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Free Legal Aid to Realize Access to Law and Justice for Vulnerable Citizens (A Comparative Study of Indonesia and Thailand)

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Abstract

Fulfilling the right to legal aid requires services that address the economic, social, and institutional barriers faced by vulnerable citizens. This study examines Legal Aid Institute (LBH) services in Indonesia specifically in Semarang and Kudus, Central Java and the Muslim Attorney Center Foundation (MAC) in Yala, Southern Thailand, which assists the Malay Muslim minority in Pattani and Yala in navigating security and emergency laws. The research employs qualitative methods, a descriptive analytical approach, and functional legal comparison. Data were gathered through document analysis and 2024 interviews with 26 informants, including representatives from the Central Java Regional Office of the Ministry of Law and Human Rights, LBH and MAC

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lawyers, and legal aid recipients. The study covers Indonesia's Legal Aid Law, the Thai Constitution, the Justice Fund Act, and Islamic family and inheritance laws in Southern Thailand. While services in Semarang and Kudus benefit from state accreditation and funding, they face challenges regarding administration, limited budgets, and the imposition of costs on recipients. MAC's community-based approach in Thailand facilitates access for the Malay Muslim minority and their families while fostering trust; however, language barriers, resource constraints, and difficulties in accessing detainees held under security and emergency laws limit the scope of assistance. Findings from both regions highlight the need for sustainable funding, service oversight, and more accessible procedures, alongside strengthened community-based approaches and legal assistance from the onset of detention. This research provides a foundation for improving legal aid services by linking institutional governance with recipient experiences, ensuring services are more responsive to the needs of vulnerable citizens and that assistance remains available for as long as it is required.

Keywords: *Free legal aid, vulnerable communities, Indonesia, Thailand.*

A. Introduction

Access to justice requires citizens' ability to understand their rights, obtain assistance, and use legal mechanisms effectively. Free legal aid is an important means of reducing cost barriers, but the availability of services does not guarantee that those in need can access them. The research question lies in the relationship between legal aid institutional arrangements and the service's ability to respond to the vulnerability of its recipients. Therefore, evaluation of legal aid needs to consider access requirements, the capacity of the provider, and the legal environment in which the service is provided.[1] In this study, vulnerable groups encompass individuals experiencing severe socio-economic distress,

[1] Arifin Faqih Gunawan Sri Yuliana, Muhamad Adystia Sungga Yang Meliana, "Implementation and Provision of Legal Aid for the Underprivileged," *Media Bhakti Law Journal* 19, no. 2 (2021): 143.

leaving them acutely exposed to procedural injustice and fundamental human rights violations.[2] The research focused on vulnerable citizens accessing the Legal Aid Institute (LBH) in Central Java and the Malay Muslim community receiving assistance from the Muslim Attorney Center Foundation (MAC) in Southern Thailand.

Indonesia and Thailand offer divergent regulatory paradigms to a shared dilemma: securing effective legal assistance for disenfranchised citizens. In Indonesia, Law No. 16 of 2011 codifies legal aid as a state-subsidized mandate administered through officially accredited civil society organizations. Southern Thailand, by contrast, relies primarily on independent community advocacy spearheaded by the Muslim Attorney Center Foundation (MAC) amidst specialized security legislation. This comparative inquiry examines service patterns across Central Java and Southern Thailand through their respective jurisdictional frameworks.

Both models invite comparison because they pursue the same core function: helping citizens overcome barriers to legal protection. The analysis compares functional performance rather than organizational size or formal authority, examining intake rules, application routes, staffing, institutional autonomy, and procedural safeguards.

In Central Java, 2024 administrative records from the Regional Office of the Ministry of Law and Human Rights reflect a total of 1,404 legal aid applications submitted across 60 accredited LBHs, comprising 1,083 litigation cases and 321 non-litigation matters. Litigation cases account for approximately 77.1 percent of all applications, underscoring heavy demand for courtroom advocacy, legal counsel, and continuous representation, whereas non-litigation requests reflect the need for legal assistance outside court. To clarify the composition, Figure 1 presents both categories of applications through accredited LBH in Central Java as following:

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2 Syadza Alifa and Arif Wibowo, "The Role of Vulnerable Groups in Disaster Management and Disaster Risk Reduction in Disaster Resilient Villages (Descriptive Study of the Disaster Resilient Village Task Force in Gunung Geulis Village, Sukaraja District, Bogor Regency)," *Journal of Social Welfare Sciences* 16, no. 1 (2015): 20.



Figure 1. Application for legal aid through accredited LBH in Central Java
Source: Ministry of Law of Central Java

Listing 60 accredited LBHs in administrative records does not prove that services are adequate. While simple division suggests roughly 23.4 applications per organization, that average obscures geographic gaps, heavy case complexity, and attorney shortages. Aggregate filings also do not show how many distinct individuals secured relief or had their cases resolved. Evaluating the network requires examining geographic coverage, rejection rates, processing times, and case outcomes.

In contrast to this context, assistance in Southern Thailand takes place within a security law environment, including the Martial Law Act 1914, the Emergency Decree 2005, and the Internal Security Act 2008. This context makes protection during arrest and detention a crucial dimension of access to justice.[3] MAC intake data from January through October 2024 documents 50 requests for legal assistance concerning national security and terrorism allegations. This figure highlights the

[3] Frank W. Munger, "Globalization through the Lens of Palace Wars: What Elite Lawyers Careers Can and Cannot Tell Us about the Globalization of Law," *Law & Social Inquiry* 36, no. 2 (2012): 468–97.

need for assistance in security matters as a research focus. Figure 2 shows the MAC recording categories to help understand the types of issues that require legal intervention.

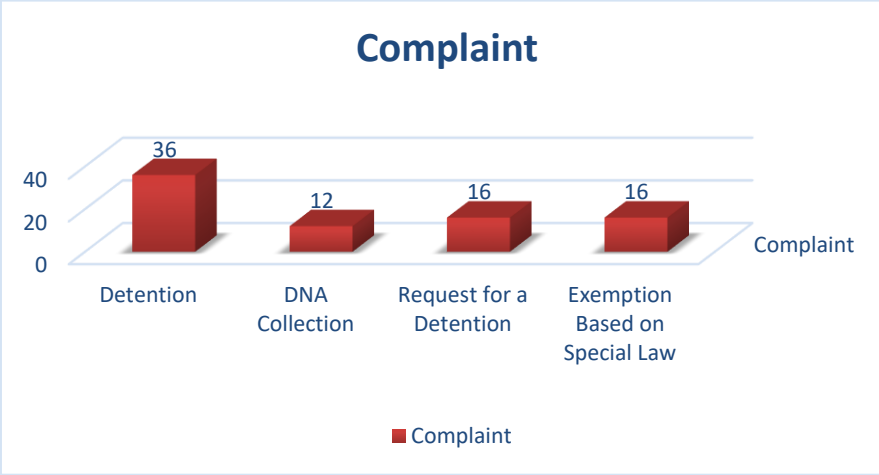


Figure 2. Categories of complaints and applications recorded by MAC
Source: MAC (Muslim Attorney Center Foundation), Yala, Thailand

Figure 2 shows that detention was the most common complaint category recorded by MAC, with 36 complaints, followed by DNA sampling with 12 records, detention requests with 16 records, and release under special laws with 16 records. The predominance of detention issues demonstrates the importance of assistance to ensure that the grounds and procedures for detention are verified and that citizens' rights are protected. Recording DNA sampling also draws attention to rights protection in the evidence gathering process.

