



## Effectiveness of Legal Aid in Religious Courts

Nurfaika Ishak\*, Erlina, Nila Indah Sari

<sup>1-3</sup> Fakultas Syariah dan Hukum, UIN Alauddin Makassar, Indonesia. E-mail: nurfaika.ishak@gmail.com

### ABSTRACT

*The implementation of legal aid is one form of recognition and protection of human rights so that the need for access to justice and equality before the law can be realized. This study aims to analyze the role of legal aid institutions in religious considerations for the underprivileged and to analyze the phenomenon of supporting factors and factors that hinder the effectiveness of the implementation of the role of legal aid institutions. The approach used in this study is the legal approach because it will examine the role of legal aid institutions based on laws and regulations. The implementation of legal aid by Posbakum at the Religious Court of Selayar Islands Regency can be categorized as effective because in the last 3 years it has reached above 80% of the total number of cases received by the Court. The supporting factors for the implementation of legal aid include: the existence of regulations that serve as guidelines for implementation, the availability of adequate facilities, the establishment of cooperation between legal aid institutions, public trust, and the existence of a circuit court mechanism. Meanwhile, obstacles in the implementation of legal aid are limited resources, limited budget, and limited access for the community. The follow-up is the need to increase the quantity of human resources and increase the amount of the legal aid budget, as well as the need to carry out socialization of the existence of legal aid institutions so that the community becomes familiar with the tasks and functions of legal aid posts in the field.*

**Keywords:** Effectiveness; Legal Aid; Religious Courts.

### INTRODUCTION

The state guarantees the constitutional rights of every person to receive recognition, guarantees, protection, and certainty of fair law and equal treatment before the law as a means of protecting human rights. The state is responsible for providing legal aid to every person as a freedom of access to justice. The right to legal aid has been universally accepted as guaranteed in the International Covenant on Civil and Political Rights (ICCPR). (General Assembly resolution 2200A, n.d.) Article 16 and Article 26 of the ICCPR guarantee that everyone has the right to obtain legal protection and must be protected from all forms of discrimination. Meanwhile, Article 14 paragraph (3) of the ICCPR provides conditions related to Legal Aid, namely: 1) the interests of justice, and 2) not being able to afford an Advocate.

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia emphasizes that "Indonesia is a state of law". In a state of law, the state recognizes and protects human rights for every individual including the right to Legal Aid. The provision of Legal Aid to citizens is an effort to fulfill and at the same time as an implementation of a state of law that recognizes, protects and guarantees the human

rights of citizens regarding the need for access to justice and equality before the law. Access to obtain justice for anyone regardless of ethnicity, religion, race, and inter-group for the entire community is an absolute necessity for the implementation of a state of law.

Every citizen has the same position before the law without exception, which includes the right to be defended (access to legal counsel), treated equally in the eyes of the law (equality before the law), and justice for all (justice for all). Therefore, the constitution guarantees that every citizen who is caught up in a legal case has the right to receive guarantees and legal assistance from the State. (Sarman & Nasrin, 2022) Poor people must receive legal protection because there is equality of status for citizens before the law, there is no gap between the people and those who have money and positions where they both have the same status as citizens according to the legal system. (Dasan, 2022)

Efforts to realize justice or equality before the law, namely by providing legal assistance for every citizen involved in a legal case. (Shadikin & Dkk, 2022)

The mandate of Law Number 16 of 2018 concerning Legal Aid is to organize a legal aid program in Indonesia while providing legitimacy for the establishment of a Legal Aid Institution for the underprivileged. Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the State of Indonesia is a state of law. The provisions of the constitution in principle emphasize the obligation for Indonesia to organize or provide legal aid to the underprivileged as a form of a democratic state of law.

