FREE LEGAL ASSISTANCE FOR SUSPECTS: A REVIEW

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ABSTRACT

Indonesia as a state of Law has consequences to ensure that every citizen is equal before the law and has the right to seek legal assistance. Free legal assistance to the poor has been implemented before the enactment of Law No. 16 of 2011 on Legal Assistance. For poor people who lack an understanding of the law seems to be relatively new in developing countries as in Indonesia. Legal assistance as a legal institution has not been recognized in the traditional legal system; it is only known in Indonesia since the entry or enforcement of the western legal system in Indonesia. Legal assistance to the community is still unevenly felt, as it appears that in society there is a gap where there are groups of people who can enjoy excessive developmental outcomes, while on the other hand, there are other groups of people who are less able to absorb excessive development outcomes, while on the other side, there are other societies that can minimize the development outcomes. If a person or group of people is suffering from poverty, it will have an enormous impact on law enforcement, especially with the defense of what has become their right.

Keywords: Legal Assistance, Society, Suspect. Accused, Poverty.

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1. INTRODUCTION

Sustainable development aims to realize national goals as intended in the opening of the 1945 Constitution which has the impact of changes in the lives of the people. On the other hand, it is increasingly emphasizing the legal role. Extensive law interventions in the areas of community life have resulted in a close relationship between law and social issues[1]. The more active legal functions into issues concerning social change, it creates problems that lead
to conscious and active use of the law as a means of organizing the new life. It appears regarding arrangement by law either from the aspect of its legitimacy and the aspect of its useful application [2].

The Indonesian nation has an awareness of the concept of the state of the country as an ideal choice for the Indonesian state proclaimed one day earlier on August 17, 1945. It is evident from the explanation of the 1945 Constitution which states that "Indonesia is a State that based on the law" (Rechtsstaat). Indonesia is based on law, not based on power alone "Machtstaat."

Amendments to the 1945 Constitution are the starting point of change. Considering as the new order regime, the amendment of the 1945 Constitution was regarded as taboo. Amendments to the 1945 Constitution have been made four times, namely in 1999 (first change), in 2000 (second change), in 2001 (third change), and 2002 (fourth change). The concept or idea that Indonesia is a legal State is further reinforced through a third change that occurred in 2001. Before the amendment, the concept of state law was only mentioned in the explanation, but after the third amendment in Article 1 paragraph (3) of the 1945 Constitution explicitly explains that "The country of Indonesia is a state of law" [3]

The State of Indonesia is a State of law which has consequences that any matter or problem shall be processed and settled on the basis of the prevailing laws and regulations, therefore all citizens of the State of Indonesia must obey and adhere to the law itself aim to provide justice to citizens, maintain and create security and order in the midst of community life. As a State of Law (Rule of Law) then all citizens are equal before the law (Equality Before the Law). Therefore, everyone is entitled to legal assistance in a Fair and Impartial Court. It is the fundamental right of every human being. The strengthening of Indonesia as a state of jurisprudence in article 1 paragraph (3) of the 1945 Constitution has given a strong desire to ensure that the state guarantees the equality of position in the law, among others, marked by the right of every person to receive equal treatment in the law, to get justice (justice for all and access to justice). These rights are indeed fundamental rights of every person who is universal.

This concept is something important to understand since the State is always faced with the fact that a group of poor or incapable communities cannot be fulfilled by their right to the fairness of justice under the jurisdiction of the law. In order to realize the idea of the State of law then the State should guarantee the right of every person to obtain justice. In other words, the State should guarantee the provision of legal aid to the poor or the poor with no further exclusion of access to justice as a constitutional mandate.

Emancipation movements such as legal aid and law advice can be viewed as a direct effort. With that particular law placement on the path of equality of justice is actually a reflection of the great concern as the "Politc Will" of the ruling party on issues related to equality of equity which would inevitably affect the achievement of successful targets on the equality of development outcomes [4]. The review of legal aid issues becomes relevant to be discussed in the context of Indonesia. There are at least four things that become the background.