The key question is how differing legal environments create access barriers for claimants. Simple lists of statutes or provider counts do not explain client experiences. This study examines client vulnerability across two core questions: first, how do accredited Indonesian LBHs in Semarang and Kudus, alongside MAC in Southern Thailand, deliver legal aid to vulnerable residents; and second, what practical and institutional obstacles do these communities encounter when seeking protection? This research contributes to formulating improvements to legal aid services that meet the needs of vulnerable citizens. This focus

is outlined in the title "Free Legal Aid to Realize Access to Law and Justice for Vulnerable Citizens: A Comparative Study of Indonesia and Thailand."

The research gap addressed is how differences in institutional and legal contexts shape barriers to access for legal aid recipients. Descriptions of the legal basis, number of institutions, and volume of applications do not yet explain this relationship. This study links recipient vulnerability to service mechanisms in two cases through the same comparative dimensions. Thus, the discussion is directed beyond the existence of the program to issues of affordability, continuity of assistance, and rights protection. This focus allows for an analysis of the differences between the two models without neglecting their respective social and legal conditions. The comparison considers the service provider's relationship with the state and community, as both can influence recipient trust, ease of seeking assistance, and the space provided by the advocate to advocate for their rights in everyday practice.

This study employs qualitative methods based on empirical observation[4] combined with a functional and comparative legal analysis to examine the implementation of free legal aid, barriers to access, and service improvements across accredited LBHs in Central Java and the Muslim Attorney Center Foundation (MAC) in Southern Thailand.[5] Field research was conducted at LBH Law and Justice Semarang and two LKBHs in Kudus from October 10 to 17, 2024, and at MAC in Yala from August 16 to 27, 2024. The research involved 26 informants: 9 advocates (3 each in Semarang, Kudus, and Southern Thailand), 15 legal aid recipients (10 in Central Java and 5 in Southern Thailand), and 2 representatives from the legal aid division of the Central Java Regional Office of the Ministry of Law and Human Rights. Informants were selected purposively based on their involvement as providers, managers, or recipients of legal aid. Data were collected through field

4 A. Muri Yusuf, "Research Methods: Quantitative, Qualitative, and Combined Methods" (Jakarta: Kencana, 2014), 18.

5 Ariesto Hadi Sutopo and Adrianus Arief, "Skilled in Processing Qualitative Data with NVIVO" (Jakarta: Kencana Prenada Media Group, 2010), 20.

studies, direct interviews, and document studies. Documentary materials include institutional data regarding requests for legal aid and the 1945 Constitution of the Republic of Indonesia, specifically Article 27 paragraph (1) and Article 28D paragraph (1), about Legal Aid, and the regulatory hierarchy concerning persons with disabilities begins with Law No. 8 of 2016, which is further elaborated through Government Regulation No. 42 of 2020 and Government Regulation No. 52 of 2019, subsequently translated into regional regulations.[6] PP Number 42 of 2013 regarding the Terms and Procedures for Providing Legal Aid and Distributing Legal Aid Funds and Article 68 of the Constitution of the Kingdom of Thailand 2017, Justice Fund Act BE 2558 (2015), Martial Law Act 1914, Emergency Decree 2005, and Internal Security Act 2008 for the Thai context.

The analysis was conducted descriptively comparative by grouping informant statements and documentary materials into themes of service implementation, access barriers, and improvement efforts.[7] Each case is first examined and then compared based on recipient requirements, application pathways, resources, advocacy independence, and procedural safeguards. The analysis connects the perspectives of providers, recipients, and governments to understand the relationship between institutional arrangements and access experiences, while distinguishing legal criteria for recipients from vulnerabilities resulting from economic, social, language, legal knowledge, and exposure to conflict.[8]

B. Free Legal Aid Program in Covering and Meeting the Needs of Vulnerable Citizens in Indonesia and Thailand

6 Legal Reform et al., "Disability Law Reform in Indonesia : Analyzing Policy Gap Implementation in Kudus Regency," *Journal of Law and Legal Reform* 6, no. 3 (2025): 1464, https://doi.org/https://doi.org/10.15294/jllr.v6i3.24260.

7 Konrad et Hein Kotz Zweigert, "An Introduction to Comparative Law (3rd Ed.)" (Oxford University Press, 1998), 28.

8 Rahmat Kriyanto, "Practical Communication Research Techniques" (Jakarta: Kencana Prenada Media Group, 2012), 23.

Article 27 paragraph (1) of the 1945 Constitution emphasizes that every citizen has equal standing before the law and the government, and is obliged to obey both without exception.[9] This reflects the principle of legal equality that applies to all citizens regardless of background such as race, religion, social status, education, or place of birth. This means that both those in power and those less fortunate must be treated equally in the legal system, including in terms of gender equity and protection for vulnerable groups such as people with disabilities, the poor, and minorities.

In this context, free legal aid is a concrete manifestation of equal justice, especially for socially disadvantaged groups. In Indonesia and Thailand, free legal aid programs play a crucial role in providing access to justice for vulnerable groups. In Indonesia, this program is regulated by Law No. 16 of 2011, which requires the state to provide free legal aid services to the poor through collaboration between the government, legal aid organizations, and advocates. Services provided include legal consultation, court representation, and mediation, particularly for criminal, civil, and administrative cases involving the poor.[10]

1. Free Legal Aid in Indonesia: Legal Basis and Implementation Challenges

Free legal aid is an instrument for fulfilling the right to access to justice. Its constitutional basis rests on Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia concerning fair legal certainty and equality before the law, read together with Article 28H paragraph (2) concerning convenience and special treatment and Article 28I paragraph (4) concerning the state's responsibility in fulfilling human rights. Within this framework, Law No. 16 of 2011 concerning

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9 MK RI, "The 1945 Constitution of the Republic of Indonesia," 1 § (1945), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mkri.id/public/content/infoumum/regulation/pdf/UUD45 ASLI.pdf.

10 Elisa and Febri Handayani, "The Effectiveness of Legal Aid in Ensuring Access to Justice for the Poor," *Jurnal Cahaya Hukum Nusantara* 1, no. 1 (2025): 41–42.

