

ACCESS TO POSBAKUM IN PANDEMIC TIMES AND THE DIGITAL ERA FOR THE COMMUNITY AS A MEANING OF SOCIAL JUSTICE FULFILLMENT

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Abstract

Access to justice for the community is a mandate from the Constitution Article 28 Paragraph 1, which states that everyone has the right to recognition, guarantees, protection, fair legal certainty, and equal treatment before the law. The development of access to posbakum is fulfilling social justice for the community following the mandate of the fifth principle of Pancasila. It is also stated in Law Number 48 of 2009 concerning Judicial Power, which requires the court to assist justice seekers, try to overcome all obstacles, and achieve a simple trial, fast and low cost. Therefore, a legal aid post (Posbakum) is established at every court to help the underprivileged access justice and equality before the law. So far, posbakum can only be accessed by going to court directly, so during the Covid-19 pandemic, people were hampered from getting these services. Especially for people who live in villages far from the courts, it is tough for them to access and obtain legal aid services from the courts. This paper examines how to develop posbakum so that village communities can more easily access it. It will also investigate the obstacles people in rural areas face in obtaining posbakum services. The method used is qualitative, with data collection techniques through

library research, interviews, and a normative study of related regulations. This study shows that the existence of Posbakum, through partnerships with the village government, can provide better access to justice for village communities.

Keywords: social justice; service; villagers; court; posbakum

Introduction

As a state of law, Indonesia upholds the rule of law that is just and under human dignity. Fair law enforcement means that every level of society should get equal treatment (equality before the law) and access to justice (access justice). Efforts to realize access to justice in its implementation include 1) the right to obtain benefits and use court institutions, 2) the availability guarantee of means for the fulfillment of the rights of the poor to achieve justice, and 3) the existence of effective methods and procedures to expand public access to justice¹. Thus, to realize social justice inequitable access to justice, the existing law in Indonesia must be in line with Pancasila. The position of Pancasila is a legal ideal because it is the subject of the state's fundamental rules and part of the guideline for the formation of national law. Pancasila is the highest norm that determines the basis for the legitimacy of a legal standard in the system of legal models of the Republic of Indonesia.². Therefore, the position of Pancasila as a legal ideal applies not only in the formation of law but also in the process of law enforcement in Indonesia, including providing legal assistance to people in need.

The territory of the Republic of Indonesia and realize an effective, efficient, and accountable judiciary. For the provision of assistance to have a clear direction of goals and programs, the government then issued Law no. 16 of 2011 concerning Legal Aid (Legal Aid Law). Article 3 states that the purpose of providing legal aid is to guarantee and fulfill the rights of legal aid recipients to obtain access to justice. Also, to realize the constitutional rights of all citizens under the principle of equality in the law. The law guarantee that the

¹ Wahyu Widiana, "Access to Justice for The Poor: The Badilag Experience," in *Iaca Asia-Pacific Conference*, 2011.

² S. Arinanto, *Negara Hukum Dalam Perspektif Pancasila. Kongres Pancasila Dalam Berbagai Perspektif, Sekretaris Jenderal Mahkamah Konstitusi*, 2009.

implementation of legal aid is carried out equitably throughout the country.

The legal aid providers submit to legal aid institutions or community organizations that provide legal aid services. The problem is that the government's role, in this case, the Ministry of Law and Human Rights, in providing legal aid is only tasked with supervising the implementation of legal aid, verifying and accrediting legal aid institutions or community organizations. Meanwhile, Article 1 Number 3 of Government Regulation of the Republic of Indonesia Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds.

Research on legal aid posts, known as posbakum has previously been studied, including research by Budijanto, which discusses the obstacles to implementing posbakum and how to overcome these problems³. There are many obstacles to accessing Posbakum, including regulatory issues, professionalism of the apparatus, and public understanding of accessing legal aid. Then the strategy recommended in the research is to improve coordination through court forums, the Regional Office of the Ministry of Law and Human Rights, the prosecutor's office, and the police to equalize perceptions in applying legal aid. The following strategy is the need to expand the reach of socialization to the village level to increase public understanding of the Posbakum program. In addition, it is also necessary to review the application of the number of legal aid funds by considering the needs of each region proportionally.

