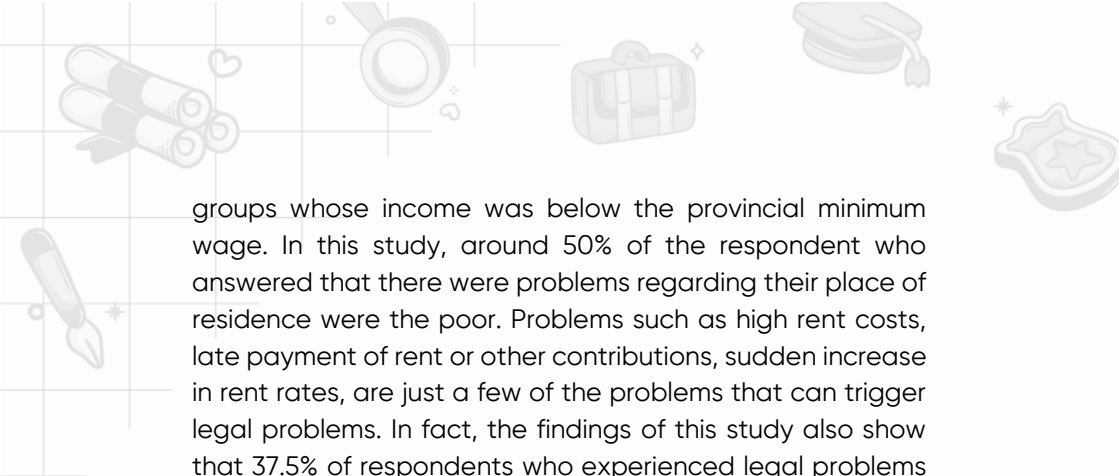
Chart 4.37 The Frequency of Vulnerable Groups Dealing with Legal Problems Related to Housing | n = 104



On the other hand, data on the frequency of legal problems with regard to housing is even more interesting because it shows the reality of vulnerability to discrimination and stigma experienced by vulnerable groups. Due to different identities and other statuses, the majority of respondents experienced threats of eviction from their neighbors because of their vulnerability as persons with disabilities, PLHIV, sexual minorities and gender identity, religious minorities, and sex workers. In terms of experience of being threatened with expulsion based on their identity and certain conditions, the data shows that 75.0% of vulnerable groups are exposed to discrimination with quite high repetition.

Problems related to rental requirements experienced by vulnerable groups can also be linked to the demographics of vulnerable groups in the study, which consisted of poor





groups whose income was below the provincial minimum wage. In this study, around 50% of the respondent who answered that there were problems regarding their place of residence were the poor. Problems such as high rent costs, late payment of rent or other contributions, sudden increase in rent rates, are just a few of the problems that can trigger legal problems. In fact, the findings of this study also show that 37.5% of respondents who experienced legal problems related to housing did not receive social security from the government.

In addition, factors such as housing access requirements such as non-formal jobs, requirements from rental house owners who have policies such as rental housing specifically for believers of the majority religion, rental housing environments that do not accept or do not want to interact with PLHIV or people with diverse gender and sexual orientation also become one of the obstacles to access to housing for vulnerable groups. In this study, respondents from diverse gender and sexual minority groups were shown to have a higher percentage than respondents from indigenous peoples and persons with disabilities (7.7%). Of the approximately 104 respondents who answered that there were problems regarding housing, the majority of them who experienced this problem were women (58.7%), the elderly (34.6%).

The data above illustrates vulnerability due to social interaction with external parties which depicts stigma and discrimination. In fact, the legal problems experienced also opened the gate for financial losses, physical impacts and psychological impacts on threats due to attitudes that

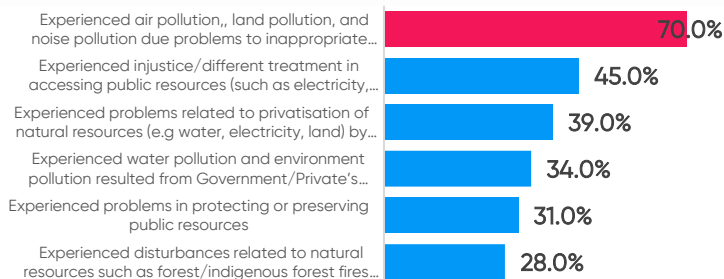


alienate vulnerable groups and segregation of residential areas due to negative labels towards vulnerable groups.

The problem of forced evictions and threats of forced evictions by the Government against vulnerable groups shows that the prevalence of ownership by vulnerable groups of adequate housing is still minimal. Moreover, the potential for forced evictions and threats of forced evictions for development usually attack residential areas that are considered illegal, occupying state land, or violate certain policies. Furthermore, this also illustrates that the preparation of development plans and spatial planning often neglects to take socio-cultural considerations into account in the community.

Problems Related to Natural Resources

Chart 4.38 Vulnerable Groups' Experience in Natural Resources
Problem | n = 100



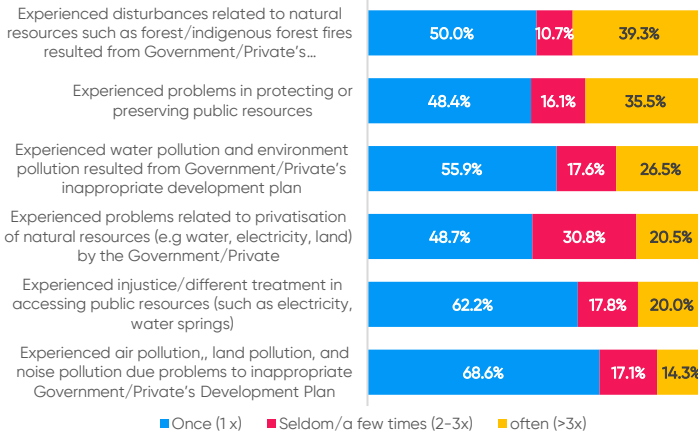
The findings in the graph above regarding the experience of vulnerable groups in accessing natural resources and the environment, again intersect with the making of policies and development plans that do not consider to the interests of vulnerable groups. It can be seen in the graph above that



vulnerable groups experience pollution problems in various forms, be it air, land and noise pollution due to inappropriate development (70.0%). It is found that water pollution was experienced by 34.0%. In addition, in terms of access to natural resources and energy, vulnerable groups also experienced access injustice because there are different treatment against them (45.0%). Furthermore, vulnerable groups also experience obstacles and problems in accessing privatized natural resources (39.0%). The experience of vulnerable groups of indigenous peoples can also be well identified in research, due to the problem of indigenous forest fires or destruction, for the urgency of inappropriate development (28.0%).

Natural resources problems mostly experienced by indigenous people (43.0%)

Chart 4.39 The Frequency of Vulnerable Groups Dealing with Natural Resources Problems | n = 100





In the graph above, the frequency of vulnerable groups experiencing natural resources problems, in all categories of natural resources problems it can be seen that the vulnerable groups experience environmental problems more than once. The graph above illustrated well the frequency and similarity of experiences of vulnerable groups in accessing adequate living environment. Regarding air pollution, land pollution and noise pollution problems, vulnerable groups felt mostly these problems once in their lives (68.6%).

On the issue of privatization of natural resources by the government or the private sector, half of the vulnerable population in the study experienced this situation more than once. The most complicated problem can be seen in the indicator of natural resources problems in terms of disruption of natural resources belonging to indigenous peoples, where indigenous peoples experience recurrence most often compared to problems in other indicators. This problem recurred more than 3 times in 39.3% of indigenous peoples.

Problems with natural resources show that this problem places indigenous peoples and women as the most vulnerable to natural resource problems. This was confirmed in further analysis that from the vulnerable groups population experiencing natural resource problems mostly were women (61.0%) and indigenous peoples (43.0%). Therefore, if we reflect on the data and description of the existing problems, research shows that the emergence of environmental damage and problems and reduced access to natural resources are due to haphazard policy making and development plans that do not pay attention to the interests

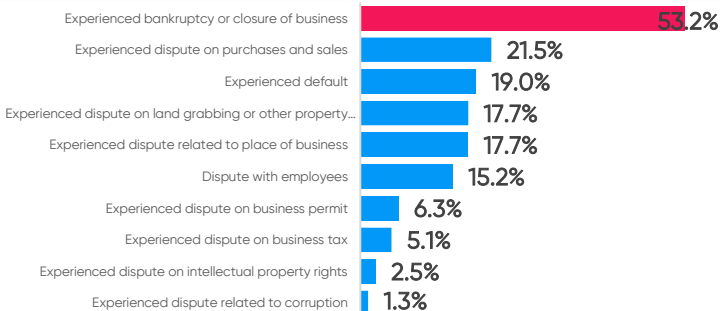


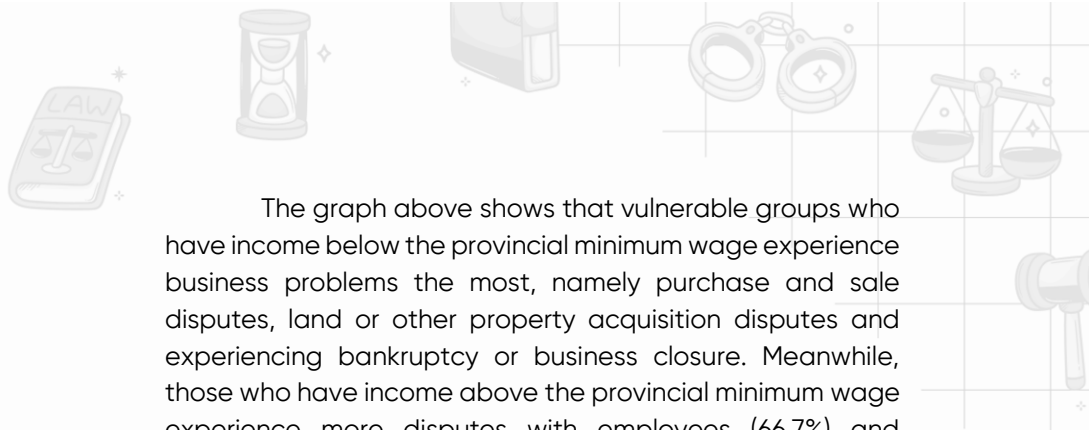
and involvement of vulnerable groups, especially women and indigenous peoples in its development.

Everyone has the right to equal access to a proper environment, clean air, clean water, and the maintenance of customary assets as stipulated in Article 28H of the 1945 Constitution and Law No. 32 Year 2009 on Environmental Protection and Management. The content regarding sustainable development policies and the recognition of the existence of indigenous peoples in the Environmental Protection and Management Law is in fact not balanced with the real experience of their legal experience so far. Access to legal settlement of natural resource issues for vulnerable groups can help to regain what should belong to vulnerable groups as part of society. Legal assistance, psychological assistance, access to health or medical care due to declining health conditions as a result of problems with disruption of water, air, land and sound are also important matters as a legal necessity for vulnerable groups who need to be accommodated in the policy reform of access to legal needs.

Problems Related to Business

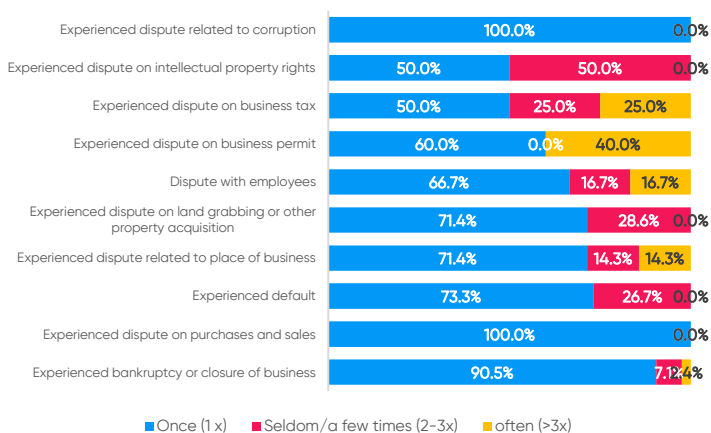
Chart 4.40 Business Problems Experienced by Vulnerable Groups | n = 79

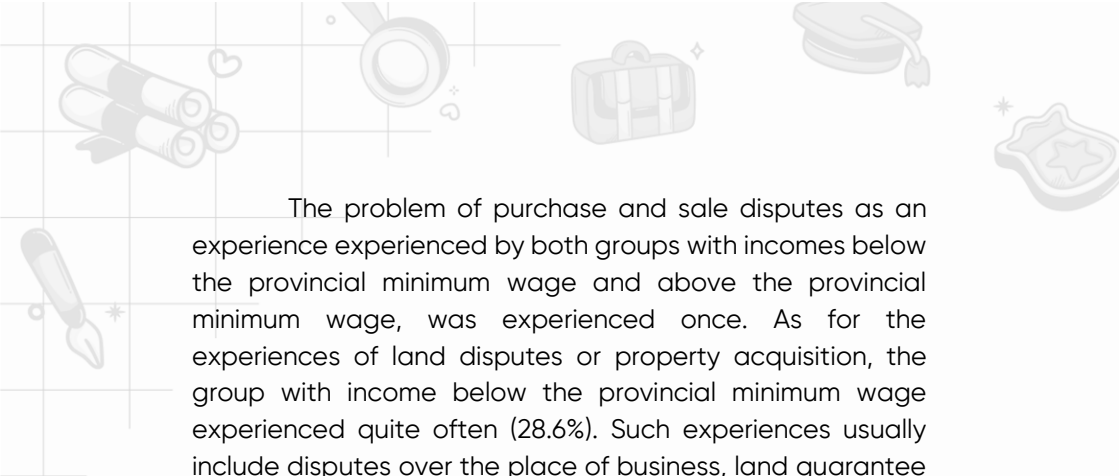




The graph above shows that vulnerable groups who have income below the provincial minimum wage experience business problems the most, namely purchase and sale disputes, land or other property acquisition disputes and experiencing bankruptcy or business closure. Meanwhile, those who have income above the provincial minimum wage experience more disputes with employees (66.7%) and disputes over the place of business (55.6%). Apart from the time span of the research which also looked at the pandemic situation, the data illustrates that the most vulnerable groups who have a history of business or small and medium enterprises mostly experienced bankruptcy (53.2%), purchase and sale disputes (21.5%), experienced bankruptcy (19%), business place problems (17.7%), land or property acquisition issues (17.7%), employee disputes (15.2%), business permits disputes (6.3%) business tax issues (5.1%), business intellectual property rights (2.5%), and disputes due to acts of corruption (1.3%).

Chart 4.41 The Frequency of Vulnerable Groups Dealing with Business Problems | n = 79





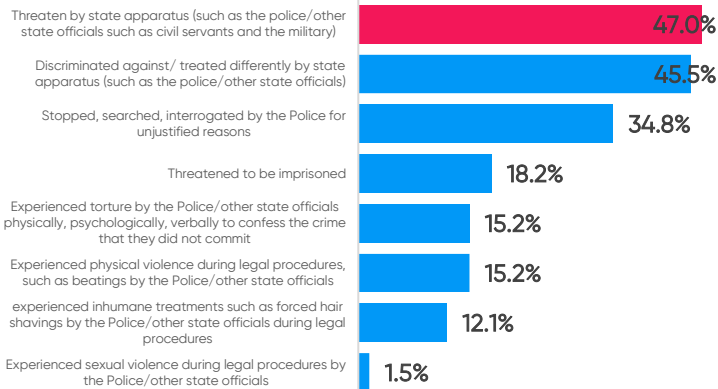
The problem of purchase and sale disputes as an experience experienced by both groups with incomes below the provincial minimum wage and above the provincial minimum wage, was experienced once. As for the experiences of land disputes or property acquisition, the group with income below the provincial minimum wage experienced quite often (28.6%). Such experiences usually include disputes over the place of business, land guarantee as business capital, etc. In fact, in terms of business premises and permits, vulnerable groups have experienced more than 3 legal problems.

Referring to this data, the Ministry of National Development Planning (BAPPENAS) and National Law Development Agency (BPHN) can evaluate the allocation of the legal aid budget. Legal needs for litigation, for example in commercial courts, civil courts and industrial relations courts, as well as non-litigation, for example permit and taxation, can be one of the considerations for fulfilling legal needs for vulnerable groups in the future. Therefore, as has been discussed on consumer-related issues in the previous section, budget allocations for non-litigation legal aid can be adjusted to the needs, because not all legal issues are business-related, need to be resolved through a litigation process, but can take mediation, negotiation mechanisms, or just a consultation.



Problems Related to Violence by State Apparatus

Chart 4.42 Vulnerable Groups' Experience Related to Violence by State Apparatus | n = 66



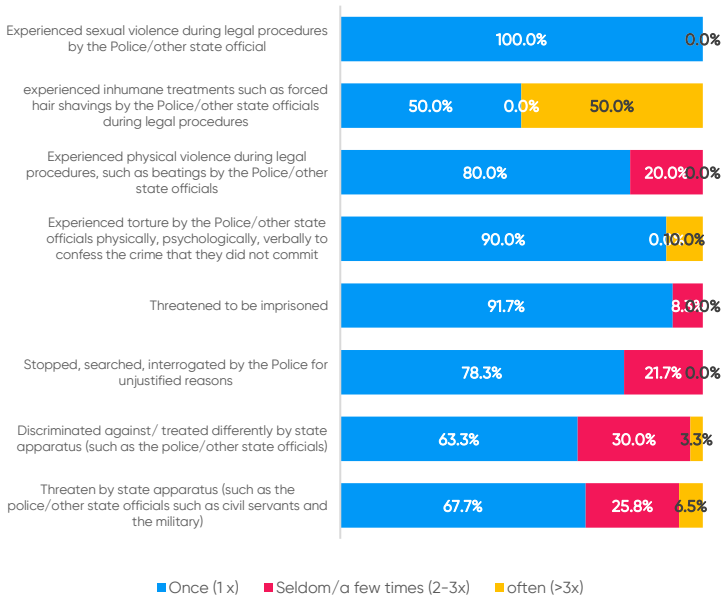
The prevalence of vulnerable groups experiencing violence from state apparatus found that the majority were women (40.9%), groups of diverse gender and sexual minorities (33.3%), and children (21.2%). This can be seen from the background and situation of vulnerable groups, including women in conflict with the law, children in conflict with the law, victims of stigma and degrading views experienced by persons with disabilities, indigenous peoples, the elderly, and groups of diverse gender and sexual minorities. The data shows that the experience of violence from the authorities has become one of the legal problems that is quite common for each vulnerable group.


As many as 47% of vulnerable groups have experienced threats from state apparatus, both physical and psychological threats. Vulnerable groups also experience discriminatory actions by state officials (45.5%). In



fact, there are two descriptions of cases that describe violations of the right to equality before the law and the right to be free from torture and fair trial violations, namely the experiences of vulnerable groups during searches, examinations without justifiable reasons (34.8%), experiences of physical violence when undergo legal proceedings (15.2%), even more ironically, vulnerable groups experience coercion and violence to confess to actions they did not commit (15.2%). On the other hand, vulnerable groups also experienced a series of other inhumane acts, namely forced shaving of their hair by state officials during the legal process (12.2%) and another 1.5% stated their experience of sexual violence while undergoing the legal process.

Chart 4.43 The Frequency of Vulnerable Groups Dealing with Violence by State Apparatus | n = 66

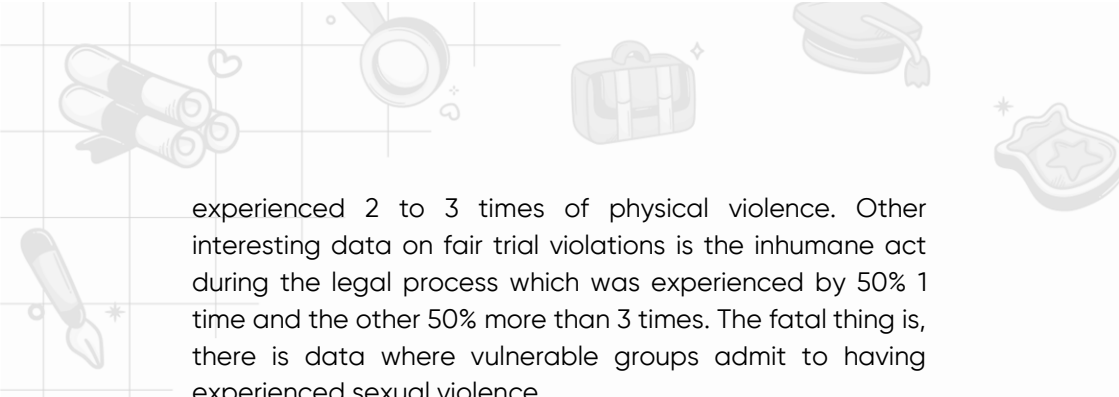




Violence by state apparatus problems mostly experienced by groups of diverse gender and sexual minorities (33.3%), children (21.2%), and girls (40.9%)

The phenomenon of violence aimed at vulnerable groups described in the chart above is one of the iceberg phenomena in terms of perspective and culture of discrimination against vulnerable groups that are prevalent in law and government institutions. In terms of threats from state apparatus, the frequency of experiences of vulnerable groups is that the majority experienced threats more than once, then 25.8% experienced two to three threats. Meanwhile, in the case of vulnerable groups who experienced discriminatory acts, more experienced this treatment two to three times, around 30%. The threat of criminalization is also experienced by vulnerable groups. This is indicated by the frequency of 91.7% of respondents experiencing one threat of criminalization. The rest, 8.3% of respondents even admitted that they had experienced these threats 2-3 times. In other practices of fair trial violations, namely forced arrests, violations, detentions and searches, vulnerable groups experienced unjustified examinations and arrests with a frequency of 78.3% experiencing 1 time, 21.7% experiencing 2-3 times. The practice of torture in the legal procedures is also experienced by vulnerable groups, where they experienced violence as a force to confess to a crime they did not commit. As many as 90% experienced 1 time and the rest experienced more than 3 times. Another form of violence, namely physical violence, was also experienced during the legal process, namely 80% who experienced 1 time of violence and 20%





experienced 2 to 3 times of physical violence. Other interesting data on fair trial violations is the inhumane act during the legal process which was experienced by 50% 1 time and the other 50% more than 3 times. The fatal thing is, there is data where vulnerable groups admit to having experienced sexual violence.

The existence of data from the two graphs describes a series of recurring problems experienced by vulnerable groups, especially in terms of violations of the right to fair trial against perpetrators and victims themselves. The data on the two graphs further complements the phenomenon of apparatus violence which has been recorded so far. Previously, the Commission for Missing Persons and Victims of Violence (KontraS) revealed findings of violence from the authorities that occurred in 2021-2022, in which 1,240 people were reported arrested, 928 of whom were injured, and 59 people died. Most of the reported cases were in the form of persecution, arbitrary arrests and dispersal of demonstrations.²⁵⁰

Another report which also discussed violations of coercive measures against vulnerable groups was also reported by LBH Masyarakat (Community Legal Aid Institute). LBH Masyarakat noted its advocacy experience for victims from groups of diverse gender and sexual minorities in the case of being arrested at the Atlantis gym and sauna, where the victims were stripped naked during the arrest and interrogation process, coerced to do urine test, and

²⁵⁰ CNN Indonesia, *KontraS Catat 677 Kekerasan Dilakukan Polisi dalam Setahun*. Accessed at <https://www.cnnindonesia.com/nasional/20220630140427-12-815561/kontras-catat-677-kekerasan-dilakukan-polisi-dalam-setahun>, on 5 December 2022



restricted access to legal assistance for the victim.²⁵¹ Another finding from Arus Pelangi noted that violence experienced by vulnerable groups which were intended to be reported often got delayed response because it was underestimated and ignored by the police who received the report. Only when the complainant is accompanied by a lawyer from a legal aid institution that law enforcement officers will receive and process the case.²⁵²

Regarding the application of fair trial, the Institute for Criminal Justice Reform conducted an assessment study with several experts in the field of criminal law to assess the application of fair trial in Indonesia during the pandemic. The report contained the result of an assessment of the principle of fair trial in Indonesia during the Covid-19 pandemic which reached a rating of 55.31 on a scale of 0-100. This score indicates that the situation for fulfilling a fair trial in Indonesia has not reached a good condition. In a previous study on the same topic in 2018, the fulfillment of fair trial rights, especially in fulfilling the suspect's rights, scored 37.8.²⁵³ In the latest report, the experts agreed to give an assessment score of 50.57 in the aspect of judiciary that is non-discriminatory. The experts involved assessed that the implementation of fair trials during the pandemic saw many legal cases processed in a discriminatory manner, especially for the poor.²⁵⁴

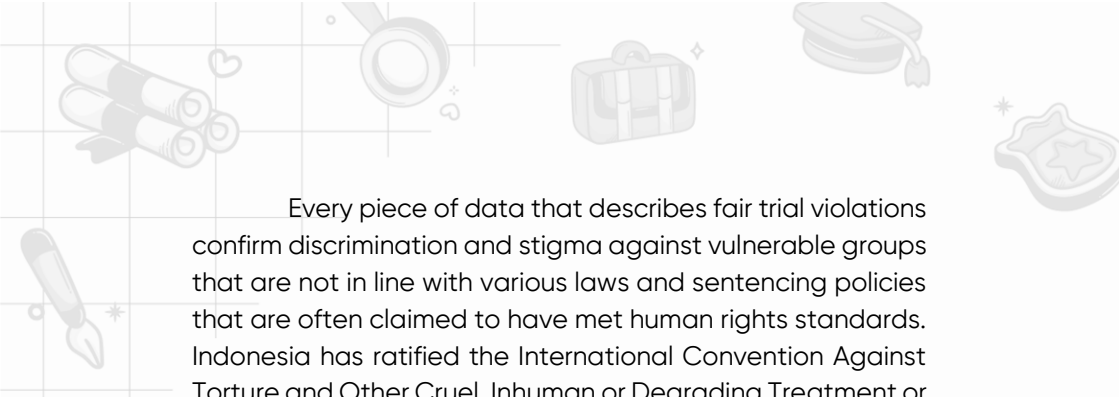
²⁵¹ Naila Rizqi Zakiah, *Bahaya Akut Persekusi LGBT: Seri Monitor dan Dokumentasi 2018*, (Jakarta: LBH Masyarakat, 2018), pp. 22-23

²⁵² Yosua Octavian & Kiki Marini Situmorang, *Laporan Pendokumentasian: Pendampingan Kasus Focal Point Konsorsium Crisis Response Mechanism*, (Jakarta: Konsorsium Crisis Response Mechanism, 2021), p. 12

²⁵³ Miko Susanto Ginting, *Laporan Penilaian Penerapan Prinsip Fair Trial di Indonesia pada Masa Pandemi Covid-19*, (Jakarta: Institute Criminal Justice Reform, 202), p. 12

²⁵⁴ *Ibid.*, p. 26





Every piece of data that describes fair trial violations confirm discrimination and stigma against vulnerable groups that are not in line with various laws and sentencing policies that are often claimed to have met human rights standards. Indonesia has ratified the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment through Law No. 5 Year 1998. Torture is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."²⁵⁵

On that basis, referring to the convention, fair trial violations experienced by the vulnerable groups above are in practice 5 namely torture in various forms of violence to force vulnerable groups to confess to crimes that were not committed, practice 6 namely experiencing physical violence during the process law, as well as the practice 7 of experiencing inhumane acts such as being forcibly shaved while undergoing legal proceedings can be included as examples of torture. Article 14 of the Convention then stipulates that there is an obligation for state parties that

²⁵⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1 paragraph 1



are subject to the Convention to have a system of redress, rehabilitation, restitution and fair compensation for victims of torture.²⁵⁶

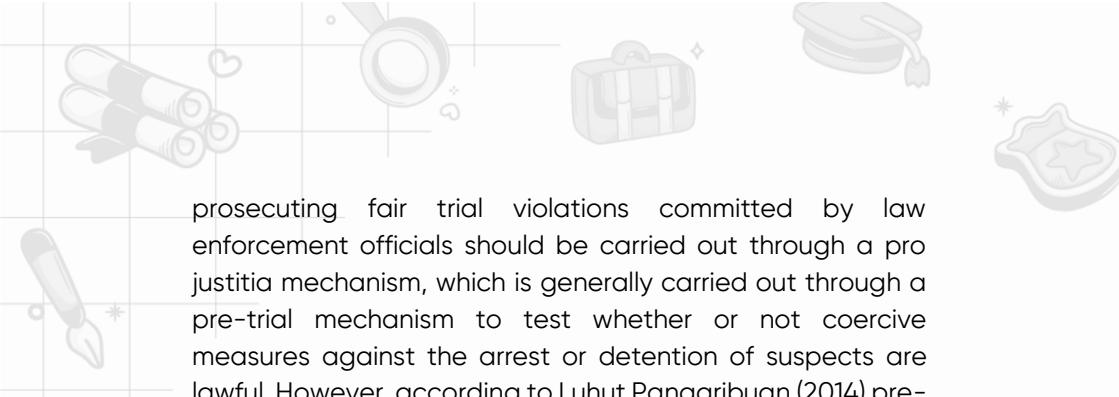
Regarding Article 14 of the Convention, in regulation it can refer to the Criminal Procedure Code which contains a pre-trial mechanism in Articles 77 - 83 of the Criminal Procedure Code and Article 95, Article 96 and Article 97 of the Criminal Procedure Code. In Article 81, it is guaranteed that against practices as in examples 5, 6 and 7 above, compensation and/or rehabilitation can be submitted as a result of illegal arrest or detention or as a result of legal termination of investigations or prosecutions to the Head of the District Court by stating the reasons. Moreover, Article 95 of the Criminal Procedure Code also regulates the right to compensation due to unlawful coercive measures and wrongful arrest.

The pretrial mechanism is the Court's authority to examine and decide on: a) whether or not an arrest and/or detention is lawful at the request of the suspect or his family; b) whether or not the termination of the investigation is lawful; and c) a request for compensation or rehabilitation by the suspect or his family if the case is not brought to the Court.²⁵⁷ In addition to the mechanism for requests for compensation, actually this pre-trial mechanism should be a mechanism to examine if there have been violations committed by law enforcement officials in carrying out coercive measures. To ensure that the process of

²⁵⁶ Ibid., Article 14 paragraph 1.

²⁵⁷ Indonesia, Law Number 8 Year 1981 on Criminal Procedure Code, Article 1 number





prosecuting fair trial violations committed by law enforcement officials should be carried out through a pro justitia mechanism, which is generally carried out through a pre-trial mechanism to test whether or not coercive measures against the arrest or detention of suspects are lawful. However, according to Luhut Pangaribuan (2014) pre-trial practice in Indonesia tend to look more at the administrative aspect - such as if there is a decree from the law enforcement, then the legal requirements have been fulfilled²⁵⁸. In fact, the pretrial mechanism should be a place to test whether or not the subjective requirements of coercive measures carried out by law enforcement officials are really necessary, so that it does not merely test the lawfulness of coercive measures.

In addition, to reform the Indonesian criminal justice system so that it truly meets due process of law standards, the pre-trial mechanism should be expanded not only to examine the legitimacy of coercive measures, termination of investigations or prosecutions, and requests for compensation and rehabilitation, but necessary to be expanded to test the determination of a person as a suspect.²⁵⁹ So that if law enforcement officials designate a person as a suspect in an unlawful way, including the practice of torture, the pre-trial mechanism can cancel the determination of a suspect made by a person. The practice of annulling the determination of suspects has occurred in Indonesia, when Judge Sarpin Rizaldi annulled the

²⁵⁸ Luhut M.P. Pangaribuan, *Hakim Pemeriksa Pendahuluan (HPP) dalam Rancangan Sistem Peradilan Pidana di Indonesia*, Jurnal Teropong Vol. 1, August 2014, p. 9

²⁵⁹ Mardjono Reksodiputro, *Menggugat Praperadilan "Sarpin Effect" Merupakan "Malapetaka" Reformasi Peradilan di Indonesia?*, Jurnal Peradilan Indonesia Vol. 3 (2015), p. 9



determination of the suspect Budi Gunawan, which was later followed by other judges. However, unfortunately this practice has not been accompanied by a clear mechanism of procedural law. So this interpretation and practice is still based on how each judge decides a pretrial case.

The absence of access to optimal legal aid and assistance, as well as a legal structure and culture that tends not to treat vulnerable groups as equals, can increase the vulnerability of vulnerable groups in experiencing discrimination and stigma in the judicial process. This is possible since the free legal aid mechanism still only sees the vulnerability of the poor²⁶⁰. Even though legal aid is an important element in increasing access to justice in Indonesia²⁶¹, where legal aid is a form of free service to protect people who defend their rights in the criminal justice process, as parties, witnesses, and victims²⁶². In addition, the role of legal aid is also recognized by the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, where this guide requires member states to consider a legal aid system that is accessible, effective, sustainable and credible for several groups, especially women and children.²⁶³

In addition, the repressive efforts experienced by these vulnerable groups will actually have the potential to minimize access to justice for vulnerable groups, especially

²⁶⁰ Indonesia, Law No. 16 Year 2011 on Legal Aid, Article 1 number 2

²⁶¹ Dio Ashar Wicaksana, et al., *Indeks Akses terhadap Keadilan Indonesia Tahun 2019*, p. 31

²⁶² Aradilla Caesar, et al., *Pro Bono Prinsip dan Praktik di Indonesia*, (Depok: Fakultas Hukum UI, 2019), pp. 1-2

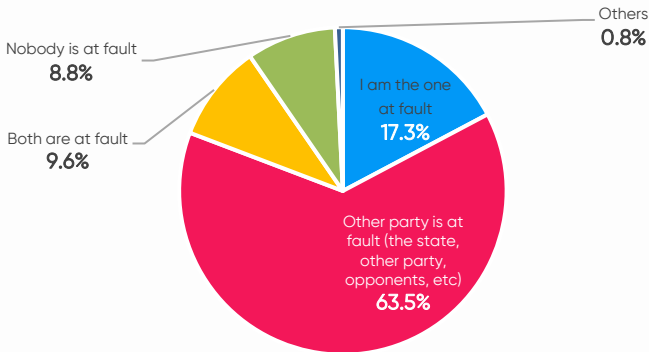
²⁶³ E. Ojukwu, et al, *Access to Justice, Chapter 5, Handbook on Prison Pre-Trial Detainees for Law Clinics*, (Network of University Legal Aid Institutions, 2015), pp. 121-152



to report their legal problems and when they become suspects or defendants to access their legal and basic rights. This is because there are concerns that they will be re-criminalized, their status or identity will be disclosed without consent, and there unavailability of integrated support system. Penal policy reforms and formal procedural law will need to accommodate the real situations of vulnerable groups. Improving access to legal aid for vulnerable groups and efforts to formulate inclusive justice policies need to be sharpened to become a goal in drafting the Criminal Procedure Code Bill, as has been increasingly echoed through previous technical regulations under the older version of the Criminal Procedure Code.