Legal Aid regulates services for poor people or groups of people, with implementation and funding procedures through Government Regulation No. 42 of 2013 and Ministerial Regulation No. 10 of 2015 as amended by Ministerial Regulation No. 63 of 2016. Services for the underprivileged in court are regulated in PERMA No. 1 of 2014. This series of regulations places legal aid as an institutional obligation that must result in real access to services, not just formal recognition of equality. Access to justice to obtain a fair trial is considered an indispensable element of the rule of law recognized as a constitutional right.[11]

The scope of legal aid based on Article 4 and Article 5 of Law No. 16 of 2011 includes criminal, civil and state administrative cases, both through litigation and non-litigation. Assistance (such as legal counseling, mediation, or out-of-court legal consultation) is provided to recipients who meet the criteria for economic incapacity.[12] The law does not establish a general exception for corruption and terrorism cases. Therefore, eligibility should not be determined solely based on the type of crime. Non-litigation legal assistance is not limited to dispute resolution but can include consultation, outreach, and legal empowerment. The choice of services must be tailored to the needs of the case. Criminal legal assistance cannot be deferred on the rationale that courtroom advocacy represents a measure of last resort. An ideal state governed by law embodies three core principles: legal supremacy, universal equality before the law, and procedural due process.[13]

Persons with disabilities constitute a vulnerable group entitled to specialized legal protections.[14] Access for persons with disabilities is

11 Andros Timon, "Responsibility of Local Governments in Providing Legal Aid to the Poor," *Suara Khatulistiwa Journal of Government Science* 6, no. 2 (2021): 160–74, https://doi.org/10.33701/jipsk.v6i2.1859.

12 Bambang Sutiyoso, "Arbitration Law and Alternative Dispute Resolution" (Yogyakarta: Gama Media, 2008), 18.

13 Mas Achmad Santosa Asfinawati, "Legal Aid for Marginalized Communities: Access to Justice: Historical Review, Concept, Policy, Implementation and Comparison in Various Countries," in *LBH Jakarta* (Jakarta, 2007), 56.

14 Andrie Irawan and Muhammad Haris, "The Urgency of Regional Regulations on Legal Aid for the Poor and Vulnerable Groups in the Special Region of

governed by the Convention on the Rights of Persons with Disabilities (CRPD), ratified through Law No. 19 of 2011. Article 13 of the CRPD requires effective access to justice, including procedural accommodations and age-appropriate adjustments. Consequently, waiving legal fees is insufficient if forms, communication with officials, or the examination process remain inaccessible. Therefore, assessing communication and assistance needs must be part of the service. Disability status should not be equated with poverty. The recipient criteria under the Legal Aid Law and the need for accommodation are two interrelated issues, but they have different assessment bases. As part of its human rights commitments, Indonesia ratified the CRPD, underscoring the state's obligation to respect, protect, and fulfill the rights of persons with disabilities to improve their quality of life.[15]

In the context of research conducted by researchers at the Semarang Regional Office of the Ministry of Law and Human Rights (Kemenkumham) in 2024, the Kemenkumham organizes a legal aid program through policy, verification and accreditation, funding, and supervision functions. The basis for this authority is contained in Articles 6-7 of Law No. 16 of 2011. Services to recipients are carried out by legal aid providers who meet the requirements of Article 8, including LBH or verified and accredited community organizations. Thus, accreditation is an entry point for accountability in state programs, but does not in itself prove that every service is free of charges.[16] Regional governments can also support the provision of legal aid through the Regional Budget (APBD) in accordance with Article 19; its management should not be described as a monopoly of one institution.

Yogyakarta," *Nuansa Akademik: Jurnal Pembangunan Masyarakat* 7, no. 1 (2022): 35–54, https://doi.org/https://doi.org/10.47200/jnajpm.v7i1.1123.

15 Rahma Aulia Enny Yulianti, "Legal Politics Of Fulfilling The Rights To Education For Children With Disabilities (Study of Educational Access to Inclusion School Programs)," *Islamic Family Law* 6, no. 1 (2023): 41.

16 Supri Yono, "Implementation of the Legal Aid Program Policy for the Underprivileged in Situbondo Regency," *Phenomena* 21, no. 1 (2023): 91, https://doi.org/https://doi.org/10.36841/fenomena.v21i1.2911.

The Court Legal Aid Post (Posbakum) is a service provided within the court environment and can be implemented through collaboration with service providers that meet the requirements of PERMA No. 1 of 2014. Officers provide information, consultation, legal advice, and document preparation assistance, as well as information regarding organizations or advocates that provide free legal assistance.[17] LBH can become a Posbakum service provider based on this collaboration, while also carrying out a mentoring function through relevant legal aid schemes. However, consultation at the Posbakum does not automatically create a power of attorney to represent the recipient in court. The relationship between the two services lies in the provision of information and referrals for further assistance, which still requires a needs assessment and case acceptance by the provider.

This distinction is important in criminal cases. Article 56 of Law No. 8 of 1981 concerning the Criminal Procedure Code, which served as the legal framework during the study, requires officials at all levels of investigation to appoint legal counsel for suspects or defendants who do not have their own legal counsel and face the death penalty or fifteen years or more, as well as for those who are unable to afford it and face a prison sentence of five years or more. Assistance by appointed legal counsel is provided free of charge.[18] This provision regulates the obligation to provide criminal assistance, while the basis for the establishment and services of Posbakum is contained in the regulations on judicial authority and the Supreme Court Regulation. Therefore, the limits of the criminal threat cannot be used as a general requirement for obtaining all Posbakum services.

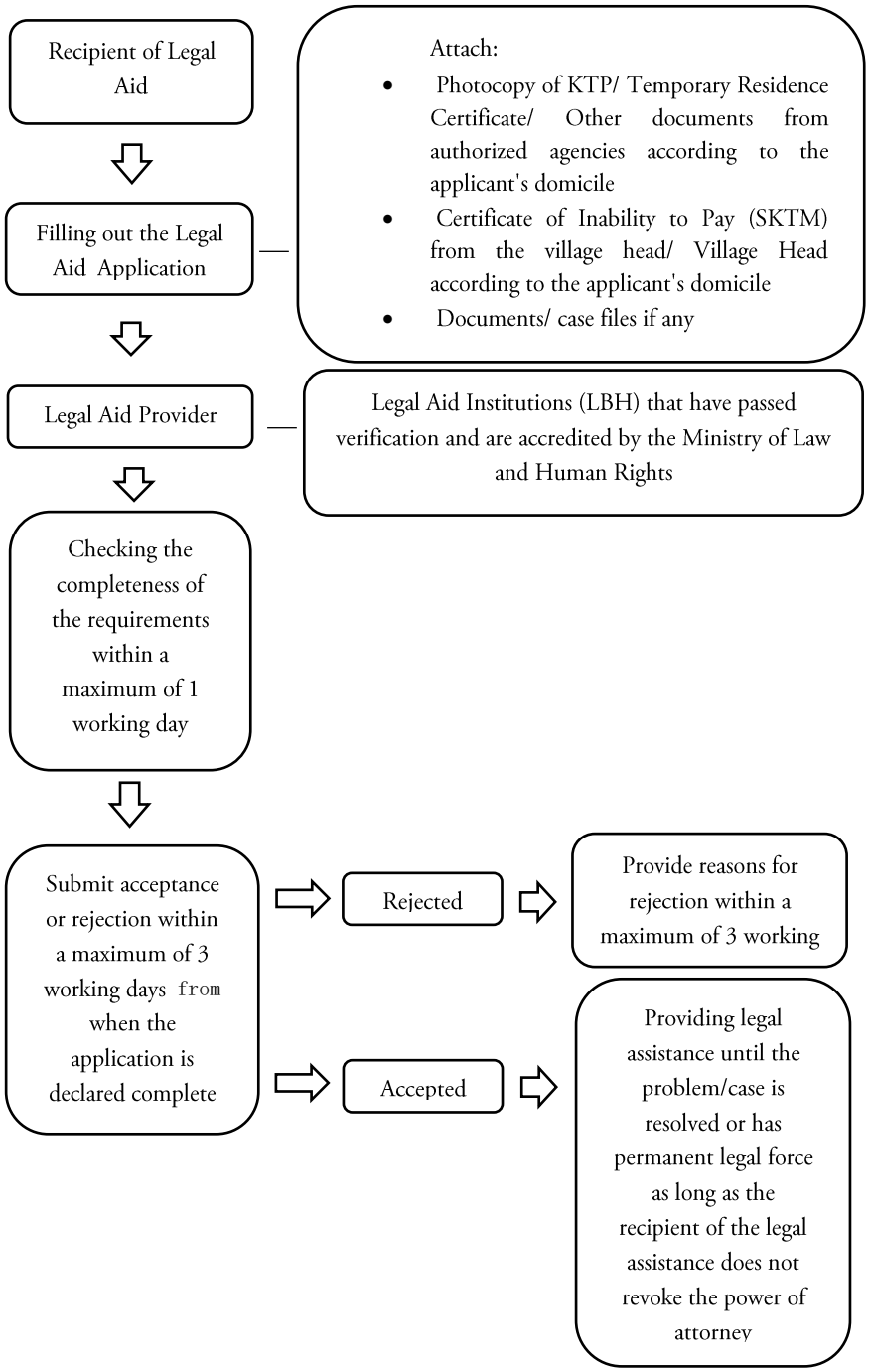
The procedure for implementing Legal Aid can be carried out through LBH and Posbakum. Through the LBH channel, the applicant submits identification, a brief summary of the legal issue, relevant case documents, and certified proof of financial indigency in accordance with statutory requirements. The application can be submitted verbally if the applicant is unable to prepare it in writing. PP No. 42 of 2013