The strategy presented in the research is a recommendation in terms of institutional implementation of Posbakum. Given the current situation where the pandemic is still ongoing, access to posbakum must be broadly accessible, not only in court. Therefore, in this study, we will examine the development of posbakum access so that the village government services can integrate with posbakum service. The goal is that posbakum can be accessed directly through the village office so that people do not have to go to court. Therefore, it is indispensable to build

³ Oki Wahyu Budijanto, "Peningkatan Akses Bantuan Hukum Kepada Masyarakat Miskin," *Jurnal Penelitian Hukum De Jure* 16, no. 4 (2017): 463-475, <https://ejournal.balitbangham.go.id/index.php/dejure/article/viewFile/193/56>.

cooperation between the courts, village governments, and the Ministry of Law and Human Rights to make this happen.

Another study by Gayo examines how to optimize legal aid services for the poor. It means that since the promulgation of the Law on Legal Aid in 2011, the implementation of the provision of legal aid in Indonesia has not been carried out optimally⁴. It is because that many poor people who have problems with the law have yet to receive justice through the provision of legal aid as the purpose of the Legal Aid Law and its implementing regulations. The issues found were the small budget per case given to Legal Aid Organizations, complex mechanisms and procedures, lack of socialization, and the absence of standard guidelines as a complete reference for parties involved in providing legal aid services for the poor community. The problems are evidence that the provision of legal aid has yet to realize social justice as aspired by Pancasila. Therefore, in this study, we will discuss how to expand access to posbakum so that it is not only limited to courts but can also be obtained through services at the village office. Expanding access to posbakum is very appropriate as an effort to realize social justice for all people in Indonesia, especially those living in rural areas.

The provision of legal aid is also studied in research by Purwaendah, which discusses access to justice for the community, described in Article 28D Paragraph 1 of the 1945 Constitution. It states, "Everyone has the right to recognition, guarantee, protection, and legal certainty that is fair and equal treatment before the law⁵." The consequence of this is that the state is obliged to fulfill the rights of its citizens by establishing a system of providing legal aid to satisfy the community's rights to obtain legal certainty and equal treatment before the law. The provision of legal assistance by the state is not only a constitutional obligation. It can also explain as a manifestation of the fulfillment of the fifth precept of Pancasila, namely "social justice for all Indonesian people." Social justice is the social benefits that must be distributed to reach the most disadvantaged members of society. In other words, the principles of providing legal aid must benefit all levels

⁴ Ahyar Ari Gayo, "Optimization of Legal Aid Services for Poor Communities," *Jurnal DeJure* 20, no. 3 (2020): 409–433.

⁵ Elly K. Purwaendah, "Konsep Keadilan Ekologi Dan Keadilan Sosial Dalam Sistem Hukum Indonesia Antara Idealisme Dan Realitas," *Jurnal Komunikasi Hukum* 5, no. 2 (2019): 146.

of society, especially the underprivileged and people unfamiliar with the law.

Although the Law on Legal Aid explicitly mandates the Ministry of Law and Human Rights to manage the provision of legal aid in Indonesia. The Supreme Court of the Republic of Indonesia, as one of the highest judicial power holders, is concerned about providing legal assistance for people in need, especially in rural areas. The Supreme Court has to ensure that all levels of society in rural areas can obtain equitable and fair justice services. Through Supreme Court Regulation No. 1 of 2014 concerning Guidelines for Providing Legal Services for Underprivileged Communities in Courts, the Supreme Court of the Republic of Indonesia requires the entire judicial environment to establish legal aid posts (*posbakum*) as a place for people seeking justice to obtain legal assistance in court. The establishment of *Posbakum* is proof that the state is not only tasked with supervising and regulating the process of providing legal aid but also directly participating in providing legal aid to the community.