Next, as stated in Article 28D paragraph (1) of the 1945 Constitution, which reads, "Everyone has the right to recognition, guarantees, protection, and certainty of fair law and equal treatment before the law." (Undang-Undang Dasar 1945, n.d.) Article 28D paragraph (1) of the 1945 Constitution can be ensured to be implemented in upholding the supremacy of law for every member of society, especially in developing countries such as Indonesia. The existence of legal aid organizations is something that is very much needed to help people from lower classes in facing legal problems. (Winarta, 2009)

At the 1973 Law Asia Conference III in Jakarta, it was formulated that there are 3 functions of legal aid in developing countries, one of which is Indonesia, namely: (Irawan, 2022)

- 1) The Service Function is the Legal Service/Service Function in providing a service to the poor to obtain legal compensation and resolution of legal problems in regulations that are equal to other members of society.
- 2) The Information Function is an Informative Function that helps the general public to realize their legal rights. The existence of a legal aid program is expected to spur the level of legal awareness to a higher level.
- 3) The Reform Function is a Reformative Function if carried out properly and responsibly, the role of legal aid will be useful in the process of legal reform.

It is clear that legal aid has an important function for the poor as a means of providing legal services to the poor to obtain their constitutional rights, providing information

related to the law so that the community has awareness, and as a means of carrying out reforms

## **METHOD**

This research is a descriptive study that analyzes and describes the role of legal aid institutions in religious courts for the underprivileged. Furthermore, the analysis of the phenomenon of supporting factors and factors that hinder the effectiveness of the implementation of the role of legal aid institutions will be studied. The approach used in this study is a legal approach because it will examine the role of legal aid institutions based on laws and regulations. In addition, a case approach will also be carried out by finding and analyzing cases related to the handling of cases by legal aid institutions at the Religious Court of Selayar Islands Regency. In conducting data analysis, the method used is a qualitative method that is normative juridical and empirical sociological in nature by managing, analyzing, and describing the results and discussion of the research by describing and explaining the phenomena that occur in the field and are related to the research issues being studied. Interpretation of the field data found is then linked to previous research, and theories, concepts, and existing legal regulations.

## **DISCUSSION**

This section is the most important section of your article. The analysis or results of the research should be clear and concise. The results should summarize (scientific) findings rather than providing data in great detail. Please highlight differences between your results or findings and the previous publications by other researchers.

### **Implementation of legal aid at the Selayar Religious Court**

Those who are entitled to receive services from the Legal Aid Post of the Selayar Religious Court are people who cannot afford to pay for legal services, especially women and children and people with disabilities according to applicable laws and regulations, both as plaintiffs/applicants and defendants/respondents. The legal assistance provided is in the form of consultations, lawsuit services, and application services.

Legal aid providers must meet the following criteria: be a legal entity, be accredited, have a permanent office or secretariat, have administrators, and have a legal aid program.

Requirements and Mechanisms for obtaining legal aid:

1. Submit a written/verbal application containing at least the Applicant's identity and a brief explanation of the main problem for which Legal Aid is requested, by filling out the form provided.
2. Submit documents relating to the case.
3. Attach a certificate of poverty from the village head, village chief, or official of the same level at the residence of the Legal Aid Applicant; or - Other Social Allowance Certificates such as Poor Family Card (KKM), Community Health

Insurance Card (Jamkesmas), Family Hope Program Card (PKH), and Direct Cash Assistance Card (BLT); or a Statement of inability to pay for legal services made and signed by the Legal Aid Applicant and acknowledged by the Head of the Selayar Religious Court.

The following is data on cases received by the Selayar Religious Court in the last few years, sorted by case type,