🌟 Details of legal problems experienced by vulnerable groups

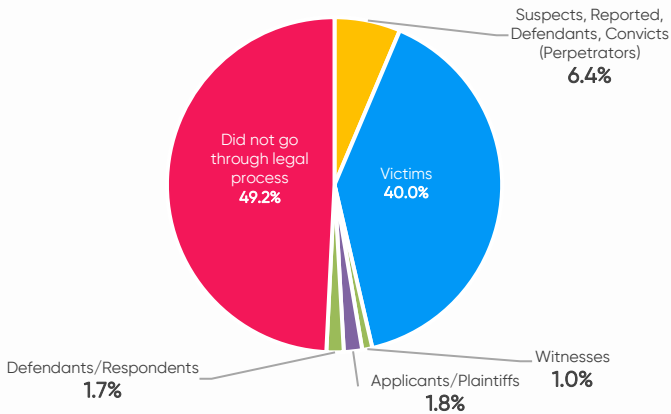
Chart 4.44 Vulnerable Groups' Assumption on Who is Guilty in a Legal Problem | n = 1,020



The description of the position in legal problems, the legal problems faced by vulnerable groups are dominated by other people as the perpetrators: the state, other parties,

opponents, namely 63.5%. On the other hand, there are also vulnerable groups who state that there is also a burden of blame on them, 17.3%. There were also respondents who said that maybe both parties were wrong, 9.6%, and respondents who thought that maybe nobody is at fault, 8.8%.

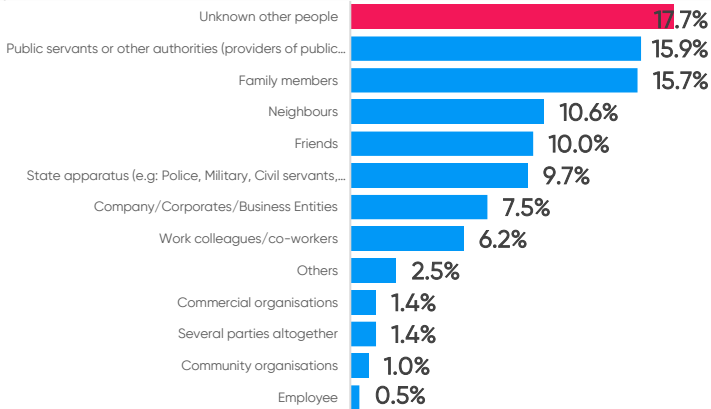
Chart 4.45 Status of Vulnerable Groups in Legal Problems | n = 1,020



The prevalence of vulnerable groups' position in dealing with legal problems found that 51.8% of them chose to undergo a formal legal process, with the most legal standing as Victims (40%), Suspects/Reported/Defendant (6.4%) and became Plaintiffs/Applicants in civil cases (1.8%), Defendants/Respondents (1.7%), and Witnesses (1%). So, the remaining 49.2% of vulnerable groups did not go through legal process. This finding also has the same characteristics in the Indonesian Access to Justice Index (2019) which found 42.2% of respondents chose not to do anything, because they were worried that the problem would get more complicated and they did not know how to go through the available mechanisms.



Chart 4.46 Vulnerable Groups' Relation with their Opponents in Legal Problems | n = 1,020



The description and background of the opponents' position in the legal problems experienced by vulnerable groups in the graph above shows that legal problems in the public and private spheres are equally present and experienced by vulnerable groups. Relations between vulnerable groups and their opponents in legal disputes, the majority 17.7% stated that the opposing party was unknown other party, followed by actors from public service providers. This can be an initial illustration that there are still many parties in the general public who do not understand about vulnerability, even being the main actors in legal matters. In addition, the quite high amount of data obtained about the problems caused by public services or other authorities indicates that the orientation of public services so far has not respected the position of vulnerability. For this reason, regarding public services where problems with vulnerable groups are found, vulnerable groups need to be informed that there are efforts made to evaluate these institutions, for



example reporting to the Ombudsman or other supervisory bodies. This research also captures legal issues that arise with family members (15.7%), friends and co-workers.

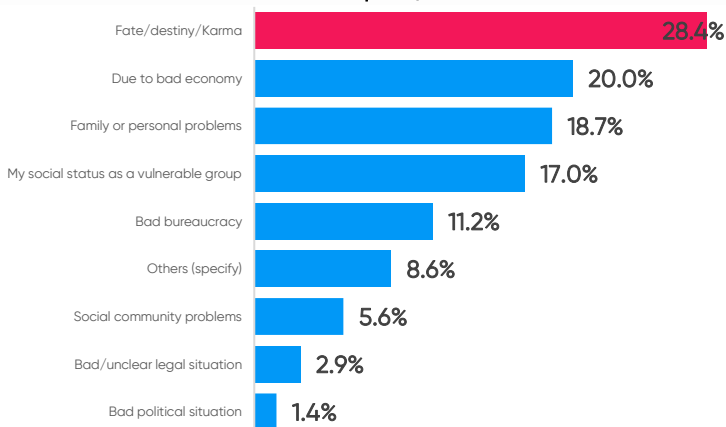
The next description of the relationship is legal issues within the scope of neighborly relations. In addition, respondents also stated that there were opponents in the legal issues they faced who came from state officials, companies, and commercial organizations. On the other hand, what is very unfortunate is the finding that community organizations can also become opponents in legal matters.

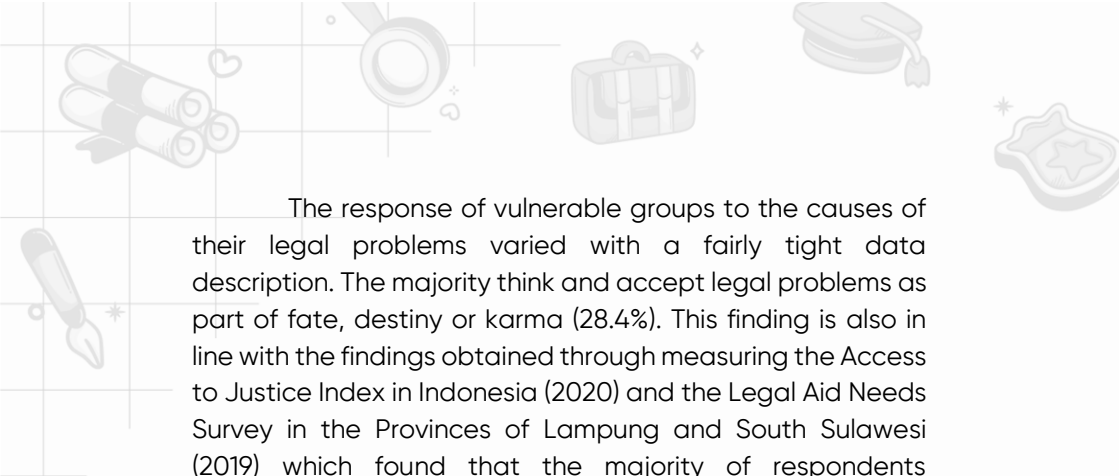


State officials are the most opposing parties for indigenous peoples who are in conflict with the law (32.7%). Meanwhile, family members were the most opposing parties for children (28.1%) and women (18.0%).



Chart 4.47 Vulnerable Groups' Opinion on the Cause of Legal Problems | n = 1,020





The response of vulnerable groups to the causes of their legal problems varied with a fairly tight data description. The majority think and accept legal problems as part of fate, destiny or karma (28.4%). This finding is also in line with the findings obtained through measuring the Access to Justice Index in Indonesia (2020) and the Legal Aid Needs Survey in the Provinces of Lampung and South Sulawesi (2019) which found that the majority of respondents answered that the cause of the problem was part of fate, destiny, or karma. This finding shows that the culture of the majority of Indonesian people views a legal problem as part of the life cycle, not as something that occurs because of problems from the legal, political, or other cultural system.

On the other hand, 20.0% of vulnerable groups viewed the situation was caused by their economic status or level. Furthermore, vulnerable groups stated that the causes of legal problems came from family and personal relations (18.7%). There are also vulnerable groups who see the root of the problem as coming from the system, be it the bureaucratic system (11.2%), the legal system, both its culture, unclear and bad structure and substance (2.9%), and a bad political situation (1.4%). There are also 8.6% who chose other factors that cause legal problems, and 5.6% who perceive the causes of legal problems were caused by the social community.

The data in the graph above is interesting because it describes the majority of respondents who gave up and surrendered to situations that put them into legal problems. Legal problems are seen as a test of life or a consequence of certain actions. On the other hand, the data also shows



that there are 20% of vulnerable group respondents who were aware that their economic conditions cause legal problems. Then, there are also other vulnerable groups who realized that a situation of vulnerability provides minimum benefits (less privileges) causing them to experience legal problems and differences in access to solutions. Vulnerable groups are also aware that attitudes and culture in the community are other factors that can lead to legal problems, especially when it is associated with discriminatory practices and stigma that target them.

Research also illustrates that there are vulnerable groups who admit that the legal situation is bad (2.9%). This is also found in the results of the 2020 Legal Development Index, where one of the pillars related to legal material found regulations, including regional regulations that contain discrimination against women and other vulnerable groups.²⁶⁴ This refers to the existence of several regulations that limit people's daily activities accompanied by criminal threats, the formalization of certain religious provisions, and are contrary to the rights of indigenous and tribal peoples.²⁶⁵

This has made it possible for many legal problems resulted from the substance and interpretation of legal products which are detrimental and do not accommodate partiality to vulnerable groups. One of the things that shows this is the practice of discrimination is the use of certain laws, for example the Electronic Information and Transaction Law (ITE Law) and the Pornography Law which threaten to

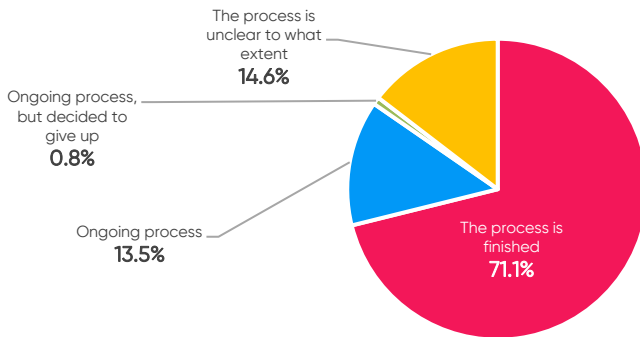
²⁶⁴ Ministry of National Development Planning (Bappenas) & Law Faculty of the University of Indonesia, *Indeks Pembangunan Hukum Indonesia 2020*, p. 132

²⁶⁵ *Ibid.*



criminalize women victims of violence, threaten the criminalization of indigenous peoples and gender and sexual minorities which oppose discriminatory policies. This is even exacerbated if there are bad political policies that place vulnerable groups, not as the subject of protection in policies, but instead exploit the vulnerabilities themselves, as contained in the regulations on public order which are used to raid women's groups and gender diversity and sexual minorities, development plans and spatial planning that are deliberately reserved for certain groups, etc.

Chart 4.48 Vulnerable Groups's Legal Problems Status | n = 371

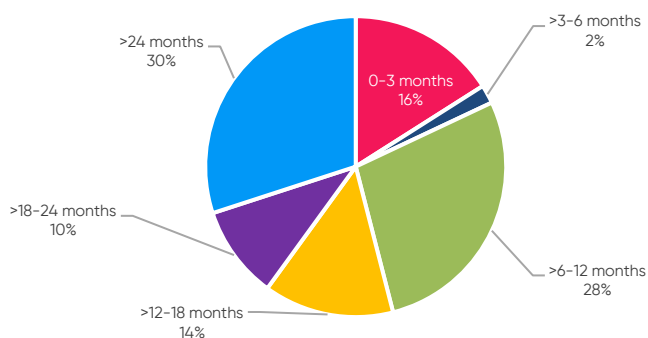


As many as 71.2% of respondents stated that the legal problem' process had been completed. However, it turns out that not a few also said that it was not clear where the legal settlement process was going, due to the lack of information (14.6%) from the party receiving the report or processing the report. In addition, another 13.5% said that the legal problem settlement process was still ongoing.

In terms of accessing formal processes, for example criminal case process, every Witness and Victim has the right

to information on case developments, information on court judgment, as well as information in the event that the convict is released. This is regulated in Article 5 Paragraph (1) of Law Number 31 Year 2014 on Witnesses and Victims Protection. The right to case information can be obtained directly or through legal counsellors and attorneys. Under the Law on Witnesses and Victims Protection, the Witness and Victim Protection Agency (LPSK) is also given the authority to request information on the progress of cases from law enforcement officials. The problem of the lack of information about the course of the case settlement process, both information regarding the progress of cases, termination of cases, and others can be one illustration of the lack of access to optimal legal assistance in assisting vulnerable groups legally, placing vulnerable groups in a state of flux. In fact, the impacts of legal problems and the process of resolving legal disputes may not stop in the middle of the road. Lack of information can also hinder access to remedy and rehabilitation mechanisms.

Chart 4.49 Length of Ongoing Legal Settlement Processes for Vulnerable Groups | n = 50



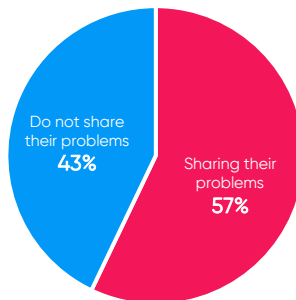
This graph provides an overview of the duration of the formal legal settlement process, where the findings of this study indicate that the majority of formal legal processes take a long time, even for years, which is more than 2 years (30.0%). There are also legal processes that take 6 - 12 months (28.0%), 12 - 18 months (14.0%), 18 - 24 months (10.0%), and only 0-3 months (16.0%). This can be a special concern that needs to be deepened in the future, whether the length of the legal process being undertaken correlates with legal certainty and the public's reluctance to go through formal mechanisms.



VULNERABLE GROUPS' BEHAVIOUR PATTERN IN RESOLVING LEGAL PROBLEMS

🏠 Vulnerable Groups' Behaviour of Sharing their Problems Related to Legal Problem Process

Chart 4.50 Vulnerable Groups' Experience in Sharing Their Legal Problems | n = 1,020

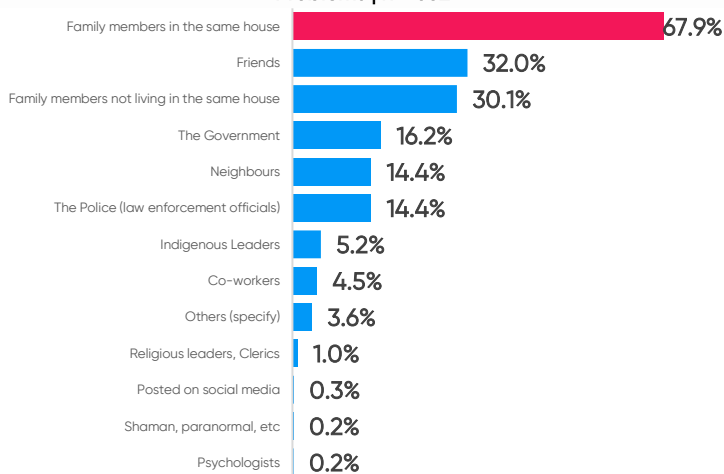


This graph shows that more vulnerable groups (57.1%) choose to share their legal problems, while a smaller proportion of vulnerable groups (42.9%) choose not to share their legal problems. This is in line with the findings of the 2019




legal needs survey which shows that people who are in conflict with the law prefer to share their problems.²⁶⁶ However, it can be seen that there is still a relatively high proportion of vulnerable groups who are reluctant to share their problems. The reluctance to talk about legal problems that are experienced is closely related to the fear that victims will experience re-victimization, incurring large costs and other legal impacts that can harm victims in the process of achieving the justice they need.²⁶⁷ This reluctance to share legal problems is also in line with the research conducted by INFID and IJRS which shows that the majority of women victims of sexual violence are reluctant to report cases of sexual violence they experience.²⁶⁸

Chart 4.51 Other Parties Who Was Told About Vulnerable Groups' Legal Problems | n = 582



²⁶⁶ Choky Risda Ramadhan et al., *Survei Kebutuhan Hukum Tahun 2019*, p. 72
²⁶⁷ Arsa Ilmi Budiarti, et al., *Refleksi Penanganan Kekerasan Seksual di Indonesia*, p. 50
²⁶⁸ Dio Ashar Wicaksana et al., *Studi Kuantitatif Barometer Kesetaraan Gender*, p. 52





“
30.3% of indigenous people chose to share their legal problems to the indigenous leaders. While 52.0% of gender diversity and minorities chose to share their problems with friends rather than family.
”

For vulnerable groups who shared their legal problems, 67.9% told family members in the same house, 32.0% told friends, and 30.1% told family members who did not live in the same house. In a smaller percentage, other parties chosen as a place to tell stories are neighbors (14.4%) and co-workers (4.5%). This behavior shows that individuals who experience legal problems tend to choose to tell stories to parties in their environment and closest social relations. This finding is in line with the results of the 2019 legal needs survey research which stated that the behavior of sharing legal issues is mostly done with family members, especially those who live in the same house.²⁶⁹ On the one hand, this pattern shows that vulnerable groups are more comfortable sharing their problems initially to their families. However, on the other hand, reporting or telling for the first time to family members can also have a negative impact—especially for victims of sexual violence.²⁷⁰ If the perpetrator actually comes from that family, the victim will not get the resolution and remedy as expected.²⁷¹ In the research conducted by INFID and IJRS, the resolution of sexual violence cases is more directed at marrying the perpetrator and the victim

²⁶⁹ Choky Risda Ramadhan, et al., *Survei Kebutuhan Hukum tahun 2019: Wilayah Provinsi Sulawesi Selatan dan Lampung*, p. 108

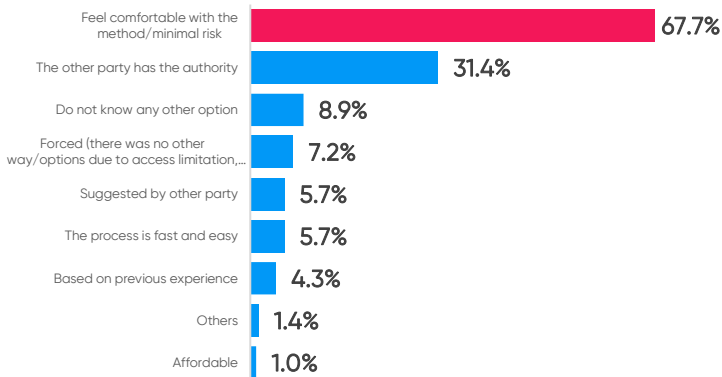
²⁷⁰ Arsa Ilmi Budiarti, et al., *Refleksi Penanganan Kekerasan Seksual di Indonesia*, p. 96

²⁷¹ Ibid.



and being asked to make peace or to be resolved through family channels.²⁷² Therefore, parties that have the potential to become important actors in the victim reporting mechanism in the family must also be strengthened and empowered.²⁷³

Chart 4.52 The Reasons of Vulnerable Groups in Sharing Their Legal Problems | n = 582

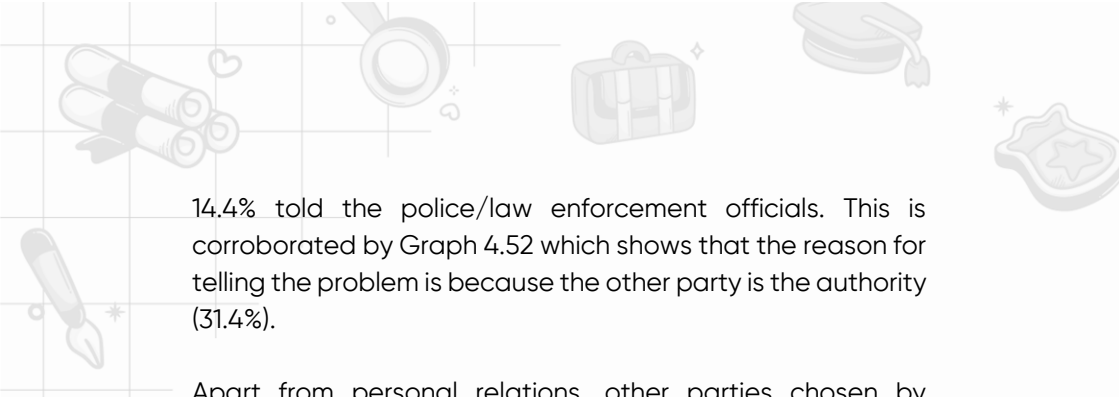


This graph explains that most of the reasons that the vulnerable group chose to tell the parties mentioned above were because they felt comfortable with this method or minimal risk (67.9%). This shows that for vulnerable groups, being comfortable with the party who is the initial gateway for reporting is very important considering that vulnerable groups tend to be reluctant to report for fear of experiencing various discriminations in the process of resolving legal disputes. Chart 4.51 also shows that 16.2% of respondents told their legal problems to the government and another

²⁷² Dio Ashar Wicaksana et al., *Studi Kuantitatif Barometer Kesetaraan Gender*, p. 52

²⁷³ Arsa Ilmi Budiarti, et al., *Refleksi Penanganan Kekerasan Seksual di Indonesia*, p. 96





14.4% told the police/law enforcement officials. This is corroborated by Graph 4.52 which shows that the reason for telling the problem is because the other party is the authority (31.4%).

Apart from personal relations, other parties chosen by vulnerable groups, such as the Regional Government and law enforcement officials, are also important. The police are a strategic party that can provide relevant information regarding legal problems experienced by vulnerable groups. In line with that, the Police have the responsibility to provide information to the public.²⁷⁴ This task applies to all organs of the Indonesian Police institution, both at the Headquarters (*Mabes*), Regional Police (*Polda*), Large City Police (*Polwiltabes*), Resort Police (*Polres*) to Sector Police (*Polsek*) levels. Meanwhile, the Regional Government has actually been mandated to administer legal aid in order to expand access to justice for the community, as stated in the Legal Aid Law²⁷⁵, including the process of providing relevant information to the public. Unfortunately, until now not all Provinces and Regencies/Cities in Indonesia have Legal Aid Bylaws²⁷⁶ as the implementing regulations that are expected to make it easier for vulnerable groups to access relevant information. The behavior of sharing legal problems has the potential to become a forum for providing legal information. The parties mentioned above can be the most relevant parties to provide legal information. For this reason,

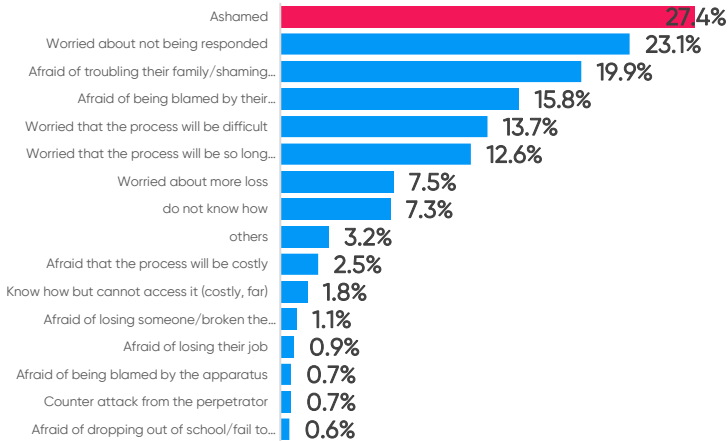
²⁷⁴ Indonesian National Police, Chief of Police Regulation Number 16 Year 2010 on Procedures for Public Information Services within the Indonesian National Police

²⁷⁵ Indonesia, Law Number 16 Year 2011 on Legal Aid, Article 19

²⁷⁶ LBH APIK Jakarta, *Siaran Pers 10 Tahun Undang-Undang Bantuan Hukum: Hingga Hari Ini DKI Jakarta Belum Memiliki Peraturan Daerah Tentang Bantuan Hukum*, 2021, accessed at <https://www.lbhapik.org/2021/11/siaran-pers-10-tahun-undang-undang.html> on 25 November 2022

strengthening legal literacy is important and can be provided through various trainings related to the fields needed to support the practice of legal aid. The trainings can involve every element of society, especially civil society, local government, and law enforcement officials as the units closest to justice seekers.

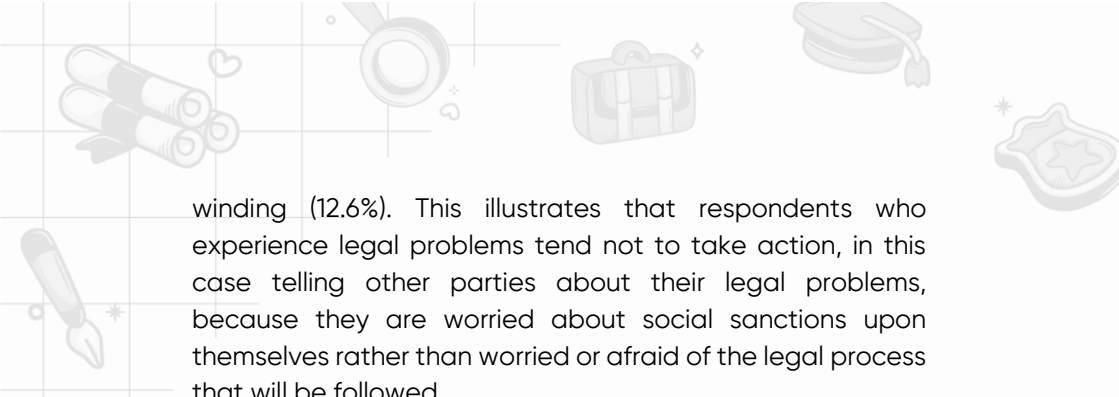
Chart 4.53 Vulnerable Groups's Reasons to Not Share Their Legal Problems | n = 438



Meanwhile, not everyone who experiences legal problems will take action to resolve them.²⁷⁷ The survey findings show the reasons why vulnerable groups prefer not to share their legal problems. Graph 4.53 shows that 27.4% of the vulnerable group is embarrassed to share their problems. Other reasons were worrying about not being responded to (23.1%), fear of making it difficult for the family/embarrassing the family (19.9%), worrying that the process would be difficult (13.7%), and worrying that the process would be very long and

²⁷⁷ Pasco Pleasance & Balmer, N.J.. *How people resolve 'legal' problems*, (London: Legal Services Board, 2014), hlm. 9





winding (12.6%). This illustrates that respondents who experience legal problems tend not to take action, in this case telling other parties about their legal problems, because they are worried about social sanctions upon themselves rather than worried or afraid of the legal process that will be followed.

As an example that is in line with the findings in this survey, Komnas Perempuan revealed that victims of sexual violence are often closely related to stigmatized as being seen as a disgrace, being accused of not being able to maintain dignity, and often being blamed for causing violence.²⁷⁸ Similar stigma is also often attached to other vulnerable groups, such as the elderly, persons with disabilities, and PLHIV who experience legal problems. Of course, associating morality with subjects experiencing legal problems will hinder the legal process²⁷⁹, in this case preventing vulnerable groups from telling their cases due to the potential stigma that will be attached to them. This also has the potential to make them choose assistance that does not match their needs or the type of legal problems they face. In other words, the reluctance of vulnerable groups to share their legal problems arises due to stigma in society which then encourages the need for parties who are trusted and have the capacity (and sensitivity) for vulnerable groups to be able to provide advice according to their needs and conditions of legal problems experienced by vulnerable groups.

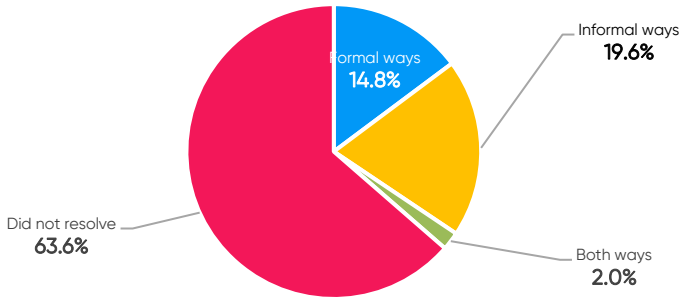
²⁷⁸ UN Women in Pursuit of Justice, *Progress of the World's Women: In Pursuit of Justice*, UN Women, 2011, 49–51., in Ustina Dolgopoi, The Construction of knowledge about Women, War and Access to Justice, *Imagining Law: Essays in Conversation with Judith Gardam*, University of Adelaide Press, 2016, p. 137

²⁷⁹ Pascoe Pleasance & N.J. Balmer, *How people resolve 'legal' problems*. p. 40

“62.5% of persons with disabilities are reluctant to share their legal problems. The reason is worried that the process will be difficult.”

🛡️ Vulnerable Groups' Behaviour in Resolving Legal Problems

Chart 4.54 Pathways Taken by Vulnerable Groups to Resolve Legal Problems | n = 1,020



Of all the respondents who experienced legal problems, the majority of respondents chose not to resolve their legal issues at all (63.6%). The respondents who chose to take the formal ways were 19.6%. Not much different, only 14.8% of respondents took the informal route in resolving legal issues. This becomes interesting when it is connected to survey findings which state that the cause of legal problems is destiny/fate/karma.²⁸⁰ By seeing destiny/bad luck/karma as the cause, vulnerable groups do not think that there are structural problems outside of themselves that make them experience these problems. Categorizing legal issues as destiny or bad luck influences the form of action taken,

²⁸⁰ See Chart 4.52



vulnerable groups will significantly choose not to resolve (doing nothing).²⁸¹ This finding is quite in line with the 2019 legal needs survey and the 2019 access to justice index which showed that the majority of justice seekers chose not to resolve their legal problems.^{282,283} Moreover, the access to justice index for 2019 showed that 52% of those who did nothing about their legal problems were women for reasons of fear that the problem will become more complicated.²⁸⁴ This shows that there is a negative perception from the community—including vulnerable groups regarding the general problem solving process. The reluctance of vulnerable groups to resolve their legal problems is not only due to negative perceptions of the legal process, but also due to their access and resources to resolve their legal problems.

40.4% of indigenous groups choose to use informal ways to resolve their legal problems.

Table 4.4 Methods of Legal Issues Resolution Based on Types of Legal Issues

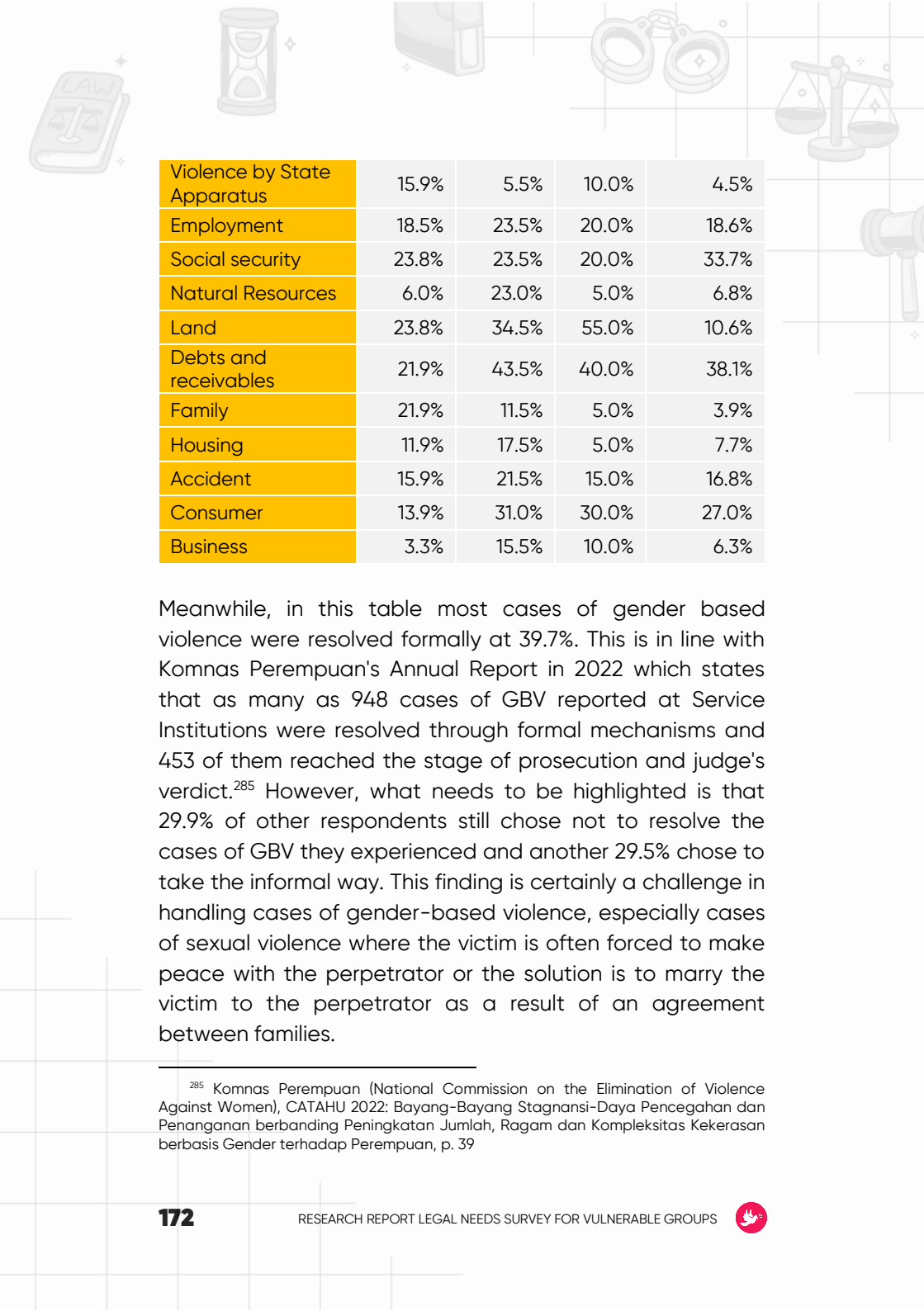
	Formal	Informal	Both	Not doing anything
GBV	39.7%	29.5%	15.0%	29.9%
Crimes	60.9%	41.5%	25.0%	39.4%
Public Services	30.5%	31.0%	30.0%	28.4%

²⁸¹ Pascoe Pleasance & N.J. Balmer, *How people resolve 'legal' problems*, p. 40

²⁸² Choky Risda Ramadhan, et al., *Survei Kebutuhan Hukum tahun 2019: Wilayah Provinsi Sulawesi Selatan dan Lampung*, p. 36

²⁸³ Dio Ashar Wicaksana, et al., *Indeks Akses terhadap Keadilan tahun 2019*, p. 84

²⁸⁴ Ibid.



