

The Fragility of Structural Legal Aid Implementation by the Legal Aid Institute of Padang: Institutional Challenges in Pursuing Structural Law Enforcement and Justice in West Sumatera

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ABSTRACT

KEYWORDS

Structural Legal Aid; Padang Legal Aid Institute; Law Enforcement; Access to Justice; West Sumatera.

Structural Legal Aid is an advocacy approach that not only focuses on individual defense but also seeks to address the structural roots of social and legal inequality. Within the sociocultural framework of West Sumatra, characterized by the *Nagari* system and customary communities, the *Padang Legal Aid Institute* adopts this approach in handling structural cases that reflect systemic injustice. This research aims to analyze the forms of *Structural Legal Aid* implementation by the *Padang Legal Aid Institute* and to identify the opportunities and challenges that affect its sustainability. Using a juridical-empirical method, this study is based on an inventory of data comprising the 2024 Annual Report of the *Padang Legal Aid Institute*, in-depth interviews with the Director and the *Structural Legal Aid Division* of the *Padang Legal Aid Institute*, as well as an examination of relevant legislation, legal literature, and scholarly journals. The research findings indicate that the implementation of *Structural Legal Aid* is carried out through an integration of litigation and non-litigation strategies that create an advocacy ecosystem bridging judicial processes and community movements. Opportunities for strengthening *Structural Legal Aid* arise from social capital, national advocacy networks, and the presence of paralegals at the *nagari* level, while the main obstacles include limited funding, the criminalization of human rights defenders, and weak policy support. This study contributes to the development of a contextual model of *structural legal aid* within Indonesia's socio-legal framework and provides both conceptual and empirical insights for formulating community-based legal aid policies supported by the state

INTRODUCTION

Providing legal aid is not merely an act of generosity, but rather a struggle to free humanity from all forms of dependency that undermine human dignity (Arianto et al., 2024). A clear stance in defending and providing free legal aid to the poor reflects a spirit of struggle and devotion to fellow human beings and the wider community. Within this framework, fighting for and respecting human rights is a sacred duty and obligation (Lutfiyah, 2021; Efrianto & Tresnawaty, 2025). Human rights are inherent in nature and a gift from God Almighty, inherent from birth, and must be protected through accessible legal mechanisms (Okoro, 2022).

Poor people are generally in a vulnerable position before the law, primarily due to their involvement in the informal sector, such as unprotected contract labor, illegal land ownership, and the lack of identity documents or legal status. In such situations, when their rights are violated, the state often fails to provide adequate legal protection (Lutfiyah, 2021). This inequality reflects a broader structural problem, where access to justice is unequally distributed, creating systemic barriers to legal remedies (Triwulandari, 2020; Sabrina et al., 2025).

This phenomenon was symbolically illustrated by CJM Schuyt, a Dutch legal sociologist, in the sinking of the Titanic on April 10, 1912. The ship, considered a masterpiece of modern technology, did not provide enough lifeboats, resulting in the majority of victims being lower-class passengers (Gonzalez, 2019; Jackson, 2015; Tenner, 2025). It was recorded that 45% of third-class women died, compared to 16% of second-class women and only 0.7% of first-class women (Yayasan Lembaga Bantuan Hukum Indonesia, 2012). Todung Mulya interprets this tragedy as a systemic illustration that social and economic structures determine not only access to resources in daily life but also access to justice and survival when crisis occurs (Nasution, 2025).

The urgency of implementing legal aid becomes most evident when the community is involved in the legal process, particularly when they must deal with state interests in a case or confront state instruments that exercise judicial power and the judicial process (Sabrina et al., 2025). In order for the benefits to be felt equally by all levels of society, the implementation of legal aid must be carried out comprehensively and inclusively (Suhariyanto & Mustafa, 2022; Muntolib & Wahyuningsih, 2018). This effort can be achieved by optimizing the role of various law enforcement institutions, such as courts, prosecutors, advocate organizations, and community institutions engaged in the provision of legal aid. This urgency has also been emphasized in Law Number 16 of 2011 concerning Legal Aid, which states that the provision of legal aid aims to "guarantee and fulfill the rights of legal aid recipients to obtain access to justice, realize the constitutional rights of every citizen in accordance with the principle of equality before the law, guarantee the certainty of the provision of legal aid throughout the country, and realize an effective, efficient, and accountable judiciary." However, the normative ideals contained in the law have not been fully realized in practice (Habermas, 2015; Taekema, 2018).

The urgency of providing legal aid to marginalized communities is closely related to their continued limited access to justice (Simshaw, 2022; Teremetskyi et al., 2021). These limitations are caused by several key factors, including: (1) the weak position of these communities due to inequalities in economic, political, social, and cultural structures; (2) marginalized communities' unfamiliarity with the legal system and judicial procedures, or a state of legal illiteracy; (3) high levels of corruption in judicial institutions, which impedes fair legal proceedings (Triwulandari, 2020; Lutfiyah, 2021); and (4) geographical isolation and lack of legal aid infrastructure in remote areas (Arianto et al., 2024).