First, the concept of legal aid is not an outdated concept. Up to now, experts are still discussing continuously since any development concerning time dimensions, approaches, social structures, politics, and economics as well as local conditions would have affected their own. Second, the diversity of issues arising in society, characterized by the increasing need for community law, the demands for justice through the legal channels, the extension of the function spectrum and the legal profession or the efforts of the authorities to further show the image of a more constitutional government that in turn will also color the pattern and character of legal aid. Third, the close link between law and human rights issues, though in
the broad context of human rights issues is actually not only closely related to the law but is closely linked to other areas of life. Fourth, formally juridical Indonesian State is a State of law [5]. Talking about Legal Assistance, human rights and the State of the law in the context of Indonesia as a State of law are of paramount importance when we remember that in the State of the law there is a fundamental characteristic:

- Recognition and protection of human rights that contain equality in the field of politics, law, social, cultural and educational.
- The free and impartial tribunal is not affected by any other power.
- Legality in the sense of law is in all its forms [6].

A State indeed cannot be said to be a State of law if the State concerned does not honor, guarantee protection against human rights issues, and provide legal assistance to all Indonesian people, especially small and poor people who are blind and lawful blind [4]. That the State guarantees the constitutional rights of everyone to gain recognition, guarantee, protection, and fair legal certainty and equal treatment before the law as a means of protecting human rights and the state is also responsible for providing legal assistance to the poor as the realization of access to justice. The concept of state Rule of Law is the concept of the state that is considered the ideal today, although the concept is moved with different perceptions. Against the term, Rule of The Law in Indonesian is often also translated as the supremacy of law or government based on the law. Also, the law state term or Rechstaat is also a term often used for it.

That is why since the birth of the concept of state law is intended as an attempt to limit the power of the state ruler not to abuse the state's power to oppress the people. Thus, it can be said that in a state of law everyone should submit to the law equally, subject to fair law. The state of the law is a system of statehood governed by the law of equality that is governed by a constitution, in which all the people in that state, both ruled and governing shall be subject to the same law. Each person is treated equally, and each person is treated differently from the basis of rational distinctions regardless of color, race, gender, religion, region, and beliefs, and the authority of the government is limited by the principle of power distribution, so the government does not act arbitrarily and does not violate the rights of the people, hence the people are given a role in their democratic capacity and role.

The law protection theory focuses on the protection of the law given to society. People based on this theory are people who are in a weak position, either economically or weakly in juridical aspects [7]. According to Satjipto Rahardjo, Legal Protection is to protect human rights that are harmed by others, and the protection is given to the public in order to enjoy all the rights provided by law [8]. While Maria Theresia G defines Law protection is related to the state's action to do something with (imposing state law exclusively) with the aim of assuring the certainty of the rights of a person or group of people [9].

The beginning of the emergence of legal protection theory is derived from the theory of natural law or the flow of natural law. Plato, Aristotle, and Zeno pioneer this stream. According to the natural law, flow states that the law comes from God that is universal and immortal, and between law and morals cannot be separated. These believers view that law and morals are reflections and rules internally and externally from human life manifested through law and morals [10]. According to Lili Rasjidi and I.B Wysa Putra argues that the law can be functioned to realize protection that is not just adaptive and flexible, but also predictive and anticipatory [11]. Sunaryati Hartono said that the Law is needed for those who are weak and not yet socially, economically, and politically to gain social justice [12]. Philipus M. Hadjon argues that legal protection for the people is a preventive and repressive government act [13]. Preventive law protection aimed at preventing a dispute, which directs government action to
be cautious in making decisions based on a discrepancy, and refreshing protection aimed at resolving disputes, including its handling in judicial institutions.

It is worth noting that attempts to obtain legal protection, of course, desired by human beings are the order and order between the fundamental values of the law namely the existence of legal certainty, legal use, and legal justice, even though generally in the practice of the three fundamental values is confined, but it must be sought for these three fundamental values together [14]. Legal Aid in its broad sense can be defined as an effort to help those who are not in the law [15]. According to Adnan Buyung Nasution, "Effort" has three interrelated aspects, namely aspects of legal rules formulation, supervisory aspects of the mechanisms to keep those rules adhered to, and education aspects of society so that these rules are respected. Education of the community, in particular, to generate and raising public awareness of its rights and obligations [16]. The definition of legal aid giver in Article 1 number 3 of Law Number 16, the Year 2011 on Legal Aid, explains that Legal Aid Providers are Legal Aid or Community Organizations which provide legal aid services under this Act [17]. That the definition of a suspect pursuant to article 1 point 14 of the Law of the Republic of Indonesia Number 8 of 1981 concerning the Criminal Procedure Law, explains the notion of a suspect is a person who by reason of his act or circumstance, based on the preliminary evidence to be presumed to be a perpetrator [18].