Violence by State Apparatus	15.9%	5.5%	10.0%	4.5%
Employment	18.5%	23.5%	20.0%	18.6%
Social security	23.8%	23.5%	20.0%	33.7%
Natural Resources	6.0%	23.0%	5.0%	6.8%
Land	23.8%	34.5%	55.0%	10.6%
Debts and receivables	21.9%	43.5%	40.0%	38.1%
Family	21.9%	11.5%	5.0%	3.9%
Housing	11.9%	17.5%	5.0%	7.7%
Accident	15.9%	21.5%	15.0%	16.8%
Consumer	13.9%	31.0%	30.0%	27.0%
Business	3.3%	15.5%	10.0%	6.3%

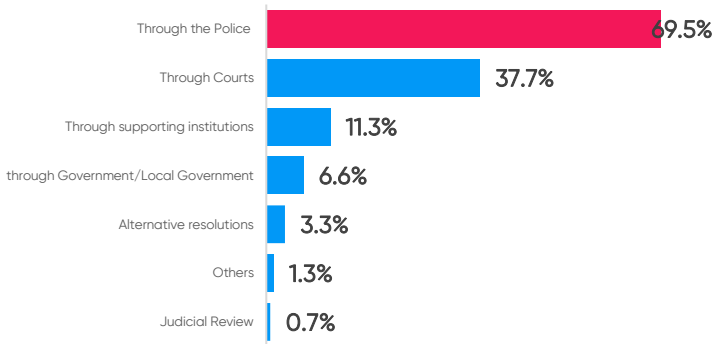
Meanwhile, in this table most cases of gender based violence were resolved formally at 39.7%. This is in line with Komnas Perempuan's Annual Report in 2022 which states that as many as 948 cases of GBV reported at Service Institutions were resolved through formal mechanisms and 453 of them reached the stage of prosecution and judge's verdict.²⁸⁵ However, what needs to be highlighted is that 29.9% of other respondents still chose not to resolve the cases of GBV they experienced and another 29.5% chose to take the informal way. This finding is certainly a challenge in handling cases of gender-based violence, especially cases of sexual violence where the victim is often forced to make peace with the perpetrator or the solution is to marry the victim to the perpetrator as a result of an agreement between families.

²⁸⁵ Komnas Perempuan (National Commission on the Elimination of Violence Against Women), CATAHU 2022: Bayang-Bayang Stagnansi-Daya Pencegahan dan Penanganan berbanding Peningkatan Jumlah, Ragam dan Kompleksitas Kekerasan berbasis Gender terhadap Perempuan, p. 39



Vulnerable groups who decide not to do anything are those who experience cases related to debts and receivables (38.1%), social security (33.7%), and public services (28.4%). In the case of social security, it is understandable that many vulnerable groups choose not to do anything about the problem because the majority of respondents in this research do not have or receive social security from the government and experience barriers to accessing social security/assistance from the government. The respondents who prefer the informal route for cases of debts and receivables are 43.5%, cases related to land are 34.5%, and cases related to consumers are 31.0%.

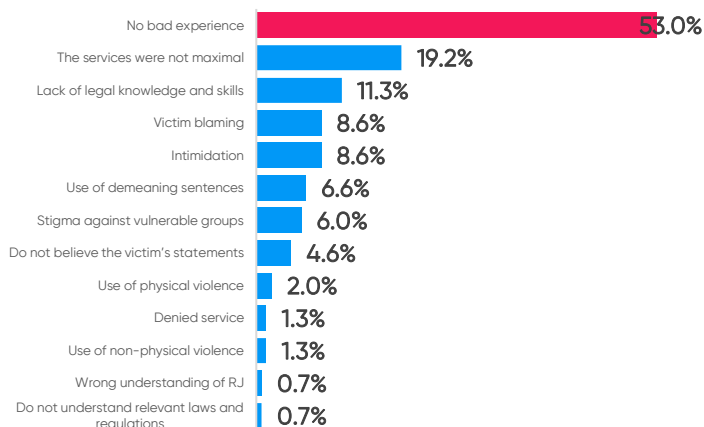
Chart 4.55 Types of Institution of Formal Mechanisms Used by Vulnerable Groups to Resolve Legal Problems | n = 151



Based on this graph, the majority of respondents who took a formal mechanism chose settlement through the Police (69.5%). Meanwhile, only 37.7% went through the Courts and a smaller proportion chose through supporting institutions, namely 11.3%. The large number of respondents who resorted to formal mechanisms through the Police can be attributed to the easy access to reach the nearest police station. This

is in accordance with the rules which state that the Indonesian National Police (Polri) has jurisdiction both at the national level to the smallest level at the sub-district level which is implemented through the command structure of the Sector Police (Polsek).²⁸⁶ Thus, vulnerable groups can report criminal acts at the nearest Polsek where the crime was experienced. Although, in various cases, especially sexual violence, reporting to the police is something that is difficult for women because the police make it difficult, discriminate against and do not side with the victims.²⁸⁷ Therefore, strengthening the police as the vanguard for reporting and resolving legal disputes needs to be done so that they have better perspective on vulnerable group.

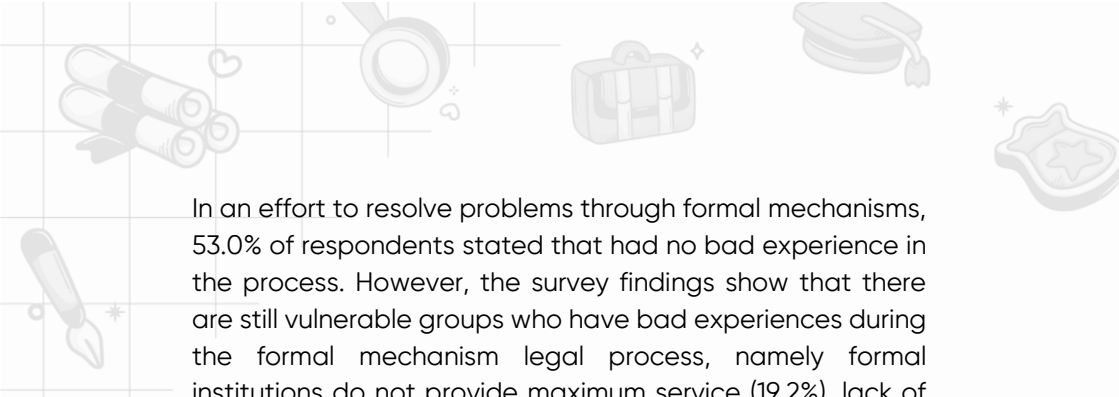
Chart 4.56 Bad Experiences of Vulnerable Groups During Resolution of Legal Problems at Formal Institutions | n = 151



²⁸⁶ Indonesia, Government Regulation Number 23 Year 2007 on Legal Jurisdiction of Indonesian National Police, Article 4

²⁸⁷ The Conversation Indonesia, *Siapkah polisi menjadi garda terdepan mekanisme pelaporan kekerasan seksual?*, October 2021, accessed at <https://theconversation.com/siapkah-polisi-menjadi-garda-terdepan-mekanisme-pelaporan-kekerasan-seksual-169726> on 26 December 2022





In an effort to resolve problems through formal mechanisms, 53.0% of respondents stated that had no bad experience in the process. However, the survey findings show that there are still vulnerable groups who have bad experiences during the formal mechanism legal process, namely formal institutions do not provide maximum service (19.2%), lack of legal knowledge and skills from the parties involved in formal resolution mechanism (11.3%), and intimidated/the process is quite intimidating for justice seekers (8.6%). This is in line with Kontras' findings that during 2020–2021, there were 24 cases of intimidation by police officers.²⁸⁸ Arbitrary actions by the police are mostly carried out at the Resort Police level. In addition, law enforcement officials, both prosecutors and judges, often do not have a good perspective on gender issues and human rights.

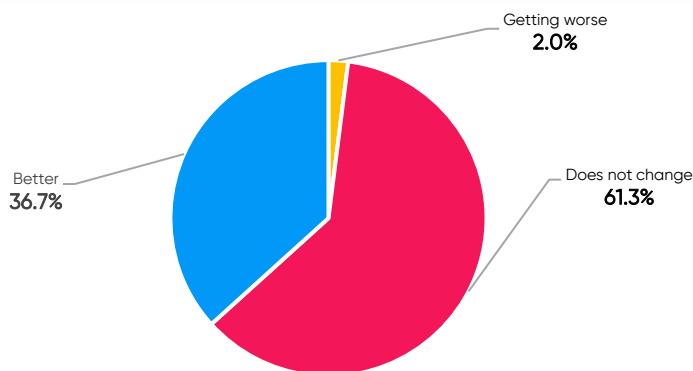
This is contrary to the fact that with the institution of the Indonesian National Police already has a rule for creating special service rooms for women and children, both as witnesses and victims of criminal acts.²⁸⁹ It is hoped that women and children can resolve their legal issues in a conducive, comfortable and non-discriminatory atmosphere during the process. Unfortunately, this survey found that there are still many bad experiences experienced by women, children and other vulnerable groups when processing their legal issues through formal channels. Judiciary institutions

²⁸⁸ Kontras, *Laporan Hari Bhayangkara ke-75 Tahun 2020 Komisi untuk Orang Hilang dan Korban Tindak Kekerasan*, p. 4, accessed at <https://kontras.org/2021/06/30/ringkasan-eksekutif-laporan-hari-bhayangkara-ke-75-tahun-2020-komisi-untuk-orang-hilang-dan-korban-tindak-kekerasan/> on 3 December 2022.

²⁸⁹ Indonesian National Police, Chief of Police Regulation Number 3 Year 2008 on Establishment of Special Service Room and Procedures for Examining Witnesses and/or Victims, Article 2.

and system, whether in the police, prosecutors and courts, often do not support the provision of inclusive and fair legal aid. Confirming this, these institutions often use intimidation and frighten legal aid recipients through threats, for example if you use litigation legal aid services, the indictment and punishment will be higher.²⁹⁰ Meanwhile, acts of torture by police officers are common findings. The LBH Jakarta report stated that incidents of torture by the police were mostly found at the Sector Police and Resort Police levels.²⁹¹ This is quite unfortunate considering that during the information seeking stage, vulnerable groups make the Police one of the parties to seek information and share their legal problems.

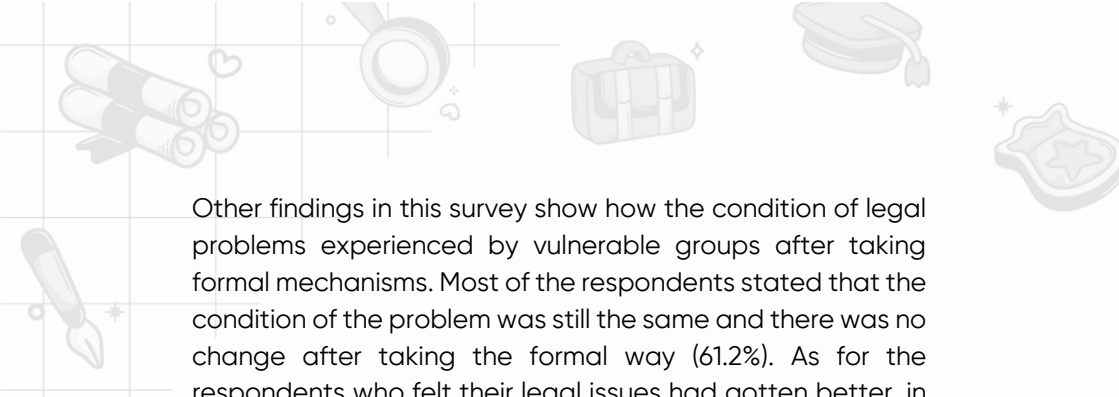
Chart 4.57 Condition of Vulnerable Groups' Legal Problems After Went Through Formal Mechanisms | n = 151



²⁹⁰ Yayasan Lembaga Bantuan Hukum Indonesia, et al., *Perluasan Akses Keadilan Melalui Optimalisasi Layanan Bantuan Hukum yang Berkualitas*. (Jakarta: YLBHI-ILRC-Asosiasi LBH APIK-LBH Jakarta-LBH Masyarakat-LBH APIK Jakarta-MaPPI FHUI-PBHI, 2019), p. 59

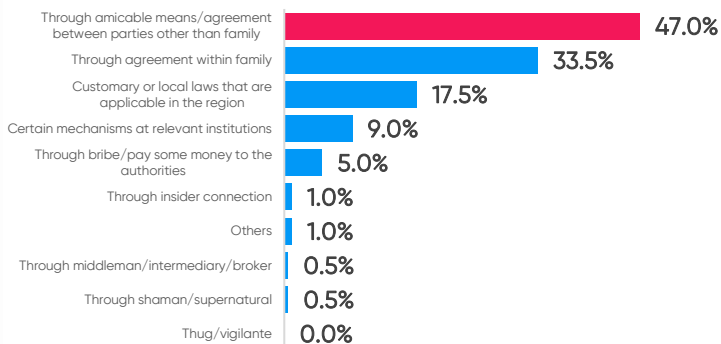
²⁹¹ LBH Masyarakat, *Kepolisian Dalam Bayang-Bayang Penyiksaan (Catatan Kasus Penyiksaan Sepanjang Tahun 2013 s.d. 2016)*, (Jakarta: LBH Masyarakat, 2017), p. 5, accessed at <https://www.bantuanhukum.or.id/wp-content/uploads/2017/08/Kepolisian-dalam-Bayang-Bayang-Penyiksaan-web.pdf> on 4 Desember 2022





Other findings in this survey show how the condition of legal problems experienced by vulnerable groups after taking formal mechanisms. Most of the respondents stated that the condition of the problem was still the same and there was no change after taking the formal way (61.2%). As for the respondents who felt their legal issues had gotten better, in the sense of finding more light, after taking the formal way, it was 36.7%. The lowest number, only 2% of respondents, said that the problem had gotten worse after using formal mechanisms. This fact has the potential to perpetuate negative perceptions in society to increasingly distrust formal legal institutions. Therefore, it is necessary to carry out more in-depth monitoring and evaluation regarding the implementation of legal dispute resolution in formal legal dispute resolution institutions, especially regarding the extent to which it has fulfilled the principles of justice and protection for vulnerable groups who are in conflict with the law. Legal processes in formal institutions tend to take a long time and do not result in significant changes for vulnerable groups who are in conflict with the law, which has the potential to cause greater negative impacts in the legal process for vulnerable groups. The longer the process goes on, the more lost opportunities for vulnerable groups to have a decent life, to do work to afford living and to get the education they are entitled to. Not to mention the impacts such as expenses which can continue to increase but are not directly proportional to the remedy obtained.

Chart 4.58 Types of Institution and Informal Mechanisms Used by Vulnerable Groups to Resolve Legal Problems | n = 200



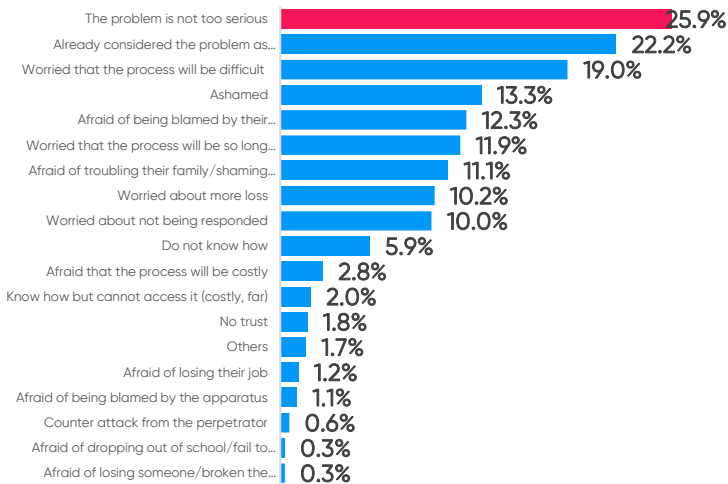
Furthermore, it was shown that the settlement of legal problems through informal mechanisms was pursued through amicable means/agreement between parties other than the family (47.0%), through agreement within the family (33.5%), through customary/local law applicable in the region (17.5%). Resolving legal issues with informal mechanisms can be a strategic choice. It's just that in some cases, such as the GBV which constitutes a serious crime, it should still be carried out through a formal mechanism. The findings above also illustrate that the family mechanism is still the most preferred choice. If it is a civil case, then the kinship mechanism can be a relevant choice because it has a fast process and can directly benefit from the agreed results. However when the problem is already a crime, then the hope is that the family institution can become an agent to refer to other mechanisms so that vulnerable groups can access the right mechanism to solve the problem.

In addition, the role of informal institutions tends to be inconsistent with recognition and attention from the state. Studies and legal regulations related to informal legal



dispute resolution mechanisms tend to be minimal. In fact, this informal settlement has proven to be an alternative way preferred by the community and vulnerable groups that can potentially be effective in bringing access to justice closer to them. However, a lot of study and analysis still needs to be done to make this informal mechanism effective, fair and in accordance with human rights both in terms of law/policy, facilities, the perspective of the authorities (custom leaders etc.), access to justice seekers, and so on.

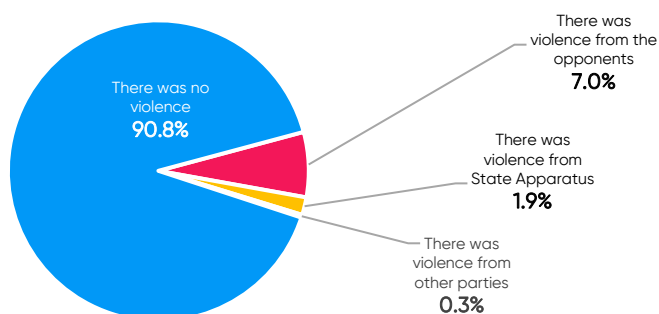
Chart 4.59 Vulnerable Groups' Reasons for Not Resolving Legal Disputes | n = 649



Most of the vulnerable groups from this survey chose not to solve their problems either through formal or informal mechanisms. It can be seen in Graph 4.68 that there are several reasons why respondents did not solve problems, namely because the problems they experienced were not too serious (25.9%), they thought that the problems that occurred were destiny/karma (22.2%), they were worried that

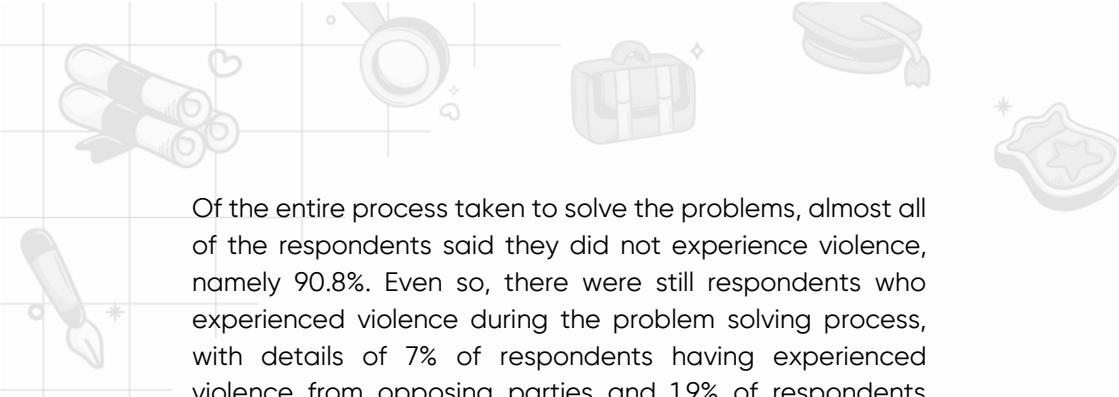
the process would be difficult (19.0%). The legal process, which is still considered difficult and complicated, serves as the legitimacy that the majority of respondents stated that there was no change in the condition of the problem either before or after using a formal mechanism. This finding is in line with research conducted by IJRS on the access to justice index that stigma and ignorance of how to resolve legal issues are major obstacles for vulnerable groups to access justice.²⁹² There are also vulnerable groups who are reluctant to resolve their legal issues because they are embarrassed (13.3%), afraid of being blamed (12.3%), and are afraid of embarrassing their family (11.1%). This shows that there is a need for good implementation of guarantees of protection and recovery (both psychological, physical, economic and social) for victims or justice seekers in dealing with the legal process. This is because the impact of legal problems experienced by victims can vary and can also affect the decision to resolve the legal dispute itself.

Chart 4.60 Experience of Violence Against Vulnerable Groups During Legal Problems Resolution | n = 316



²⁹² Dio Ashar Wicaksana et al, *Indeks terhadap Akses Keadilan di Indonesia 2019*, p. 100

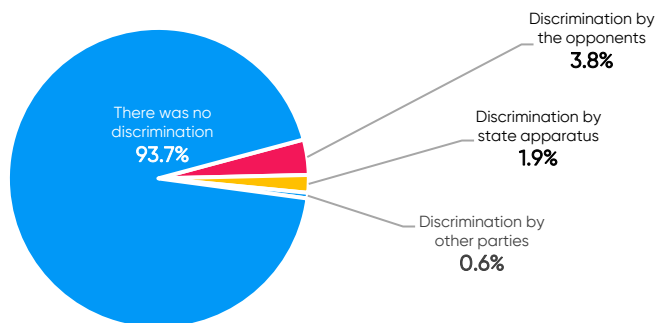




Of the entire process taken to solve the problems, almost all of the respondents said they did not experience violence, namely 90.8%. Even so, there were still respondents who experienced violence during the problem solving process, with details of 7% of respondents having experienced violence from opposing parties and 1.9% of respondents receiving violence from law enforcement officials. Parties experiencing legal problems with victim status are more vulnerable to violence from opposing parties such as threats and intimidation. As an example, victims of sexual violence often receive intimidation and threats from perpetrators, such as intimidation to withdraw reports or threats that endanger the safety of victims. Meanwhile, although the number was small, violence from law enforcement officials was still experienced by a number of respondents. This is in line with the fact that the state has not finished making a commitment to create a safe space for victims when processing their problems. Komnas HAM (The National Human Rights Commission) in 2020–2021 has handled 1,162 cases of violence by state apparatus whose forms of violence include acts of torture, criminalization, arbitrary arrests, and delayed process of case handling.²⁹³ This is indeed a homework that needs to be completed by law enforcement institutions to ensure that there is no violence perpetrated by state officials by providing supervision and evaluation of the performance of state apparatus.

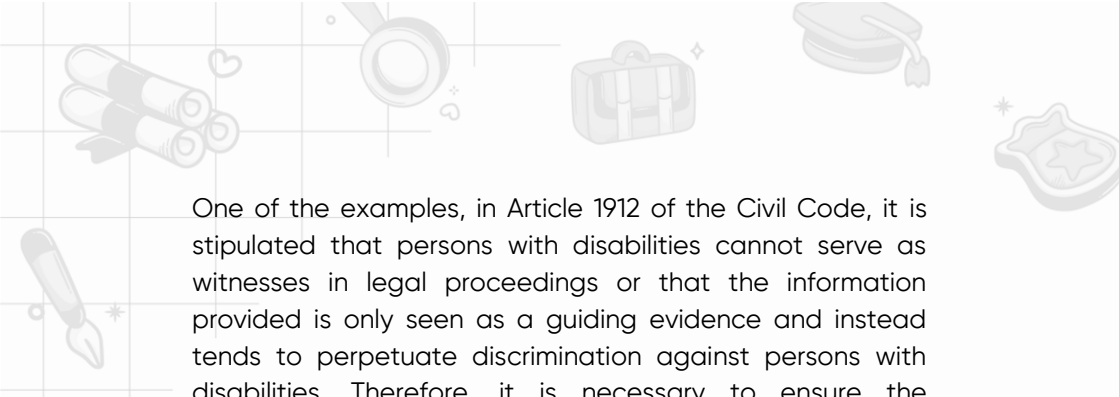
²⁹³ Republika, *Data Kekerasan Aparat 2020-2021, Polisi Terbanyak*, accessed at <https://www.republika.id/posts/24185/data-kekerasan-aparat-2020-2021-polisi-terbanyak> on 1 December 2022

Chart 4.61 Experience of Discrimination Against Vulnerable Groups During Legal Problems Resolution | n = 316



Meanwhile, during the problem solving process, almost all of the respondents admitted that they did not receive discriminatory treatment, namely as much as 93.7%. While some respondents claimed to have received discriminatory treatment from the opposing party at 3.8% and from the State apparatus at 1.9%. However, this research also found that vulnerable groups often receive discriminatory treatment related to their vulnerabilities such as economic status, social status, sexual orientation and gender identity, as well as other factors. This needs to be brought to the attention of legal aid providers and government and non-government officials, that vulnerable groups have the potential to experience far greater discriminatory treatment than other groups. For example, by looking at the vulnerability factors of vulnerable groups, legal aid providers can play an active role in encouraging a fair legal process that meets the needs and conditions of vulnerable groups who are in conflict with the law. In addition, to create a legal process that is not discriminatory, it is necessary to have a fair regulations because currently there are still many laws that tend to discriminate against many vulnerable groups.





One of the examples, in Article 1912 of the Civil Code, it is stipulated that persons with disabilities cannot serve as witnesses in legal proceedings or that the information provided is only seen as a guiding evidence and instead tends to perpetuate discrimination against persons with disabilities. Therefore, it is necessary to ensure the implementation of the fair trial principle in cases involving vulnerable groups, considering that vulnerable groups have experienced various vulnerabilities before going through the legal process.

The Vulnerable Groups' Behaviour in Seeking Information on Process of Legal Problems

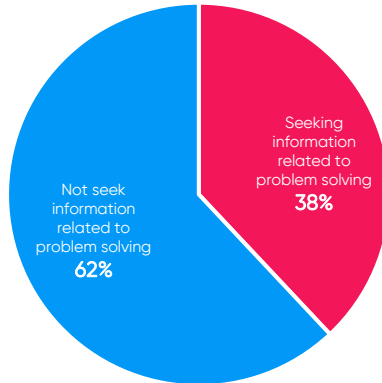
From the various legal problems experienced by vulnerable groups, it is important to see how vulnerable groups respond to the legal problems they experience. There are 2 (two) patterns of resolving legal problems in this study, namely by taking action (doing something) or not taking action (doing nothing).²⁹⁴ In this section, the behavior of resolving legal problems is put into several categories of stages: (1) information seeking, (2) behavior in sharing the legal problems, (3) seeking assistance, (4) behavior in resolving legal problems. These behavioral patterns will be analyzed more deeply by looking at broader social and cultural factors, as well as geographical, technological, and access factors that influence the problem-solving behavior of vulnerable groups.²⁹⁵

²⁹⁴ Choky Risda Ramadhan et al., *Survei Kebutuhan Hukum di Indonesia tahun 2019: Wilayah Provinsi Lampung dan Sulawesi Selatan*, (Jakarta: IJRS, 2020), p. 20

²⁹⁵ Pascoe Pleasence & N.J Balmer, *How People Resolve 'Legal' Problems*, (Legal Services Board, 2014), p.11



Chart 4.62 Vulnerable Groups' Experience in Seeking Information Related to Legal Problems | n = 371



Steps that can be taken by vulnerable groups in resolving legal problems at an early stage is to seek information regarding matters that can help resolve the problem. This search for information is related to whether the problem they experienced has a legal dimension, so that it can be resolved through legal process. This graph shows that 62.0% of vulnerable groups chose not to seek information regarding solving their problems. Meanwhile, only 38.0% seek this information through various media.

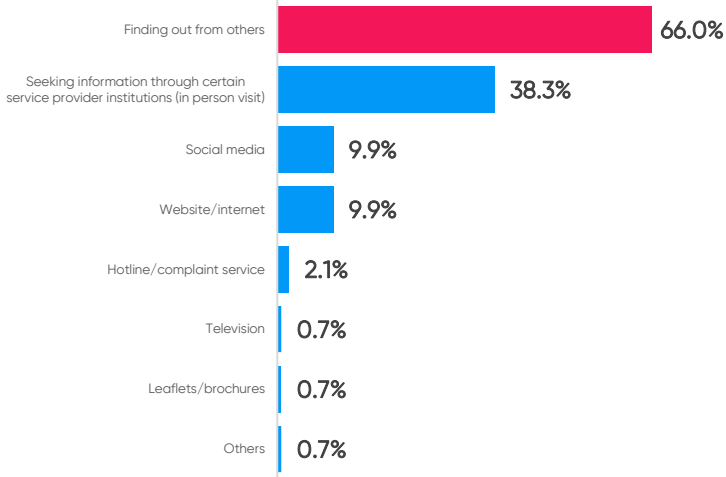
“

70.0% of indigenous groups and 80.0% of persons with disabilities who were surveyed choose to seek information on their legal problems.

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Chart 4.63 Medium used by Vulnerable Groups to Seek Information | n = 141

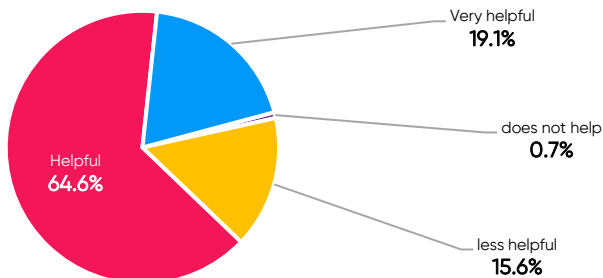


The medium chosen by vulnerable groups in seeking information is through other people/parties, namely 66.0%. In addition, 38.3% of vulnerable groups also choose to seek information through certain service institutions by visiting in person, and 9.9% use websites/internet and 9.9% use social media. This finding indicates that the majority of vulnerable groups who choose to seek information regarding their legal issues decide to ask directly to the party they think is appropriate. This finding is quite in line with the results of the 2019 legal needs survey which shows that the role of parties and the surrounding community can have a significant role in the process of resolving legal disputes.²⁹⁶

²⁹⁶ Choky Risda Ramadhan, *Survei Kebutuhan Hukum tahun 2019: Wilayah Provinsi Lampung dan Sulawesi Selatan*, p. 45

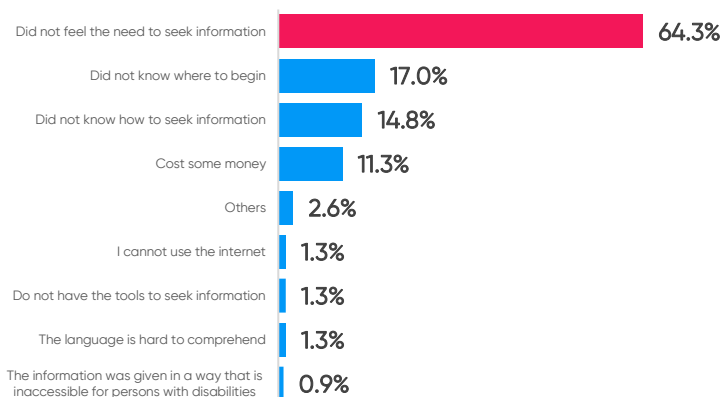


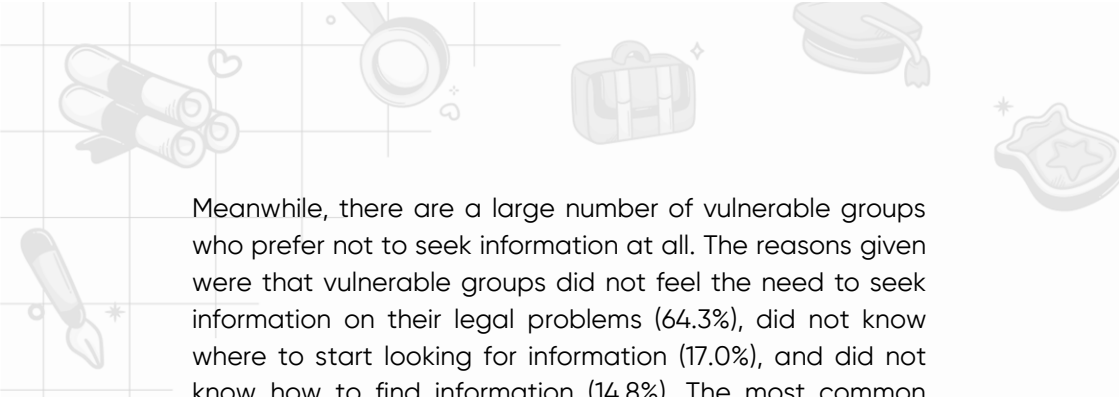
Chart 4.64 Benefits of Information Seeking for Vulnerable Groups | n = 141



Of all vulnerable groups seeking information to help problem solving, 64.5% felt the information obtained was helpful, and 19.1% felt the information obtained was very helpful. Meanwhile, 15.6% felt that the information obtained was not helpful in dealing with legal problems. This shows that the provision of information from parties chosen by vulnerable groups have not sufficient capacity to deal with legal problems experienced by vulnerable groups so that there are still a small number who feel they have not been assisted by information from related parties.