17 Universitas Negeri Jakarta, *No Title*, n.d.

18 Mustika Kusumawati, "The Role and Position of Legal Aid Institutions as Access to Justice for the Poor," *Arena Hukum* 9, no. 2 (2016): 190–206, https://doi.org/https://doi.org/10.21776/ub.arenahukum.2016.00902.3.

stipulates that the examination of the completeness of the requirements is no later than one working day after the application is received, while the decision to accept or reject is given no later than three working days after the requirements are declared complete. Acceptance is followed up with the provision of assistance based on a special power of attorney; rejection must be accompanied by a reason. The distinction between the completeness examination and the service decision is important because delays in completing the files can extend the access time even though the decision deadline has been determined. The procedure for submitting legal aid to a legal aid institution is presented in the flowchart:

Flowchart 1. Procedure for Applying for Legal Aid to the Legal Aid Institution

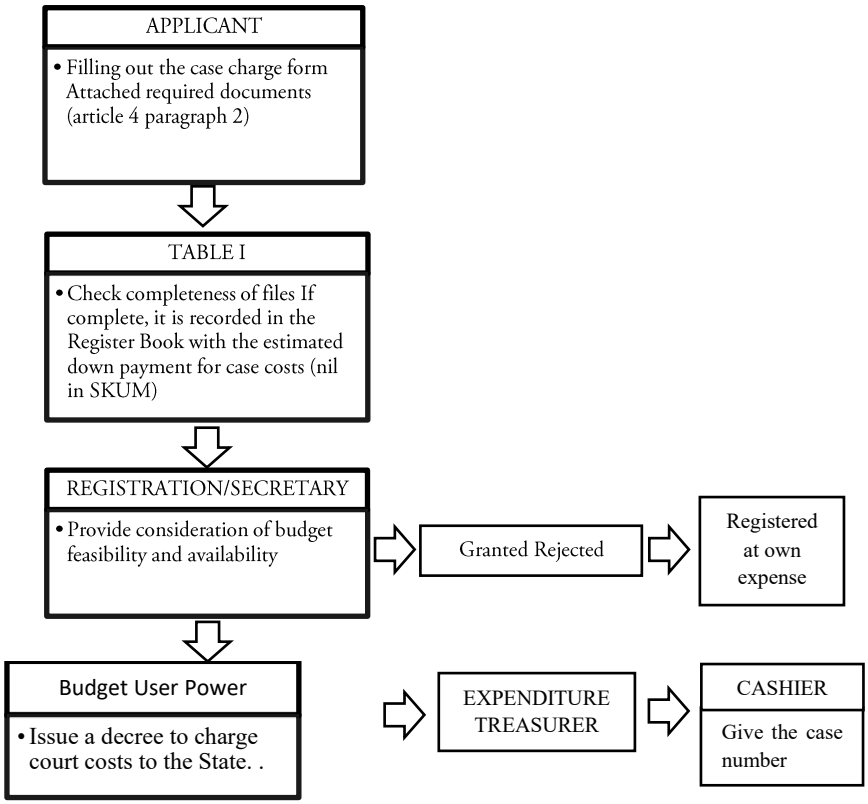


Source: "Palembang Legal Aid Institute," accessed September 20, 2025, https://lbhpalembang.or.id/alur-pemberian-bantuan hukum/

For the Posbakum service, applicants fill out a form and submit proof of inability as stipulated in the Supreme Court Regulation (PERMA), such as a SKTM (Certificate of Inability to Pay for Legal Aid), proof of receipt of social benefits, or a letter of inability to pay for legal services approved by the officer. After examining the applicant's needs, the officer provides legal aid services and documents their implementation. If assistance is required during the trial, the officer provides information on procedures and legal aid organizations or advocates who can be contacted. Posbakum services need to be distinguished from requests for exemption from court fees because the legal consultation provided does not automatically exempt the applicant from the down payment on court fees. In criminal cases with a prison sentence of more than five years, the judge is required to appoint legal counsel for the defendant, which can be done through a legal aid institution that collaborates with the court in organizing Posbakum.[19] The following stages of the Legal Aid Application Flow through the Legal Aid Post at the Court are presented in the table:

[19] Kusumawati, "The Role and Position of Legal Aid Institutions as Access to Justice for the Poor."

Flowchart 2. of Legal Aid Application Legal Aid Post (Posbakum)



Source: "Supreme Court Regulation No. 1 of 2014 Concerning," accessed September 12, 2025, https://www.supremecourt.gov/filingandrules/rules_guidance.aspx.

Operationally, the critical points lie in the completeness of documents and the transition from consultation to assistance. A referral in the form of a list of providers does not guarantee an institution will accept the case. Therefore, there needs to be an explanation of the purpose of the referral, assistance in communicating with the intended provider, and a record of whether the recipient successfully obtained assistance. For persons with disabilities, the provision of information in an accessible format is essential from the time of application to follow-up. The success of the procedure, therefore, encompasses continuity of service, not just the number of forms processed.