As the defendant understood under article 1 point 15 of the Law of the Republic of Indonesia Number 8 of 1981 concerning the Criminal Procedure Law, explains the notion of the accused is a suspect who has been prosecuted, examined and tried in court[19]. Understanding poor is a condition where the real community does not have access to adequate infrastructure and basic facilities, with the quality of housing and settlements far below the feasibility standards and uncertain livelihoods that cover all multidimensions, namely political dimensions, social dimensions, environmental dimensions, economic dimensions, and asset dimensions.

Legal aid has actually existed since the Roman times, in every sense the purpose and purpose of legal assistance are strictly related to the moral values, political views and legal philosophy that apply. Initially, legal aid activities aim to gain influence from the community. Then turned into philanthropy to help the poor. This attitude is accompanied by the growth of good values and nobleness which is highly prized by people[20]. After the outbreak of the great French revolution, the law began to be part of legal or juristic activities, emphasizing the same rights for citizens to defend the upfront interests of the courts. This 20th-century legal aid is more widely regarded as a member of the legal service business without a reward.

Legal aid, especially for poor people and illiteracy, seems to be something that we can say is relatively new in developing countries, as well as in Indonesia. Legal aid as a legal institution has not been recognized in the traditional legal system, and it is only known in Indonesia since the entry or enforcement of the western legal system in Indonesia. Legal aid as a free service to poor and illiterate people in the last decade It has shown tremendous developments in Indonesia, especially since “PELITA” to the third government has launched a legal aid program as a pathway to smooth the way towards equal justice in the field of law. That formal legal aid in Indonesia has existed since the Dutch occupation, and it began in 1848 when in the Netherlands there was a major change in its legal history. Based on the principle of concordance, then with the words of the King dated May 16, 1848, Number 1, the new Legislation in the Dutch state was also enacted in Indonesia which was then called the Dutch East Indies. That is, among others, the rules of the Judicial Order and the Court's Policy. Given the new law, regulation is set for the first time "Advocate Institution," it can be estimated that formal legal aid has just begun in Indonesia in those years, and it is only
limited to those in the judiciary. Meanwhile, the first Indonesian advocate is Mr. The newly opened Mertokoesoemo opened its offices in Tegal and Semarang around 1923.

More strictly in the positive law in Indonesia the issue of this Law is set out in Article 250 Paragraph (5) and (6) of HIR with limited coverage, meaning that this article in practice only prioritizes the nation of the Indonesian people who were more popular called inlanders, in addition, the practice of this article is limited if advocates are available and willing to defend those accused and threatened with death penalty or life sentence. It seems that this is more based on the consideration that they have known the institutions concerned in their legal culture (the Netherlands) and hence are adequately regulated in the Law on the provision of Legal Aid as well as in developed countries. That is not the case for Indonesian people, even in his HIR is not known legal representation by a lawyer as mentioned above. In criminal cases for Indonesians, the HIR also does not regulate the defendants' right to be defended by a lawyer, so anyone may defend himself or appoint his or her family or anyone to help him in court.

From the above historical views it is possible to know that for Indonesians there is no or abolished the need for legal aid; therefore it is not strange at that time the profession of a lawyer also has not developed satisfactorily. However, in the subsequent developments in line with the rumbling of our national movement, the emergence of Indonesian lawmakers who are advocates have enlivened Indonesia's national movement through the provision of legal aid. Based on the provision of legal aid for just a suspect, the writer is interested in discussing "Free Legal Assistance for Suspects: A Review". Based on the description above, the authors formulate the research question as follows:

RQ 1. How is the legal arrangement about giving legal aid free of charge to suspects?
RQ 2. How is the process of giving legal aid free of charge to the suspect?
RQ 3. How has the implementation been carried out in providing free legal aid to suspects?