Chart 4.65 Reasons for Vulnerable Groups Not Seeking Information | n = 230





Meanwhile, there are a large number of vulnerable groups who prefer not to seek information at all. The reasons given were that vulnerable groups did not feel the need to seek information on their legal problems (64.3%), did not know where to start looking for information (17.0%), and did not know how to find information (14.8%). The most common reason, namely not having to seek information, is quite in line with the majority of legal problems experienced, namely crime related to traffic violations and accounts payable. Both of these problems tend to not require additional information regarding their resolution. However, what needs to be underlined is another reason why there are still vulnerable groups who do not know where to look for information and how to find it. This shows 2 (two) indications, the vulnerable groups' lack of capability or knowledge in finding the information they need to resolve legal disputes and the medium for obtaining information is not yet inclusive for vulnerable groups. Regarding the capability of vulnerable groups to seek information on legal dispute resolution, vulnerable groups who are reluctant to seek information may be due to educational level factors, where in this survey the majority of respondents have a high school education level and below.²⁹⁷ However, community legal ability is closely related to legal literacy²⁹⁸, which one way to get it is through education. In line with that, Wintersteiger's research said that efforts to increase legal literacy have been proven to be able to increase the capacity of vulnerable groups to seek legal protection despite conditions of limitations such as

²⁹⁷ See Chart 4.8

²⁹⁸ Legal literacy is a competency level in understanding legal related discourses that is needed by someone to create a more meaningful life and better legal awareness. (See: Wintersteiger, L., *Legal Needs, Legal Capability and The Role of Public Legal Education*, A Report by Law for Life: the Foundation for Public Legal Education. 2015, p. 8)



language, general literacy skills, and limited geographic access.²⁹⁹

Meanwhile, regarding the availability of information during the Covid-19 pandemic, access to information on resolving legal problems is increasingly being expanded with the medium of digital information technology. However, in practice, access to information still tends to be uneven and inaccessible by some vulnerable groups. For example, during the Covid-19 pandemic, women with disabilities tended to experience a lack of access to information (for example, sign language interpreters and readable information) about the virus, increasingly severe protective measures by women with disabilities, lack of protection in institutions, and even their specific needs were regarded almost as nonexistent in response/policy planning during a pandemic.³⁰⁰ Another group that has become more vulnerable during Covid-19 is indigenous women who need access to information in their own language regarding prevention and access to Covid-19 services.³⁰¹ Regarding the settlement of legal problems during the Covid-19 period, information portals were also provided by various parties to encourage wider access to information, but not all vulnerable groups have equal access to the internet—especially to afford internet quotas to seek information amidst inadequate needs and economic status.³⁰²

²⁹⁹ Wintersteiger, L., *Legal Needs, Legal Capability and The Role of Public Legal Education, (A Report by Law for Life: the Foundation for Public Legal Education, 2015)*, p. 8

³⁰⁰ The Joint United Nations Programme on HIV/AIDS (UNAIDS), in IJRS & UN Women, *Kondisi Akses terhadap Keadilan bagi Kelompok Rentan pada Masa COVID-19*, unpublished report.

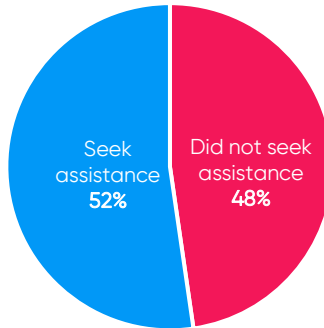
³⁰¹ The Joint United Nations Programme on HIV/AIDS (UNAIDS), in IJRS & UN Women, *Kondisi Akses terhadap Keadilan bagi Kelompok Rentan pada Masa COVID-19*, unpublished report.

³⁰² IJRS & UN Women, *Kondisi Akses terhadap Keadilan bagi Kelompok Rentan pada Masa COVID-19*, unpublished report.



Vulnerable groups' behaviour in seeking assistance to resolve legal problem

Chart 4.66 Vulnerable Groups' Experience in Seeking Assistance to Resolve Legal Problems | n = 371



The survey results show that from the legal problems experienced by respondents, 52.3% of respondents chose to seek assistance and 47.7% chose not to seek assistance. From these results the proportion of respondents who did not seek assistance showed a fairly large proportion, which illustrates that there is a potential for delays in fulfilling their right to access justice because they do not receive the legal assistance needed by vulnerable groups who are in conflict with the law. This finding is quite interesting considering that the 2019 legal needs survey and the 2019 access to justice index showed that the majority of justice seekers chose not to seek legal assistance. However, these findings suggest that vulnerable groups are more likely to seek assistance when in conflict with the law. This indicates that vulnerable groups actually have more knowledge, desire and access to parties who can help resolve their legal problems. This finding is quite positive considering the previous findings showed that the majority of vulnerable groups chose not to resolve



their legal problems. However, the awareness of vulnerable groups to seek assistance in order to ensure that legal problems are resolved in accordance with their conditions and needs can contribute a little to their access to justice.



75.0% of diversified and gender minority as well as 54.3% of the poor chose to not seek assistance to resolve their legal problems.



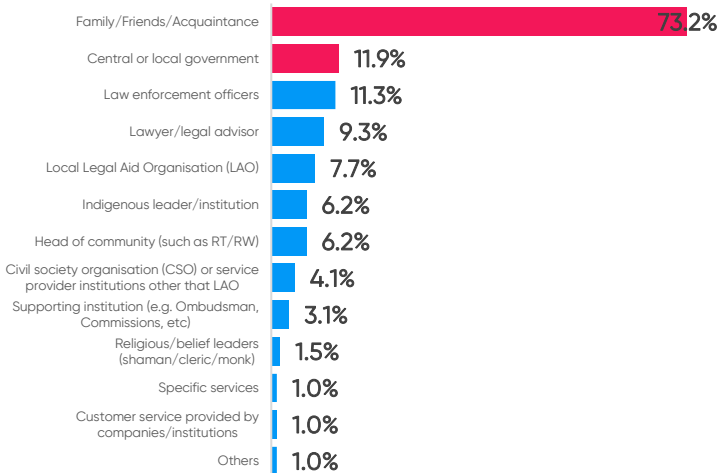
Table 4.5 Vulnerable Groups' Assistance Seeking Based on Legal Problems

	Seek assistance	Did not seek assistance
GBV	36.1%	29.4%
Crimes	50.5%	46.3%
Public Services	35.1%	26.0%
Violence by State Apparatus	11.3%	8.5%
Employment	21.1%	21.5%
Social security	22.2%	24.9%
Natural Resources	21.1%	8.5%
Land	37.6%	24.3%
Debts and receivables	31.4%	37.9%
Family	13.9%	16.9%
Housing	13.4%	15.8%
Accident	21.1%	16.4%
Consumer	24.7%	23.2%
Business	16.0%	4.0%



The majority of those who did not seek help were those who had problems with debts and receivables (37.9%), social security (24.9%) and employment (21.5%). Meanwhile, most who asked for assistance were those who had GBV problems (36.1%) and criminality (50.5%). This is important to underline considering the results of the IJRS study showed that only 8.7% of judgments that stipulates victims of sexual violence were accompanied by counsellors and 0.4% were accompanied by a lawyer when in conflict with the law.³⁰³ The existence of a companion or trusted party to help and accompany can be beneficial for victims to ensure their legal rights are fulfilled and the availability of psychological reinforcement for victims when they have to go through a legal process.³⁰⁴

Chart 4.67 Assisting Parties for Vulnerable Groups in Resolving Legal Problems | n = 194

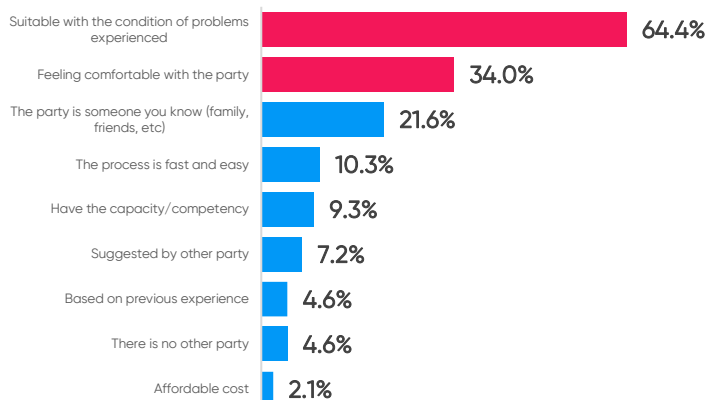


³⁰³ Arsa Ilmi Budiarti et al., *Refleksi Penanganan Kekerasan Seksual*, p. 122

³⁰⁴ *Ibid.*, p. 123

From the behavior of vulnerable groups seeking assistance, those who were asked for help were dominated by the closest circle of relatives, friends and acquaintances, namely 73.2%. While the next largest proportion came from the government (11.9%), law enforcement officers (11.3%) and lawyers/legal advisors (9.3%). This shows that the factor of social relations still dominates the respondents in choosing the party with who they share the problems they are experiencing. This finding is in line with the results of the 2019 legal needs survey which shows that the role of the family is quite significant to become an agent that can assist justice seekers in dealing with their legal problems.³⁰⁵ Thus, strengthening the law from the family level needs to be carried out to ensure that the advice or assistance provided is not with the aim of dismiss the resolution of legal problems but for remedies that suit the needs of victims.

Chart 4.68 The Reasons Why Vulnerable Groups Chose Certain Parties for Assistance in Resolving Legal

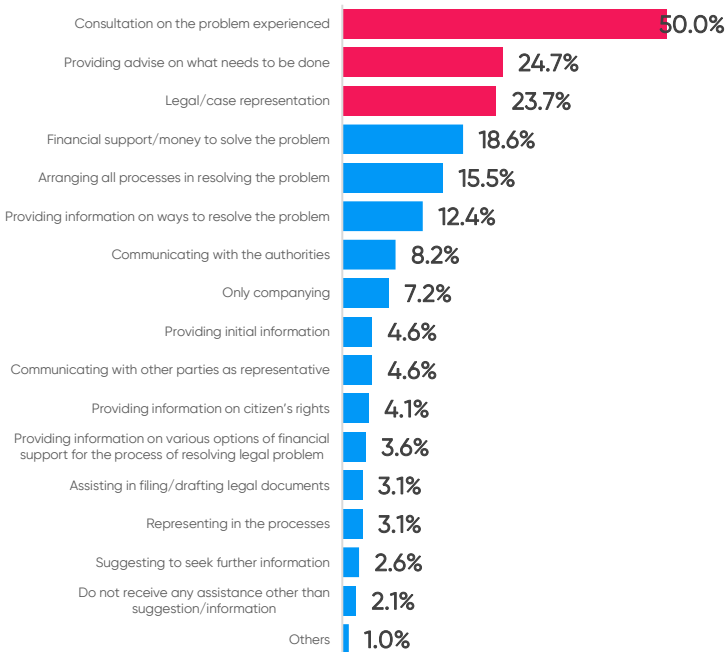


³⁰⁵ Choky Risdha Ramadhan, et al., Survei Kebutuhan Hukum 2019: Wilayah Provinsi Sulawesi Selatan dan Lampung, p. 67



The reason for selecting this party to resolve legal issues was because respondents considered the party's experience to be in accordance with the conditions of the problem experienced (64.4%), felt comfortable with the party with whom they share their problems with (34.0%). This is quite in line with the legal problems experienced by the majority of vulnerable groups, namely debts and receivables and traffic violations which tend not to require lengthy legal dispute resolution. However, in cases such as gender-based violence, it is necessary to ensure that the assistance and companion received from the family do not harm the victim.

Chart 4.69 Form of Legal Aid for Vulnerable Groups to Resolve Legal Problems | n = 194



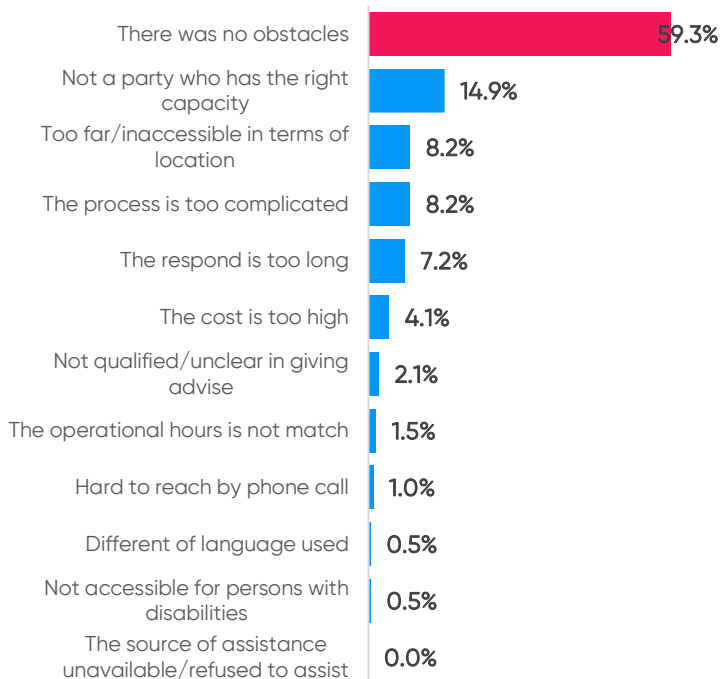


The form of assistance provided was in the form of consultation on the problems faced (50.0%), giving advice on what needs to be done (24.7%) and legal assistance (23.7%). These results indicate that legal information is a necessity for the parties to assist in resolving legal disputes. In addition, these findings also show that community could be the main target in awareness raising and legal capacity building since they are the parties being requested for assistance in resolving legal disputes. On the one hand, these findings also show that with legal assistance or representation, the majority of which come from the family, the forms of legal assistance and representation received by vulnerable groups tend to be limited to consultations and providing advice. This is because the party providing the assistance does not have the legal professional capacity to provide other forms of assistance such as preparing legal documents, representing during the process and so on. However, on the other hand, these findings indicate that the form of assistance most needed by vulnerable groups is consultation and giving advice (non-litigation).³⁰⁶ Thus, the focus on providing legal aid also needs to ensure that it is more on non-litigation services than litigation – this needs to be aligned with legal aid planning and budgeting so that it is more targeted and meets the needs of vulnerable groups.

³⁰⁶ This is in line with findings which show that the majority of vulnerable groups did not resolve their legal problems because the problems were not too serious. In other words, not all legal dispute settlement processes can and must be resolved through litigation through formal or informal channels.



Chart 4.70 Vulnerable Groups' Experience in Seeking Legal Assistance
| n = 194



From the experience of seeking assistance for resolution, 59.3% stated that they had no obstacles in obtaining assistance for solving problems. However, it is interesting to see the following results that there are other obstacles faced by the respondents such as party asked for assistance does not have the right capacity (14.9%) and the process is considered too difficult (8.2%). These findings indicate that people at the community level have limited knowledge and abilities, so it is necessary to establish and strengthen legal capacity at the community level as the closest door to the community. Especially regarding vulnerable groups who have special and specific needs.

Chart 4.71 Vulnerable Groups' Reasons for Not Use Any Assistance to Resolve Problems | n = 177



Furthermore, this section will describe data regarding the behavior patterns of people who chose to not use any assistance to solve problems. The survey results showed that the biggest reason for not using assistance was because they could solve it themselves (39.0%), followed by the problems is not too serious (19.8%) and fears that the legal process would be difficult (17.5%). On the one hand, these findings show a similar condition to the pattern of settlement of legal disputes by vulnerable groups which indicates that there is a negative perception of the legal process (and in this case legal assistance) in the efforts to resolve problems experienced by vulnerable groups. This encourages the need for legal awareness raising regarding the importance of legal assistance for vulnerable groups. On the other hand, the capability of vulnerable groups to resolve their own problems without resorting to assistance indicates that there is sufficient capacity and types of legal problems that do not require legal aid services, considering that most of the problems experienced stem from debts and receivables and traffic violations.





Dissemination of information on legal aid to vulnerable groups

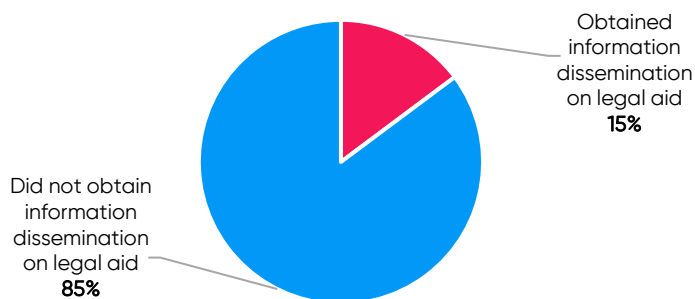
Previous findings show that there is still a large proportion of vulnerable groups who do not use legal aid when in conflict with the law or experiencing legal problems. Some of the reasons put forward were the fear of a complicated process, the process being difficult and afraid of the high cost. This shows that there is still a negative perception of the assistants to resolve legal problems. In the Legal Needs Survey conducted in 2019³⁰⁷, this negative opinion emerged as one of the findings which recommended that information dissemination on legal aid to be continuously provided. However, 3 (three) years after, information regarding legal aid still identified as a legal need, especially for vulnerable groups who are in conflict with the law. In fact, the information dissemination regarding legal aid has become work programs of various institutions from the Ministry of Law and Human Rights (including through the National Law Development Agency - BPHN), the Courts/Supreme Court, central/regional government, to universities. However, it seems that there are still limitations in disseminating information on legal aid because there is still a high reluctance from justice seekers, in this case the vulnerable groups, to use assistance when resolving their legal problems. Even when they use assistance, the majority of vulnerable groups prefer to use assistance from family/friends/acquaintances. Therefore, in this study we want to see further whether the reluctance of the public to use legal aid is in line with the absence of information

³⁰⁷ Choky Risda Ramadhan et al., *Survei Kebutuhan Hukum di Indonesia tahun 2019: Wilayah Provinsi Lampung dan Sulawesi Selatan*, pp. 42-43



dissemination on legal aid to vulnerable groups who have legal problems.

Chart 4.72 Vulnerable Groups Experience in Obtaining Information on Legal Aid | n = 371



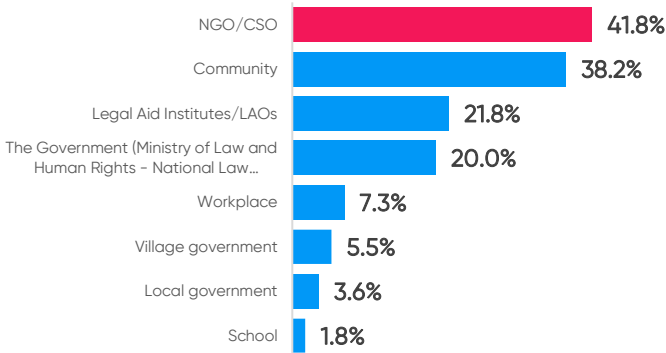
Based on the findings of this study, it was shown that of all respondents as vulnerable groups who chose to solve their problems, the majority of 85.2%, had never received information dissemination on legal aid. This shows that the outreach of legal aid dissemination still not covering all justice seekers, especially the vulnerable groups. In fact, the findings of this study also show that the legal needs of vulnerable groups for legal assistance (especially free legal aid) are quite significant considering that they are more prone to experiencing legal problems and have difficulties in accessing basic rights—so that it is increasingly difficult to access paid legal aid. Moreover, these findings show that those who decided to resolve their problems have never received information dissemination on legal aid. Thus, there is a possibility that people who do nothing about their problems will never obtain dissemination regarding legal aid. Even though the Ministry of Law and Human Rights has carried out various outreach, it should be underlined that



vulnerable groups have more limitations than justice seekers in general—especially those who have multiple vulnerability factors at once—such as technological, economic and mobility limitations³⁰⁸ to be able to reach information and dissemination regarding legal aid. Thus, the outreach needs to be given in accordance with the conditions of these vulnerable groups.

Chart 4.73 Outreach on Legal Aid Obtained by Vulnerable Groups from Various Parties | n = 55

(respondents could choose more than one answer)

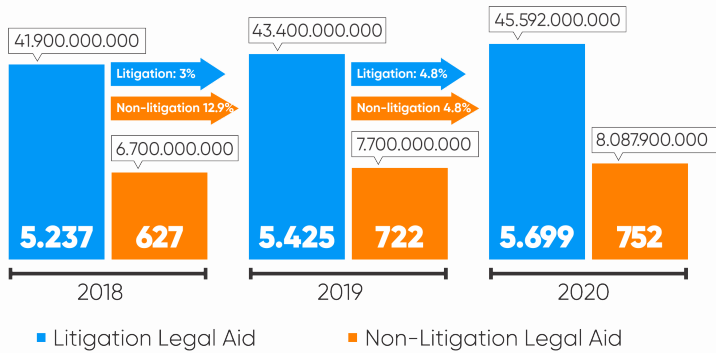


Interesting findings emerged in terms of the information dissemination on legal aid where it was found that the majority of respondents as vulnerable groups who received legal aid dissemination actually received it from civil society organizations such as NGOs and legal aid institutions (80%) and also the local community (38.2%). Even though the government's work program related to legal aid information dissemination is also still ongoing to date. However, it seems that it has not reached vulnerable groups specifically.

³⁰⁸ IJRS & UN Women, *Kondisi Akses Terhadap Keadilan Kelompok Rentan pada Masa Pandemi COVID-19*, unpublished report.

Information dissemination on legal aid is one of the government's programs and tasks, specifically the National Law Development Agency (BPHN) through legal counsellors. More broadly, this also confirms that support for community elements needs to be strengthened. Particularly for community-based nonprofit institutions and Legal Aid Organizations (LAOs) to be able to multiply and expand the scope of information dissemination on legal aid through legal counseling services.

Figure 4.1 Legal Aid Budget 2018-2020



Source: National Law Development Agency (BPHN), unpublished

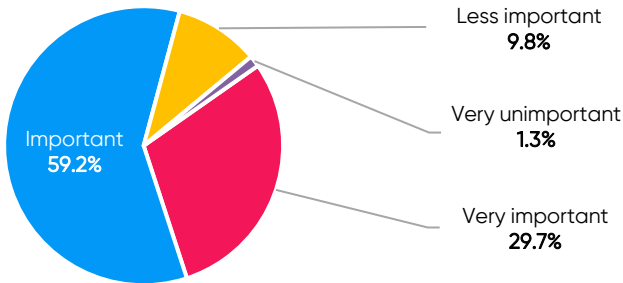
Unfortunately, in order to realize broader legal aid outreach and dissemination, it is shown in Figure 4.1 that until 2020 there was still a large gap between the litigation and non-litigation legal aid budgets (which includes legal counseling) budgeted by the Ministry of Law and Human Rights. Data from the National Law Development Agency (BPHN)³⁰⁹ in 2018 the litigation budget was 41,900,000,000

³⁰⁹ National Law Development Agency (BPHN), *Anggaran Bantuan Hukum Tahun 2018-2020*, unpublished.



while the non-litigation budget was 6,700,000. In the following year 2019 the litigation budget was 43,400,000,000 and the non-litigation budget was 7,700,000,000. Then in 2020 the litigation budget post increased to 45,592,000,000 and the non-litigation budget post became 8,087,900,000. When we look closely, there were indeed increases in the non-litigation budget every year, but this increase is fluctuating, namely 12.9% in 2018 and 4.8% in 2019. In addition, the comparison of litigation and non-litigation budgets is also observed to be very unequal. Therefore, it is important to review and strengthen non-litigation services which include legal counseling in order to expand information about free legal aid.

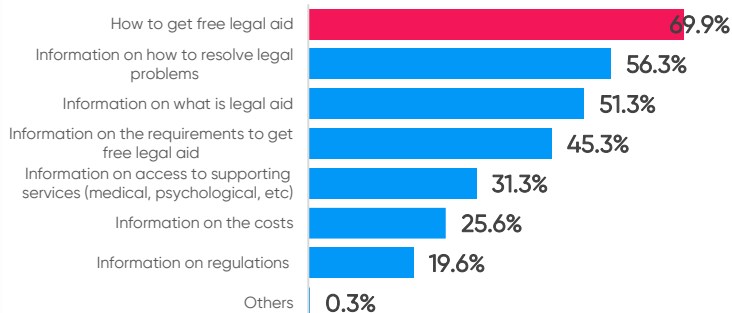
Chart 4.74 The Importance of Disseminating Information on Legal Aid To Vulnerable Groups | n = 316



This finding also looks at the extent to which vulnerable groups perceive the importance of information dissemination on legal aid where it is stated that it is important (59.2%), very important (29.7%), less important (9.8%) and very unimportant (1.3%) for the information dissemination that is carried out. These findings indicate that information dissemination on legal aid is still a need for the community, especially vulnerable groups. Even though Law

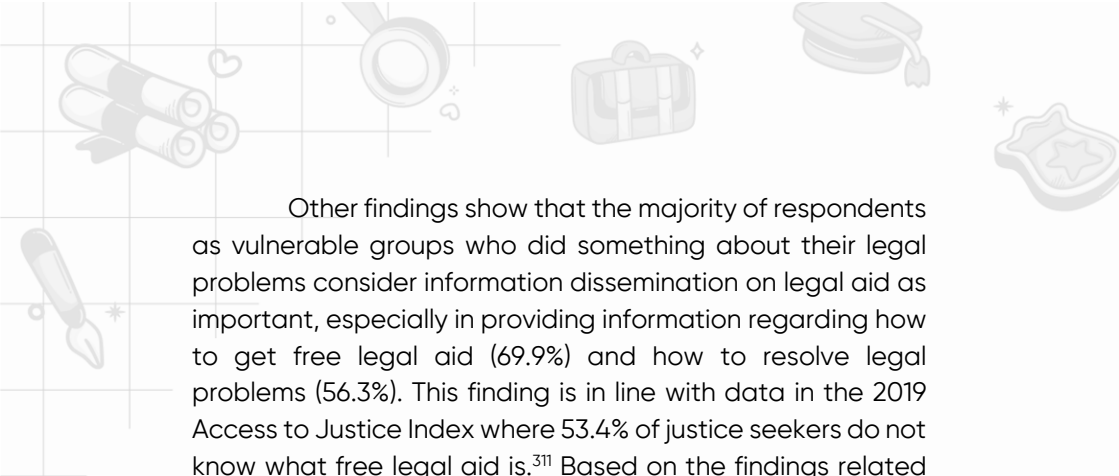
Number 16 of 2011 concerning Legal Aid has been running for 11 (eleven) years, the information dissemination on legal aid must still be encouraged. It is hoped that the information dissemination on legal aid will not only depend on elements of civil society groups, whether NGOs, the community or legal aid institutes/LAOs, but can also optimize the role of legal counselors in providing information dissemination on legal aid in the regions. However, optimizing the role of parties in ensuring broad and inclusive legal counseling needs to be accompanied by an adequate budget. Currently the legal counseling budget can only cover a maximum of 30 (thirty) people with a total budget of IDR 3,740,000.³¹⁰ When compared with the cost of litigation services (IDR 5,000,000 per activity) and the general litigation budget, this value is very minimal. Therefore it is necessary to carry out an in-depth and evidence-based analysis according to the needs of vulnerable groups.

Chart 4.75 Important Information to be Included in the Information Dissemination on Legal Aid to Vulnerable Groups | n = 316
(Respondents could choose more than one answer)



³¹⁰ Ministry of Law and Human Rights, Minister of Law and Human Rights Decree Number M.HH-03.HN.03.03 Year 2013 on The Amount of Litigation and Non-Litigation Legal Aid Costs





Other findings show that the majority of respondents as vulnerable groups who did something about their legal problems consider information dissemination on legal aid as important, especially in providing information regarding how to get free legal aid (69.9%) and how to resolve legal problems (56.3%). This finding is in line with data in the 2019 Access to Justice Index where 53.4% of justice seekers do not know what free legal aid is.³¹¹ Based on the findings related to the information dissemination on legal aid mentioned above, it can be said that the vulnerable groups have a need of information dissemination on legal aid, especially free legal aid. This is because the majority of the vulnerable groups surveyed do not have extra funds/reserves for resolving legal problems, including for obtaining paid legal aid. The information dissemination on free legal aid, especially for vulnerable groups, also need to consider its effectiveness and inclusiveness considering that vulnerable groups have different and complex needs depending on their vulnerabilities. Thus, it is necessary to consider the methods of disseminating information that are more appropriate and accommodate the needs and conditions of vulnerable groups.

Another legal need that arises is the need for legal aid outreach agents who are 'close' to vulnerable groups. Therefore, capacity building (including sensitivity to vulnerable groups) and resources support for civil society organizations as well as legal aid institutes and communities are necessary so they could become agents of information dissemination on legal aid to vulnerable groups. The findings show that the role of the community and civil society

³¹¹ Dio Ashar Wicaksana et al., *Indeks Akses terhadap Keadilan 2019*, p. 128



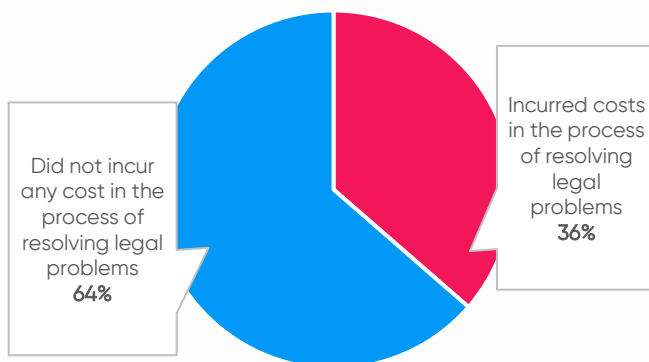
organizations is important when it is connected to the context of vulnerable groups. Moreover, the majority of vulnerable groups when face legal problems tend to resolve them through informal channels – such as family channels, agreements, customary laws, etc. Thus, the role of members and leaders in the community is to become agents of information dissemination on legal aid for vulnerable groups.



IMPACT OF RESOLVING VULNERABLE GROUPS' LEGAL PROBLEMS

🔑 Tangible impact (monetary cost) of resolving vulnerable groups' legal problems

Chart 4.76 Vulnerable Groups' Expenditure in the Process of Resolving Legal Problems | n = 371

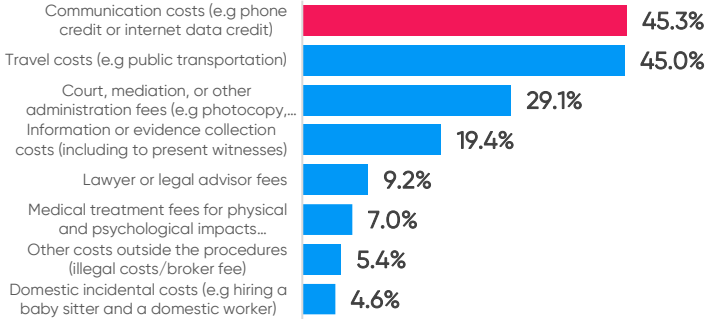


This data shows that there are 36.4% of respondents who incurred costs in the process of resolving legal problems. Meanwhile, another 63.6% of respondents stated that they did not need to incur costs in the process of resolving legal disputes.



Chart 4.77 Expenses Incurred by Vulnerable Groups During the Process of Resolving Legal Problems | n = 371

(respondents could choose more than one answer)



When vulnerable groups choose to go through the process of resolving their problems, there is the potential for them to experience impacts on themselves, one of which is a financial impact. This financial impact can be in the form of expenses or money during the process of resolving legal problems. If you look at the graph above, the majority of respondents who incurred costs during the process of resolving legal problems, there are 45.3% of respondents incurred communication costs which include the purchase of phone credits or internet data credits, and 45.0% of respondents incurred travel expenses in the form of public transportation. Not only that, 29.1% of vulnerable groups still need costs related to court proceedings, such as costs for mediation, or other administrative costs. Meanwhile, 19.4% of respondents also paid for information or evidence collection, and 9.2% of respondents incurred lawyer fees. Other needs are also needed for medical purposes, with findings that around 7.0% of respondents needed medical care costs, and 4.6% of respondents needed domestic costs such as hiring baby sitter services or domestic workers services during the process. Another finding that needs special attention is that



5.4% of respondents need other costs outside of official procedures, and this involved closely with the practices of illegal costs or brokerage fees.

When it is connected to income indicators in the graph above that 48.4% of the vulnerable group have a monthly income below the provincial minimum wage, even the other 55.9% have sufficient income without remaining fund for savings. This means that the costs incurred, especially in the form of spending money, become a separate burden aside from the legal problems experienced by vulnerable groups. In addition, in Indonesia, currently the amount of legal aid budget has not accommodated the financing of matters of an informal nature, namely all unofficial costs incurred to support the legal process.³¹² The mechanism for the amount of legal aid costs only regulates litigation and non-litigation costs, whereas the non-litigation legal aid costs specifically regulate legal information dissemination activities, legal consultations, case investigations, legal research, mediation, negotiations, and community empowerment.³¹³ In terms of the legal aid budget, the litigation and non-litigation budgets per 2020 also have a fairly wide range, the litigation budget items have increased to 45,592,000,000 while the non-litigation budget items are 8,087,900,900.³¹⁴ This needs further attention, given the results of the First National Legal Aid Conference which recommended that the Government readjust the non-litigation budget according to needs.³¹⁵

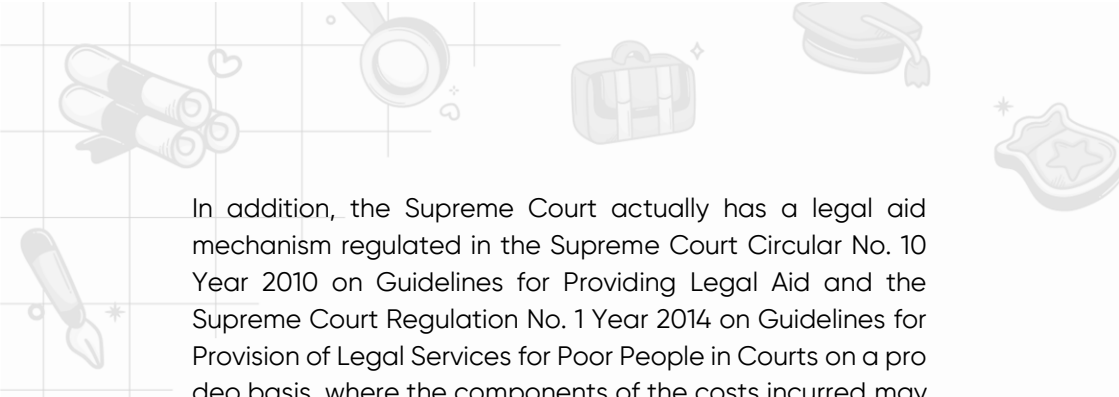
³¹² Sarah Barakat, *The Cost of Justice: Exploratory assessment on women's access to justice in Lebanon, Jordan, Egypt, and Yemen*, p. 13

³¹³ Ministry of Law and Human Rights, Minister of Law and Human Rights Decree Number M.HH-03.HN.03.03 Year 2013 on The Amount of Litigation and Non-Litigation Legal Aid Costs

³¹⁴ See Figure 4.1 on the Amount of Legal Aid Budget 2018–2020

³¹⁵ Asfinawati, et al., *Rekomendasi Konferensi Nasional Bantuan Hukum I*, p. 12.