**Table 1:** Number of cases received by the Selayar Religious Court in 2021-2023

| No | Type of Case                           | 2021 | 2022 | 2023 | 2024 |
|----|--|------|------|------|------|
| 1  | Polygamy Permit                        | -    | -    | 0    | 0    |
| 2  | Marriage Permit                        | -    | -    | 0    | 0    |
| 3  | Marriage Dispensation                  | 1    | 1    | 4    | 0    |
| 4  | Marriage Prevention                    | -    | -    | 0    | 0    |
| 5  | Rejection of Marriage by PPN           | -    | -    | 0    | 0    |
| 6  | Annulment of Marriage                  | -    | -    | 0    | 0    |
| 7  | Negligence of Husband/Wife Obligations | -    | -    | 0    | 0    |
| 8  | Divorce                                | 39   | 47   | 40   | 31   |
| 9  | Divorce Lawsuit                        | 121  | 138  | 122  | 101  |
| 10 | Joint Property                         | 3    | 2    | 2    | 0    |
| 11 | Control of Children                    | 1    | 1    | 0    | 0    |
| 12 | Maintenance by Mother                  | -    | -    | 0    | 0    |
| 13 | Rights of Ex-Wife                      | -    | -    | 0    | 0    |
| 14 | Child Legitimation                     | -    | -    | 0    | 0    |
| 15 | Revocation of Parental Authority       | -    | -    | 0    | 0    |
| 16 | Guardianship                           | 3    | 4    | 7    | 2    |

|       |   |     |     |     |      |
|-------|---|-----|-----|-----|------|
| 17    | Revocation of Guardianship                | -   | -   | 0   | 0    |
| 18    | Appointment of Other Persons as Guardians | -   | -   | 0   | 0    |
| 19    | Compensation for Guardians                | -   | -   | 0   | 0    |
| 20    | Origin of Children                        | -   | -   | 1   | 1    |
| 21    | Rejection of Mixed Marriage               | -   | -   | 0   | 0    |
| 22    | Istbat Nikah                              | 35  | 44  | 60  | 58   |
| 23    | Adhol Guardian                            | 2   | 1   | 3   | 1    |
| 24    | Sharia Economics                          | -   | -   | 0   | 0    |
| 25    | Inheritance                               | 4   | 3   | 7   | 1    |
| 26    | Wills                                     | -   | -   | 0   | 0    |
| 27    | Waqf                                      | -   | -   | 0   | 0    |
| 28    | Zakat/Infaq/Sadaqah                       | -   | -   | 0   | 0    |
| 29    | Determination of Heirs                    | 19  | 13  | 14  | 14   |
| 30    | P 3 H P                                   | -   | -   | 0   | 0    |
| 31    | Derden Verzet                             | -   | -   | 0   | 0    |
| 32    | Others                                    | 4   | 1   | 1   | 0    |
| Total |   | 232 | 255 | 261 | 209* |

*Source: Selayar Religious Court*

\* Total of cases received by the Selayar Religious Court as of September 20th, 2024

The data on the number of cases received through the Posbakum are:

**Table 2:** Number of cases received through Posbakum in 2021

| No    | Month     | Number of Parties Served         |
|-------|-----------|----------------------------------|
| 1     | January   | 13 cases/ 13 hours of service    |
| 2     | February  | 12 cases / 22 hours of service   |
| 3     | March     | 27 cases / 30 hours of service   |
| 4     | April     | 5 cases / 11 hours of service    |
| 5     | May       | 13 cases / 16 hours of service   |
| 6     | June      | 22 cases / 23 hours of service   |
| 7     | July      | 11 cases / 8 hours of service    |
| 8     | August    | 19 cases / 19 hours of service   |
| 9     | September | 12 cases / 12 hours of service   |
| 10    | October   | 14 cases / 14 hours of service   |
| 11    | November  | 16 cases / 14 hours of service   |
| 12    | December  | 6 cases / 6 hours of service     |
| Total |           | 195 cases / 195 hours of service |

Source: Posbakum/LBH Panji - PA Selayar

**Table 3:** Number of cases received through Posbakum in 2022

| No | Month    | Case Served |         |       |
|----|----------|-------------|---------|-------|
|    |          | Application | lawsuit | Total |
| 1  | January  | 7           | 24      | 31    |
| 2  | February | 2           | 16      | 18    |

|       |           |    |    |     |
|-------|-----------|----|----|-----|
| 3     | March     | 2  | 30 | 32  |
| 4     | April     | 20 | 10 | 30  |
| 5     | May       | 0  | 22 | 22  |
| 6     | June      | 2  | 14 | 16  |
| 7     | July      | 6  | 12 | 18  |
| 8     | August    | 2  | 19 | 21  |
| 9     | September | 3  | 9  | 12  |
| 10    | October   | 12 | 10 | 22  |
| 11    | November  | 2  | 13 | 15  |
| 12    | December  | 0  | 4  | 4   |
| Total |           |    |    | 241 |