This research raises the problem of realizing social justice for people in rural areas, especially in providing legal aid services. A study of the concrete implementation in the provision of legal aid carried out by the state under the constitutional mandate of the 1945 constitution is needed. The existence of *Posbakum* should be a forum for realizing social justice for the community. This research is essential considering that *posbakum* in court should be able to provide better access to justice for the community. The benefits of *posbakum* must be felt widely and thoroughly by the rural community so that the existence of *posbakum* can become an essential and inseparable part of the realization of social justice for all Indonesian people.

This research combines social research methods with legal research. In addition to seeing the actual implementation of legal aid, this study also examines the existing legal rules regarding the legal basis of the existence of *Posbakum* in court. The research method used is a qualitative research method using data collection techniques through observation, interviews, and literature study. A normative legal research method was also carried out by analyzing legal materials and legal issues related to the issues raised in this research.

The legal approach examines all laws and regulations related to the research problem. The approaches used in normative legal research

are the statute approach and the conceptual approach. The conceptual approach reviews the law's understanding and the concepts studied so that the two become interrelated. This study uses premier legal materials in the form of regulations relating to legal aid, namely Law no. 16 of 2011 concerning Legal Aid and Supreme Court Regulation No. 1 of 2014 concerning Guidelines for Providing Legal Services for Poor People in Courts. At the same time, the secondary legal materials used in this research come from scientific journals, law books, expert opinions on law, and official government websites.

Legal Aid and Access to Justice

Litigating in court, be it as a plaintiff or an applicant, especially if the status of a defendant or defendant is still a scourge for the community, especially for the less fortunate or the legal layman, especially for the underprivileged people who think that litigation in court requires many funds. If we apply the principle of social justice, equality of treatment before the law and access to justice are human rights for all people, including those who are less fortunate. Equality before the law must also be accompanied by equal treatment. One form of equality of treatment is providing legal aid to the poor, where capable people can obtain defense from advocates or public defenders, and the poor in the context of securing justice⁶. The practice of law enforcement in Indonesia still reflects the injustice between the interests of the poor and the wealthy. The poor still often receive unfair treatment such as torture, inhumane harsh treatment, and the humiliation of human dignity from law enforcement officers.⁷

Access to justice is a national issue and has become an international concern. Article 7 of the Universal Declaration of Human Rights states, "All persons are equal before the law and are entitled to equal protection of the law without discrimination. All are entitled to equal protection against any form of discrimination. Contrary to this Declaration, and against any incitement to discrimination of this kind." In line with that, the International Covenant on Civil and Political Rights (ICCPR) was ratified by the Government of Indonesia on 30

⁶ Frans Hendra Winarta, *Hak Konstitusional Fakir Miskin Untuk Memperoleh Bantuan Hukum*, 2009.

⁷ Ibid.

September 2005. Article 14, paragraph (3), letter (d) of the ICCPR states that every person has the right to get legal aid for justice. Moreover, without pay, if they do not have sufficient funds to pay for it. Access to justice is also included in Indonesia's Sustainable Development Goals (SDGs) in goal 16, namely supporting a peaceful and inclusive society for sustainable development, providing access to justice for all, and building effective, accountable, and inclusive institutions at all levels⁸.

Legal aid is defined as legal services expressly provided to the poor who need a free defense, both outside and inside the court, in criminal, civil, and state administrative matters from someone who understands the ins and outs of legal defense, legal principles, and rules and human rights⁹. Meanwhile, according to the Law on Legal Aid, legal aid is legal services provided by legal aid providers free of charge to recipients of legal aid covering civil, criminal, and state administrative matters, both litigation, and non-litigation. As stated in the preamble to the Law on Legal Aid, "the state is responsible for providing legal aid to the poor as a manifestation of access to justice." In particular, the Law on Legal Aid pays attention to underprivileged communities, often marginalized when dealing with the law. Although it cannot be generalized that achieving justice belongs only to people who are financially capable of accessing legal defense from advocates or, for example, when they have to follow the case process from the beginning until the decision is issued. Of course, many costs must be incurred, such as transportation costs to the court, presenting expert witnesses to court, paying down-payment of court fees, paying for lawyers, and others. If we look at it, legal aid and access to justice are two things that are inseparable and related to each other. Therefore, legal reform should prioritize poor and marginalized groups of people¹⁰.