2. DISCUSSION

2.1. Legal Arrangement for Free Legal Assistance to Suspects

A must be fulfilled if the legal system wishes to contribute to the interests of integration, through the settlement of disputes, ie, that the dispute or conflict must take place and be resolved through litigation. In this case, the people must be prepared to be willing and conscious to always turn to the law if their interests are to be protected. This case means that the people really feel that the law will indeed give him justice. The promise to give this justice is to be the ultimate output which will eventually be denied by the input of the people's motivation that recognizes the court as the settlement structure of the problem or the system of pattern conservation [21]. When judging the practice of justice in Indonesia, it would appear that the relationship between the legal system and the system of conservation of the pattern, where the court is the structure of problem-solving or disputes, is that which is often disturbed. From one side is the court as a preservation of the pattern, one of the leading causes of disruption is that there is no suspicion that nobody is in need of what the court promised. The incidence of disliking this court may also be expressed in others, for instance, most people feel that the conception of the court on anything that may be expected to be of nature is often different at all with the conception that it possesses. That is why we can allow, given the fact that certain social groups feel more favorable and have relatively younger treatments compared with other social groups, such as court processes involving people in charge, wealthy and with those who are poor and incompetent. Whereas justice as oriented above should be uniform and apply to all groups or groups of people.
Betting on the smooth running of such legal certainty means that the law itself is more acceptable and recognized as an integrating mechanism. From here it seems that is the reason why legal certainty is always sought in the judicial process. Nevertheless, the smooth running of legal certainty in the judicial process must be consistent. That is if it wants the people to feel like and willing to the legal process, with court decisions flexible enough to adjust to changing circumstances to new interests, or to the obligations or dangers that accompany the ongoing process of social change. Thus, courts and laws will be more responsive to new needs and developments.

The impression that can be obtained when observation is addressed to our judicial practice, the above thought is more supportive of the fact that the law is for most people is as much as possible to avoid. Implementation of justice that wants to be leveled and produced by the law is still not encouraging. Thus, it appears that the law is not widely seen as a place to resolve disputes or conflicts, unless only if the other means no longer exist. In the criminal law in the world, it is known by criminal law as Ultimum Remedium. More in-depth reasons can be made, why people do not like to run away from the law to resolve their disputes or their conflicts may also be since most of those in the litigation suffer slowness and even failure in law.

It may be concluded, that the advisory system as described above is still possible to function appropriately as an input channel of facts and considerations for wisdom. However, this system may also be complicated to convince the parties to the litigation, that in the court of law the interests of them have been appropriately considered and judged by the judges. In this regard, if we examine in fact, the irrelevant law which causes the justice to be achieved and produced by the law is difficult to perceive by the people.

Firstly, that legal system is likely to base itself on the assumptions that in every dispute or conflict there is always the right party and there is a wrong person. The advisory system is built on that assumption and even reinforces it. In this case, the court seems to have been given the power to determine who won and who lost instead of finding and paving the way out. For example, how to lose the loser can be helped so that they can receive their independence, or can be helped to keep up with the behavior and deeds that cause him to be dragged into court.

Secondly, in every law organization, there is always an assumption that if the authorities have set the rights and obligations, then the individuals have one way of adjustment to accept it. In other words, this assumption is to state that reviewing the experience and its relevance, is the only step that can still be taken to repossess the rights. It is necessarily a reorganization process in an individual's personality system so that it can easily re-adjust to the new reality. On the other hand, in the legal system, there is no mechanism to make the trial that is to examine the experience and the fact, even in judicial practice in Indonesia, judges are also obliged to explore, follow and understand the legal values that live in society. However, this is not in the process of reorganization in the personality system as mentioned above. Long and tedious legal procedures should also be taken into account as a constraint that necessitates the disputing or litigant parties to understand what is happening to them.

At least they will only find out what their lawyer or legal counsel has done to informally certainly ask those who are closely related to themselves and their subjects, like people who have sought disease therapy, the consequences that may arise may be frustration, and may without any hindrance this frustration continues to stick in its sanity, and ultimately fostering hostility or dislike of the courts, and woe to those who are litigants and those who are weak or incapacitated, in fact, show their tendency to accept only, without any freedom. Whereas in developing countries it is still difficult to find in-depth special studies that can be used as a basis for systematic analysis of the content and the formal meaning of a law relating to the
problems of the poor, and in particular relating to the provision of legal services in the judicial process.

In a society with conflicting social structures, a social structure with gaps as often expressed through legal sociology studies, the implementation of the law is likely to be selective, and that generally those who have the right who can enjoy the legal service well, or in other words, the courts are not for all walks of life [22].