In addition, the Supreme Court actually has a legal aid mechanism regulated in the Supreme Court Circular No. 10 Year 2010 on Guidelines for Providing Legal Aid and the Supreme Court Regulation No. 1 Year 2014 on Guidelines for Provision of Legal Services for Poor People in Courts on a pro deo basis, where the components of the costs incurred may include court costs ranging from administrative costs, photocopies of files and letters related to cases, to execution costs³¹⁶ however this mechanism only reaches out to the poor who are also burdened with administrative requirements such as a Certificate of Disadvantage (SKTM) or a Certificate of Social Allowances.³¹⁷ The criterion of poor that determines access to assistance is not realistic and hinders groups with other vulnerabilities. On the other hand, there is also a need for legal assistance from vulnerable groups such as children, women, indigenous peoples and people with disabilities regardless of their economic conditions.³¹⁸

After asking about the costs incurred by vulnerable groups during the legal dispute resolution process, this survey also asked about the affordability of costs incurred by vulnerable groups. Bearing in mind, the income of respondents in the income chart states that 48.4% of their income is below the provincial minimum wage and 29.9% of respondents have no income.

³¹⁶ See further in Article 11 Paragraph 1 of the Supreme Court Regulation (PERMA) Number 1 Year 2014 on Guidelines of Legal Aid Provision for Poor Communities in the Court

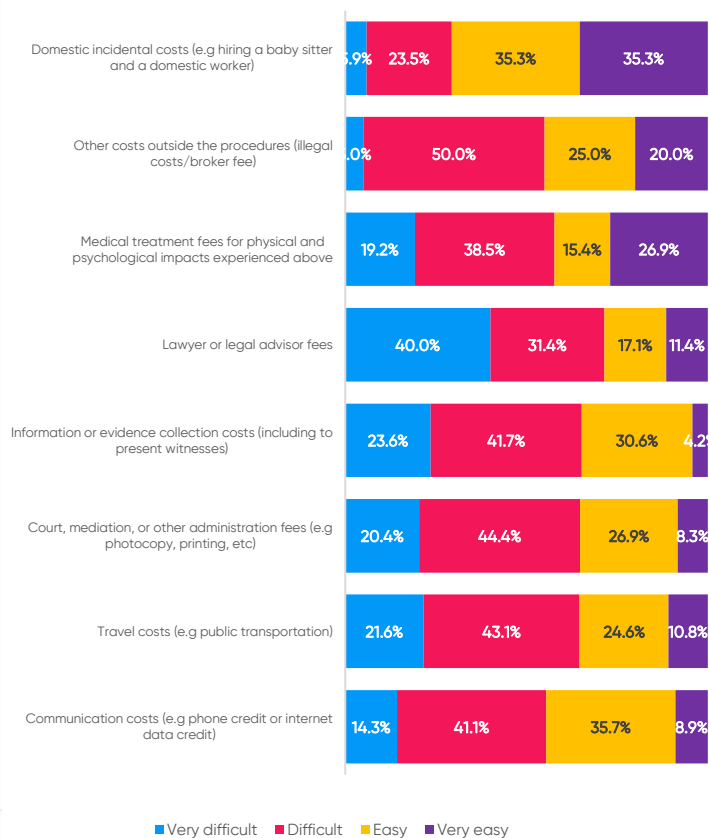
³¹⁷ Nawa Angkasa, *Prodeo dalam Peradilan SEMA Nomor 10 Tahun 2010*, *Istinbath Jurnal Hukum*, Vol 13(1), 2016, p. 134

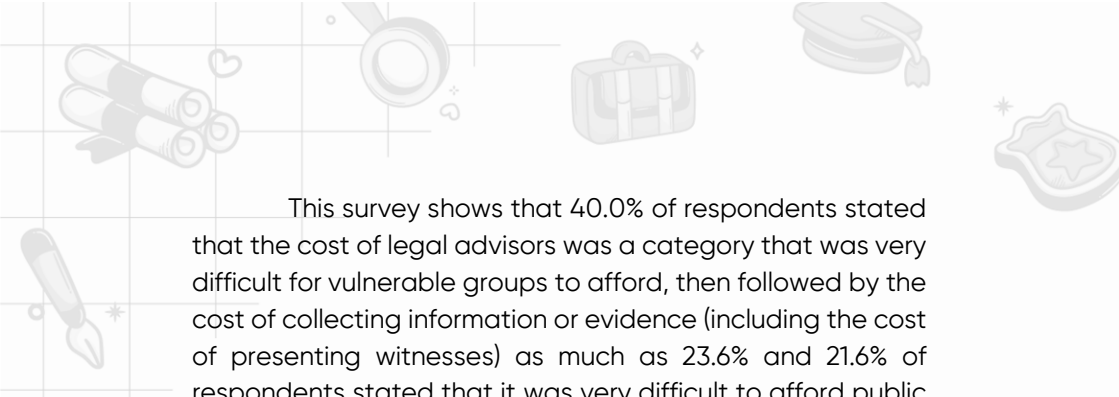
³¹⁸ Kemenkumham et al., *Panduan Penyelenggaraan Bantuan Hukum di Daerah*, (Jakarta: BPHN, 2018)



“
33.3% of persons with disabilities incurred lawyer or legal advisor costs to assist them in resolving their legal problems.
”

Chart 4.78 Affordability of the Costs Incurred by Vulnerable Groups During the Process of Resolving Legal Problems | n = 371





This survey shows that 40.0% of respondents stated that the cost of legal advisors was a category that was very difficult for vulnerable groups to afford, then followed by the cost of collecting information or evidence (including the cost of presenting witnesses) as much as 23.6% and 21.6% of respondents stated that it was very difficult to afford public transportation costs.

For the difficult category, 50.0% of respondents responded that other costs outside the procedure (illegal costs/broker fee) were in the top position, 44.4% of respondents said it was difficult to pay for court, mediation, or administrative costs (photocopying, printing, etc.), then 43.1% respondents stated that it was difficult to pay for public transportation, 41.7% also stated that it was difficult to use information or evidence (including the cost of presenting witnesses), 41.1% of respondents said it was difficult to pay for telephone or internet data credits. This confirms Teremtetsky's explanation³¹⁹ which states that the rights of vulnerable groups in society continue to be violated and when they access justice they are often hampered by costs and procedures.

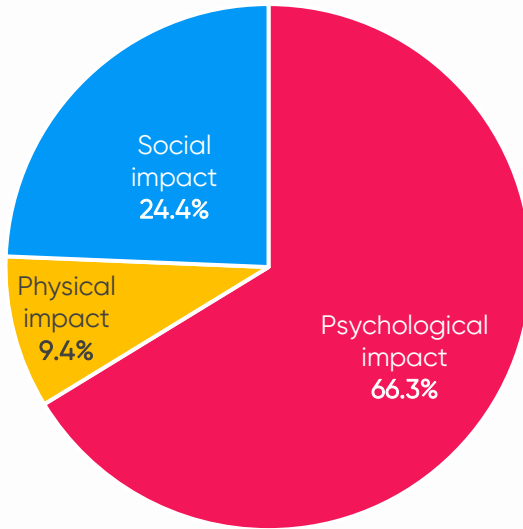
The data above also shows that vulnerable group respondents who experience legal problems really need legal advisor services which can be accessed free of charge. Not only that, the need for supporting matters in the process of resolving legal disputes such as gathering information and evidence is also important. Thus, the expansion of the scope

³¹⁹ Vladyslav Teremtetskyi, et al., *Access to Justice and Legal Aid for Vulnerable Groups; New Challenges Caused by the Covid-19 Pandemic*, Journal of Legal, Ethical and Regulatory Issues, 24, 2021, p. 2

of legal aid recipients in the Legal Aid Law which places vulnerable groups as legal aid recipients is one of the options for policy changes that must be made. Especially in Article 5 Paragraph (3) of Law No. 39 Year 1999 on Human Rights which stipulated that everyone who belongs to a vulnerable group has the right to receive more treatment and protection.

🔗 **Intangible impacts (non-monetary cost) of resolving vulnerable groups' legal problems**

Chart 4.79 Forms of Impact Experienced by Vulnerable Groups in the Process of Resolving Legal Problems | n = 371

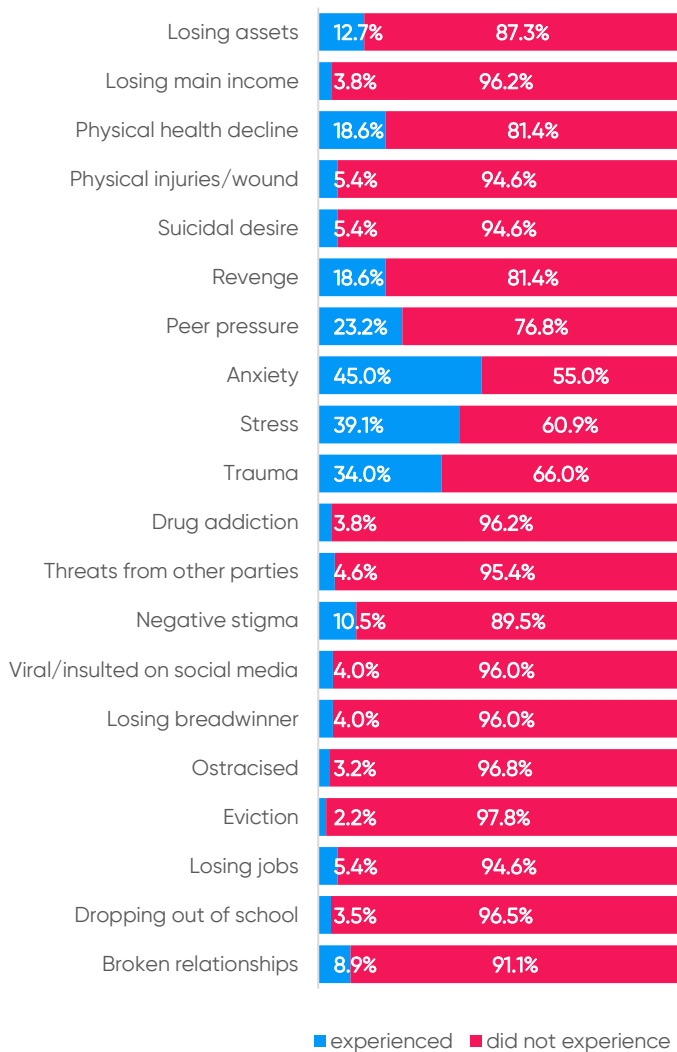


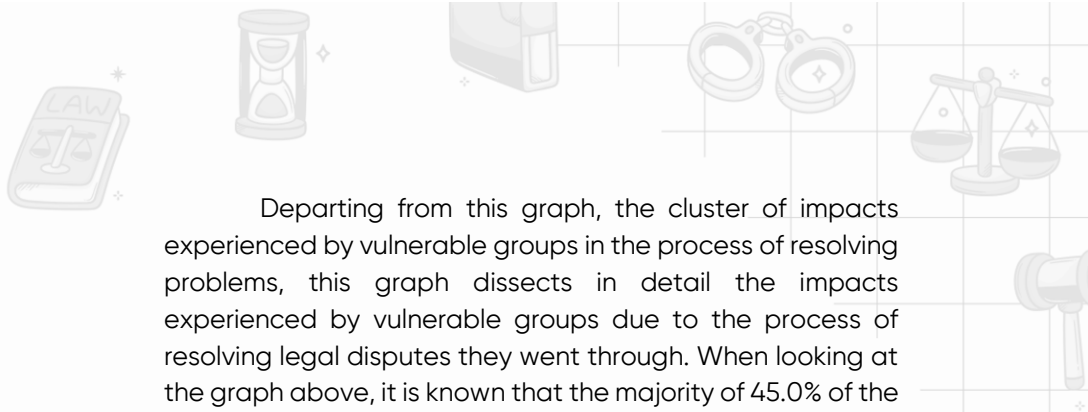
Of all targeted vulnerable groups who are undergoing the process of resolving legal problems, it is known that the majority of 66.2% of the vulnerable groups experienced psychological impacts, 24.4% experienced social impacts, up to 9.4% experienced physical impacts.



Chart 4.80 Details of the Impacts Experienced by Vulnerable Groups Due to Process of Resolving Legal Problems | n = 371

(the respondents could choose more than one answer)





Departing from this graph, the cluster of impacts experienced by vulnerable groups in the process of resolving problems, this graph dissects in detail the impacts experienced by vulnerable groups due to the process of resolving legal disputes they went through. When looking at the graph above, it is known that the majority of 45.0% of the vulnerable group experienced anxiety, 39.1% experienced stress, 34.0% experienced trauma, up to 23.2% experienced pressure from their surroundings. Not only that, there were also 18.6% of the vulnerable group experiencing declined physical health and feelings of resentment, 12.7% experienced loss of assets, 10.5% received negative stigma, and there was also the most fatal impact, namely the desire to commit suicide by 5.4%.

From these data, it appears that the majority of vulnerable groups experience impacts in the psychological impact category. Moreover, the characteristics of respondents' status in the problem were mostly victims, comprising of 40% of vulnerable groups.³²⁰ A number of studies show that dealing with the settlement process, one of which is with the legal process, can lead to secondary victimization³²¹ where reporting crimes that occur to authorities such as the police can cause stress, sharing their stories before the Court often induce trauma, the failure in adjudicating a case could

³²⁰ See Chart 4.50 on the status of legal problems experienced by vulnerable groups.

³²¹ Secondary victimization is the repetition of victimization which is more likely to occur due to inappropriate treatment and handling of victims by law enforcement officials such as the police, legal assistance services, and during trials. See Loraine Wolhuter et al., *Victimology: Victimization and Victim's Rights*, (New York: Routledge Cavendish, 2009), p. 33



cause the feelings of hurt and disappointed for the victims.³²² This is because constitutional boundaries in the legal process tend to offer strong guarantees for the rights of the accused but there is no proper protection for the rights of the victims. As a result, victims choose to seek justice by facing serious obstacles and risks to their safety and health.³²³

38.7% of children, 46.7% of persons with disabilities experienced stigma/labelling due to the legal process they went through. 16.7% of gender diversity and minority group and 26.7% of persons with disabilities also experienced insults/scorns on social media for going through legal process.

For example, research conducted by the Indonesia Judicial Research Society (IJRS) (2022) argues that the recovery of women victims of sexual violence has not been given the same portion as the punishment process, whereas, victims need more than just punishing perpetrators to be able to recover from the impact they have experienced.³²⁴ Then, another reality was also found that information about the loss or suffering experienced by the victim was only used as a reference to punish the perpetrator and the Judge had never considered the impact suffered by the victim or offered other forms of remedy such as psychological, medical remedy, and social rehabilitation.³²⁵

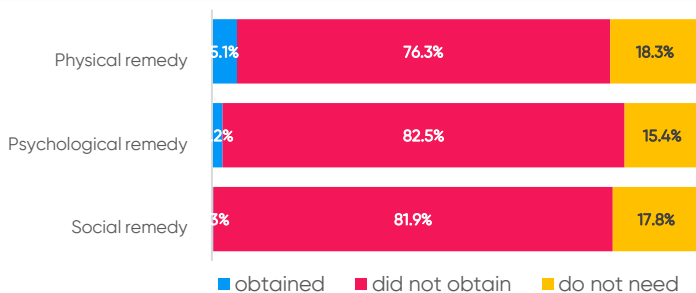
³²² Herman (2003) and Orth (2004) in Jim Parsons and Tiffany Bergin, *The Impact of Criminal Justice Involvement on Victim's Mental Health*, Journal of Traumatic Stress, Vol. 00 (0), 2010. pp. 1-2

³²³ Judith Lewis Herman, *The Mental Health of Crime Victims: Impact of Legal Intervention*, Journal of Traumatic Stress, Vol. 16 (2), 2003, p. 159

³²⁴ Arsa Iلمي Budiarti et al, *Refleksi Penanganan Perkara Kekerasan Seksual*, p. 120

³²⁵ Komnas Perempuan, IJRS and MaPPI FHUI, *Review Implementasi PERMA No. 3 Tahun 2017*, (Jakarta: Komnas Perempuan, 2022), p. 122

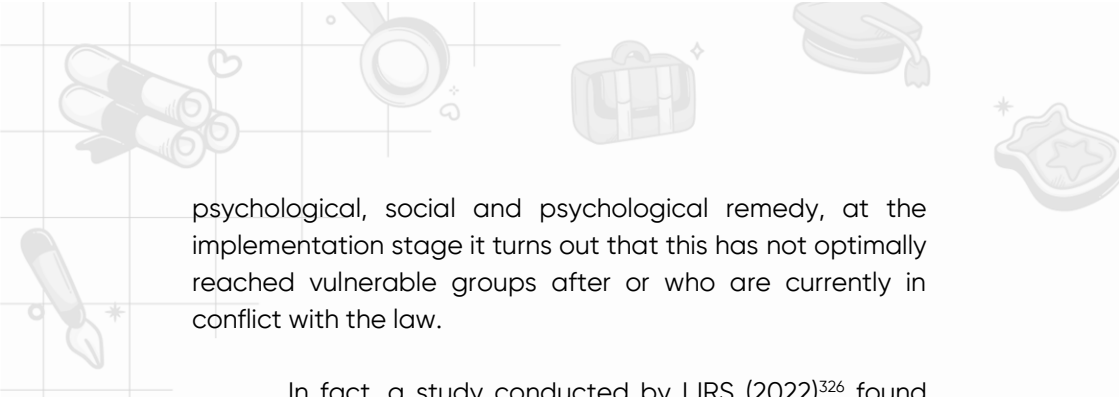
Chart 4.81 Remedy Obtained from Legal Problems Resolution Process | n = 371



After the vulnerable groups have passed or are undergoing legal proceedings, this survey shows that the majority of social, psychological and physical remedy are not obtained by vulnerable groups. Data shows that 81.9% of respondents did not get social remedy, 82.5% of respondents did not get psychological remedy and 76.3% of respondents also did not get psychological remedy. Of all respondents, only less than 5.1% in each category received physical, psychological and social remedy. On the other hand, this study also shows that less than 18.3% of respondents do not need physical, psychological, and social recovery.

The above data is certainly not disconnected from other findings. For the record, 40.0% of vulnerable group respondents became victims. The lack of vulnerable groups obtaining psychological, physical and social remedy can be said to be the result of the difficulty for vulnerable groups to access legal services as explained in the point of affordability of costs incurred during the legal process and the lack of knowledge of respondents regarding how to obtain free legal assistance. In addition, even though there are many laws and regulations in Indonesia which contain





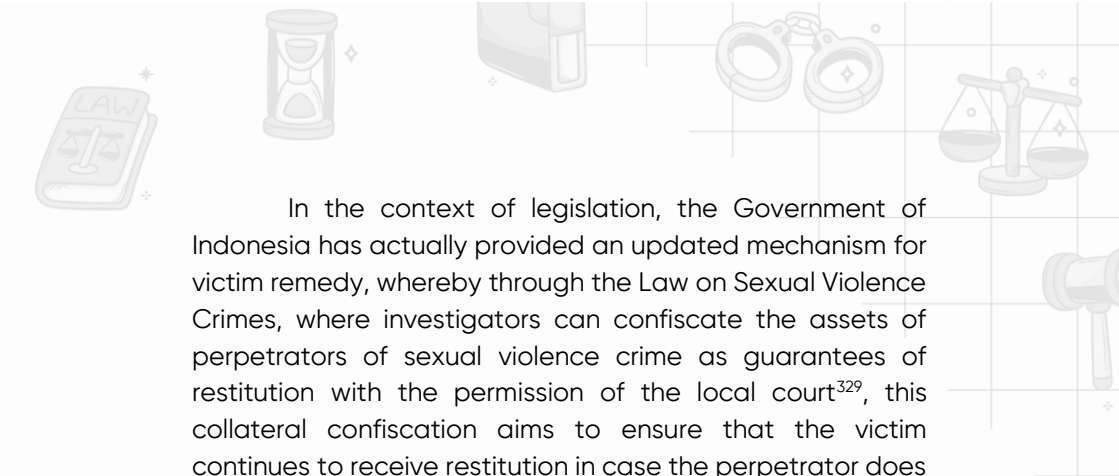
psychological, social and psychological remedy, at the implementation stage it turns out that this has not optimally reached vulnerable groups after or who are currently in conflict with the law.

In fact, a study conducted by IJRS (2022)³²⁶ found that only 0.1% of judgments in cases of sexual violence in the 2018–2020 punished perpetrators to pay compensation for victims. Meanwhile, another 19.2% indicated that the victim did not submit a request for recovery to the judges, and 80.7% of other judgments did not include any information related to the victim's remedy. These data show that the criminal justice system in Indonesia has not yet prioritized aspects of victim remedy as the goal of the judicial process. Even though the Indonesian government is currently pushing for the implementation of restorative justice as the goal of the sentencing process, through the 2020–2024 National Medium-Term Development Plan, where restorative justice must be interpreted as a response to crimes as much as possible to repair the losses suffered by the victims.³²⁷ Where in this context the perpetrator must be able to take responsibility for his actions and realize that his actions are unacceptable and have a real impact on victims and society. Victims themselves should have the opportunity to express their needs and participate in self-awareness in determining the best way for the perpetrators to fulfill the compensation for what they experienced, and the community is responsible for contributing to the process.³²⁸

³²⁶ Arsa Ilmi Budiarti et al, *Refleksi Penanganan Perkara Kekerasan Seksual*, p. 145

³²⁷ UNODC as quoted in Maidina Rahmawati, et al, *Peluang dan Tantangan Penerapan Restorative Justice dalam Sistem Peradilan Pidana di Indonesia*, (Jakarta: ICJR, 2022), p. 351

³²⁸ Ibid.



In the context of legislation, the Government of Indonesia has actually provided an updated mechanism for victim remedy, whereby through the Law on Sexual Violence Crimes, where investigators can confiscate the assets of perpetrators of sexual violence crime as guarantees of restitution with the permission of the local court³²⁹, this collateral confiscation aims to ensure that the victim continues to receive restitution in case the perpetrator does not pay restitution within 30 (thirty) days after the court judgment has become final and binding³³⁰. Restitution in this context aims to provide compensation to victims for loss of income/wealth, suffering directly related to the crime of sexual violence they experienced, medical and/or psychological treatment, and other losses suffered as a result of the crime of sexual violence they experienced.³³¹

In fact, the Law on Sexual Violence Crimes also provides for a compensation mechanism by the state when the perpetrator and the confiscated collateral are unable to pay for the victim's losses, the state can provide compensation through a victim assistance fund mechanism³³². Where the victim assistance fund is a state compensation fund for victims of sexual violence, and comes from philanthropy, society, individuals, Corporate Social Responsibility (CSR), and other sources that are legal and not binding on the state budget³³³. However, the current victim assistance fund mechanism can only be applied to victims of sexual violence, even though criminal law problems

(3) ³²⁹ Indonesia, Law No. 12 Year 2022 on Sexual Violence Crimes, Article 31 paragraph

³³⁰ *Ibid.*, Article 33 paragraph (5)

³³¹ *Ibid.*, Article 30 paragraph (2)

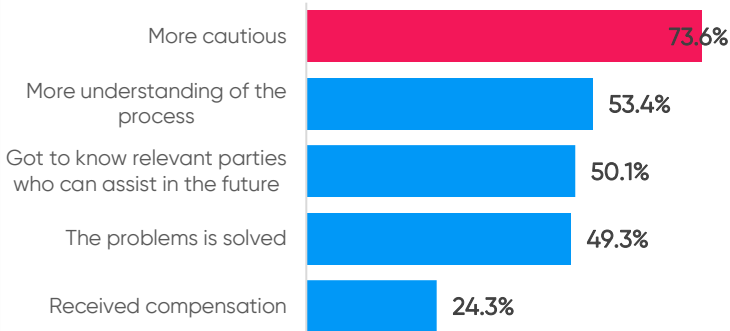
³³² *Ibid.*, Article 35 paragraph (1) and (2)

³³³ *Ibid.*, Article 35 paragraph (3)



experienced by vulnerable groups are not only related to sexual violence crimes. Therefore, in the future there needs to be further discussion regarding compensation mechanisms and victim assistance funds in the context of criminal procedural law reform.

Chart 4.82 Positive Impacts of Legal Problems Resolution Process for Vulnerable Groups | n = 371



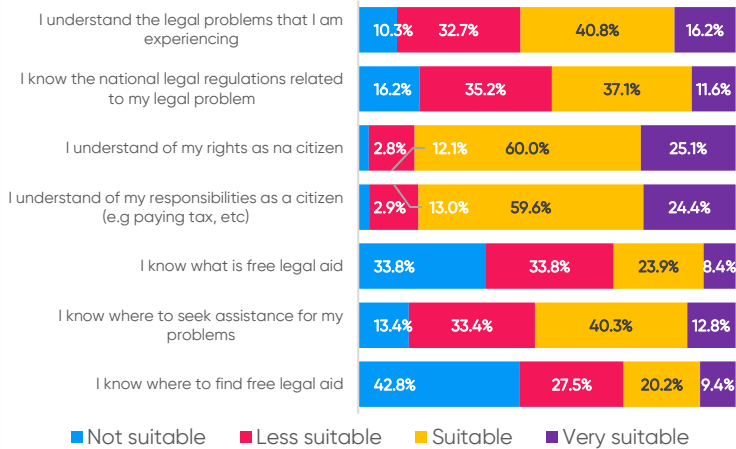
The findings of this survey not only show the negative impacts experienced when going through the process of resolving legal problems, but also find the positive impacts experienced by vulnerable groups. If you look at the chart above, the majority shows 73.6% of vulnerable groups feel that by going through the process of resolving their legal problems they are becoming more cautious, 53.4% admit that they understand more about the legal process they are going through, 50.1% get to know related parties who can assist in the future if they re-experience legal problems, 49.3% also admitted that the problems they experienced were resolved, up to 24.3% finally received compensation for the legal problems that happened to them.



VULNERABLE GROUPS' LEGAL CAPABILITY

🏠 Vulnerable Groups' Legal Knowledge and Understanding in Resolving Legal Problems

Chart 4.83 Vulnerable Groups' Legal Knowledge and Understanding in Resolving Legal Problems| n = 1,020



This graph shows that the majority of vulnerable groups stated "not suitable" (42.8%) and "less suitable" (27.5%) as many as 69.3% of respondents who know where to seek free legal assistance. This finding shows that the majority of respondents do not know where to seek free legal assistance when experiencing legal problems. This data is also reinforced by 67.6% (20.2% answering suitable and 9.4% answering very suitable) of respondents who do not know what free legal aid is.

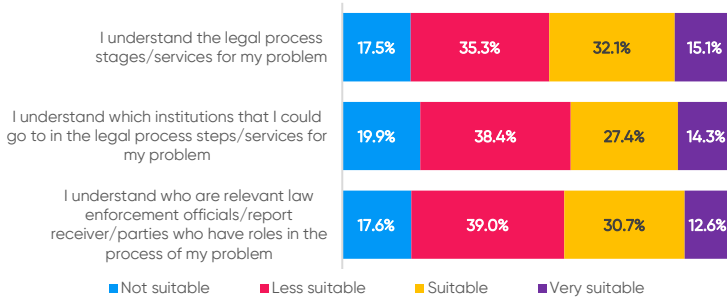
Both of these are inversely proportional to the question regarding the understanding of rights as citizens, the majority of vulnerable groups said "appropriate" and



"very appropriate" regarding responsibilities as citizens (such as paying taxes, etc.) as many as 84.0% of respondents and 85.1% of respondents understood their rights as a citizen. The high level of knowledge about their rights as citizens is not in line with their right to obtain knowledge about free legal aid. Therefore, this data shows that the public's understanding of the right to free legal aid and how to obtain it is still low. So that the information dissemination of legal aid in the future needs to be improved and adjusted to the target group that needs it.

🏠 Vulnerable Groups' Capability to Understand Legal Services and Process

Chart 4.84 Vulnerable Groups' Capability to Understand Legal Services and Process | n = 1,020



The concept of community legal capability initiated by Pascoe Pleasence (2018) is defined as an individual's ability to respond effectively to the problems they experience, including the ability to understand legal services and processes, understand their rights, the ability to undergo legal processes, communicate effectively, and solve legal problems.³³⁴ The findings of this survey show that the legal

³³⁴ Pascoe Pleasence & N.J. Balmer, *Legal Confidence and Attitudes to Law: Developing Standardised Measures to Legal Capability*, (Cambridge: PPSR, 2018), p. 1

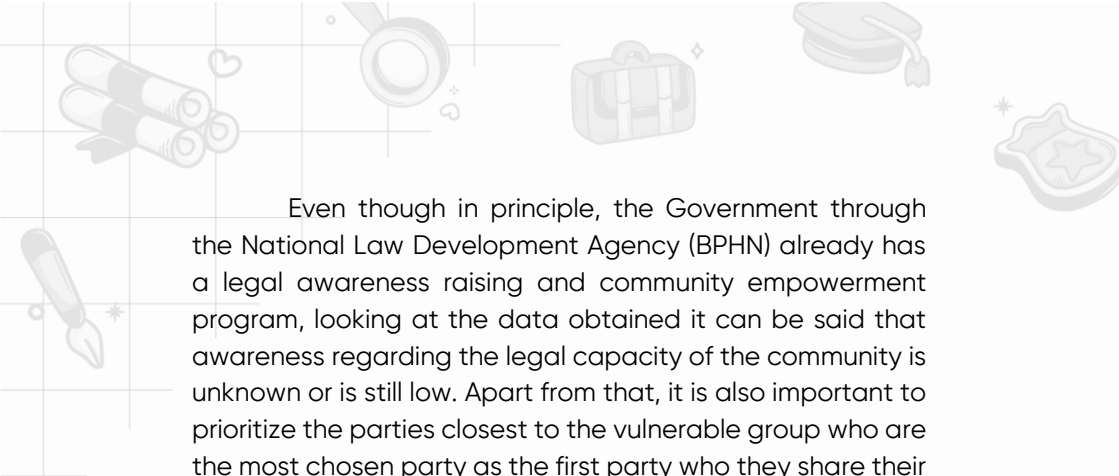


capacity of vulnerable groups regarding understanding of legal services and processes is still very low.

If you look at the graph above, it is known that the majority of vulnerable groups who are respondents are in the "less suitable" category for statements regarding understanding of legal services and processes, 39.0% of vulnerable groups still do not understand the parties and law enforcement officials who play a role in the process of problems they experience, 38.4% of vulnerable groups do not understand the institutions or legal process services that are intended to solve their problems, and also 35.3% do not understand the stages or services of the legal process for the problems they experience. This finding confirms at least the hypothesis that the lower legal capability, the higher the legal need. This is because in resolving legal problems both through formal and informal mechanisms, the existence of community legal capability is a prerequisite. Without the community capability, the availability of both formal and informal mechanisms for access to justice is not optimal.

Seeing these conditions, therefore, the best opportunity to fulfill legal needs for vulnerable groups is to strengthen the role of legal empowerment for the community, especially for vulnerable groups which can be an alternative approach that can be carried out by the Government through the National Law Development Agency (BPHN). These activities not only provide information regarding legal aid but also increase public understanding and awareness of the capability to resolve or respond to legal problems they experience, especially related to understanding of services and problem resolution processes.





Even though in principle, the Government through the National Law Development Agency (BPHN) already has a legal awareness raising and community empowerment program, looking at the data obtained it can be said that awareness regarding the legal capacity of the community is unknown or is still low. Apart from that, it is also important to prioritize the parties closest to the vulnerable group who are the most chosen party as the first party who they share their problems with, namely the majority of 67.9% are family members living in the same house and the most chosen party in seeking assistance for resolving legal problems, the majority of 73.2% are family/friends/acquaintances as targets for empowerment or community paralegals.

Currently, for example in Australia, the government's policy is directed towards better targeting in terms of community legal education to increase legal capacity, suitability of services to suit the legal capabilities of the community, outreach of services so that access barriers can be addressed, to the accuracy of assistance.³³⁵ Apart from that, the Indonesian government can also maximize the potential of the village mechanism as a means of information dissemination and legal education. Moreover, the village head has the obligation to maintain peace and order in the village community, carry out a democratic and gender-just life, resolve community disputes in the village, foster and preserve the socio-cultural values of the village community, empower the community and social institutions in the village, and provide information to the villagers.³³⁶

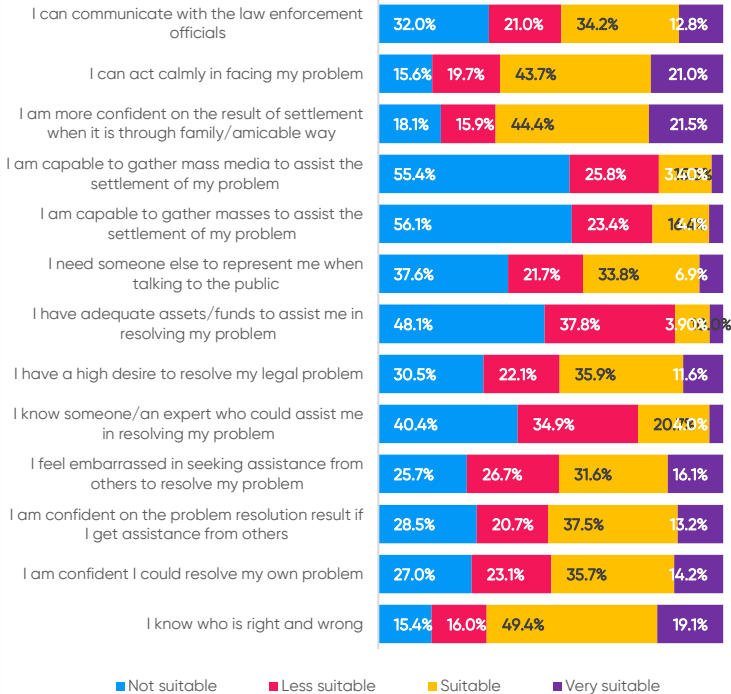
³³⁵ Pascoe Pleasence & N. J. Balmer, *Justice & the Capability to Function in Society*, *Daedalus* 148(1), 2019, p. 146

³³⁶ Indonesia, Law Number 6 Year 2014 on Village, Article 26 paragraph (4)



🔗 Vulnerable Groups' Capability to Take/Undergo Legal Process

Chart 4.85 Vulnerable Groups' Capability to Take and Undergo Legal Process | n = 1,020



This study asked 13 (thirteen) questions about the capability of vulnerable groups to take legal proceedings in the categories "not suitable", less suitable, "appropriate" and "very suitable". The majority of vulnerable groups said "appropriate" and "very appropriate" about the respondent's knowledge of who is wrong and right (68.5%), vulnerable groups are confident in the results of solving problems if through family/amicable means (65.9%), vulnerable groups are calmer in dealing with their problems (64.7%).