Based on the results of the interview at Regional Office Ministry of Law and Human Rights A 2024 study by Central Java and Semarang

revealed that lawyers affiliated with free legal aid organizations were still charging recipients for transportation and administration fees. This practice highlights the gap between the provisions of free legal aid and its implementation. Referring to payments as transportation or administration fees presents these costs as separate from the legal services provided. However, recipients still have to pay for assistance. This charge contradicts the purpose of legal aid, which is to eliminate cost barriers for the poor in accessing justice.[20]

This issue needs to be examined in terms of how providers finance and explain their services. Transportation and administrative costs are operational needs that providers must manage, not an excuse to request prohibited payments from recipients. Interview findings indicate the shifting of these costs, but do not explain the provider's financial situation or internal reasons. Therefore, criticism is directed at the practice of separating so-called free legal services from supporting costs that are still billed. This separation obscures recipient rights to free services, especially when recipients do not understand the financing rules and rely on lawyers to handle their cases.

Passive oversight fails to stop informal charges. Under current practice, regional officials investigate fee complaints only after a recipient files a formal report with evidence. That process forces impoverished clients to spot rule violations, collect proof, and file grievances against the very lawyers defending them. Oversight starts after money changes hands, offering no upfront protection. Because few clients risk antagonizing active counsel, low grievance counts do not prove that services are truly free.

This operational limitation highlights the necessity of active oversight under Article 7 of Law No. 16 of 2011. Meaningful supervision requires proactive field monitoring, routine case file audits, and accessible reporting channels that protect recipients from retaliatory abandonment, ensuring that legal aid remains genuinely cost-free in practice.

[20] Riza, "Interview Results" (Semarang, 2024).

2. Free Legal Aid in Thailand: Legal Basis and Implementation Challenges

Legal aid provision in Thailand must be distinguished from the state's formal accommodation of Islamic jurisprudence. Statutory legal aid encompasses publicly funded representation and administrative subsidies, whereas Islamic legal jurisdiction governs substantive family and succession disputes within specific southern provinces. This conceptual distinction clarifies the mandate of the Muslim Attorney Center Foundation (MAC) in Southern Thailand. MAC operates as an independent, pro bono legal defense organization providing courtroom representation and human rights advocacy in national security prosecutions, deriving its authority from the professional advocate bar rather than religious judicial bodies.

Under the Justice Fund Act B.E. 2558 (2015), the Thai Ministry of Justice provides financial assistance for trial defense, bail sureties, human rights compensation, and rights education through the central Justice Fund and provincial justice desks.[21] State agencies, the Lawyers Council of Thailand, and university clinics maintain supplementary pro bono channels. These statutory programs, however, remain difficult to access for individuals detained under exceptional security legislation. Bureaucratic complexity, limited provincial budgets, and a deficit of Malay-speaking advocates regularly compromise the prompt delivery and continuity of representation.

Meanwhile, the Act on the Application of Islamic Law in Pattani, Narathiwat, Yala, and Satun BE 2489 (1946) regulates the application of Islamic law in family and inheritance cases, subject to conditions regarding the parties as determined by law. This scope includes property issues related to family and inheritance, not all property disputes. Article 3 places Islamic law as the applicable law, replacing related provisions in civil and commercial law, with exceptions specified by law. Article 4 regulates the involvement of Dato' Yutitam alongside judges in the examination of cases. Thus, its application takes place within the state court system, not through a separate Islamic criminal justice system.

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21 Ahmad, "Interview Results" (Thailand, 2024).

The Administration of Islamic Organizations Act BE 2540 (1997) regulates Islamic religious organizations and leadership. This institutional arrangement must be distinguished from the courts' authority in family and inheritance matters and state legal aid mechanisms. Recognition of Islamic organizations and local family law allows for religious identity within the Thai legal system, but does not provide specific protection against detention in security matters. This limitation explains why citizens still require defense under national law when confronted by security forces. The scope of the 1946 law also differs from the scope of the MAC: the law covers Satun, while the scope of the MAC described in the study includes Pattani, Yala, Narathiwat, and southern Songkhla.

Field research in 2024 confirms that MAC's caseload is concentrated in areas governed by three distinct security statutes: the Martial Law Act B.E. 2457 (1914), the Emergency Decree B.E. 2548 (2005), and the Internal Security Act B.E. 2551 (2008). The Martial Law Act grants military authorities power to arrest and detain suspects without an arrest warrant or judicial review for up to seven days. The Emergency Decree permits warrantless arrest and up to thirty days of administrative detention upon judicial approval, served in non-standard detention facilities. The Internal Security Act operates under the Internal Security Operations Command (ISOC) to enforce security measures, including court-approved rehabilitation programs under Section 21 as alternatives to prosecution.

MAC intake prioritizes rapid administrative and legal intervention in national security arrests without upfront income-qualification requirements. Relatives or community representatives report military apprehensions directly to MAC offices without submitting certified poverty documentation. Staff record initial detention details, ascertain custodial locations, and dispatch defense counsel to monitor interrogation conditions and verify statutory compliance.

Frontline accessibility enables legal intervention before families navigate formal judicial procedures. Recording an arrest petition, however, does not guarantee immediate physical access to detainees,

effective trial defense, or legal remedies. Interview testimony regarding the negotiated release of 25 security detainees demonstrates that advocacy under martial law requires ongoing representation, evidentiary verification, and sustained engagement with military authorities to challenge arbitrary confinement.[22]

MAC receives up to ten requests for legal assistance per month. In the context of Southern Thailand, these requests should be understood as part of the protection needs of citizens facing security-related arrests amidst tensions between the state and the Malay-Muslim community. This tension also concerns the relationship between state policy and the cultural and religious identities of the local community. Arrests create urgent legal needs: citizens require clarification of the grounds for detention and access to a lawyer, while families require information regarding the whereabouts and investigations of their loved ones. Therefore, MAC services play a crucial role as a link between citizens in need of protection and the defense mechanisms within the Thai legal system.

Operational challenges escalate following initial intake. In national security cases, defense counsel must secure early custodial access and maintain representation through formal trial proceedings. Pervasive social stigmatization surrounding alleged insurgency offenses, paired with intense procedural pressures, reveals that the existence of pro bono services does not alone guarantee effective adversarial representation. Defense attorneys face restricted access to detention facilities, severe evidence-gathering constraints, and systemic delays in official communications.

Cumulative caseload pressures compound these operational challenges. Because security trials regularly span several years across multiple appellate levels, incoming petitions constantly expand the active docket while existing matters remain unresolved. Managing this docket requires sustained financial resources, operational mobility, and adequate defense counsel. Evaluating MAC's institutional efficacy depends on measuring both rapid initial response times and long-term continuity of defense across contested conflict proceedings.

22 Abdulloh, "Interview Results," Thailand, 2024.

Beyond direct litigation, MAC conducts rights counseling, paralegal training, and community legal education. Field interviews confirm that these initiatives cultivate local paralegal networks capable of identifying procedural abuses. Joint training initiatives with local cultural foundations demonstrate how legal aid integrates with community capacity building, enabling residents to recognize unlawful search procedures and seek counsel before formal charges are filed.[23]

Grassroots empowerment reinforces professional courtroom defense. Community paralegals assist in logging arrest timelines, gathering preliminary documentation, and facilitating client communication, while licensed trial attorneys retain exclusive control over litigation and court advocacy. This procedural division ensures that community outreach does not compromise trial standards. Paralegal training must be evaluated by the precision of case referrals, client confidentiality safeguards, and substantive rights protection rather than crude enrollment numbers.