The First National Conference on Legal Aid held in Jakarta stated that various challenges that must be overcome in order to realize legal aid as access to justice for the community, including 1) policies; 2) policy

⁸ SDG's, "No Title," last modified 2017, <https://www.sdg2030indonesia.org/page/24-tujuan-enambelas>.

⁹ Ibid.

¹⁰ *Strategi Nasional Akses Pada Keadilan 2016-2019* (Jakarta: Kementerian Perencanaan Pembangunan Nasional/BAPPENAS RI, 2016).

implementation; and 3) legal aid providers and human resources¹¹. The challenge of legal aid policy is that it has not been able to reach widely as a manifestation of complete access to justice in terms of the number and distribution of legal aid service providers and recipients. Legal aid providers in the regions form legal aid activities and the size of the aid budget law. Then the implementation of legal aid policies is not followed to ensure the quality of service delivery. Related to legal aid service standards, legal aid provider education, verification and accreditation, use of supporting technology, and supervision, as well as the ineffective synergy between the organizers and legal aid resources, both from the public and private sectors, to optimize legal aid policies that are oriented to access to justice.

In comparison, since the enactment of the Law on Legal Aid, the government has not disbursed a small amount of the budget to support legal aid programs in Indonesia. In 2021 the government, through the National Legal Development Agency of the Ministry of Law and Human Rights, has budgeted Rp. 53,679,9000,000.00 to support the legal aid program in Indonesia¹². Another problem faced is that the number of accredited legal aid organizations and their distribution is evenly distributed throughout the districts and cities is still very lacking. So, local community access to legal aid organizations is challenging, plus the funds provided are minimal. Hence it is challenging if legal aid organizations in other districts/cities must provide legal assistance in other districts/cities¹³. If this is the case, the hope that legal aid can help the community achieve better access to justice will not be achieved. The community, especially the underprivileged and the legal layman, still cannot reach access to justice when they are forced to face legal problems in the realm of the court.

¹¹ Ratna Batara Munti Asfinawati, Ajeng Larasati, Dio Azhar, *Perluasan Akses Keadilan Melalui Optimalisasi Layanan Bantuan Hukum Yang Berkualitas* (Jakarta, 2019).

¹² BPHN, "No Title," <https://sidbankum.bphn.go.id/>.

¹³ Ahyar Ari Gayo, "Optimalisasi Pelayanan Bantuan Hukum Bagi Masyarakat Miskin," *De Jure* 20, no. 3 (2020): 431.

Expanding Posbakum Access to Village Offices

Today's public services have developed digitally and integrate each other with various essential public services. It is in line with the government's policy of implementing an electronic-based government system. Currently, some courts are collaborating with the village government to expand access to posbakum. The result is that the posbakum service can be accessed by the community through the village office without needing to go to court. For poor people who live in villages, transportation costs almost reach 70% of the total costs required to register a case with the court¹⁴. Therefore, efforts must be made to bring courts closer to the community, especially villages, to reduce overall court costs and improve access to justice.

The innovation of expanding access to posbakum through the village office is an effort from the court to continuously improve the quality of its services and ensure the fulfillment of justice rights for the community in the village in particular. Posbakum, which has been integrated with village government services, is also available online so people in need can access it from home. Then, the role of the village government here is as a bridge between the community, posbakum officers, and the court.

The village government can receive consultations or requests for information related to posbakum services needed by the community in their village. The goal is that village communities can obtain legal aid information faster through village government officials without going to court first. Of course, before that, the court must have provided a prior understanding of posbakum to village government officials. The ease of access to Posbakum online and through the village office is also an effort to control the court to limit the number of visitors in the current pandemic.