Meanwhile, when we examine our societies are comprised of different social layers with each other, so in such a way that equitable sharing of the possibilities and opportunities of life for all members of society is not easy. We will always find groups in a more favorable position, while on the other hand there are layers of people who suffer from shortcomings [23]. About the existence and implementation of legal aid programs, this is also indispensable to the existing social system, which in practice also illustrates the provision of legal aid to the community, especially for those who are inadequate or incompetent. If so, the law that is expected to make a fair arrangement is now inevitably faced with irreplaceable tasks, because any socio-economic condition of members of the community will be very determining whether the facilities to be provided by law can be utilized or not [23]. Legal assistance for the community is still unevenly enjoyed, as it appears that in society there is still a gap, where there are groups of people who can enjoy excessive developmental outcomes, while on the other hand there are other groups of people who can taste the results of development excessive, while on the other hand, there are other societies that can minimize the development outcomes. Meanwhile, income disparities have led to the growing wealth of certain groups and the more deprived groups.

Poverty incurred by a person or group of people has a profound impact on law enforcement, especially with defending what has become his right. That seems to be in line with the fact that poverty itself has brought disaster to humanity. That not only economically, but also legally and politically. Meanwhile for those who are rich. Usually more familiar with power, and at the same time, they easily translate the power with justice. It may have been a history in human life, where power is always closer to wealth, and this is much injustice, and instead, the law must be close to poverty. Therefore, a poor man in his estate should be rich injustice[24].

The need for justice is one of the basic human needs that everybody, whether rich or poor, is ever coveted. But sometimes it can happen where the richer with their conviction can be easier to obtain justice so that they can master the mechanisms of the law, even in such a way that it would suppress the poor, which in turn would only arouse the impression that the law is just for the sake and not for the poor. Justice is a vital necessity in human life, and hence it is reasonable if then efforts are made to equalize justice. If all this time has been enough to feel justice and the poor is far enough away from getting justice, then at the time it does not happen again. It means that justice has been implemented equally for all walks of life. With the legal aid program, especially for the poor and weak, it is basically one way to pave the way for equality of justice. With such shifts and developments, it is hoped that the implementation of its legal assistance program to reach the wider community — not only for criminal matters but also civil matters, even the state trivial matters. Especially for poor and illiterate people who are most often victimized by the rulers or by-laws, the existence of this structural, legal aid involves the dimensions of tackling the problem of poverty itself through legal channels, and more extensive is to lay back and elevate the dignity and human dignity, especially for the poor.

Based on such phenomena, then for legal aid organizations, especially the concept of structural legal aid, further reveals a series of distinctive features within its operational framework. Firstly, their organizational dynamics indicate that as a legal institution as well as
social institutions, they have placed themselves in a clear position, which is one of the cornerstones of the work of the national law system, and on the other hand works to put forward the values of justice as well as the right-human rights as a legal operative fact.

Second, the development of judicial insights is no longer just about the perspective and paradigm of the law, but also as a holistic social, legal vision. Third, the attachment of social control function as well as a vehicle for the realization of justice. The role and function of such legal aid institutes are crucial to being able to accommodate the increasingly diverse circulation of legal issues that arise, as well as increasing the need for community law and the growing demands to obtain justice through law.

Meanwhile, conditional legal aid services are still showing the following: a) Legal aid services by legal aid organizations are still centralized especially to urban people and have not yet reached a more full range of people in suburban and rural areas. b) Selection from incompetence and ignorance of legal rights and procedures in selecting clients served by legal aid organizations appears to be less restrictive so that the socialist, socialist characteristic of the justice seekers is still varied and often does not revolve around relatively capable groups. c) Given that the role of justice seekers on these legal aid organizations cannot be limited to the provision of consultations and legal assistance to them, but furthermore hope to resolve the legal issues faced by their sense of justice. This hope is not seldom challenging to fulfill because of the internal conditions and the legal aid organization itself. Cases involving collective interests such as land acquisition often encounter obstacles as legal aid providers hit a dominant interest, both economic and bureaucratic interests. d) In the context of social engineering to enhance the mastery of public law resources, the effectiveness of legal aid organizations is still worth questioning. During this time in non-formal education organized by legal aid organizations are still using conventional methods with limited material. Law advocacy, for example, is run on community groups in mass, as early communication efforts with symbols or legal procedures tend to be one-way and without precedence by studies on the needs of the target group's law.