Interviews with Kausar, Sainee, Mizan, and Waris illustrate the perception that state policies have not adequately addressed the religious and cultural values of the local Muslim community. These accounts should be understood as the experiences and perspectives of the informants, not as a uniform attitude across the Muslim community. In discussions of legal aid, the primary issue is how citizens' relationships with the state influence their willingness to seek assistance, provide information, and participate in the judicial process. The experience of feeling unheard becomes an access issue when legal channels are perceived as distant from community life.[24]

The religious solidarity described by informants provides context for the social acceptance of MAC. This closeness to the community helps explain why families choose this organization as a gateway to seek legal protection. However, this social closeness must be accompanied by the ability to explain national procedures in understandable language, maintain confidentiality, and ensure that assistance decisions are in the recipient's best interests. Religious identity

23 Abdulloh, "Interview Results," Thailand, 2024.
24 Kausar, Sainee, Mizan, and Waris, each "Interview Results," Thailand, 2024.

does not replace professional standards or the right to fair representation. In this regard, MAC connects community needs with state legal mechanisms without equating the two.[25]

Statutory recognition of Islamic family jurisprudence reveals clear institutional boundaries. Restricting religious adjudication to domestic and estate disputes leaves fundamental due process concerns unaddressed when citizens face administrative detention or terrorism prosecutions. Overcoming structural barriers to justice requires transparent procedural rules, dependable legal assistance channels, and immediate rights protection during custodial detention.

Both Indonesian LBHs and Thailand's MAC demonstrate the essential contribution of civil society to free legal aid delivery. Their institutional configurations, however, diverge significantly. Indonesian LBHs operate as private non-governmental entities certified under Law No. 16 of 2011, subjecting their operations to statutory accreditation standards, strict financial eligibility audits, and formal state accountability frameworks. MAC operates as a specialized pro bono litigation center focused on exceptional security measures, admitting clients based on custodial vulnerability rather than certified poverty documentation.

Each operational model faces distinct institutional challenges. In Indonesia, formal accreditation and verification protocols enforce public accountability, yet complex paperwork burdens indigent applicants and demands active administrative guidance. In Southern Thailand, unbureaucratic intake protocols allow MAC to mobilize rapid custodial interventions, but sustaining complex defense trials amidst emergency legislation severely taxes organizational resources. Evaluating the sustainability of the MAC model requires clear empirical financial data, as pro bono commitments alone cannot cover litigation overhead.

The comparative dynamic illustrates the critical balance between frontline accessibility, institutional resource stability, and effective courtroom defense. MAC demonstrates the efficacy of rapid, culturally embedded intake and community trust building. The Indonesian framework establishes the importance of legislative funding

[25] Kausar and Sainee, "Interview Results," Thailand, 2024; Abdulloh, "Interview Results," Thailand, 2024, respectively.

frameworks and systematic accreditation. Public subsidies for civil society providers must reinforce constitutional state obligations rather than serve as an excuse to offload basic legal aid responsibilities onto underfunded non-governmental organizations.

C. Barries for Vulnerable Citizens in Accessing the Free Legal Aid Program in Indonesia

Statutory legal aid guarantees have not dismantled structural impediments to justice in Central Java. Empirical interviews across LKBH Kudus and LBH Semarang establish that service delivery is constrained by two systemic factors: organizational funding insolvency and widespread public skepticism toward legal institutions. The Kudus experience demonstrates how municipal resource shortages undermine the continuity of representation.

Practitioners at LKBH Kudus report that public allocations from the Ministry of Law and Human Rights and the Central Java Provincial Government fall far short of regional caseload demand. Once official reimbursement caps are reached, the clinic relies on out-of-pocket contributions from affiliated attorneys and paralegals to finance pending trials. While private subsidies prevent immediate representation lapses, reliance on volunteer contributions exposes the fragile institutional foundation of the system. State funding formulas fail to account for multi-year litigation proceedings, leaving active trials unbudgeted after annual grant allocations expire.[26]

These conditions require funding planning that takes into account ongoing cases, new requests, and the institution's operational needs. Local governments and providers need to use this data to assess the adequacy of support and determine service priorities. Member contributions can help cover temporary shortfalls, but cannot be the primary basis for program sustainability. Planned funding support is necessary so that the community's ability to obtain assistance does not depend on the availability and personal abilities of advocates or paralegals.

[26] Wahyudi, "Interview Results" (Kudus, 2024).

From the claimant perspective, five legal aid recipients reported that administrative requirements present significant obstacles when citizens must assemble documentation without guidance or assistance. For groups with limited education, mobility, or access to information, document processing requires additional time and costs. A lack of understanding among law enforcement officials about suspects' rights to free legal aid often leads to delays, and even denials, in providing assistance early in the legal process.[27] In fact, Law No. 16 of 2011 and PP No. 42 of 2013 provide a mechanism for verbal applications and assistance in obtaining certain documents for applicants who experience difficulties. Access improvements need to be directed at implementing procedures that assist applicants, including explaining requirements from the outset, clearly checking for completeness, and assisting with the processing of necessary documents. Requirements continue to serve to ensure eligibility without becoming a burden that the community must bear alone.

While the Kudus case highlights funding issues, interviews with LBH Semarang revealed barriers to the relationship between the community and providers. Hesitation regarding legal aid arises because information regarding costs, procedures, and service coverage is unclear. Reports of informal fees charged under the guise of administrative or transportation costs reinforce the perception that nominally free services still require payment.[28] Experience or information about such practices may influence the public's assessment of legal aid institutions more broadly.[29]

Public dissatisfaction also stems from unresolved expectation gaps between indigent clients and legal aid advocates. When trial judgments or settlement terms deviate from initial client expectations, litigants frequently suspect attorney collusion or official bias. Legal

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27 Ayub Jose Luhut Parulian Simanjuntak, "Questions and Strategies of Legal Aid Institutions in Providing Legal Protection for the Poor," *Rio Law Journal* 1, no. 2 (2025): 52–55, https://doi.org/https://doi.org/10.36355/rlj.v6i1.

28 Astri, "Interview Results" (Semarang, 2024).

29 Muten Nuna, Dince Aisa Kodai, and Roy Marthen Moonti, "Code of Ethics and the Role of Advocates in Providing Legal Aid to the Poor," *Indonesian Journal of Advocacy and Legal Services* 1, no. 2 (2020): 259–74, https://doi.org/10.15294/ijals.v1i2.35986.

defense organizations must cultivate transparent communication from initial intake, explaining realistic statutory outcomes and defense strategies.[30] Sustained case updates across every procedural stage mitigate misunderstandings and protect organizational credibility.[31]

Limited access to communication exacerbates these issues, especially when information and service interactions are conducted over the internet. In online services, access is influenced by network availability, devices, data plan costs, and technological capabilities. Barriers to these elements can disrupt several stages of service delivery: citizens struggle to find agency information, submit documents, participate in consultations, or receive responses. Therefore, the existence of websites and social media does not necessarily guarantee that information reaches those in need.[32]

Technological modernization must operate alongside direct telephone hotlines, courthouse helpdesks, and mobile legal clinics. Establishing referral partnerships with village administrations, community organizations, and neighborhood paralegals ensures that technological innovation expands procedural access without disenfranchising electronically isolated communities.