The courts that have implemented the expansion of access to posbakum in collaboration with the village government are the courts of the first instance in the jurisdiction of the Central Java High Court and the Jember District Court. The Central Java High Court has integrated the Posbakum in its innovation, called the Village Development Partnership (Kembang Desa), with the URL address at <https://www.bungadesa.pt-semarang.go.id>. Then at the Jember District

¹⁴ Widiana, "Access to Justice for The Poor: The Badilag Experience."

Court, the postal service was integrated into the Tilik Desa application with the access address at <https://www.tilikdesa.pn-jember.go.id>. These two innovations are the first step in expanding access to village-level courts.

The Village Development Program initiated by the Semarang High Court integrates various court services, including 1) Advocate swearing-in registration; 2) E-court registration; 3) application for certificate; 4) information on appeal cases; 5) One Stop Service (PTSP on call via Whatsapp; 6) request for permission to visit prisoners; 7) request for resource persons; 8) research permit service; and 9) legal aid service (posbakum). Then, the Tilik Desa program, which is an innovation from the Jember District Court, has services consisting of 1) application for a certificate (eraterang plus); 2) e-court; 3) online posbakum; 4) online application trial; 5) electronic surveys of the Jember District Court; 6) court supervision information system Agung (Siwas), and 7) case tracking service (SIPP). These two innovations are solutions for people who live far from where the court. In addition, the existence of these two applications can increase the effectiveness of courts in providing services. They can be accessed online from their respective village areas and increase time effectiveness in handling the application process for applicants and posbakum officers because they are no longer bound to go to court¹⁵.

The two applications show that the Kembang Desa application has not yet loaded the online Posbakum menu even though it has partnered with the village government. Thus, adding a menu to the Kembang Desa application for online Posbakum services is necessary. These two applications will be models for other courts from the four judicial environments to expand court access to village areas by facilitating legal service menus and complete case settlements. Posbakum services can be accessed through the village government and have the advantage of educating the community in understanding the procedure for resolving cases in court. In addition, it can reduce the number of queues of visitors who come to the court to obtain direct services. Access to posbakum services through the village government can help reduce the burden on the number of people who must be

¹⁵ Muhamad Zaky Albana, Zulfia Hanum, and Alfi Syahr, "Virtual Legal Aid Post (Posbakum) in The New Normal Era," in *The 2nd International Conference on Law and Human Rights*, 2021, 209–214.

served directly in court. Therefore, the thing that must be considered is that the court must establish good cooperation with the village government in explaining the functions and procedures for services in the court. The village government apparatus indirectly acts as a liaison between the community and the court.

Access to court services collaborating with the village government is expected to increase public legal awareness, primarily through Posbakum. It is because ordinary people, especially in villages, are more likely to want to resolve problems outside the court so they can be resolved more quickly¹⁶. Furthermore, another reason the village community is reluctant to take proceedings in court is the lack of understanding of legal procedural aspects and the stages of litigation and non-litigation, which can result in the rejection of applications or lawsuits¹⁷. Therefore, the existence of Posbakum as an open-access legal aid service will significantly assist village communities in obtaining information and consulting with professional legal practitioners. Another benefit of expanding access to court services through this village office is to support the realization of the Sustainable Development Goals (SDGs) in law-conscious village development.

The benefits of equal and comprehensive education and legal access to the community, especially in rural areas, will be able to contribute to the realization of an advanced and just Indonesian society. Village development awareness of the law can be realized if there is good cooperation between village government officials and law enforcement agencies. These law enforcement agencies include police, prosecutors, courts, regional offices of the Ministry of Law and Human Rights, and with support from local governments. This cooperation can be established through legal aid services, namely Posbakum. The existence of this legal aid is a way for equitable distribution of justice

¹⁶ Thalís Noor Cahyadi, “Efektivitas Pos Bantuan Hukum Di Pengadilan (Studi Pada Posbakum Pengadilan Agama Sleman Tahun 2011-2012),” *Jurnal Rechtsvinding* 2, no. April (2013): 17–30.