Source: Posbakum/LBH Panji - PA Selayar

**Table 4:** Number of cases received through Posbakum in 2023

| No | Month    | Case Served |         |       |
|----|----------|-------------|---------|-------|
|    |          | Application | lawsuit | Total |
| 1  | January  | 0           | 3       | 3     |
| 2  | February | 5           | 11      | 16    |
| 3  | March    | 0           | 3       | 3     |
| 4  | April    | 0           | 1       | 1     |
| 5  | May      | 31          | 29      | 60    |
| 6  | June     | 14          | 13      | 27    |

|       |           |    |     |     |
|-------|-----------|----|-----|-----|
| 7     | July      | 6  | 21  | 27  |
| 8     | August    | 6  | 16  | 22  |
| 9     | September | 4  | 12  | 16  |
| 10    | October   | 6  | 15  | 21  |
| 11    | November  | 1  | 9   | 10  |
| 12    | December  | 2  | 9   | 11  |
| Total |           | 75 | 142 | 217 |

Source: Posbakum/ LBH Panji - PA Selayar

**Table 5:** Number of cases received through Posbakum as of August 31st, 2024

| No    | Month    | Case Served |         |       |
|-------|----------|-------------|---------|-------|
|       |          | Application | lawsuit | Total |
| 1     | January  | 0           | 5       | 5     |
| 2     | February | 14          | 6       | 20    |
| 3     | March    | 3           | 12      | 15    |
| 4     | April    | 1           | 10      | 11    |
| 5     | May      | 1           | 14      | 15    |
| 6     | June     | 27          | 33      | 60    |
| 7     | July     | 6           | 15      | 21    |
| 8     | August   | 5           | 15      | 20    |
| Total |          | 57          | 110     | 167   |

Source: Posbakum/ LBH Panji - PA Selayar

Summary of data on the number of cases received by the Selayar Religious Court and data on the number of cases that went through the Selayar Religious Court's Posbakum in the last few years:

**Table 6:** Total of Case Received by PA Selayar and Posbakum 2021-2024

| Number of Cases Received |          | Year |
|--------------------------|----------|------|
| PA Selayar               | Posbakum |      |
| 232                      | 195      | 2021 |
| 255                      | 241      | 2022 |
| 261                      | 217      | 2023 |
| 209*                     | 167**    | 2024 |

*Source: Authors's processing results*

\* Total of cases received by the Selayar Religious Court as of September 20th, 2024

\*\* Total of cases received through Posbakum as of August 31st, 2024

It can be concluded that in 2021, the number of cases received at the Selayar Religious Court was 84% through the posbakum, in 2022 the number of cases received at the Selayar Religious Court was 94.5% through the posbakum, in 2023 the number of cases received at the Selayar Religious Court was 83% through the posbakum, and temporary data in 2024 the percentage of cases received at the Selayar Religious Court that went through the posbakum was 79.9%. That if the indicator of the size/percentage of the number of cases through the posbakum is used as a benchmark for the effectiveness of legal aid institutions, in this case LBH Panji, then this can be categorized as effective because in the last 3 years it has reached above 80% of the total number of cases received by the Selayar Religious Court.

### **Supporting factors and inhibiting factors to the implementation of legal aid at the Selayar Religious Court**

#### **Supporting Factors**

Five factors support the implementation of legal aid, namely:

1. Rules that serve as guidelines for implementation

The legal basis for providing legal aid for the underprivileged is based on the following provisions:

- a. Article 28D paragraph (1) of the 1945 Constitution, which states "Everyone has the right to recognition, guarantee, protection, and certainty of fair law

and equal treatment before the law". The right to obtain legal certainty is a basic right for someone who is experiencing legal problems. Receiving legal aid is a manifestation of the principle of equality before the law.