While the majority of respondents stated "not suitable" and "less suitable" regarding vulnerable groups gathering mass media to assist problem settlement (81.5%), respondents were capable to gather mass media to help solve problems (79.5%), respondents had sufficient assets/funds to help solve problems (75.9%), respondents have acquaintances/experts who can help respondents resolve legal problems (75.3%), respondents feel embarrassed in asking others for help to resolve problems (52.4%), respondents have a high desire to resolve legal problem (52.6%), and respondents can communicate with law enforcement officials (53.0%).

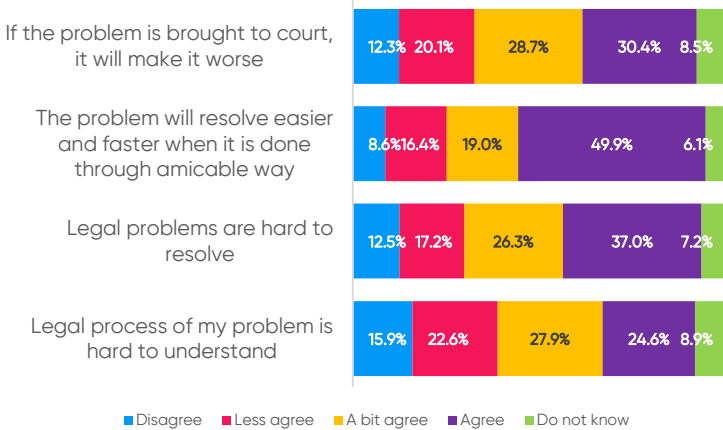


VULNERABLE GROUPS' PERCEPTION ON LEGAL PROBLEMS RESOLUTION



Vulnerable Groups' Perception on the Complicity of Legal Process

Chart 4.86 Vulnerable Groups' Perception on the Complicity of Legal Process | n = 1,020





Through this survey, it can be shown that vulnerable groups have perceptions regarding how complicated it is to go through the legal process in Indonesia. Based on this chart, there is a perception of the vulnerable group as much as 49.9% regarding the most complicated legal process, namely that problems are considered to be resolved more easily and quickly if resolved in an amicable way. This data has a correlation with the data in the previous chart, where the capability of vulnerable groups is felt to be higher if they have acquaintances/experts in assisting the process of resolving legal problems. This finding shows that for vulnerable groups having relationships with other people is considered as capital that can help resolve legal problems. However, this needs to be investigated further, whether this acquaintance/expert relationship does not conflict with the principles of anti-corruption, collusion, and nepotism in resolving legal problems. In addition, it was also found that the majority of respondents were more confident in pursuing a family or amicable process. This needs to be explored further, because amicable/family mechanisms are not always the best way for the interests of victims – moreover 40% of the respondents in this survey were victims.

In cases of sexual violence, the settlement mechanism through amicable/family tends to have a negative impact on the victim, because this mechanism is considered to place a psychological burden on the victim, where the victim is indirectly forced to forgive the perpetrator. This is contrary to the victim's position in the legal problem, who have experienced various forms of physical, psychological, and financial losses. In fact, this amicable mechanism has the

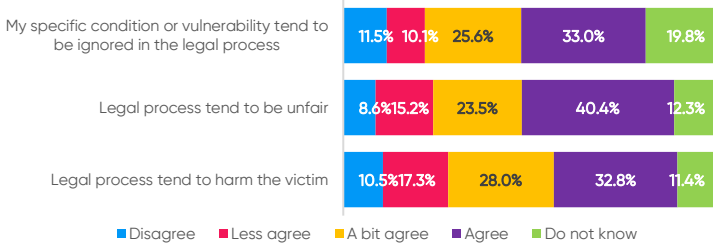


potential to eliminate criminal responsibility for perpetrators of sexual violence.³³⁷

Another finding, as many as 37.0% of vulnerable groups also have the perception that legal issues are difficult to resolve. Followed by the perception of 30.4% of vulnerable groups who have a bad perception of the court, with the assumption that if the problem is brought to court, it will exacerbate the problem itself. Another opinion found in 24.6% of vulnerable groups who thought that the legal process for the problems they experienced was difficult to understand. This shows that there tends to be a lack of capability of vulnerable groups as justice seekers in dealing with their problems.

🔒 Vulnerable Groups' Perception of Justice within Legal Process

Chart 4.87 Vulnerable Groups' Perception of Justice within Legal Process | n = 1,020



This graph shows that in fact 32.8% of vulnerable groups think that the legal process tends to harm the victims,

³³⁷ Marsha Maharani & Dio Ashar Wicaksana, *Menikahkan Korban dengan Pelaku Bukan Solusi: Bagaimana Pendekatan Keadilan Restoratif Sangat Merugikan Korban Kekerasan Seksual*, Desember 2022, accessed at <https://theconversation.com/menikahkan-korban-dengan-pelaku-bukan-solusi-bagaimana-pendekatan-keadilan-restoratif-sangat-merugikan-korban-kekerasan-seksual-193853> on 18 December 2022



40.4% of vulnerable groups think that the legal process in Indonesia tends to be unfair, and 33.0% of vulnerable groups think that their vulnerabilities and special conditions tend to be ignored in the process law.

Injustice in the legal process which is an obstacle to the law enforcement process is a serious problem that has worsened public perception of the legal process. Based on the research report of the Institute for Criminal Justice Reform (ICJR), the perception of expert judgment regarding the application of the principle of fair trial in Indonesia is still at 55.31%, which is only half of what it should be.³³⁸ One of the studies that can be referred to is the Report on the Assessment of the Application of Fair Trial Principles in Indonesia in 2018 which affirms that aspects of fulfilling the rights of suspects in the judicial process only achieve, achieving the principle of equality before the law, aspects of a competent, independent and impartial court, and aspects of fulfilling the principle of legal assistance have also not reached adequate score.³³⁹ This is also reinforced by data from the Rule of Law Index (2022) which states that indicators of non-discrimination and the application of due process of law in the criminal justice process are still very low, around 0.28 and 0.37 (in the range 0-1).³⁴⁰ While the indicators for accessibility and non-discrimination in civil courts are also low, 0.49 and 0.34. Thus, it is normal for vulnerable groups to not be able to benefit from justice within the legal process, because the courts in Indonesia are not good enough.

³³⁸ Miko Ginting, *Laporan Penilaian Penerapan Prinsip Fair Trial di Indonesia Tahun 2021*, p. 11

³³⁹ Ibid.

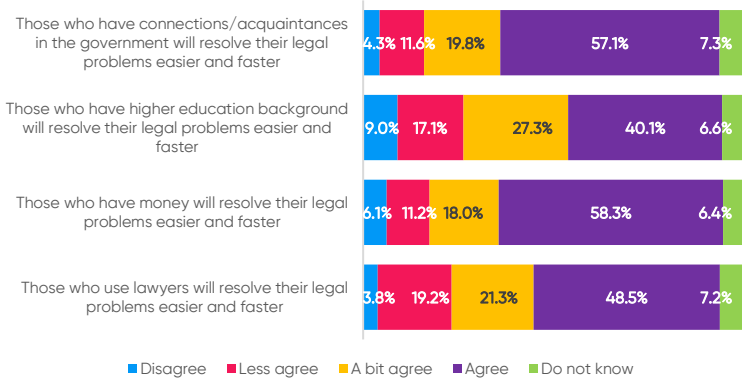
³⁴⁰ World Justice Project, *Rule of Law Index 2022*, accessed at <https://worldjusticeproject.org/rule-of-law-index/global/2022/Indonesia/Criminal%20Justice/> on 18 December 2022



Even though it has been guaranteed in Article 5 Paragraph (3) of Law No. 39 Year 1999 on Human Rights: "Everyone who belongs to a vulnerable group of people has the right to receive more treatment and protection with respect to his specialty".³⁴¹ However, this research tends to show that access to justice for vulnerable groups who are entitled to receive more treatment and protection with regard to their specificities has not optimally fulfilled and is considered difficult to achieve.

🌟 Vulnerable Groups' Perception of Resources and Its Impact in the Legal Process

Chart 4.88 Vulnerable Groups' Perception of Resources Ownership and Its Impact in the Legal Process | n = 1,020



This chart illustrates the vulnerable groups' perceptions of resource ownership and its influence in the legal process. Starting from their perception that people who use lawyers will more easily and quickly resolve their legal problems, namely as much as 48.5%. Then, according

³⁴¹ Indonesia, Article 5 paragraph (3) of Law Number 39 Year 1999 on Human Rights.



to 40.1% of vulnerable groups, people who have money find it easier and faster to solve their legal problems. As many as 57.1% of vulnerable groups also think that people who have connections and acquaintances with parties in government agencies will find it easier and faster to be able to resolve their legal problems. Followed by the perception that 58.3% of vulnerable groups think that people who have money will find it easier and faster to solve their legal problems.

Thus, it can be said that the perception of vulnerable groups towards society in general shows that they feel differentiated by factors outside the legal process in the process of resolving their legal problems. This is in line with previous findings which show that the majority of vulnerable groups tend not to do anything when in conflict with the law because the costs are very expensive, and not all of them have a high educational background. According to most vulnerable groups, people who have resources have greater influence before the law, compared to vulnerable groups who really need help and do not have any resources or influence.

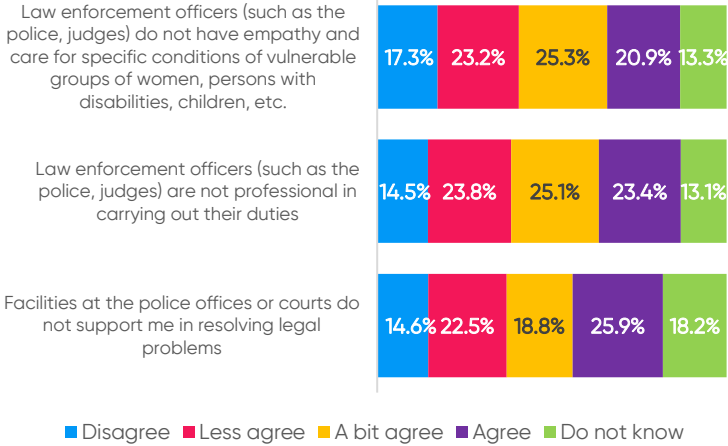
Oftentimes, those who have resources or money can potentially use law as a tool to seek unfair victory in the court, instead of to uphold justice, truth, and order in society. On the other hand, someone who does not have the resources or money is often even criminalized and extorted so that the case is not processed further.³⁴²

³⁴² Desy Indriani, *Penegakan Hukum Berkeadilan Sebagai Perwujudan Demokrasi Indonesia, Artikel, Buletin Hukum dan Keadilan*. (Jakarta: Volume 2 Nomor 6d, 2018), p. 56.

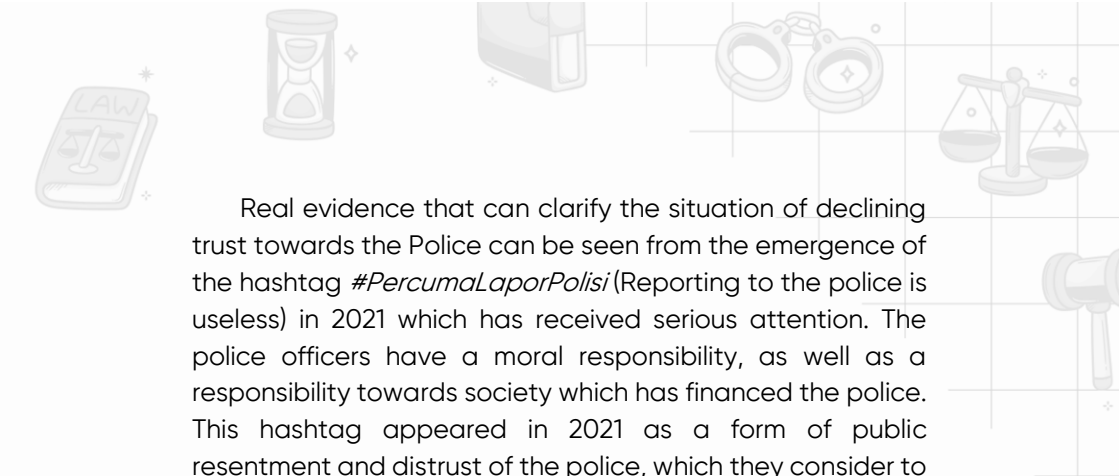


Vulnerable Groups' Perception of the Judiciary

Chart 4.89 Vulnerable Groups' Perception of the Judiciary | n = 1,020



This survey also explains the perceptions of vulnerable groups about the judiciary as shown in this chart, where as much as 25.9% of the vulnerable groups think that the facilities available at police stations or courts do not support them in resolving their legal problems. As many as 23.4% of vulnerable groups think that law enforcement officers are not professional in carrying out their duties. What's more, there are 20.9% of vulnerable groups who think that law enforcement officers do not have concern and empathy for the conditions of vulnerable groups (such as women, people with disabilities, children, etc.). This kind of perception might be one of the triggers for vulnerable groups who do not get access to justice and do not feel the importance of bringing a problem to the court so that it could be resolved. This can also encourage the tendency for vulnerable groups to choose to use informal mechanisms in resolving their legal disputes.



Real evidence that can clarify the situation of declining trust towards the Police can be seen from the emergence of the hashtag *#PercumaLaporPolisi* (Reporting to the police is useless) in 2021 which has received serious attention. The police officers have a moral responsibility, as well as a responsibility towards society which has financed the police. This hashtag appeared in 2021 as a form of public resentment and distrust of the police, which they consider to not serious in carrying out their duties and authorities.

Further explanation regarding the judiciary that should take side with the vulnerable groups has been mandated in Law Number 25 Year 2009 on Public Services and Law Number 8 Year 2017 on Persons with Disabilities, which states that every public administrator is obliged to apply the principle of public service including equal rights, equal treatment/non-discrimination, services that provide facilities, as well as special treatment for vulnerable groups.³⁴³ Therefore, the main problem of unfair trial for vulnerable groups is the lack of facilities and infrastructure in courts to be accessible to them. In human rights context, the fulfillment of accessible infrastructure, as well as the fulfillment of a fair judiciary who carried out their duties justly is the responsibility of the state.³⁴⁴

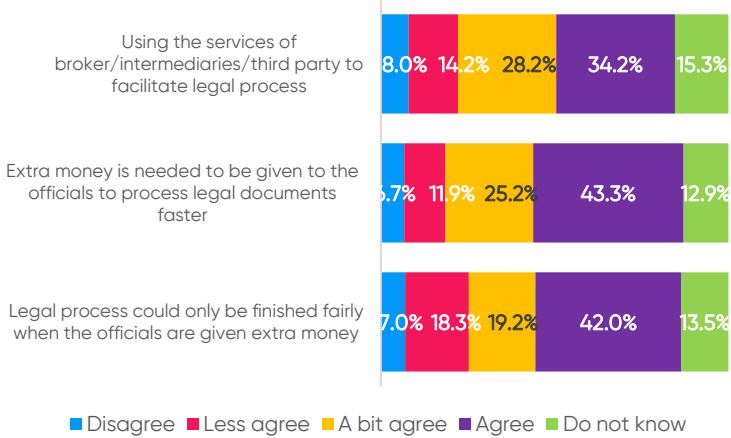
³⁴³ Indonesia, *Undang-Undang Nomor 25 tahun 2009 tentang Pelayanan Publik dan Undang-Undang Nomor 8 Tahun 2017 tentang Penyandang Disabilitas*.

³⁴⁴ Muhammad Syafari Firdaus, et al., *Pembangunan Berbasis Hak Asasi Manusia: Sebuah Panduan* (Jakarta: Komisi Nasional Hak Asasi Manusia, 2013). pp. 135-136



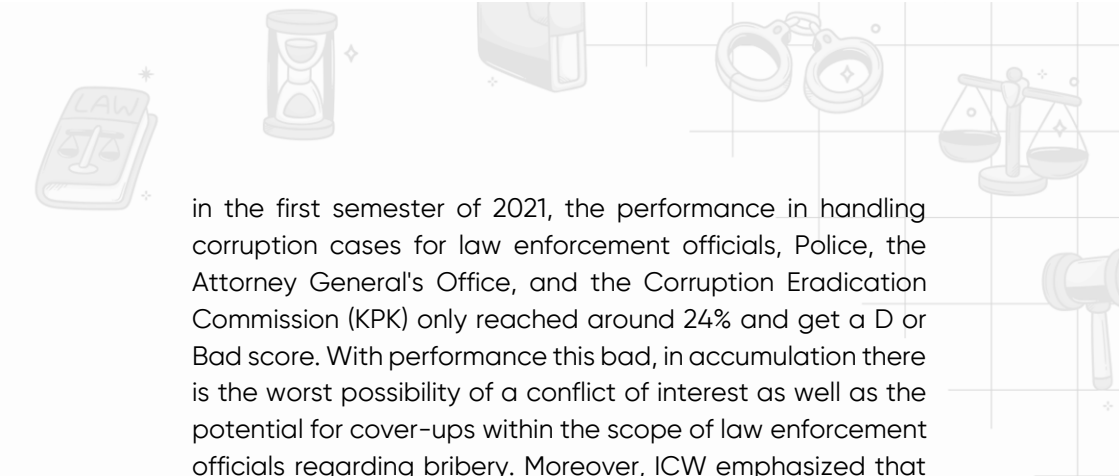
Vulnerable Groups' Perception of the Practice of Bribery in Legal Process

Chart 4.90 Vulnerable Groups' Perception of the Practice of Bribery in Legal Process | n = 1,020



This survey has also described the perceptions of vulnerable groups regarding the practice of bribery in the legal process in resolving their legal problems. It is evident that bad perception is dominant regarding the practice of bribery in the legal process, namely as many as 42.0% who think that the legal process can only be completed fairly if the officers are given additional money. As many as 43.3% of vulnerable groups think that additional money is needed for the officials to process legal documents faster, and 34.2% of vulnerable groups think that the presence of a broker/intermediary/third person can facilitate the ongoing legal process.

Based on the research by Indonesia Corruption Watch (ICW) in monitoring trends in corruption prosecution



in the first semester of 2021, the performance in handling corruption cases for law enforcement officials, Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK) only reached around 24% and get a D or Bad score. With performance this bad, in accumulation there is the worst possibility of a conflict of interest as well as the potential for cover-ups within the scope of law enforcement officials regarding bribery. Moreover, ICW emphasized that in the context of information disclosure on case handling, the Attorney General's Office and the Police tend to be closed, while the KPK is very informative. This is in line with the findings in this survey which state that the practice of bribery in the legal process still has no root of resolution.³⁴⁵

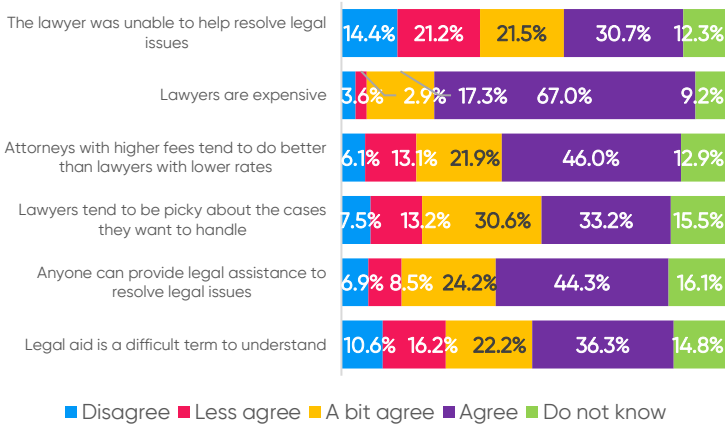
Through these findings it is also evident that the legal process against vulnerable groups still tends to run not in accordance with the mandate of the constitution, namely a fair legal process that requires the state to respect all the rights of everyone and balance the applicable law and protect the whole community from them. If the government or law enforcement officials are known to put someone on trial not in accordance with the applicable law, then there has been a violation of the proper legal process. The opinion of vulnerable groups that there are abuses of their rights, that officials have to be bribed to work well to fulfill their rights has raised a new problem that the legal and governmental process against vulnerable groups does not seem to focus on the interests of equality before the law, but focusing on their own interests.

³⁴⁵ Diky Anandya et al., *Laporan Pemantauan Tren Penindakan Kasus Korupsi Tahun 2021*. (Jakarta: ICW, 2022), p. 28



Vulnerable Groups' Perception on Legal Aid

Chart 4.91 Vulnerable Groups' Perception on Legal Aid | n = 1,020



This survey also shows the perceptions of vulnerable groups regarding legal aid which is the duty and responsibility of the state, and a constitutional right of every citizen.³⁴⁶ Starting from 36.3% of vulnerable groups who think that legal aid is a term that is difficult to understand. As many as 44.3% of vulnerable groups think that anyone can provide legal assistance to resolve legal issues. As many as 33.2% of the vulnerable group thought that lawyers tend to be picky about the cases they want to handle, and as much as 46.0% of the vulnerable group thought that lawyers with higher fees tend to be better than lawyers with lower rates. This graph also states that as many as 67.0% of vulnerable groups think that lawyers are quite expensive, coupled with as much as 30.7% who think that lawyers cannot help resolve legal disputes.

³⁴⁶ Agustinus Edy Kristianto & Patra M. Zen, *Panduan Bantuan Hukum di Indonesia: Pedoman Anda Memahami dan Menyelesaikan Masalah Hukum*, (Jakarta: YLBHI, 2008), p. 34.

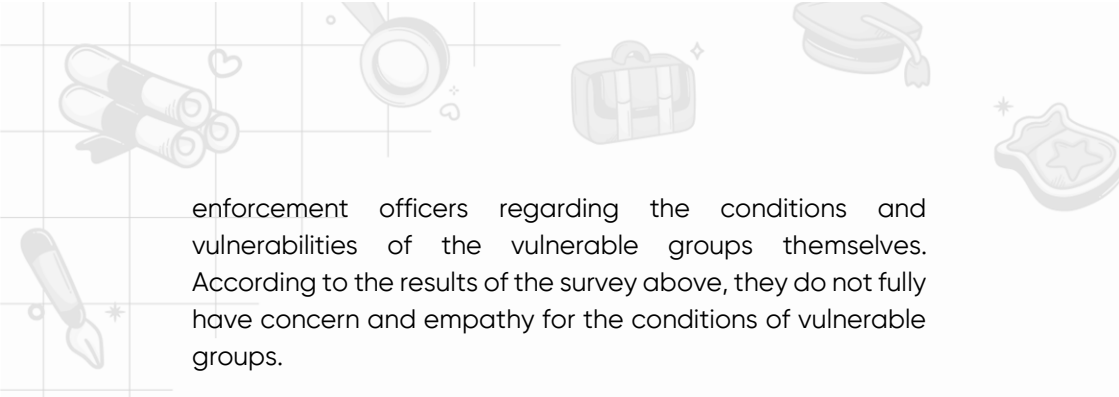


This shows that the existence of legal aid is not adequate for all, especially for vulnerable groups. When analyzed further, these findings prove that the legal process is quite expensive and is considered unable to help resolve legal problems as if stating that the existence of the court itself is not needed by vulnerable groups because they have not been able to gain benefits, justice and legal certainty. In fact, law is an inseparable part of people's lives, *ubi societas ibi ius* – where there is society there is law.

The legal findings related to the perceptions of vulnerable groups as described above, indicate that there are needs from vulnerable groups who until now have been isolated and ignored for their basic rights (basic needs). Starting from how complicated the legal process is for vulnerable groups, the difficulty in accessing justice, and the discrimination against vulnerable groups compared to the general public who have more resources and influence, to the judiciary which is still not in favor of vulnerable groups, the practice of bribery without root solution, as well as legal assistance which from the term alone is difficult for them to understand.

The problems mentioned above become a need that must be focused on by the government and the state, which are the need for comprehensive legal protection against discrimination, stigmatization, and a greater focus on providing basic rights for vulnerable groups so that they can benefit from the social legal system and justice. There is a great need for law enforcement reform and case handling with more integrity, systematic and transparency. With this, information dissemination is urgently needed to law





enforcement officers regarding the conditions and vulnerabilities of the vulnerable groups themselves. According to the results of the survey above, they do not fully have concern and empathy for the conditions of vulnerable groups.

In addition, legal certainty for vulnerable groups must also be guaranteed by the judiciary. This is because, if the law has been manifested in writing, but is not implemented consistently in social life, then access to justice for vulnerable groups will be difficult so that they will continue to be in distrust phase towards the law enforcement officials, law and the court.

One of the efforts to fulfill the basic needs of vulnerable groups has been carried out by the Ministry of State Apparatus Empowerment and Bureaucratic Reform (PANRB) as the supervisor of public services which has encouraged government agencies to provide facilities and infrastructure for vulnerable groups, one of which is through the implementation of public service evaluations conducted every year. Based on the results of monitoring and evaluation carried out in 2017, it is considered that the efforts made by service units to provide infrastructure are still not optimal.³⁴⁷ Furthermore, the fulfillment of vulnerable groups' needs have also been regulated by Minister of Law and Human Rights Regulation No. 4 Year 2021 on Legal Aid Service Standards, such as having the right to documents and information, as well as the right not to face

³⁴⁷ Ministry of State Apparatus Empowerment and Bureaucratic Reform, Unit Pelayanan Publik Perlu Sarana Bagi Kelompok Rentan, Mei 2020, accessed at <https://menpan.go.id/site/berita-terkini/unit-pelayanan-publik-perlu-perhatikan-saran-bagikelompok-rentan> on 22 November 2022



discrimination because an assessment will be carried out regarding their vulnerability needs. However, this regulation still needs to be put in more detail regarding the technical implementation of vulnerability assessments and legal needs, especially for vulnerable groups.



ACCESS TO SUPPORT SERVICES BY VULNERABLE GROUPS

Vulnerable Groups' Needs for Supporting Services

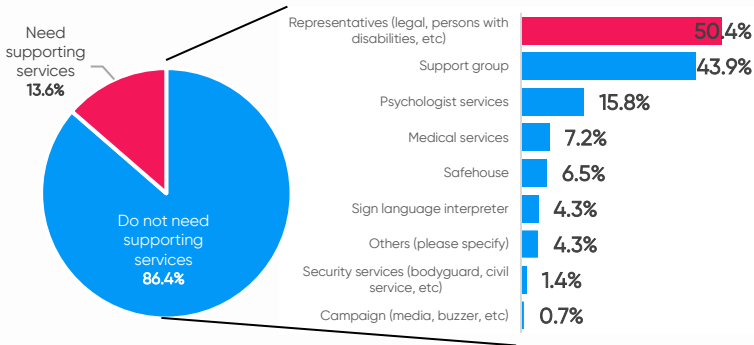
The previous findings have explained the legal needs of vulnerable groups when solving legal problems they experience. However, it also needs to be understood that vulnerable groups are groups that have a lower position in society due to various vulnerability or risk factors that cause them to need various forms of support services.³⁴⁸ These various support services are needed since each vulnerable group has diverse needs so that different treatment is needed.³⁴⁹ The support services referred to in this study may include assistance services, rehabilitations, translators, health services, psychological services, access to safe houses and so on. To be able to identify the needs of vulnerable groups for support services, this section will explain findings related to the experience of respondents as a vulnerable group in accessing and obtaining information regarding these support services.

³⁴⁸ OECD, *Integrating Service Delivery for Vulnerable Groups*, (Paris: OECD Publishing, 2015), accessed at https://read.oecd-ilibrary.org/social-issues-migration-health/integrating-the-delivery-of-social-services-for-vulnerable-groups_9789264233775-en#page4 p. 19

³⁴⁹ *Ibid.*, p. 11



Chart 4.92a Vulnerable Groups' Needs for Supporting Services | n = 1,020
(the respondents could choose more than one answer)



This chart shows that most respondents as a vulnerable group stated that they did not feel the need for any support services at all. This is quite contrary to the condition of vulnerable groups when faced with the law they tend to need access to services³⁵⁰ such as for disabled people who need companions, children who need companions when in conflict with the law, women victims of sexual violence who need psychological recovery services, to indigenous people who need language translators. Apart from the many who did not mention the need for support services, on the one hand, these findings indicated that there were a small number of respondents who needed support services such as companions (50.4%), support groups (43.9%), psychological services (15.8%), psychological services (15.8%), medical (7.2%), safe house (6.5%) to sign language interpreters (4.3%).

³⁵⁰ Working Group on Women and Children at the Supreme Court of the Republic of Indonesia et al., *Pedoman Mengadili Perkara Perempuan Berhadapan dengan Hukum*, Jakarta: Mahkamah Agung Republik Indonesia, 2018, p. 25



The results of the indexation of 735 judgments in cases of sexual violence against women (as one of the vulnerable groups) show that only 8.7% were assisted by companion.³⁵¹ Having a companion can create a sense of security and comfort for women in giving statement, especially during the judicial process in court.³⁵² Having a companion can also help women and other vulnerable groups who are in conflict with the law to ensure that their rights can be fulfilled. In addition, only 19.2% of women applied for compensation in the form of restitution, but only 0.1% eventually received restitution.³⁵³

Interesting findings in this section show the role of support groups as service providers for vulnerable groups. It was stated that people who were involved with support groups more often achieved a better quality of life and tend to use health services less often to improve their condition.³⁵⁴ In other words, support services needed by vulnerable groups cannot only be provided in connection with the legal process or in court, but also need to be ensured that outside the legal process there are parties who can empower vulnerable groups who are in conflict with the law.

³⁵¹Arsa Ilmi Budiarti et al, *Refleksi Penanganan Kekerasan Seksual di Indonesia; Indeksasi terhadap Putusan Pengadilan Tahun 2018-2020*, 2022, p. 145

³⁵² Masyarakat Pemantau Peradilan Fakultas Hukum Universitas Indonesia, *Infografis Pendamping bagi Perempuan Berhadapan dengan Hukum* accessed at <https://mappifhui.org/pendamping-bagi-perempuan-berhadapan-dengan-hukum> on 1 November 2022

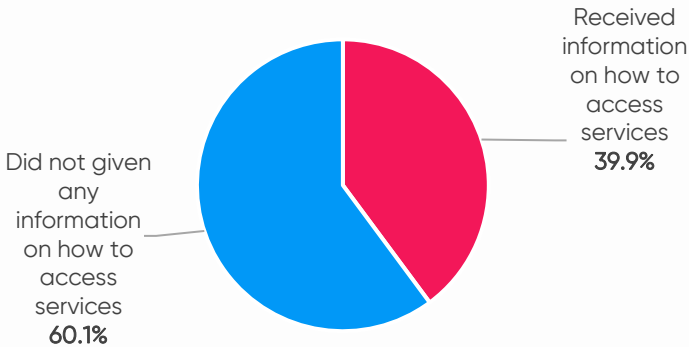
³⁵³ Ibid.

³⁵⁴ Hugh Worrall et al., *The effectiveness of support groups: a literature review*, Faculty of Science, Medicine and Health - Papers: part A. 5441, 2018, p. 4, accessed at <https://ro.uow.edu.au/cgi/viewcontent.cgi?article=6502&context=smhpapers> on 4 November 2022



However, in this study, the findings indicating that vulnerable groups do not need support services at all, are actually in line with previous findings which show that the majority of these vulnerable groups tend to do nothing when in conflict with the law. So, in other words, as vulnerable groups the respondents could not identify what are needed when in conflict with the law. On the other hand, for respondents who do something about their legal problems, there is a possibility that they do not know whether they need and can ask for support services when in conflict with the law. Thus, findings that show support services are not needed do not mean the inexistence of needs, but could be due to a lack of knowledge and information regarding the support services. This is indirectly strengthened by the findings below.

Chart 4.93 Provision of Information Regarding Procedures for Obtaining Support Services to Vulnerable Groups in Need | n = 138



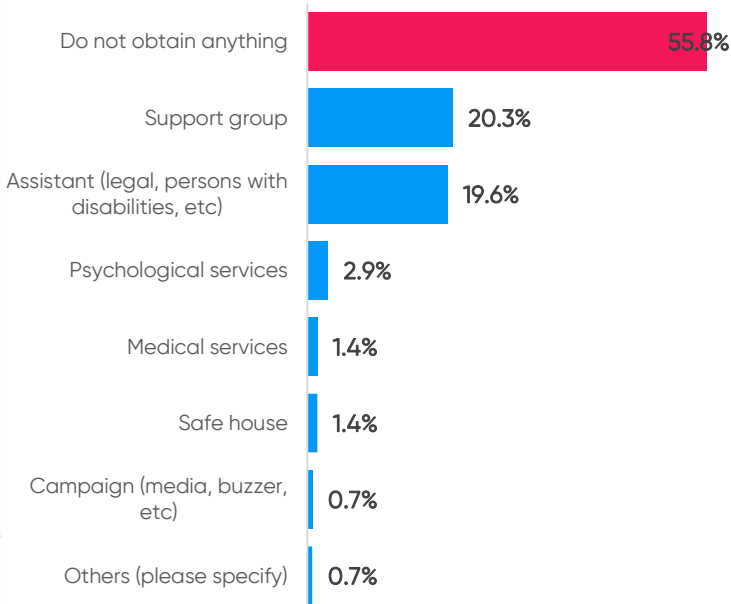
Based on these findings, it was found that the majority of respondents who needed support services were not provided with information regarding how to obtain them—even though respondents as vulnerable groups had

been identified as needing it. This raises the question of what if a vulnerable group says that they do not need it, then it is possible that information related to support services when in conflict with the law is also increasingly difficult and even not provided. These findings indicate that information regarding how to seek support services tends to be minimal, so a channel or media is needed to help vulnerable groups who are in conflict with the law to obtain information regarding support services independently.