¹⁷ Nyimas Lidya Putri Pertiwi and Firmansyah, “Peran Posbakum Di Pengadilan Agama Metro Masa New Normal,” *As-Salam* I X, no. 1 (2021): 31–46.

for legal development in Indonesia for all levels of society, wherever they are¹⁸.

Posbakum as a Form of Social Justice

The guarantee of constitutional rights regarding legal aid is also contained in Law no. 48 of 2009 concerning Judicial Power. Article 4 Paragraph (2) of Law no. 48 of 2009 states, "The courts help justice seekers and try to overcome all obstacles and obstacles to achieve a simple, fast and low-cost trial." Therefore, at every court in Indonesia, legal aid can be obtained through the Legal Aid Post (posbakum), which guarantees citizens, especially people or groups of people who cannot access justice and equality before the law. The principle of simple, fast, and low cost is intended to make it easier for the public to access justice without going through a complicated process, consuming time, energy, and money. Although fact, the provision of legal aid is not the duty and function of a judicial organization such as the Supreme Court. However, to facilitate the community to obtain services based on simple, fast, and low-cost principles, the establishment of posbakum in court is not something that violates the rules.

Looking at the problems discussed previously, the existence of Posbakum can strengthen legal aid programs in Indonesia even though the existence of Posbakum is not a new thing in court. Posbakum has existed in court since 1979 on the initiative of advocate Yan Apul Girsang and Chairman of the East-North Jakarta District Court Bismar Siregar¹⁹. As an official institution, the existence of Posbakum received legal protection for the first time through the Supreme Court Circular No. 10 of 2010 concerning Guidelines for Providing Legal Aid. Then the circular was standardized into an official regulation through Supreme Court Regulation No. 1 of 2014 concerning Guidelines for Providing Legal Services for Poor People in Courts, which requires all district courts, religious courts, and state administrative courts to establish posbakum.

¹⁸ Alang Sidek, Diyan Yusri, and Nurhafidzah, "Penyuluhan Bantuan Hukum Dalam Memberikan Pelayanan Terhadap Masyarakat Golongan Tidak Mampu," *Jurnal Abdimasa Pengabdian Masyarakat* 2, no. 1 (2019).

¹⁹ Luhut M.P. Pangaribuan, *Pengadilan Hakim Dan Advokat* (Jakarta: Pustaka Kemang, 2016).

Posbakum in court provides legal aid services as regulated in Article 25 of Perma No. 1 of 2014 as follows: 1) Providing information, consulting, or legal advice; 2) Assistance in making required legal documents; and 3) Provision of information on the list of legal aid organizations as referred to in Law No. 16 of 2011 concerning Legal Aid or other legal aid organizations or advocates that can provide legal aid free of charge without any fees. For the underprivileged, the existence of a court posbakum can make it easier for them to obtain information, consultation, and legal advice, as well as the creation of legal documents that may seem foreign, especially when many legal terms are complex for ordinary people to understand. In addition, the existence of Posbakum also makes it easier for the community to seek help from advocates for proceedings in court. Supreme Court Regulation No. 1 of 2014 no longer contains legal aid services in the form of assistance in litigation for the poor. Posbakum services currently have a limited scope of service when they are going to litigate in court. This omission is a form of adjustment to the regulation on legal aid organized by the Ministry of Law and Human Rights based on the provisions of the Legal Aid Law.

The legal aid offered by Posbakum is not just the institutionalization of legal services for the poor. However, it is a series of actions in legal aid, both in litigation and non-litigation. Legal aid is used as a driving force toward achieving a reshuffle of the social order so that there is a fairer pattern of relations (Indonesian Legal Aid Institute Foundation²⁰). It is in line with the realization of social justice, as stated in Pancasila, as the basis of the Indonesian state. The justice in question is not only limited to equality of treatment before the law. However, the correct moral attitude also relates to the relationship between humans living together in society or the state²¹. Justice, in this sense, can be an example that not only the innocent are given access to justice, but also the defendants in criminal cases also need legal assistance. Alternatively, not only the underprivileged but people who are not legal can also receive legal assistance.