- b. Law Number 18 of 2003 concerning Advocates, after the enactment of the regulation of Law Number 18 of 2003 concerning Advocates, one of the obligations of advocates is to provide free legal aid to justice seekers who are underprivileged.
- c. Law Number 48 of 2009 concerning Judicial Power Article 4 number (1) states that "The courts judge according to the law without discriminating against people". Law No. 48 of 2009 concerning Judicial Power also regulates the principles of access to justice which is one of the important reasons for the existence of legal aid for people who are unable and/or blind to the law.
- d. Law Number 16 of 2011 concerning Legal Aid regulates the provision of legal aid for people who are unable to guarantee and fulfill the constitutional rights of legal aid recipients in obtaining access to justice.
- e. Government Regulation Number 42 of 2013 concerning the Requirements and Procedures for the Provision of Legal Aid and Distribution of Legal Aid Funds. This regulation explains in detail the implementation of the Legal Aid Law including the criteria for legal aid recipients and the requirements and procedures for obtaining legal aid

## 2. Adequate facilities

Availability of facilities and infrastructure at the Selayar Religious Court to support the implementation of legal aid for the community such as:

- a. The existence of Posbakum (Legal Aid Post), which in this case at the Selayar Religious Court is filled by the Panji Legal Aid Institute.  
Posbakum is a legal aid institution that cooperates with the state/facilitated by the state through religious courts whose task is to provide free legal aid to the underprivileged community.  
Posbakum Court provides services in the form of: providing information, consultation or legal advice; assistance in making the required legal documents; 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 who can provide free legal aid.
- b. Integrated One-Stop Service (PTSP)  
PTSP is a judicial administration service that is connected/integrated throughout the service process by prioritizing fast, easy, transparent, and measurable services according to established standards through one door. At PTSP, the community can request the information they need, make complaints, and process cases, from registration to decision-making. PTSP also aims to provide excellent, accountable, and anti-KKN (corruption, collusion, and nepotism) services.  
The scope of PTSP includes all administrative services that are the authority of the religious courts as regulated in Attachment IV of the Decree of the

Chief Justice of the Supreme Court Number 026/KMA/SK/II/2012 dated February 9, 2012 concerning Judicial Service Standards. This PTSP is implemented by implementing the principles of integration; effective, efficient, economical; coordination; accountability; and accessibility.

- c. Adequate electronic devices and office equipment that support the implementation of legal aid.
3. Cooperation and support from the court  
Cooperation and support from religious courts for posbakum is crucial to the success of implementing legal aid for the underprivileged. This cooperation was marked by the signing of a Cooperation Agreement between the Selayar PA and the Panji Legal Aid Institute based on Supreme Court Regulation Number 1 of 2014 concerning Guidelines for the Provision of Legal Services for the Underprivileged in Court.
  4. Public trust  
That the community has confidence in the credibility of legal services in providing legal assistance/aid to solve problems. The poor can be helped by the existence of these legal services which aim to:
    - a. Lighten the burden of costs that must be borne by the economically disadvantaged in the Court;
    - b. Increase access to justice for people who have difficulty or are unable to reach the Court building due to cost, physical or geographical limitations;
    - c. Provide opportunities for people who cannot access legal consultations to obtain information, consultations, advice, and document preparation in undergoing legal processes in the Court;
    - d. Increase public awareness and knowledge about the law through appreciation, provision and protection of its halal and obligations; and
    - e. Provide excellent service to people seeking justice.
  5. Traveling courts on the islands  
The Selayar Religious Court provides mobile court services to the islands/ which are carried out outside the court building which are intended for people who have difficulty coming to the court office due to distance, transportation and costs. This trial processes cases such as:
    - a. Marriage confirmation: validation/registering of marriage for marriages that are not registered at the KUA;
    - b. Divorce lawsuit: divorce lawsuit filed by the wife;
    - c. Divorce and talak: divorce application filed by the husband;
    - d. Merging Itsbat and divorce lawsuit/divorce and talak cases if the marriage is not registered and will file a divorce application.
    - e. Child custody: Lawsuit or application for custody of minor children; and
    - f. Determination of heirs: Application to determine legitimate heirs.