Comparing Kudus and Semarang demonstrates that access barriers span institutional capacity and public engagement. In Kudus, severe funding deficits jeopardize long-term casework continuity. In Semarang, opacity, lingering corruption perceptions, and weak communication erode claimant trust. Inadequate state funding increases pressure on staff to impose illicit administrative charges, while supervisory failures destroy public confidence in statutory protections.[33]

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30 Syarifah Arabiyah and Ivan Wagner, "Strategies for Developing Legal Aid Institutions as Access to Justice," *Indonesian Legal Development* 5, no. 3 (2023): 396–97.

31 Astri, "Interview Results."

32 Hary Abdul Hakim et al., "Smart Law "Proposing Artificial Intelligence Applications to Provide Free Legal Aid in Indonesia" 500 (2024): 3, https://doi.org/10.1051/e3sconf/202450005004.

33 Ani Purwanti, "Protection And Rehabilitation Of Women Victims Of Violence Based On Indonesian Law (Study On Central Java Government

Legal culture influences how people identify problems, choose solutions, and evaluate legal institutions.[34] In societies that prioritize deliberation, resolving disputes through family or local figures is a common option. This choice does not necessarily indicate a lack of legal awareness, as legal aid also includes consultation, mediation, and out-of-court assistance. Barriers arise when deliberation is perceived as the only option or when unequal social relations limit the freedom of vulnerable parties to express their concerns.[35]

In this context, a social approach needs to connect familiar community resolution methods with rights protection. Providers can engage local leaders to introduce services and build communication, but decisions regarding assistance and case resolution must remain with the recipient.[36] Explanations about legal options, the consequences of settlements, and the right to pursue formal processes help communities make informed decisions. This approach also addresses issues of mistrust through open service relationships and respect for residents' experiences.[37]

D. Barries for Vulnerable Citizens in Accessing the Free Legal Aid Program in Thailand

Access to legal aid for Muslim communities in Southern Thailand faces interconnected barriers, ranging from a lack of unified regulations, limited legal resources and funding, to differences in

Handling Through Kpk2bga)," *Diponegoro Law Journal* 02, no. 02 (2017): 315–18, https://doi.org/https://doi.org/10.14710/dilrev.2.2.2017.68-81.

34 Ridwan Arifin, "Legal Protection and Law Enforcement: The Unfinished Works, " *Indonesian Journal of Advocacy and Legal Services* 2, no. 1 (2020): 2, https://doi.org/10.15294/ijals.v2i1.38035.

35 Ilham Daffa Pratama, "Legal Aid by the Provincial Government Based on Law No. 16 of 2011" (2024).

36 Rizal Firmansyah et al., "Effectiveness of Free Legal Aid for the Poor in the Jurisdiction of the Gresik District Court" 2, no. 3 (2024): 12–13, https://doi.org/https://doi.org/10.59581/deposisi.v2i3.3919.

37 Mohamad Taufiq Zulfikar Sarson Fence M Wantu, "Legal Protection of Women as Victims of Domestic Violence," *Indonesian Journal of Advocacy and Legal Services* 1, no. 2 (2020): 251, https://doi.org/10.15294/ijals.v1i2.36093.

language and legal understanding.[38] Thailand already has a legal basis for state-funded aid through the Justice Fund Act BE 2558 (2015). This fund supports legal proceedings, temporary release, assistance related to human rights violations, and legal education. The Bar Council of Thailand also performs legal aid functions under the Lawyers Act BE 2528 (1985). These services operate through fragmented institutional channels, where the primary difficulty is not the absence of a statutory basis, but the lack of unified coordination among providers. Multiple channels of assistance can expand options, but their effectiveness depends on clarity of information, the allocation of responsibilities, and the relationships between service providers.

For families seeking assistance after military arrest, clarity of service delivery channels is crucial, as the need for assistance can arise urgently. Applications to the Justice Fund, for example, require document review and eligibility assessment. If families don't understand the difference between financial assistance and legal assistance, they may struggle to determine which agency to contact. In these circumstances, ambiguous regulations can increase the time and effort required to obtain assistance. Structural barriers, therefore, relate not only to the availability of services but also to their ease of use. However, the presence of multiple providers is not sufficient to conclude that coordination is always failing; the impact must be assessed in terms of the speed of referrals and the continuity of case management.

Language barriers exacerbate the situation for Malay-speaking Muslims who do not yet have a good command of Thai. A 2012 report by the International Commission of Jurists and the Justice for Peace Foundation noted difficulties in obtaining understandable legal information and interpreting and translation services, including in the experiences of Malay Muslim women in the southern border provinces. While not indicative of the extent of these barriers at the time of the study, these findings help explain why the availability of services does not always translate into equal access. A lack of familiarity with legal language and terminology can prevent individuals from explaining the chronology of an arrest, understanding documents before signing them,

[38] IOM Thailand, *Thailand Migration Report 2011* , 2011.

or communicating information to a lawyer. Limited understanding of legal rights and procedures can also delay families seeking assistance or make it difficult to prepare documents. Therefore, legal education needs to include explanations in a language residents understand and practical assistance in accessing services.

Cultural barriers intersect with language, physical security concerns, and historic alienation from state authorities. Speaking Patani Malay is an intrinsic element of communal identity; institutional failure to accommodate the language reinforces perceived state hostility. Litigants who distrust official state organs rely on MAC's grassroots network, where shared cultural and linguistic affinity fosters candid disclosure of facts. Public hesitation to approach government legal offices reflects reasonable concerns over surveillance and military arrest rather than cultural apathy.

Interviews with five legal aid recipients corroborate the importance of MAC's community-embedded model. All five reported meaningful assistance, regardless of personal economic background. A 60-year-old female complainant whose relative died in custody stated that she offered to donate personal savings to MAC in gratitude for its uncompromised legal defense. This testimony demonstrates that indigent defense represents more than financial relief: clients value professional loyalty, cultural solidarity, and fearless advocacy before state security bodies.

The diverse economic circumstances of the complainants provide important nuances in comparisons with Indonesia. While the legal aid program under Law No. 16 of 2011 is specifically targeted at poor individuals or groups, the experiences of MAC complainants demonstrate that the need for assistance can transcend economic limitations. This does not mean that MAC lacks requirements for service recipients, but rather that access must also be understood through the need for communication and trustworthy relationships. Meanwhile, the desire of two complainants to provide funds cannot be considered as receipt of funds by MAC, an obligation to pay, or a sustainable source of funding. Thus, the interview findings strengthen the analysis of the perceived benefits of services by complainants, but do not address the extent of the organization's funding gap.

Rapid intake does not resolve long-term institutional capacity constraints. Relying on a small cadre of dedicated attorneys and paralegals across four conflict-affected provinces generates severe workload strain. Protracted security trials, burdensome travel across military checkpoints, and emergency habeas corpus hearings stretch defense resources thin, risking procedural delays and attorney burnout.[39]

Chronic underfunding restricts organizational capacity. Providing pro bono representation still demands substantial expenditures for forensic experts, investigative travel, family conferences, court-certified interpretation, and bail sureties. When philanthropic subsidies decline, these operational demands directly compete with administrative survival. This structural resource deficit creates chronic operational exposure, limiting outreach and forcing difficult triage decisions between incoming arrest calls and active trial commitments.