🔗 Vulnerable Groups' Experience in Obtaining Support Services

Chart 4.94 Vulnerable Groups in Need who Have Obtained Support Services | n = 138

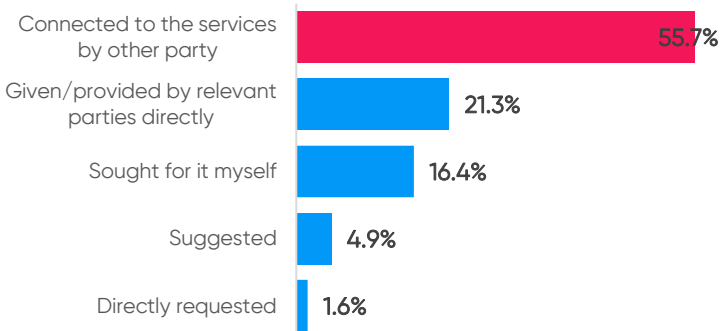
(respondents could choose more than one answer)



It was further found that of all respondents as vulnerable groups who needed support services, the majority, 55.8%, ultimately did not receive any support services at all. So not only they did not obtain any information, but also the need for support services were not fulfilled. This could be due to lack of information given to vulnerable groups on how to obtain the support services themselves that affected the probability of the vulnerable groups who need support services to be able to seek the appropriate support services themselves.

On the other hand, there is also a small percentage of respondents who ultimately get the support services they need, such as support groups (20.3%), legal and disability assistance (19.6%), psychological services (2.9%) to safe houses (1.4%)) and medical services (1.4%).

Chart 4.95 How Vulnerable Groups Obtain Support Services | n = 61
(respondents could choose more than one answer)

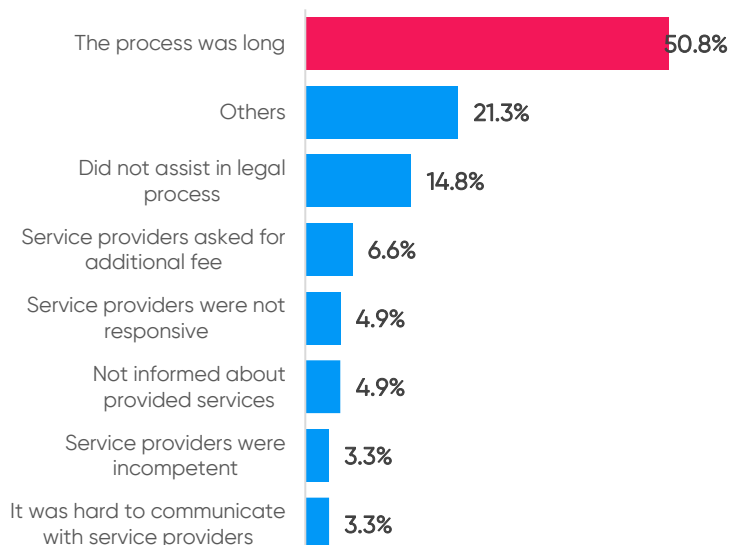


Although only a small proportion of respondents received support services, it can be seen from previous findings that the majority were able to obtain support services because they were assisted by other parties to be

connected to the service (55.7%). Meanwhile, another 21.3% were given or provided directly and another 16.4% obtained the service because they sought the service themselves. In the previous explanation it was stated that currently there are various information channels for supporting services that can be accessed by vulnerable groups when they need services. However, the existing channels are not directly and easily accessible to all vulnerable groups who need services, especially those with limited access to technology and information.³⁵⁵ Thus, the role of other parties is still needed to help vulnerable groups connect with support services.

Chart 4.96 Vulnerable Groups' Challenges in Obtaining Support Services | n = 61

(respondents could choose more than one answer)



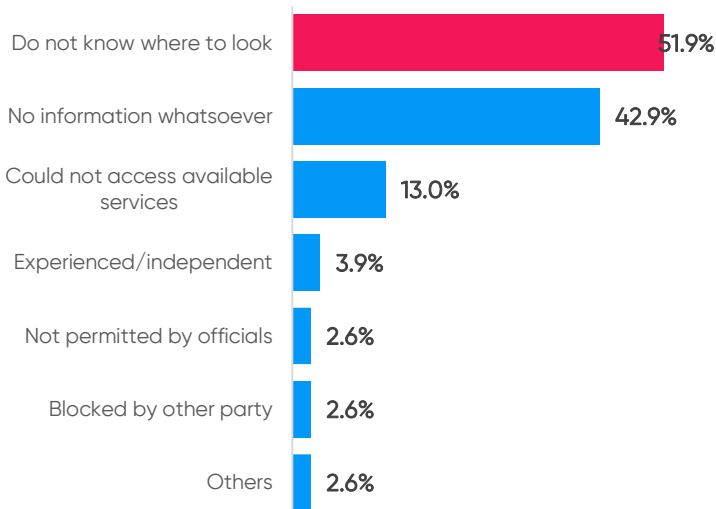
³⁵⁵ [UN Women IJRS]



But unfortunately, even though they were able to obtain support services, various obstacles were still encountered in the process of obtaining them, namely the majority thought the process was long (50.8%) and tended not to help with the ongoing legal process (14.8%).

Chart 4.97 Reasons for Vulnerable Groups not receiving Support Services | n = 77

(respondents could choose more than one answer)



The majority of vulnerable group respondents who did not receive support services did not know where to look for support services (51.9%) and they did not know any information about support services (42.9%). This is in line with previous findings which show that information on support services tends to be minimal. This shows that information regarding important support services must be continuously provided through various media. Not only that, the role of law



enforcement officials is also important in ensuring the need for support services for vulnerable groups who are in conflict with the law. Provision of information on support services such as assistance for women is clearly stated in Supreme Court Regulation (PERMA) No. 3 Year 2017 on Guidelines for Adjudicating Women Who Are In conflict with the law that judges can advise women to get assistances when they found indication of physical and psychological obstacles.³⁵⁶

Based on the findings related to the support services mentioned above, information on access to support services is an important need to be fulfilled right on target. The findings above show that the need for support services tends to be low because many vulnerable groups who have legal problems decided not to solve their problems or solve them in an informal way. Where in these two processes, information on support services will tend not to be provided either because the process is irrelevant for the support services to the case at hand, but there is also the possibility that the parties involved do not have sufficient capacity to provide information regarding support services to vulnerable groups. Therefore, information dissemination regarding the importance of support services for vulnerable groups needs to be encouraged. The role of law enforcement officers can be used as a way to convey information regarding support services that can be accessed by vulnerable groups when in conflict with the law. Moreover, not a few law enforcement officers have also collaborated to ensure the provision of supporting services such as assistance and rehabilitation.

³⁵⁶ Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 3/2017 on Guideline to Adjudge Women Who Are In conflict with the law, Article 9 letter a





LEGAL NEEDS OF VULNERABLE GROUPS

The findings above show that there are still legal needs that tend to go unfulfilled when vulnerable groups deal with the law.

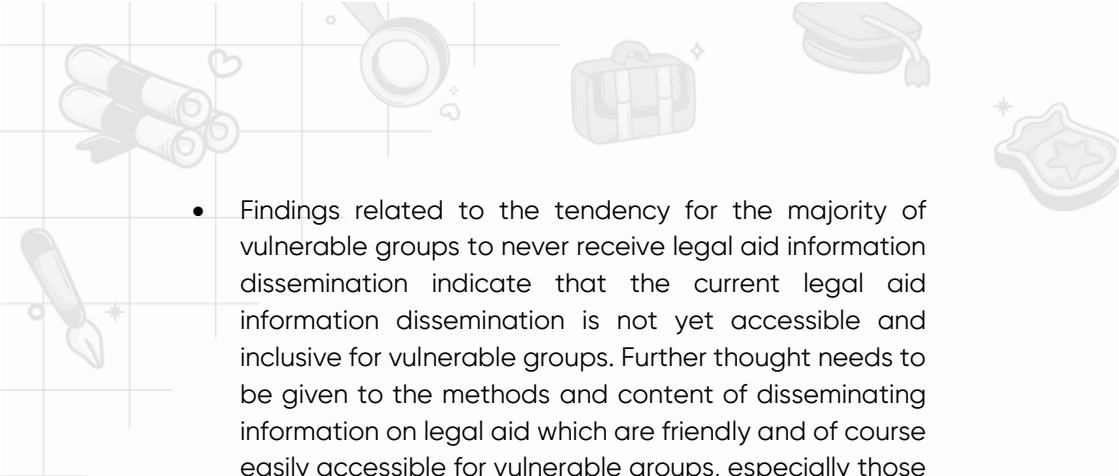
- Vulnerable groups do not have adequate resources to deal with the law. The majority of vulnerable groups tend to have limited or even insufficient financial conditions to meet their daily needs, incomes below the provincial minimum wage and do not have enough savings to deal with the law—where more funds are needed, especially if the legal process is going on for a long time. Thus, there is a need for a form of guarantee for legal dispute resolution that is affordable and inclusive for vulnerable groups, including mechanisms to prevent legal problems from occurring, such as improving public services.
- In looking at vulnerable groups who are in conflict with the law, it is necessary to see that vulnerable groups have other indicators of vulnerability attached to them beyond their identity as women, children, persons with disabilities and so on. Several other vulnerabilities identified in this research are stigmatization, discrimination and difficulties in accessing basic rights. Therefore, it can be said that vulnerable groups tend to experience difficulties in fulfilling their basic rights, experience stigmatization and discrimination in their daily lives, so that when they are in conflict with the law they will experience multiple vulnerabilities, especially when they are discriminated or faced other difficulties during the resolution process.

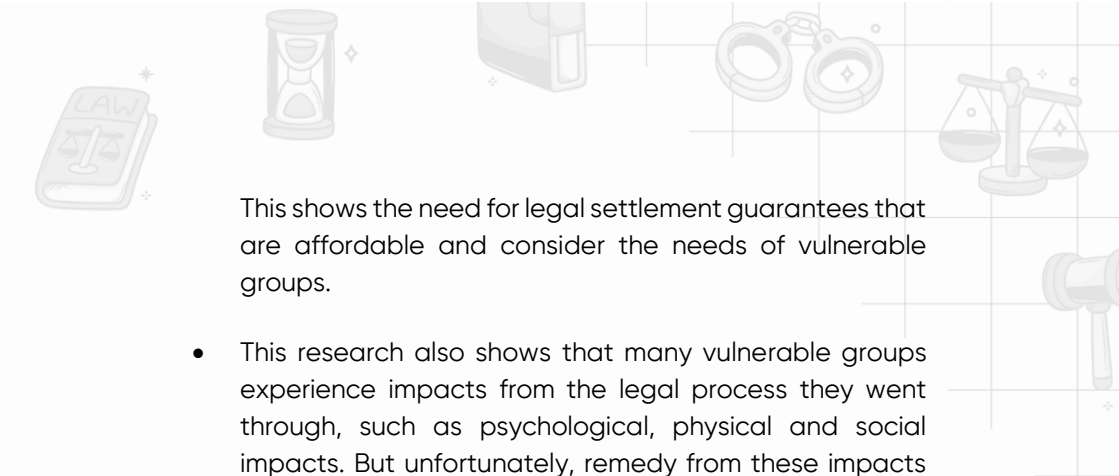




- The main problems most experienced by vulnerable groups are crime, debts and receivables, gender-based violence, social security, and public services. These types of problems indicate that vulnerable groups need guarantees and protection related to economic welfare, protection from violence and access to public services that are easy and inclusive. Having certainty about these guarantees can prevent these legal problems from occurring.
- In terms of sharing or reporting their legal problems, there are still vulnerable groups who tend to be reluctant to share due to embarrassment and fear of a difficult process. This shows the need of vulnerable groups to have their complaints received in a good and non-discriminatory manner. Especially in cases related to gender-based violence that require sensitivity and the perspective of the best interests of the victim, it is necessary to have parties who can ensure that vulnerable groups' legal problems can be resolved properly and not further harming the victim. However, this research also identified that there are still many vulnerable groups who are reluctant to seek assistance because they do not know where to seek legal assistance (including due to minimal information dissemination on legal aid and lack of knowledge about free legal aid). Even if they seek legal assistance, they choose family, friends and local indigenous leaders. Therefore, it is important to continue to encourage the improved role of paralegals in the community (including support groups).



- 
- Findings related to the tendency for the majority of vulnerable groups to never receive legal aid information dissemination indicate that the current legal aid information dissemination is not yet accessible and inclusive for vulnerable groups. Further thought needs to be given to the methods and content of disseminating information on legal aid which are friendly and of course easily accessible for vulnerable groups, especially those in conflict with the law.
 - The vulnerable groups' reluctance to resolve legal problems can be seen from their mostly bad perceptions about legal process. This is further strengthened by the reason of reluctance to solve their problems, they think that the problems that occur are destiny/karma and are worried that the process will be difficult. In other words, the vulnerable group prefers not to resolve their problems rather than having to go through a legal process that is considered difficult. This is a separate note for the current legal problem resolution process, especially involving vulnerable groups, starting from the quality of case handling to the capacity of officers in handling cases of vulnerable groups.
 - There are still many vulnerable groups who incur costs other than case fees when going through the legal process. This is contrary to the financial condition of vulnerable groups which tend to be limited in meeting their daily needs. Even the costs incurred include communication costs, travel, to costs outside of procedures such as paying illegal fees/brokers where these costs are difficult for vulnerable groups to fulfill.



This shows the need for legal settlement guarantees that are affordable and consider the needs of vulnerable groups.

- This research also shows that many vulnerable groups experience impacts from the legal process they went through, such as psychological, physical and social impacts. But unfortunately, remedy from these impacts still cannot be fulfilled for vulnerable groups. This is a note that the process of resolving legal problems, especially for vulnerable groups, need to consider the aftereffects. Especially since remedy for vulnerable groups in certain cases have been guaranteed even though in practice it is still not optimal.
- In dealing with legal problems, this study identifies vulnerable groups who may have a need for support services. However, the majority of vulnerable groups said they did not need support services. When studied further this is due to the lack of information regarding the support services needed and which can be obtained by vulnerable groups when in conflict with the law. Moreover, there are still many vulnerable groups who ultimately do not resolve their problems and do not seek legal assistance which affect the non-delivery of information and the support services.





05 CONCLUSIONS & RECOMMENDATIONS



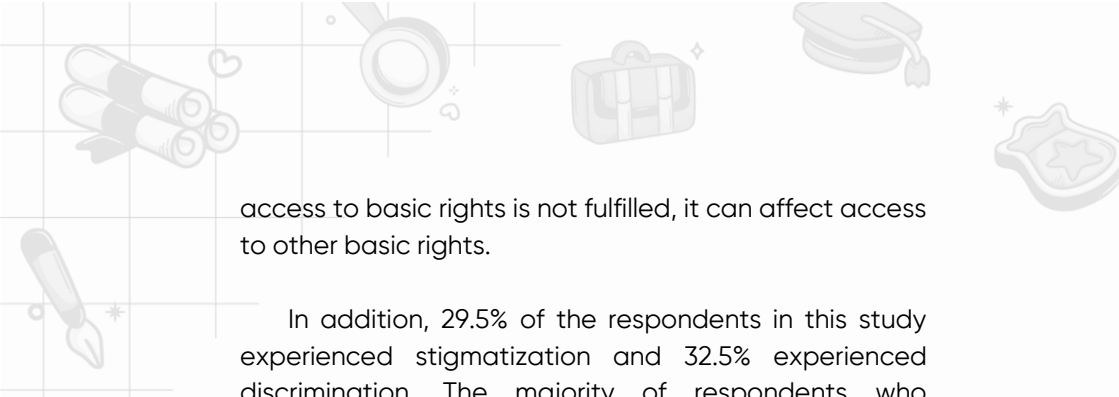
RESEARCH CONCLUSIONS

The legal needs survey research was conducted from July to November 2022 to 1,020 respondents who were determined by purposive and quota sampling and came from vulnerable groups in DKI Jakarta, East Kalimantan and East Nusa Tenggara. The vulnerable groups referred to in this study are groups that have difficulty accessing basic rights, experience stigmatization and/or discrimination in their daily lives and are categorized as vulnerable groups in various regulations and policies at the national and global levels. There are 7 (seven) categories of vulnerable groups selected in this survey, namely 1) women, 2) people with diverse gender and sexual minorities, 3) the elderly, 4) children, 5) persons with disabilities, 6) indigenous peoples, and 7) poor group. The seven categories are determined disproportionately but can still provide an initial picture of the condition of vulnerable groups' needs in Indonesia in a nutshell. The main findings from the legal needs survey research for this vulnerable group are as follows:

Conditions contributing to vulnerabilities

This study shows that the majority of respondents - 53% - have difficulty accessing basic rights which is quite high. The most difficult to access basic rights are social security (16.5%) and the right to health insurance (13%). Respondents with incomes below the provincial minimum wage, accompanied by a level of inadequacy in meeting family expenses which are hampered in obtaining the right to social security and the right to health insurance will find it increasingly difficult to get a decent life. In the context of human rights, there is interdependence between one right and another. When one or more

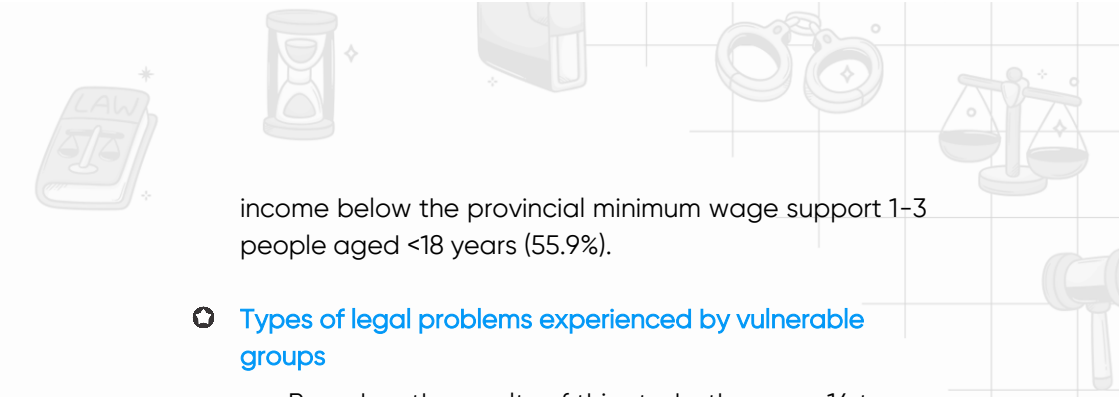




access to basic rights is not fulfilled, it can affect access to other basic rights.

In addition, 29.5% of the respondents in this study experienced stigmatization and 32.5% experienced discrimination. The majority of respondents who experienced stigmatization, received a negative label because of their economic status (10.4%). There is also stigma experienced due to being a victim or perpetrator of a crime (5.0%), and because of sexual orientation and gender diversity (3.6%). Meanwhile, the highest number of respondents who experienced discrimination was due to economic status (11.7%) and working conditions or position (8.1%). So that it can be said that social and economic status has a major influence on other forms of violations, namely stigmatization and discrimination which can have an impact on these respondents when accessing the fulfillment of their rights.

Especially when referring to the findings in this study, the poor are more vulnerable to legal problems related to economic conditions, such as fulfillment of social security 50.7%, access to public services 32.2%, employment 29.5%, debts and receivables 44.0%, family 40.2%, housing 50.0%, consumers 35.6% and business 39.2%. Therefore, the legal problems experienced by poor respondents have the potential for the poor to get out of the poverty trap, especially when referring to survey demographic data which shows that the average respondent has monthly income below the provincial minimum wage (48.4%), and the majority of those with



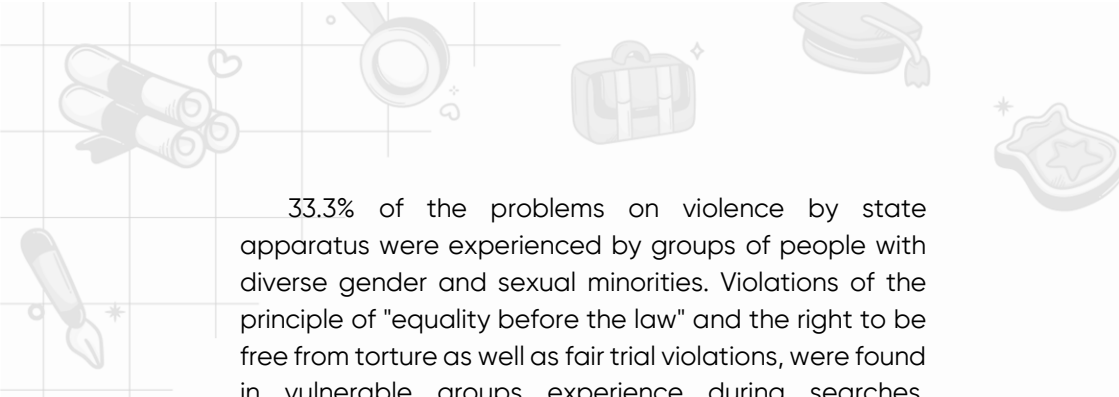
income below the provincial minimum wage support 1-3 people aged <18 years (55.9%).

Types of legal problems experienced by vulnerable groups

Based on the results of this study, there are 14 types of legal problems experienced by vulnerable groups. The majority of legal problems experienced by vulnerable groups are crimes (42.7%). Then, there are debt and receivables (36.8%), gender-based violence (GBV) (31%), social security from the government (30%), public services (29.2%), consumers (25.9%), employment (19.6%), land (18.1%), accident (17.5%), family (10.3%), housing (10.2%), natural resources (9.8%), business (7.7%), and violence by state officials (6.5%).

The highest crime rate for vulnerable groups was experienced by women with 67.0%, followed by the poor 34.4%, the elderly 27.8% and persons with disabilities 11.0%. Apart from women, the poor are also one of the most vulnerable groups who experience gender-based violence (GBV), as much as 27.5% of the poor stated that they had experienced gender-based violence (GBV). Social security issues from the government have a fairly large percentage, which is equal to 30% and are still dominated by vulnerable groups of women (75.8%) and poor groups (50.7%). 34.6% of problems related to land are experienced by indigenous peoples. Problems related to debts and receivables are 25.2% experienced by the elderly and 44.0% experienced by the poor.



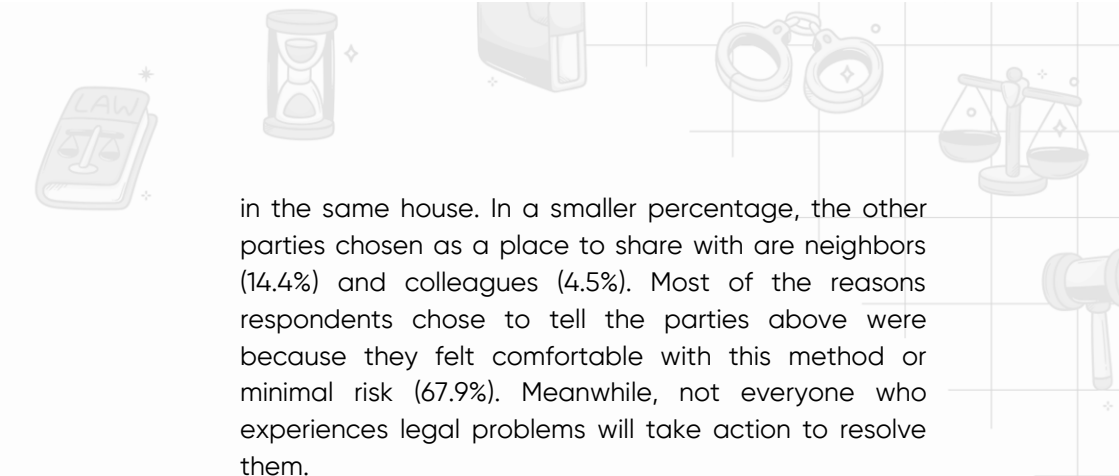


33.3% of the problems on violence by state apparatus were experienced by groups of people with diverse gender and sexual minorities. Violations of the principle of "equality before the law" and the right to be free from torture as well as fair trial violations, were found in vulnerable groups experience during searches, investigations without justified reasons (34.8%), experiences of physical violence during the legal process (15.2 %), even more ironically, vulnerable groups experience coercion and violence to confess to crimes they did not commit (15.2%). On the other hand, vulnerable groups also experienced a series of other inhumane acts, namely forced shaving of their hair by state officials during the legal process (12.2%) and another 1.5% stated they experienced sexual violence while undergoing the legal process.

Vulnerable Groups' Responses and behaviors pattern against legal problems

It was found that 62.0% of respondents did not seek information related to solving their problems. Only 38.0% seek this information in various mediums. The medium chosen was through other people/parties as much as 66.0%, through certain service institutions by coming in person as much as 38.3%, and both websites/internet and social media each 9.9%. Meanwhile, the majority of respondents (57.1%) chose to share their legal problems, while 42.9% chose not to.

Respondents who share their legal problems, 67.9% told family members in the same house, 32.0% told friends, and 30.1% told family members who did not live

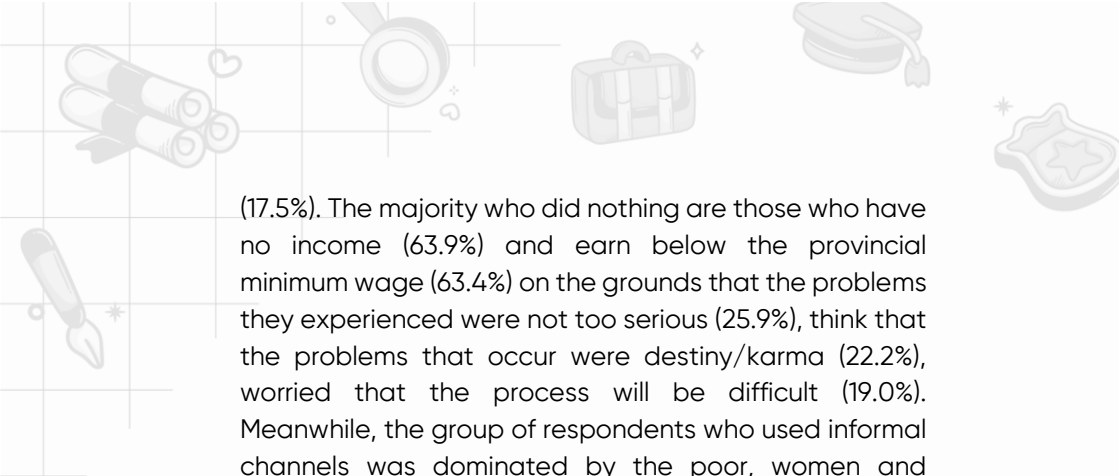


in the same house. In a smaller percentage, the other parties chosen as a place to share with are neighbors (14.4%) and colleagues (4.5%). Most of the reasons respondents chose to tell the parties above were because they felt comfortable with this method or minimal risk (67.9%). Meanwhile, not everyone who experiences legal problems will take action to resolve them.

The survey findings also show the reasons why vulnerable groups prefer not to share their legal problems. 27.4% said they felt embarrassed to tell their problems. Other reasons were worrying about not being responded to (23.1%), fear of causing difficulties for the family/embarrassing the family (19.9%), worrying that the process would be difficult (13.7%), and worrying that the process would be very long and winding (12.6%). Of all the respondents who experienced legal problems, the majority chose not to resolve their legal problems at all (63.6%).

The respondents who chose to take the formal route were 19.6%. Not much different, only 14.8% of respondents took the informal route in resolving legal issues. Most respondents who used a formal mechanism chose the Police (69.5%). Meanwhile, only 37.7% went to the courts and a smaller number of 11.3% chose through supporting institutions. Settlement of legal problems through informal mechanisms is pursued through amicable means/agreement between parties other than the family (47%), through agreement within the family (33.5%), through customary/local law applicable in the region



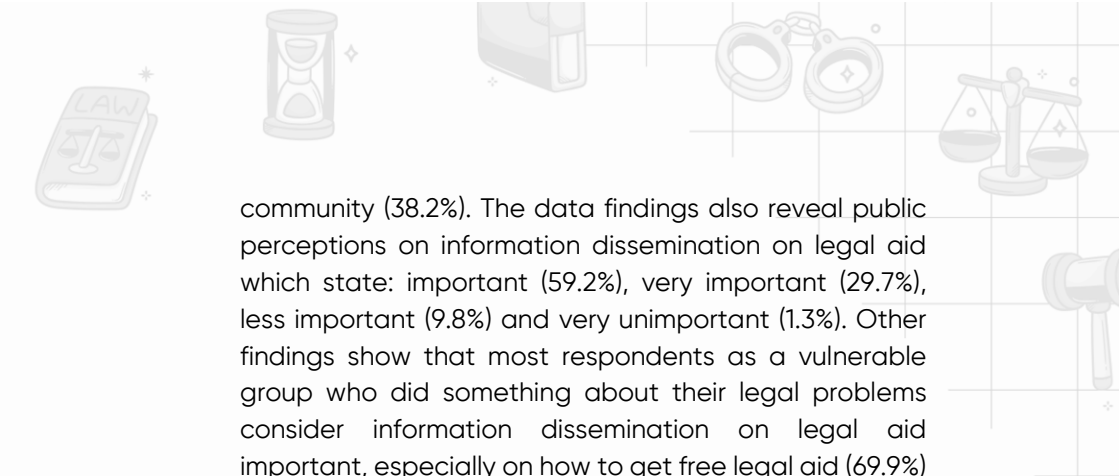


(17.5%). The majority who did nothing are those who have no income (63.9%) and earn below the provincial minimum wage (63.4%) on the grounds that the problems they experienced were not too serious (25.9%), think that the problems that occur were destiny/karma (22.2%), worried that the process will be difficult (19.0%). Meanwhile, the group of respondents who used informal channels was dominated by the poor, women and indigenous peoples.

As many as 52.3% of respondents chose to seek assistance and 47.7% chose not to seek assistance. Most of those who do not seek help are those who are experiencing problems with debts and receivables (37.9%), social security (24.9%) and employment (21.5%). Meanwhile, most who asked for help were those who had gender-based violence problems (36.1%) and criminality (50.5%). Those who were asked for help were dominated by the closest circle of relatives, friends and acquaintances, namely 73.2%. While the next largest percentage was followed by the government (11.9%), law enforcement officials (11.3%) and lawyers/legal advisors (9.3%). The biggest reason for those who did not use any assistance was because they could solve it themselves (39.0%), followed by less serious problems (19.8%) and worried that the legal process would be difficult (17.5%)

Most respondents, namely 85.2%, had never received information dissemination regarding legal aid. Most respondents who received information dissemination on legal aid received it from civil society organizations such as NGOs and legal aid institutions (80%) and the local



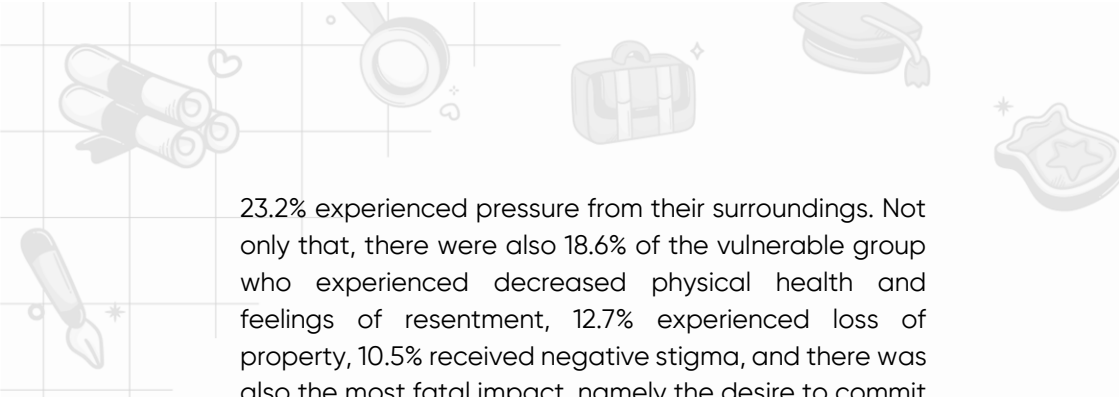


community (38.2%). The data findings also reveal public perceptions on information dissemination on legal aid which state: important (59.2%), very important (29.7%), less important (9.8%) and very unimportant (1.3%). Other findings show that most respondents as a vulnerable group who did something about their legal problems consider information dissemination on legal aid important, especially on how to get free legal aid (69.9%) and how to resolve legal problems (56.3%).

Vulnerable groups who experienced legal problems also experienced further impacts, one of which is the financial impact. This financial impact can be in the form of expenses or money during the problem-solving process. Of all vulnerable groups who experienced legal problems, the majority of 45.3%, incurred communication costs which include the purchase of phone credits or internet data credits and 45.0% incurred travel expenses in the form of public transportation. Not only that, 29.1% of vulnerable groups were charged with fees for court, mediation, or other administrative costs. 19.4% of the vulnerable group spent to collect information or evidence, 9.2% paid for lawyers, 7.0% paid for medical treatment and 5.4% of the vulnerable group incurred other costs outside of procedures related to illegal fees and 4.6% incurred domestic costs such as the use of child-care services or domestic worker services during the process.