This trial is carried out for example in village halls, sub-district offices, KUA offices, or public facilities that are easily accessible to people who live far from the court office.

### **Inhibiting Factors**

#### **1. Limited resources**

One of the inhibiting factors in the implementation of legal aid by LBH, in this case the Panji Legal Aid Institute in collaboration with the Selayar Religious Court is the limited human resources of LBH. Based on the results of the interview, it was found that the number of staff working on behalf of LBH Panji in providing legal aid services to the community was only 1 person. Legal aid services with a lack of resources (staff) who deal directly with the community will of course have an impact on the less than optimal implementation of legal aid.

#### **2. Budget limitations**

The legal aid budget is the allocation of the Legal Aid Provision Budget to Legal Aid Providers who have passed the verification and accreditation determined by the Minister as a reference for the implementation of Legal Aid. The source of funding for the implementation of legal aid is charged to the APBN, in addition it can also come from grants or donations; and/or other legitimate and non-binding funding sources.

#### **3. Access for the community**

Selayar is one of the areas of the Selayar Islands Regency in the South Sulawesi Province. The Selayar Islands Regency itself consists of several small islands with Selayar Island as the largest area (2000 km<sup>2</sup>).

The sub-districts in the Selayar Islands Regency include Benteng District, Bontoharu District, Bontomanai District, Bontomatene District, Bontosikuyu District and Buki District. Some of these sub-districts are on Selayar Island and some are located on the small islands around it.

The Class II Selayar Religious Court serves 11 sub-districts (5 sub-districts on the main island, and 6 sub-districts outside the main island), including:

- a. Benteng Sub-district
- b. Bontoharu Sub-district
- c. Bontomanai Sub-district
- d. Buki Sub-district
- e. Bontomatene Sub-district
- f. Bontosikuyu Sub-district
- g. Pasimasunggu Sub-district
- h. East Pasimasunggu Sub-district
- i. Taka Bonerate Sub-district
- j. Pasimarannu Sub-district
- k. Pasilambena Sub-district

54% of sub-districts included in the Selayar Religious Court area are located on different islands so that public access to the court is limited due to the limited

mode of transportation used (boat/ship). Limited public access to visit the religious court automatically has an impact on the limited opportunities for the public to obtain legal aid services.

In addition, the lack of public knowledge about the existence of posbakum in providing free legal aid for the poor is also a reason that hinders the implementation of this legal aid.

### **Islamic Law Perspective on the Role of Legal Aid Institutions for the Community**

In the Qur'an, the terms commonly used in referring to Islamic law are sharia and fiqh. Etymologically, the word law comes from the Arabic root word, namely hakama-yahkumu, whose mashdar form is hukman. The word al-hukmu is the singular form of the plural form al-ahkam. So the root of hakama then becomes the word al-hikmah which means wisdom.(Mardani, 2015) Law is wisdom that provides benefits for humanity.

In Islam, legal aid is not as simple as it is thought in the Western context. The term legal aid in the Islamic perspective is close in meaning to a lawyer, but also close in meaning to law enforcement. To achieve justice, Islam never limits everyone from getting that justice by guaranteeing the rights that exist in every person so that providing legal aid to the underprivileged is mandatory to guarantee the rights inherent in them.(Salda et al., 2020) The right of every person to be able to obtain justice and not be discriminated against due to economic limitations, for example.