²⁰ Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), *Panduan Bantuan Hukum Di Indonesia* (Jakarta: Yayasan Obor Indonesia, 2014).

²¹ Ahmad F. Sumadi, "Hukum Dan Keadilan Sosial Dalam Perspektif Hukum Ketatanegaraan," *Jurnal Konstitusi* 12, no. 4 (2015): 857.

The principles of social justice have been applied in the provision of services by posbakum in courts. As stated in Supreme Court Regulation No. 1 of 2014 Article 30 letters a and b, "In providing services, it is prohibited for courts to do some action. The action includes 1) differentiating the treatment of recipients of court postal services based on gender, religion, politics, ancestry, race, or social and cultural background; and 2) Discriminates against recipients of court post services because they are persons with disabilities, women, children or the elderly."

This regulation implies that postal service in court must be provided relatively, regardless of status, gender, religion, ethnicity, and other social differences. The prohibition of discriminating against persons with disabilities, children, and the elderly considers that the people seeking justice are not only those who are physically fit or of productive age. It means that the postal service in court is free from social barriers that may still exist in society. Social justice is not only interpreted as a slogan but also applied at the level of regulations and practices in the field. It is also in line with Article 17 of Law no. 39 of 1999 concerning Human Rights, which states that everyone, without discrimination, has the right to obtain justice by submitting applications, complaints, and lawsuits in criminal, civil, and administrative cases. With being tried through an independent and impartial judicial process under procedural law. Guarantee an objective examination by an honest and fair judge to obtain a just and correct decision.

However, implementing posbakum services in court also faces challenges and obstacles, both internal and external factors. Several obstacles stem from internal factors. Among others, there are still courts that do not have adequate facilities and infrastructure for posbakum services. The budget owned by the court to run Posbakum is also said to be relatively minimal, so the services provided are less than optimal. In addition, several religious courts still do not yet have posbakum due to infrastructure and budget factors. From external factors, there is still a lack of socialization in the community regarding the existence of Posbakum. Many people do not know about the Posbakum. Human resources from advocates and paralegals are still minimal, especially in courts located in remote areas. In addition, the Covid-19 pandemic that is currently hitting Indonesia has also had quite an impact on legal aid services at Posbakum. It happens because people who want legal aid

services through Posbakum still have to go directly to Posbakum, which is located inside the court building. Until now, there has not been a legal aid service through posbakum that can be accessed online without having to meet face to face.

Conclusion

Poor people are vulnerable to powerlessness in accessing justice and legal services. The Law on Legal Aid generally regulates the provision of legal aid by non-governmental organizations and legal aid institutions. The existence of Posbakum in court complements efforts to provide legal assistance to fulfill citizens' constitutional rights and provide better access to justice. The presence of Posbakum can accommodate underprivileged communities/lawyers suspected of being marginalized to gain access to justice and legal process services in court. Court Posbakum management, according to the regulations in Perma No. 1 of 2014, has been effective in fulfilling social justice in Indonesia.

Although it is undeniable that in some practices, there are still weaknesses encountered, such as posbakum officers who arrive late and the use of students or internship advocates whose quality of work is still not in line with community expectations. The unavailability of posbakum in several courts and facilities still does not meet the required standards. In addition, the condition of the Covid-19 pandemic that hit Indonesia forced the public to carry out social and physical restrictions. It directly affected the posbakum service that stands by at the court building. For this reason, it is necessary to facilitate online posbakum services to make them more accessible. Since the pandemic, the courts have innovated by conducting online hearings (e-court). Therefore it is not impossible to provide posbakum services without having to meet face-to-face.

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