If so, studies of the legal needs of the target group, those who are classified as psychologically and blindly, should be aimed at identifying and detecting the needs that they are perceived to have. Moreover, to determine the urgency or seriousness of each of those legal requirements.

Such studies are of paramount importance for the development of concepts as well as the implementation of legal aid, and at least with such a move will keep track of 1) Categories of problems of poor people that can be seen and interpreted as punishment. 2) Limits to the extent that those who are poor can obtain the help of defenders or legal counsel and how the results are. 3) The categories of problems faced by them are not seen as legal issues, but actual ones can be solved through the utilization of the legal system. 4) The poor knowledge and perceptions of legal rights and procedures relevant to the specific issues they are facing. 5) Their poor perceptions of alternative alternatives to the effectiveness of legal advisors and advocates for championing the specific interests of the poor. 6) Their poor perceptions of other alternatives are beyond legal means and events that can also be taken to solve the specific problems they face. The studies of the above-mentioned items will not only benefit us to track or track the needs of the law but it will also be helpful to reveal the essential features of the various possible issues, such as a) Knowledge of the poor on the usable legal remedies and on the proper procedures to solve the problem of the use of such efforts and procedures. b) Perceptions of the poor on the effectiveness of the legal system with the effectiveness of the system itself in reality. c) Perceptions of the poor regarding whether or not the legal system was entered and contacted for use in the legal solution to the effectiveness of the legal system;
The basic overviews which may later be revealed and can be elaborated in these studies in turn may not possibly be a valuable source of thought for development planners to be more concerned about the existence of the poor, with the efforts to help alleviate poverty itself, through equity equalization pathways and mainly reflected and operationalized through legal assistance programs [1]. Not many people know that legal aid is part of an advocate's profession. Advocate profession is known as a noble profession because it requires the defense to everyone without discriminating race, color, religion, culture, socio-economy, rich/poor, beliefs, politics, gender, and ideology. Eight out of ten Indonesians, when asked about legal aid, cannot distinguish it from the profession of the advocate. However, the need to defend the poor in the advocate's profession is in line with the principle of justice for all to make this legal profession one of the most popular in the international community, but not Indonesia.

The collapse of the law and court authority in the 1980s and 1990s also influenced the image of the advocate accused of being a matter of commerce. This accusation is true judging how economic development become the central point of the development of the New Order regime, that the measure of success is regarding material and financial time by forgetting the moral, cultural and legal how economic success is not questioned whether it is valid or not according to the law. That turns out that economic success is being rumored as the new order legitimacy became incorrect when the monetary crisis in July 1997 hit Indonesia prolonged following the crisis in politics and other fields. Corruption is rampant everywhere, not only bureaucratic sector, but it has hit the sector of the private sector and even foreign and joint ventures. As a result, the law has no power or no authority and is not obedient to society. The law of supremacy is only a mere slogan [25].

2.2. Free Legal Procedures for Legal Assistance

Actually, it is a little here and there, often read about the suspect's position and the defendant in the KUHAP. The suspect and the accused took place specifically addressed in one chapter namely chapter VI consisting of Article 50 up to Article 68 of the Criminal Code. For remember the meaning of the suspect and the accused, it is necessary to note the notion defined in Article 1 points 14 and 15, which explains: 1) The suspect is someone who is due to his actions or circumstances, based on sufficient evidence of commencement as a perpetrator. 2) The defendant is a suspect who is charged, examined, and tried in court.

From the explanation above, both the suspect and defendant are persons suspected of committing the crime by the facts and circumstances of the real or fact, therefore the person: a) Must be investigated, investigated, and examined by an investigator. b) Must be prosecuted and examined before the court, and seizure of property under the law. c) Where it is necessary for the suspect and the accused to be executed by forced attempts in the form of arrest, detention, search, and seizure of objects as prescribed by law.

However, whether a suspect or defendant is considered a priori as a bad person, and can be treated as an extortion object, persecution and vengeance. What is the position of the suspect or the accused, a person must be removable and dated rights and dignity of humanity, as we see in times past in the legal system that performs approach “inkuisitir” who saw the suspect or defendant no more than an object of inspection can treat with the will of the Law Enforcer. Their human rights and dignity are thrown and become suspects or accused no other than disgusting dirt and waste that can be treated arbitrarily.