In community life, upholding justice is important to achieve a high and dignified national civilization. Allah commands humans to be fair in deciding a problem and when giving testimony. Justice can be seen when law enforcers decide on a justice that makes society calm and peaceful and be able to have a positive impact on public opinion that the decisions made by law enforcers are fair. There are five things that must be protected in the enforcement of Islamic law, namely:(Muhammad et al., 2023)

1. Protecting religion
2. Protecting souls
3. Protecting descendants
4. Protecting reason
5. Protecting property

Helping someone who needs legal assistance is a command that has long been ordered by Him in QS al-Maidah: 2 Allah SWT says:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحِلُّوا شَعَائِرَ اللَّهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَائِدَ وَلَا  
أَمْيِنَ الْبَيْتِ الْحَرَامِ يَبْتَغُونَ فَضْلًا مِّن رَّبِّهِمْ وَرِضْوَانًا وَإِذَا حَلَلْتُمْ فَاصْطَادُوا وَلَا  
يَجْرِمَنَّكُمْ شَنَا نُ قَوْمٍ أَن صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَن تَعْتَدُوا وَتَعَاوَنُوا عَلَى الْبِرِّ  
وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Translation:

"And help each other in doing good deeds and piety, and do not help each other in committing sins and hostility. Fear Allah, surely Allah is severe in punishment."

From this verse it can be understood that helping each other is a command that has existed since ancient times in Islam. Therefore, legal aid must be carried out because religion commands us all to help each other as fellow human beings. Free legal aid services in providing assistance to the poor/unfortunate are an implementation of the command of Allah SWT, namely helping each other in doing good deeds and piety.

Another verse of the Qur'an that is also related to providing fair legal aid is explained in QS an-Nisa: 135 Allah SWT says:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ أَوِ الْوَالِدِينَ  
وَالْأَقْرَبِينَ ۚ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا ۖ فَلَا تَتَّبِعُوا الْهَوَىٰ أَن تَعْدِلُوا ۗ وَإِن  
تَلَّوْا أَوْ تُعْرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

Translation:

"O you who believe, be upholders of justice as witnesses for Allah, even if it is against yourselves or your parents and relatives, if he (the accused) is rich or poor, then Allah knows best the interests (goodness). So do not follow your desires because you want to deviate from the truth. And if you twist (words) or are reluctant to be witnesses, then know that Allah is All-Knowing of what you do."

Ibn Athiyah's explanation in this verse is whoever acts justly and upholds justice and becomes a good witness, namely giving a statement to someone with honest words and not being unjust by following his desires, then Allah SWT gives him worldly rewards and gives him what he wants in the hereafter. Islam never limits anyone from achieving justice, by providing legal assistance to those who need legal assistance, it has lightened the burden on them, no matter how small it is, both financially and knowledge. Furthermore, the content of the verse above can be interpreted as an order to be able to act fairly and uphold justice and to be able to provide true, honest, and non-oppressive testimony to fellow human beings. Legal aid services are a form of enforcing justice for people who need help in solving problems/cases.

## CONCLUSION

The percentage of cases received by the Selayar Religious Court in 2021 was 84% through posbakum, in 2022 it was 94.5%, in 2023 it was 83% and temporary data in 2024 the percentage of cases received by the Selayar Religious Court that went through posbakum was 79.9%. If the indicator of the size/percentage of the number of cases that went through posbakum is used as a benchmark for the effectiveness of

legal aid institutions, in this case LBH Panji, then it can be categorized as effective because in the last 3 years it has reached above 80% of the total number of cases received by the Selayar Religious Court.

Several supporting factors for the implementation of legal aid include: the existence of regulations that serve as guidelines for implementation, the availability of adequate facilities, the establishment of cooperation between the court and legal aid institutions, public trust, and the existence of a mobile court mechanism. The obstacles in the implementation of legal aid are limited resources, limited budget, and limited access for the community.

Legal aid services in providing assistance to the poor/underprivileged community is an implementation of the command of Allah SWT, namely helping each other in carrying out good deeds and piety as stated by Allah in QS Al-Maidah: 2. Furthermore, in QS Al-Nisa: 135, it can be interpreted as an order to be able to act fairly and uphold justice and to be able to provide true, honest, and non-oppressive testimony to fellow human beings. Legal aid services are a form of enforcing justice for people who need help in solving problems/cases. The next step is the need to increase the quantity of human resources and increase the amount of the legal aid budget, as well as the need to socialize the existence of legal aid institutions that work together with the courts in providing and assisting legal aid for the underprivileged community so that the community becomes familiar with the duties and functions of the legal aid post in the court.

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