MAC's sustainability depends on its ability to retain its support staff and fund services until cases are resolved. The local and international collaborations mentioned in Kausar's interview can support the exchange of expertise and organizational strengthening. However, such collaborations only provide sustainable support if they consistently meet service needs. The existence of the Justice Fund itself does not prove that MAC's operational costs are consistently covered by the state. Therefore, a sustainability evaluation should consider funding certainty, core operational costs, workload distribution, and case referrals when organizational capacity is limited. These metrics allow for a clearer assessment of MAC's ability to maintain services, beyond statements of organizational commitment.[40]

Paralegal training expands frontline outreach when backed by structured attorney supervision and defined procedural roles. In October 2014, the International Commission of Jurists convened a strategic litigation workshop for 25 MAC attorneys and paralegals, examining expert testimony, forensic science, and appellate strategy. Ongoing capacity building must prioritize intake documentation, rights

39 Abdulloh, "Interview Results" (Thailand, 2024).

40 Kausar, "Interview Results" (Thailand, 2024).

advisement in Patani Malay, and emergency attorney notification. Paralegals manage frontline communication and client intake, freeing licensed trial lawyers for courtroom defense. Program success must be calibrated by timely case intervention and accurate evidence preservation rather than workshop attendance tallies.

Strategic litigation offers an avenue to maximize scarce legal resources by mounting systemic constitutional challenges to recurring procedural abuses. Establishing legal precedents against unlawful detention, coerced confessions, and unconstitutional DNA sampling generates institutional protections extending far beyond individual defendants. High-impact test cases, however, demand immense investigative resources and protracted multi-year commitments that risk draining frontline defense budgets. Case selection must weigh evidentiary strength, client informed consent, and systemic legal impact against routine defense obligations.

A comparison with Indonesia demonstrates that a community-based approach requires institutional support to be implemented consistently. Law No. 16 of 2011 provides a more integrated framework for legal aid for poor individuals or groups by regulating the organization, verification and accreditation of aid providers, and state funding. Its implementation is outlined in Government Regulation No. 42 of 2013. Within this framework, civil society organizations serve as service providers linked to public standards and funding mechanisms. The Community-Based Legal Aid (MAC) emphasizes the role of community organizations as a link to the Thai legal system, which also has state services and professional organizations. The differences lie in the relationship between community services and administrative support and funding, so the MAC cannot be treated as a single representation of the entire Thai system.

Both approaches have advantages and limitations. The Indonesian framework provides a clearer basis for the division of responsibilities and oversight, but administrative requirements can be challenging for applicants seeking assistance with document preparation. The MAC's proximity to the community has the potential to facilitate communication and initial contact, but does not guarantee adequate funding or the availability of lawyers. This comparison

demonstrates that coherent rules and good community relationships need to be mutually reinforcing. Effective access requires easy access to assistance from the outset, understandable explanations, and ongoing support for as long as needed. The following table summarizes the arrangements and implications of both approaches; assessment of their service outcomes still requires comparable implementation data.

Table 1. Comparison of Legal Aid Institution (LBH) desks between Indonesia and Thailand

Aspect	Indonesia	Thailand
Legal basis	Law Number 16 of 2011 concerning Legal Aid	Thai Constitution, Legal Aid Act BE 2550 (2007), Islamic Organizations Act BE 2540 (1997), etc.
Main Executor	Legal aid organization accredited by the Ministry of Law and Human Rights	Thai Bar Association, Legal Aid Office, MAC (for the Southern Muslim region)
Types of Legal Aid	Litigation and non-litigation processes (consultation, mediation, legal education, advocacy)	Litigation, representative courts, community legal education
Main Target	Poor people, individuals with disabilities, women, children, minorities	Poor community, Muslim minority, victims of military arrests
Accessibility	Requires a certificate of poverty, identity card, and formal administrative procedures.	Direct access, without complex administrative requirements (especially via MAC)

Aspect	Indonesia	Thailand
General Challenges	Lack of funding, complex bureaucracy, low public awareness, stigma, uneven regional access	Language barriers (Malay vs Thai), low legal literacy, "saving" the face of "cultural" norms
The Role of Civil Organizations	Regional LBH is active but limited by funding	MAC is very active in regional conflicts, providing local support.
Service Quality & Distribution	Unevenly concentrated in large urban areas, rural areas are underserved	Most are focused on urban areas and in communities supported by organizations such as MAC.
Cultural & Social Barriers	Embarrassment to go to court, negative stigma towards legal aid users	Shame, distrust of the state system, discrimination against Muslim minorities
Strength	A clear legal system, many independent LBH, legal guarantees through law	Strong commitment from MAC, direct procedures, strong community support
Weakness	Wild fees, lack of public awareness of legal rights, weak oversight	Inconsistent service, shortage of legal personnel in the area, no specific law for free legal aid

Source: Processed by author, 2026

Table 1 shows the comparison of legal aid services in Indonesia and Thailand. Both countries provide legal assistance to disadvantaged communities, but they differ in their legal frameworks, implementing institutions, accessibility, and service delivery. Despite these differences,

both countries face challenges in ensuring equal access to justice, particularly for vulnerable groups.

E. Conclusion

Institutional funding frameworks and grassroots community trust must reinforce one another to guarantee durable access to justice for vulnerable citizens. This comparative inquiry demonstrates that effective legal aid depends on dismantling frontline access barriers rather than merely establishing formal statutory schemes. Public funding and accountability mechanisms must be paired with streamlined administrative procedures, while independent community defense organizations require statutory protection and dedicated resources. Evaluating legal aid through the direct experiences of disenfranchised recipients grounds judicial reform in empirical human realities.

Thailand can draw valuable lessons from Indonesia's statutory framework to establish institutional accreditation standards, dedicated public funding channels, and statutory protections that safeguard pro bono defense organizations representing detainees in conflict areas. Indonesia, conversely, should integrate MAC's emergency intake protocols, eliminating burdensome upfront documentation hurdles, expanding community-based paralegal assistance, and instituting immediate legal consultation upon police apprehension. Indonesian judicial authorities must also implement proactive supervisory audits to eradicate illicit fee extraction, protect complainants, and adjust funding formulas to match the real operational costs of protracted trials. In both jurisdictions, bridging legal literacy gaps requires vernacular rights education and direct administrative navigation assistance.

These empirical insights reflect qualitative field investigations across Central Java and Southern Thailand involving 26 practitioners, administrators, and legal aid recipients. While this qualitative scope illuminates frontline operational barriers, comprehensive institutional evaluations require broader quantitative tracking across diverse judicial districts. Future comparative research should examine intake response times, client out-of-pocket litigation expenses, and longitudinal case disposition rates across contrasting state and community defense

regimes. Tracking case outcomes through final appellate resolution will clarify how legal aid reforms effectively secure constitutional rights for marginalized populations.

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