What about KUHAP, whether the system approach to the suspect or the defendant is still inertial, is no longer the case. KUHAP has laid the foundation of legality principle and inspection approach at all levels with the system of acquisitions, putting suspects and accused in every level of examination as a human who has the right and dignity of dignity and self-
esteem. As a shield to defend and defend human rights and human rights dignity or defendant, the KUHAP laid the foundation as outlined in chapter VI. That the contents and provisions of chapter VI are to be discussed as a whole in this description. However, before it comes to the declaration, it is important to note that chapter VI is the description or implementation of the provisions of the principles outlined in Law Number 14 of 1970 on the Principle of Judicial Power. The basis of the principle of Law Number 14, the Year 1970 About Principle of Judicial Power, is as follows: 1) Simple, fast and light court. 2) Prohibition of interference by any person in court proceedings outside of the jurisdiction. 3) The equality of rank and position in advance of law, in the sense of justice, is done according to the law without distinction of persons. 4) A person who is confronted with a court order shall be based on the prescribed law. 5) No person shall be punished except in the event of a court of law as a legitimate proof of legal means that a responsible person has been guilty of an act alleged to have been committed against him. 6) Any arrest, detention, search, and seizure shall be based on the written order of lawful authority in the case and the manner prescribed by law. 7) Any person who is suspected of being arrested, prosecuted or charged before the court shall be considered innocent before any court decision stating his offense and the verdict has obtained a permanent legal force. 8) The suspect or accused who was arrested, detained, sued or tried without any grounds under the law or in error of the person or mistake of the law applied, shall be entitled to indemnification and rehabilitation.

The above are some fundamental principles that the law provides for protecting the rights and dignity of a suspect or defendant. Then the foundation of those principles is described in chapter VI KUHAP, as the implementation of what is governed by the provisions of Law no. 14 of 1970 and as an implementing regulation, what is regulated in Chapter VI of the Mole is wider. Talks about the rights and position of the suspect or defendant set out in chapter VI of the KUHAP, can be grouped as follows: 1) The right of the suspect and the defendant to immediately obtain the examination, explanation of the principle of simple, quick and light judicial principles are inscribed in Article 50 KUHAP, which entitles the defendant/defendant to be lawful and legitimate rights: a) is entitled to be promptly examined by the investigator. b) has the right to appeal to the court. c) has the right to be tried and received by the court. 2) The right to defend, for the purpose of preparing the defendant's defense or defendant's law to define a number of articles, namely article 51 to Article 57 KUHAP, which may be specified: a) be entitled to be informed in clear and in a language which he or she understands about what he sees. b) Such notification right shall be made at the time of commencement of the examination against the suspect. c) the accused also has the right to be informed in clear and understandable language of what is alleged to him. d) be entitled to provide information freely at all levels of inspection. e) is entitled to an interpreter. f) is entitled to legal assistance. g) is entitled to vote independently of legal counsel. 3) The right of a suspect or defendant to be in custody, the suspect or defendant's rights being tried is the right generally to the suspect or the defendant whether in detention or outside the detention. In addition to the common rights of the suspect or accused, the law still gives the right to protect the suspect or defendant who is in detention, namely: a) be entitled to contact legal counsel. b) reserves the right to contact and to receive personal physician visits for good health benefits related to the case process or not. c) the suspect or defendant is entitled to be notified of his detention to his family or to the person with whom he or she resides. d) as long as the suspect is in detention is entitled to contact the family and obtain a visit from the family. e) be entitled directly or by an intermediary of his legal counsel to make contact with and accept his relatives, whether it be for the benefit of the case, or the benefit of the family or the benefit of his work. f) be entitled to correspondence. g) is entitled to the freedom of confidentiality of the letter. h) the suspect or defendant is entitled to contact and receive spiritual visits. 4) The right of the accused before the court hearing, in addition to the right granted to the suspect and defendant during the
process of investigation and prosecution, the Criminal Procedure Code also entitles the accused during the court hearing process, namely: a) eligible to be adjudicated at a public trial court; b) be entitled to work and propose a witness or expert. 5) The right of the accused to take advantage of legal remedies, as the law recognizes the defendant to be punished for refusing or not accept the court's ruling. Dissatisfaction with the decision gives the defendant the opportunity: a) is entitled to make natural remedies, in the form of an appeal to the High Court or appeal request to the Supreme Court; b) be entitled to make extraordinary remedies, in the form of a "Re-examination" examination of a court of law having a permanent legal force. 6) The right to seek damages and rehabilitation, the Criminal Procedure Code provides the right to the suspect and/or the defendant to demand damages and rehabilitation, if: [26] a) the arrest, detention, search or seizure conducted without lawful legal grounds, or; b) when the court ruling states that the defendant is free because the offense is not proven or the criminal act alleged to him is not a criminal offense or a violation.