45.0% of the vulnerable groups experienced various psychological effects, such as anxiety, 39.1% experienced stress, 34.0% experienced trauma, up to



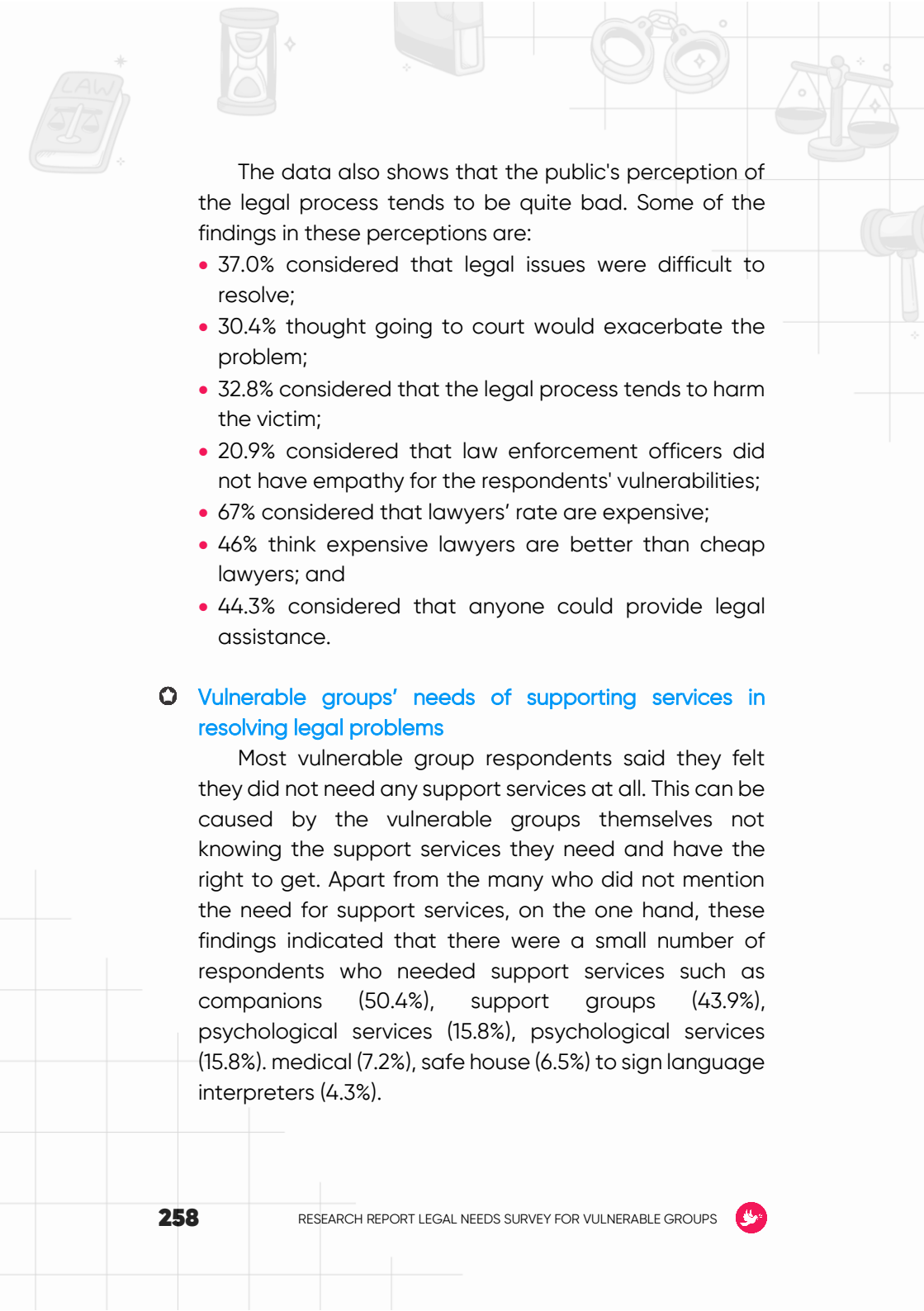


23.2% experienced pressure from their surroundings. Not only that, there were also 18.6% of the vulnerable group who experienced decreased physical health and feelings of resentment, 12.7% experienced loss of property, 10.5% received negative stigma, and there was also the most fatal impact, namely the desire to commit suicide by 5.4%.

Vulnerable Groups' Legal Capability and Perception

The legal capability of vulnerable groups shown that most of them tend to be quite good. However, there are some findings that still need to be improved:

- 60% of vulnerable groups already understand their rights;
- 59.6% of vulnerable groups have understood their obligations;
- 77.6% of vulnerable groups do not know about free legal aid;
- 51.7% of vulnerable groups don't know where to seek assistance;
- 39% of vulnerable groups do not understand who are law enforcement officers/parties who could process their problems;
- 38.4% of vulnerable groups do not understand which institution to go to for solving legal problems;
- 35.3% of vulnerable groups do not understand the stages/services of the legal process; And
- 40.4% of vulnerable groups do not have acquaintances who can help solve problems.



The data also shows that the public's perception of the legal process tends to be quite bad. Some of the findings in these perceptions are:

- 37.0% considered that legal issues were difficult to resolve;
- 30.4% thought going to court would exacerbate the problem;
- 32.8% considered that the legal process tends to harm the victim;
- 20.9% considered that law enforcement officers did not have empathy for the respondents' vulnerabilities;
- 67% considered that lawyers' rates are expensive;
- 46% think expensive lawyers are better than cheap lawyers; and
- 44.3% considered that anyone could provide legal assistance.

Vulnerable groups' needs of supporting services in resolving legal problems

Most vulnerable group respondents said they felt they did not need any support services at all. This can be caused by the vulnerable groups themselves not knowing the support services they need and have the right to get. Apart from the many who did not mention the need for support services, on the one hand, these findings indicated that there were a small number of respondents who needed support services such as companions (50.4%), support groups (43.9%), psychological services (15.8%), psychological services (15.8%), medical (7.2%), safe house (6.5%) to sign language interpreters (4.3%).

📌 Recommendations on the improvement of access to justice for vulnerable groups through strengthening legal aid

- 1) Include vulnerable groups in the revision of the Legal Aid Law.** Based on current Indonesian positive law, the terminology for vulnerable groups is still varied and there is still a tendency to limit only certain groups, namely the poor. Thus, the scope of vulnerable groups is very narrow and has an impact on bias and the lack of vulnerable groups who are protected by government and state policies. Thus it is important for the Indonesian Ministry of Law and Human Rights to include a definition of vulnerable groups in the Legal Aid Bill which is not only based on economic conditions, but also considers other vulnerability factors. These proposals are also in line with the recommendations made by the National Legal Aid Conference held by the Indonesian Ministry of Law and Human Rights in 2019.
- 2) Increasing legal capability and knowledge through the role of NGOs, legal aid organisations, and communities as well as the education sector.** The Vulnerable Groups' legal knowledge and capability regarding legal aid tends to be minimal. As a result, there are still many vulnerable groups who are not aware of their right to free legal aid when they experience legal problems. In fact, more information dissemination on legal aid was obtained from NGOs and local communities. This shows that information

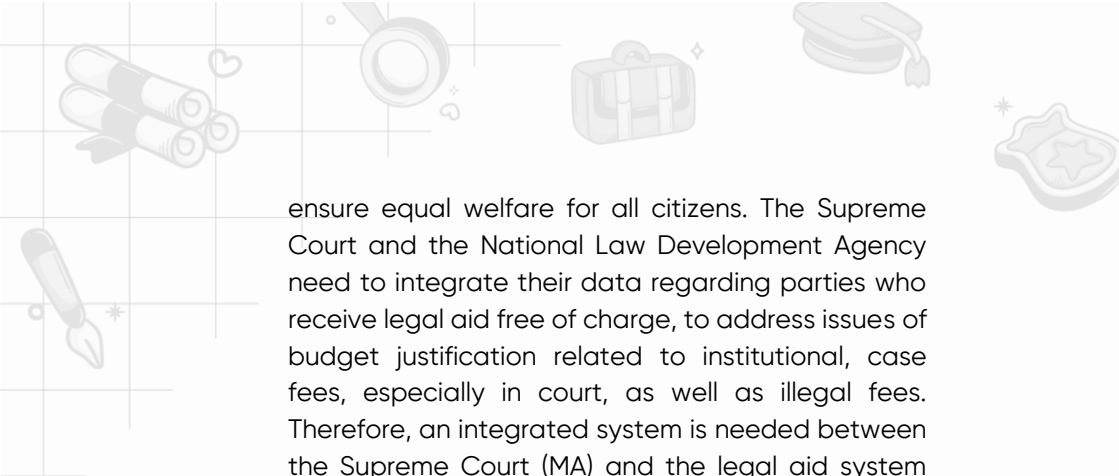


dissemination can be carried out not only by relying on the government (in this case the Indonesian Ministry of Law and Human Rights), but by encouraging greater support for NGOs and local communities to be able to provide information dissemination on legal aid. NGOs and communities have more affinity with vulnerable groups who get into legal trouble, when compared to the government. The information dissemination method provided also needs to be in accordance with the needs and conditions of vulnerable groups. The Ministry of Law and Human Rights needs to work together with the Indonesian Ministry of Education, Culture, Research and Technology and the Ministry of Religion to develop a legal education curriculum in the school education system in Indonesia. This aims to increase knowledge regarding legal rights when in conflict with the law, including the right to obtain legal assistance from the beginning. The preparation of this curriculum can later be collaborated with educational experts and psychologists, so that the curriculum and teaching methods provided are in accordance with the needs and abilities of the children's respective ages.

3) There is an integrated case fee waiver mechanism.

When referring to the survey findings data, most vulnerable groups who experienced legal problems have incomes below the provincial minimum wage and have 1-3 dependents. When they experience legal problems, they will find it difficult to escape the poverty trap, including the state will find it difficult to





ensure equal welfare for all citizens. The Supreme Court and the National Law Development Agency need to integrate their data regarding parties who receive legal aid free of charge, to address issues of budget justification related to institutional, case fees, especially in court, as well as illegal fees. Therefore, an integrated system is needed between the Supreme Court (MA) and the legal aid system managed by the National Law Development Agency (BPHN) so that each case where the parties are poor can be identified so that a court fee waiver is applied.

- 4) Proportional legal aid budget adjustments for litigation and non-litigation services.** Judging from the increasing legal aid budget provided by the National Law Development Agency, the increase is fluctuating, namely 12.9% in 2018 and 4.8% in 2019. Data from the National Law Development Agency³⁵⁷ in 2018 stated that the litigation budget provided was Rp. 41,900,000,000, while the non-litigation budget is Rp. 6,700,000. In 2019, the litigation budget is Rp. 43,400,000,000 and non-litigation Rp. 7,700,000,000. In 2020, the litigation budget increased to Rp. 45,592,000,000 and the non-litigation budget is Rp. 8,087,900,000. Comparison of litigation and non-litigation budgets is also observed to be very unequal, namely 5:1. In fact, not all cases must be resolved through litigation. This is also in line with the findings of this research where

³⁵⁷ The National law Development Agency (BPHN), *Anggaran Bantuan Hukum Tahun 2018-2020*, unpublished.



vulnerable groups use non-litigation rather than formal ways.

Therefore, it is necessary to strengthen dispute resolution through non-litigation which can be supported by strengthening the legal aid budget in non-litigation posts. In fact, it is evident that not all vulnerable groups understand legal aid or know about free legal aid. Thus, an additional budget is also needed to carry out overall information dissemination and legal introduction for vulnerable groups.

5) **Implementation of periodic and comprehensive evaluation of legal aid.**


In ensuring a more comprehensive condition for all vulnerable groups, it is necessary to evaluate the provision of legal aid through periodic legal aid surveys conducted by Regional Offices of the National Law Development Agency. Currently the National Law Development Agency has conducted an evaluation of legal aid through a framework for monitoring and evaluating legal aid but has not comprehensively taken it from the point of view of justice seekers, especially the needs of vulnerable groups.

Recommendations to improve access to justice for vulnerable groups through strengthening public services

1) **Ensuring the existence of good public services as a form of legal problems prevention.**

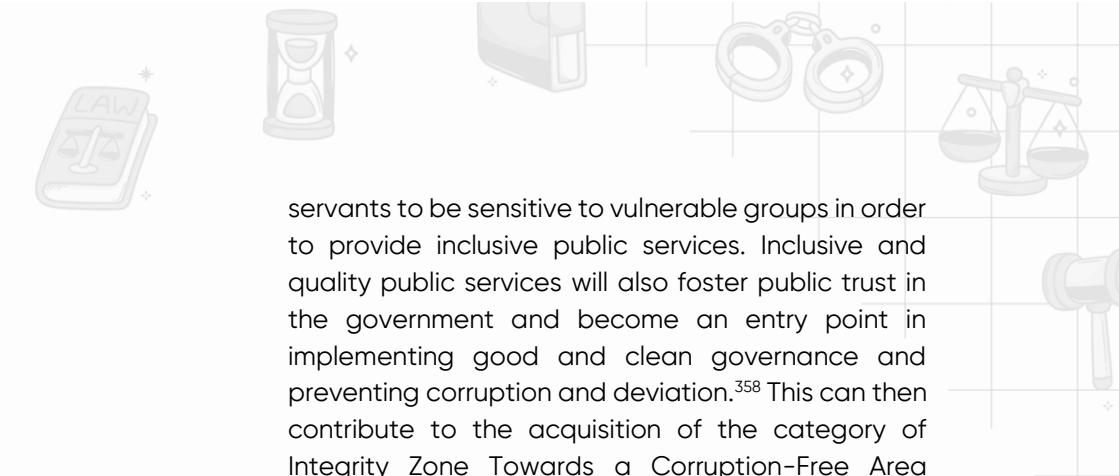
Public services are essential in human life because they are part of the social needs of society in everyday life. Ideally, public services should be accessible to everyone





regardless of differences in social status, economic conditions, ethnicity, race, religion to a person's physical condition. However vulnerable groups face various challenges in accessing public services. This is due to gaps in civil servants' capacity, access to information and knowledge, and the uneven distribution of facilities in providing access to public services in Indonesia. In the findings, vulnerable groups experience public service problems such as difficulties in making IDs, difficulties in using social security, discrimination in the process of reporting cases, and so on. The Ministry of Social Affairs together with the Ministry of Home Affairs needs to ensure that there is access to public services that can benefit the community, especially vulnerable groups. With good services, legal problems related to access to public services can also be prevented.

- 2) Ensuring the existence of public services that are sensitive to vulnerable groups.** This research also found various extortion and discrimination practices when vulnerable groups access public services. The Ministry of Administrative and Bureaucratic Reform, the Ministry of Home Affairs, the Ministry of Health and the Regional Governments need to ensure human rights approach in guaranteeing the quality of public services provided by the government. The principle of universality must be applied in every line of public service so that vulnerable groups receive fair and equal services. In addition to accessible public service facilities and infrastructure, there needs to be efforts to increase the capacity of civil



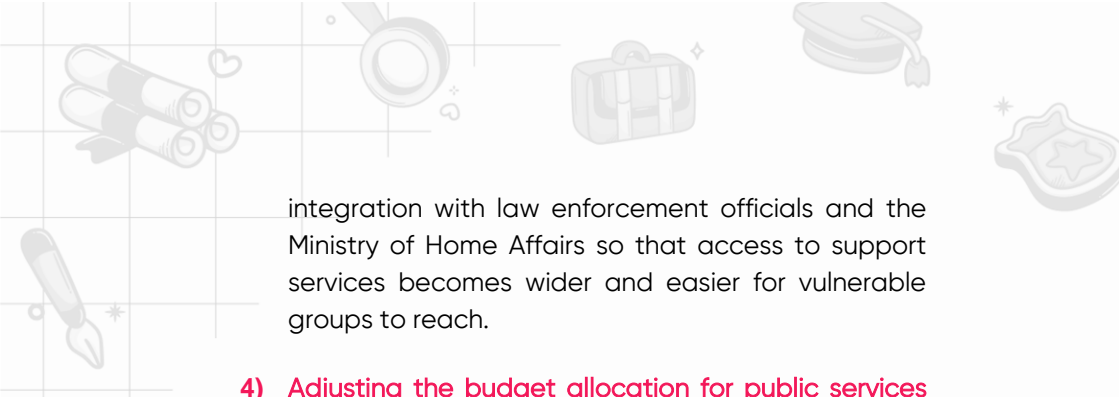
servants to be sensitive to vulnerable groups in order to provide inclusive public services. Inclusive and quality public services will also foster public trust in the government and become an entry point in implementing good and clean governance and preventing corruption and deviation.³⁵⁸ This can then contribute to the acquisition of the category of Integrity Zone Towards a Corruption-Free Area (WBBK) and Clean and Serving Bureaucratic Area (WBBM).

3) Ensuring access and availability of support services for vulnerable groups when in conflict with the law.

If seen from the findings above, it can be shown that the need for vulnerable groups for support services still tends to be low and this can be due to a lack of knowledge about the existence of these support services. The government needs to continue to encourage good integration between legal aid organizations and law enforcement officials with support services such as safe houses, psychological services, Regional Technical Implementation Unit for the Protection of Women & Children (UPTD PPA), etc, so that legal aid recipients' access to support services can also be wider, in particular it can also be a form of strengthening the Law on Sexual Violence Crimes, the Law on Juvenile Criminal System, the Law on Elimination of Domestic Violence, etc. The Ministry of Law and Human Rights needs to encourage this

³⁵⁸ M. Khoirul Anwar, *Citizens Character dan Citizens Report Card* in HM. Ismail, et al, *Peningkatan Pelayanan Publik dalam Menuju Pelayanan Prima: Konsep dan Strategi Peningkatan Kualitas Pelayanan Publik*. (Malang: Averroes Press, 2010), p.86.





integration with law enforcement officials and the Ministry of Home Affairs so that access to support services becomes wider and easier for vulnerable groups to reach.

4) Adjusting the budget allocation for public services according to the needs of vulnerable groups.

The Indonesian Ministry of Finance and Ministry of National Development Planning (Bappenas) also need to ensure the allocation of public services for vulnerable groups, including adjusting the service budget for crime victims. When referring to the survey findings data, there are still many vulnerable groups who experience legal problems have income below the provincial minimum wage, including having 1-3 dependents. So that if vulnerable groups experience legal problems, they will find it difficult to escape the poverty trap, including the state will find it difficult to ensure equal welfare for all citizens.

5) Ensuring capacity building of local leaders in handling legal problems of vulnerable groups.

Most people tell their legal problems to those closest to them, including family, relatives and local leaders. The Ministry of Law and Human Rights, the Ministry of Home Affairs, the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, as well as local governments, need to increase the capacity of leaders in the community, including Village Heads, Head of Neighborhood Associations (RT/RW), regarding the role of the community in handling vulnerable groups' problems when in conflict with the law. This program can be developed from existing

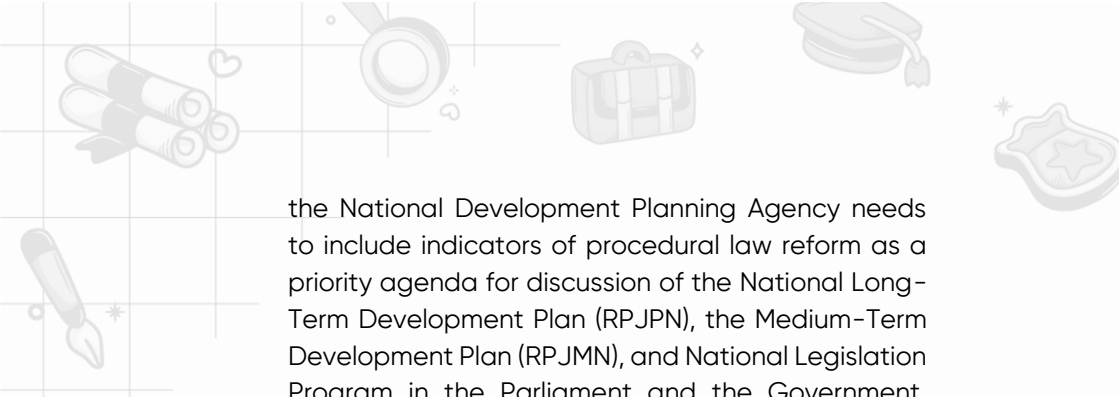


initiatives, such as the Legal Awareness Village program owned by the National Law Development Agency. The program is in accordance with the concept of legal empowerment where people can empower each other to share knowledge.

📌 Recommendations for increasing access to justice for vulnerable groups through r criminal procedural law reform

- 1) **Ensuring the reform of Criminal Procedure Bill to ensure that the principle of fair trial can be properly implemented by law enforcement officials.** From the data found, fair trial violations are mostly experienced by vulnerable groups who are in conflict with the law. The forms of violations encountered were generally related to coercive measures without reasonable reasons and acts of violence during the law enforcement process. Even though there is a pre-trial option, the pre-trial mechanism in Indonesia is still focused on examining administrative requirements. Supposedly, the pretrial mechanism is a place to test whether the subjective conditions of coercive measures carried out by law enforcement officials are necessary or not, so that it does not merely test whether the coercive measures is legal or not. The renewal of the pretrial mechanism in procedural law through the Revised Criminal Procedure Bill (R-KUHAP) has been widely discussed during the 2009-2014 National Legislation Program period. But unfortunately, the discussion process was not completed until the end of the National Legislation Program period. Therefore, in the future





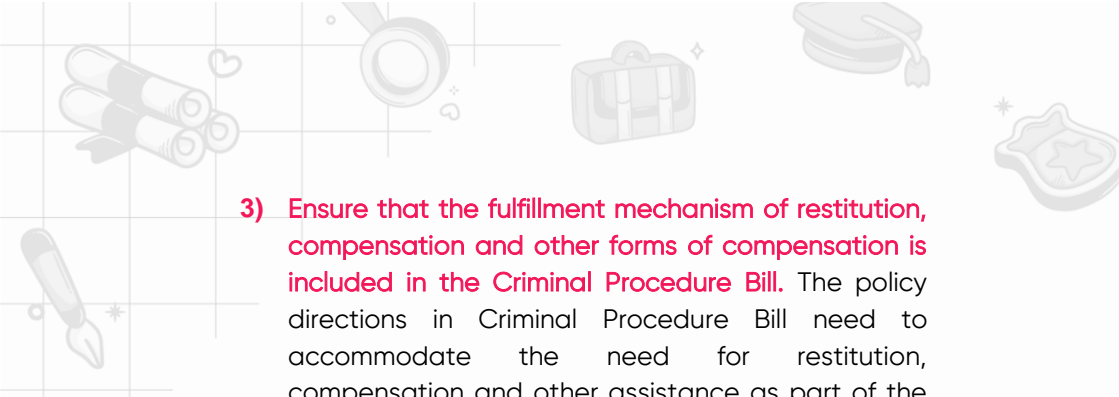
the National Development Planning Agency needs to include indicators of procedural law reform as a priority agenda for discussion of the National Long-Term Development Plan (RPJPN), the Medium-Term Development Plan (RPJMN), and National Legislation Program in the Parliament and the Government. Ministry of Law and Human Rights, including the National Law Development Agency to compile academic papers, as well as Criminal Procedure Bill that are in line with the principles of fair trial. Thus, the contents of the Criminal Procedure Bill in the future can focus on the application of due process of law. This can contribute to increasing the Access to Justice Index and the Rule of Law Index through improving the mechanism for access to justice and recovering victims' losses, as well as increasing the Legal Development Index through increasing the scores for the pillar of law enforcement.

- 2) Ensuring there is a practice of guaranteeing remedy for vulnerable groups who are victims of criminal acts.** Psychological impacts as the impact of the legal process are mostly experienced by vulnerable groups, even resulting in mental health disorders that are quite severe. For this reason, psychological assistance through counseling or psychiatric services is one of the services needed, as a remedy for the consequences of discrimination and stigma. Psychological impacts are often left unaddressed. In the current Criminal Procedure Code, the protection of witnesses and victims is supported through the laws and regulations under it, such as Law No. 31



Year 2014 on Protection of Witnesses and Victims, Government Regulation Number 39 Year 2020 on Adequate Accommodations for Persons with Disabilities in the Courts, Government Regulation Number 7 Year 2018 which was amended by Government Regulation No. 35 Year 2020 on Provision of Compensation, Restitution and Assistance for Witnesses and Victims, as well as Government Regulation No. 43 Year 2017 on the Implementation of Restitution for Victim Children. It has become a general understanding that the provisions in the Criminal Procedure Code still accommodate the rights of suspects. In other laws, for example Law No. 12 Year 2022 on Sexual Violence Crimes is the latest law that accommodates recovery for victims, one of which is the expansion of the restitution confiscation mechanism and the option of a Victim Assistance Fund which can be accessed by witnesses and/or victims. The National Law Development Agency together with the Witnesses and Victims Protection Agency (LPSK) can carry out further evaluation of the implementation of restitution, compensation and assistance for witnesses and victims, as well as follow-up for situations where witnesses and victims are not protected by the LPSK.

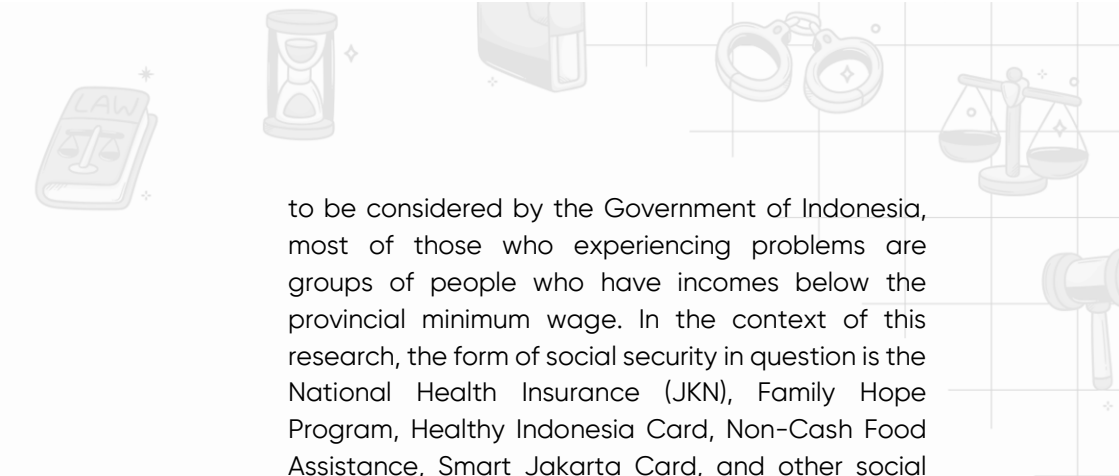




3) Ensure that the fulfillment mechanism of restitution, compensation and other forms of compensation is included in the Criminal Procedure Bill. The policy directions in Criminal Procedure Bill need to accommodate the need for restitution, compensation and other assistance as part of the rights of witnesses and victims in the proceedings. The provisions in the Criminal Procedure Code also need to expand the scope of rights for witnesses and victims, in terms of legal assistance and counsel. Apart from that, it is also necessary to include the mechanism for victim assistance funds in the Criminal Procedure Bill in the future, so that this mechanism is not only limited to victims of terrorism and sexual violence. The Ministry of Law and Human Rights together with the Witnesses and Victims Protection Agency need to immediately develop technical regulations on how to access Victim Assistance Funds, even the arrangements in the Criminal Procedure Bill can be accommodated, so that they are not only specific for victims of sexual violence cases. This expansion of access also needs to be strengthened by limiting when the Victim Assistance Fund can be accessed, so that it does not have to wait for a judgment to be final and binding.

❖ Recommendations on the improvement of access to justice for vulnerable groups by strengthening other sectors


1) Ensuring the fulfillment of social security for vulnerable groups in Indonesia. Based on the findings from this study, there are findings that need



to be considered by the Government of Indonesia, most of those who experiencing problems are groups of people who have incomes below the provincial minimum wage. In the context of this research, the form of social security in question is the National Health Insurance (JKN), Family Hope Program, Healthy Indonesia Card, Non-Cash Food Assistance, Smart Jakarta Card, and other social security programs. Referring to research conducted by the SMERU Research Institute (2022) which found that JKN participation for poor families can reduce the burden of Out of Pocket (OOP) costs by 23.6%. Reducing this burden can contribute to improving a person's quality of life and has the potential to minimize vulnerable groups' exposure to legal problems due to the welfare. Therefore, it is important for the Indonesian government to ensure easy access for vulnerable groups to obtain their rights as citizens.

- 2) Ensuring and tidying up data collection related to land ownership.** Problems related to land disputes occur due to problems in collecting data on land ownership which are often problematic, including data collection related to the boundaries between indigenous land ownership and state land. Therefore, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency needs to improve or tidy up the quality of land ownership data collection. This can also have a positive impact on increasing the Legal Development Index by the Government of the Republic of Indonesia.





3) Develop a law-awareness education curriculum through educational institutions since early. The Ministry of Education, Culture, Research and Technology together with the Ministry of Religion need to develop an educational curriculum to get to know the law from an early age. This aims to increase people's understanding and capacity regarding rights and the importance of understanding the law and complying with it. The government can work with experts or psychologists in the preparation of the curriculum, to ensure its suitability to the needs or abilities of students at each level of existing education.

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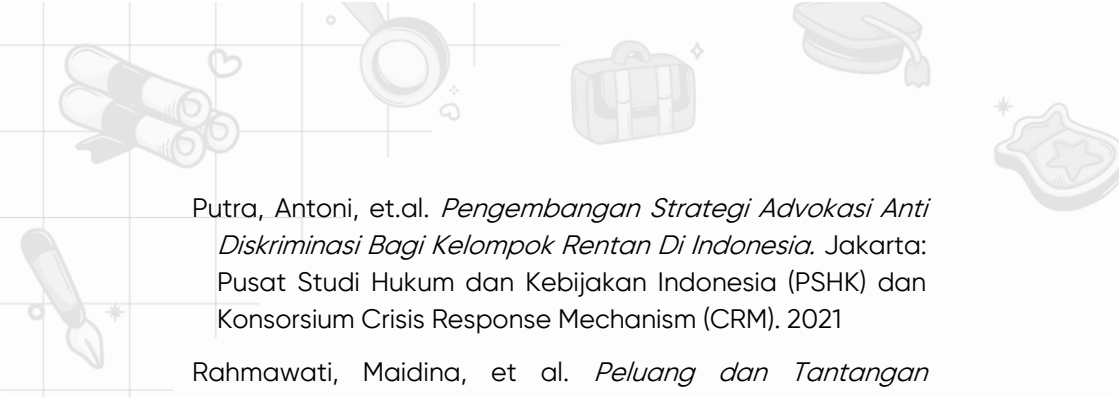
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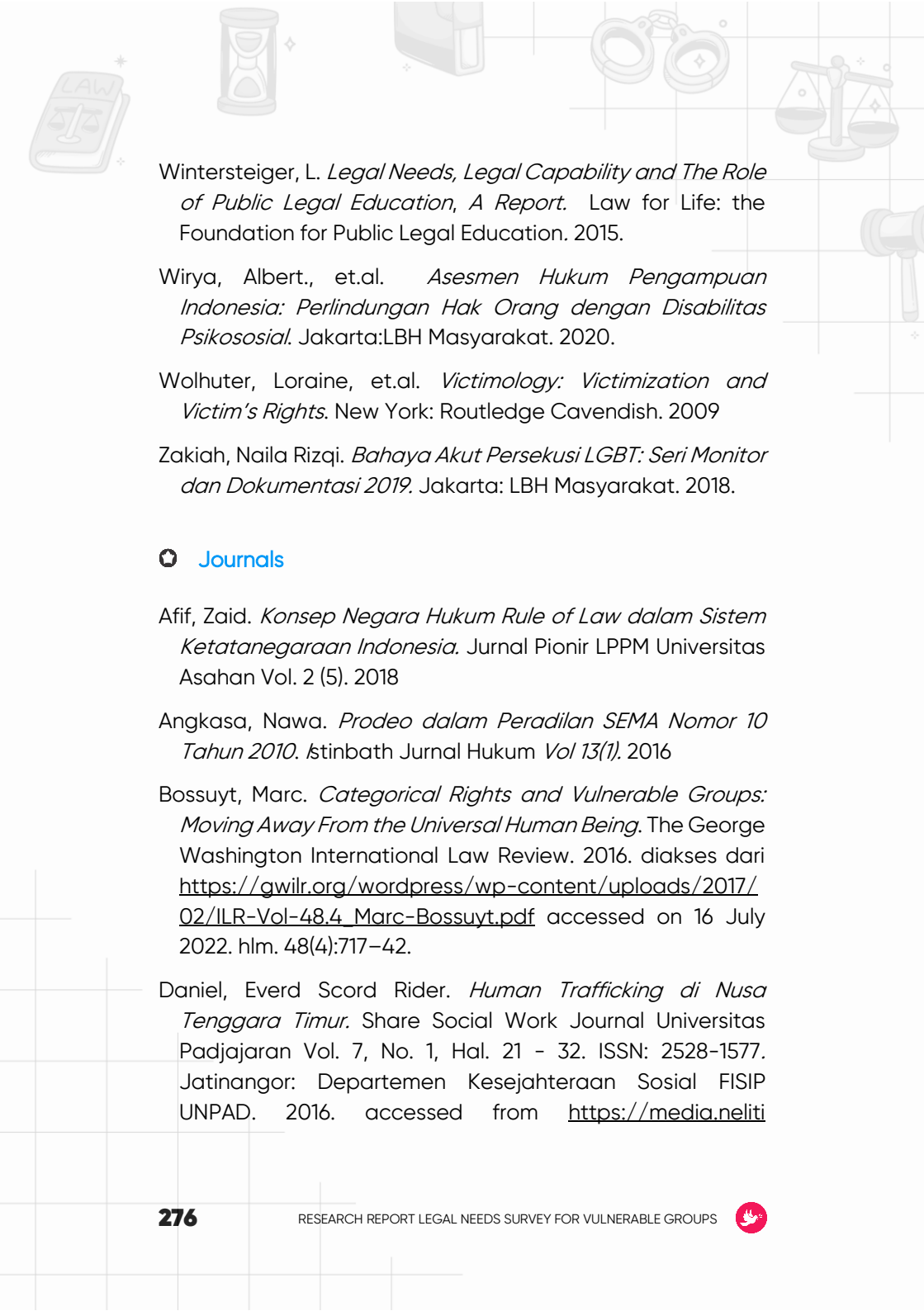
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