2.3. Existing Implementation in Providing Free Legal Assistance to Suspects

Fulfillment of legal aid in principle has two main functions: 1) Provide protection and fulfillment of everyone's common ground upfront, including realizing a fair trial; 2) Advancing and contributing to the government's social welfare agenda and state development programs, such as welfare, labor, entrepreneurship, and ownership welfare programs.

The vision of fulfilling the right to legal aid for the poor and inadequate is to provide support to the welfare and social justice agenda implemented by the state and government. As for the schemes and the legal aid system, there are two main objectives: 1) Increasing and expanding access to justice for the poor. Hence the schemes and legal aid systems to be drawn up will not hamper or even restrict the initiative of legal aid to existing or existing poor people; 2) Ensuring legal aid is realized with the main principles that are accessible to the poor, the availability of funds, sustainable and credible. Anyone who becomes a legal aid destination in Indonesia is as follows: 1) Guaranteeing and fulfilling the rights and interests of every beneficiary of law or any person who is economically incapable of gaining access to justice; 2) To realize the constitutional right of a citizen in accordance with the principle of equality before the law and equal treatment before the law; 3) Ensuring and ensuring the implementation and provision of legal aid is implemented extensively and equally in every region or region that is Indonesia's homeland; 4) Ensure the implementation of legal aid in Indonesia is implemented and runs within the framework of integrated policy and rules; 5) Creating and ensuring the implementation and provision of legal aid is implemented in accordance with the basis of legal assistance; and 6) Effectiveness, efficiency, and accountability of judicial access;

Legal aid in the context of access to justice not only provides legal assistance to the court but also outside the courts. Not only for suspects and accused, but also for victims and groups of poor people filed a lawsuit. Legal aid also includes education for justice seekers and blind law [27]. At least they will only find out what their lawyer or legal counsel has done to informally certainly ask those who are closely related to themselves and their subjects, like people who have sought disease therapy, the consequences that may arise may be frustration, and may without any hindrance any of these frustration continues to stick in its sanity, and ultimately grow hostile or unfavorable to the court, and unfortunately to those who are litigants and those who are poor or incapacitated, the fact shows their tendency to accept only.

In developing countries, it is still difficult to find in-depth special studies that can be used as a basis for systematic analysis of the content and the formal meaning of a law concerning the problems of the poor, and especially those relating to the provision of legal services in the
judicial process [28]. Whereas many parties from some circles are equally convinced that an ineffective legal system will be a very serious obstacle to the pace of development.

3. CONCLUSIONS & SUGGESTIONS

3.1. Conclusion
• The provision of legal aid is regulated in Article 9 of Law No. 16 of 2011, and the legal aid obligations include: Recruiting advocates, paralegals, lecturers, and legal faculty members, Conducting the legal aid services, Conducting the legal counseling, legal consultation, and other program activities related to the implementation of legal aid.
• The process of granting legal aid, consisting of 2 (two) parts of non-litigation and litigation, non-litigation in the form of consultation and litigation in the form of assistance at the police and court level, the conditions and procedures for obtaining legal aid are regulated in Article 14 paragraph (1) Law Number 16 of 2011 on Legal Aid.
• Legal assistance in the context of access to justice not only provides legal assistance to the court but also outside the courts. Not only for suspects and accused, but also for victims and groups of poor people. Legal aid also includes education for justice seekers and legal blinds

3.2. Suggestions
• It should be that the requirements for receiving legal aid made by the relevant government not only with the standardization of the economic aspect alone but those with disabilities should also be noted.
• It should be that the relevant government in providing free legal aid to poor people is not restricted to the time when it is opened and when it is closed and should be enforced at any time, so whenever the community asks for legal aid can be provided free of charge by the verified institution by Department Law and Human Rights
• The Legal Aid Body should be more selective in selecting matters to be addressed, due to the extensive work of the Legal Aid Board, so there are many things to be dealt with, while the number of Legal Aid Assistants is not equal to the number of incoming cases.

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