In the context of the struggle for the rights of the poor and oppressed, the Structural Legal Aid approach emerged, which not only emphasizes defending individuals in legal cases but also advocates for changes in social structures that give rise to inequality. This approach positions law as a tool for social transformation, rather than merely a formal procedure in court (Yayasan Lembaga Bantuan Hukum Indonesia, 2012; Danardono, 2019). Accordingly, the Padang Legal Aid Institute is one of the institutions adopting this approach in its various advocacy activities (ANT, 2025; Grassroots Justice Network, 2025).

Several previous studies have discussed the implementation of Structural Legal Aid in Indonesia. Hidayat et al. (2024) examined the Structural Legal Aid model in the context of corruption eradication through a juridical-empirical approach that combined primary legal sources, interviews with stakeholders, and conceptual analysis based on *maqashid shariah*. Meanwhile, Tama et al. (2023) investigated community-based legal empowerment advocacy

as a means to address structural social inequality in rural communities. Additionally, Laia et al. (2020) evaluated the effectiveness of Structural Legal Aid in criminal case resolution through both litigation and non-litigation approaches, while Hidayat (2024) focused on corruption eradication through structural legal aid concepts.

These previous findings contribute to a broader understanding of Structural Legal Aid practices in Indonesia but also reveal a research gap, namely the absence of studies exploring how institutional capacity, customary systems, and policy frameworks interact to influence the fragility of Structural Legal Aid implementation in West Sumatra (Gui et al., 2024; Laeni et al., 2020; Wal, 2020). To address this gap, this research employs an inventory of data comprising the 2024 Annual Report of the Padang Legal Aid Institute, in-depth interviews with the Director and the Structural Legal Aid Division of the Padang Legal Aid Institute, as well as an examination of relevant legislation, legal literature, and scholarly journals (Doing et al., 2024; Hanum et al., 2024).

The scientific significance of this study lies in its effort to expand the understanding of institutional dynamics in the implementation of Structural Legal Aid in West Sumatra. This research not only presents an empirical depiction of community-based advocacy practices at the nagari level but also proposes a conceptual model that emphasizes the importance of synergy among legal aid institutions, customary communities, and the state in strengthening access to structural justice. Furthermore, these findings are expected to provide policy-oriented insights to improve the legal and institutional frameworks governing the implementation of Structural Legal Aid at the regional level.

METHOD

The method used in this research was the juridical-empirical method. The research objects consisted of *structural legal aid* cases documented in the 2024 Annual Report of the *Padang Legal Aid Institute* and the Standard Operating Procedures of the *Padang Legal Aid Institute*. The data included primary data (field interviews with legal aid workers and stakeholders, as well as direct case documents) and secondary data (laws and regulations, legal literature such as *YLBHI* publications, legal journals, and policy documents). To support the normative analysis, this research also applied a statute approach by analyzing relevant legal provisions, a case approach by examining specific *structural legal aid* cases, and a conceptual approach by referring to theories of progressive law and institutional justice. The data analysis was qualitative, examining interview and document results through thematic categorization, comparison between field data and legal provisions, and in-depth description of findings to understand the challenges and weaknesses in implementing *structural legal aid*. The validity of the data was strengthened through cross-verification of relevant data sources.

RESULT AND DISCUSSION

The Concept of Structural Legal Aid

Structural Legal Aid implemented by Padang Legal Aid Institute is a continuation of the revolutionary ideas first proposed by Adnan Buyung Nasution. Initially, Buyung's approach was not explicitly referred to as Structural Legal Aid, but rather as an effort to replace political power with a fair legal process so that ordinary people have access to legal justice[15].

This change in perspective occurred after Buyung met Prof. Dr. Paul Moedikdo Moeliono, a criminologist and founder of the Institute of Criminology at the University of Indonesia in the Netherlands in 1976, at a forum initiated by the donor organization Novib. After hearing Buyung's speech about Legal Aid Institute and its programs, Moedikdo, a longtime friend, expressed his appreciation for the idea and even stated that Buyung had implemented Structural Legal Aid long before structuralist theories were widely known. Moedikdo emphasized that inequality in the Indonesian criminal justice system cannot be separated from social, economic, and cultural factors; therefore, legal solutions must be pursued through a structural approach that takes these various aspects into account [3].

Adnan Buyung Nasution emphasized that Structural Legal Aid is primarily aimed at defending the poor, marginalized, and legally illiterate individuals, particularly those whose rights are inadequately protected in both political and legal spheres.

"Structural legal aid emerged as a consequence of our understanding of the law. The legal reality we face today is a product of social processes that occur atop certain patterns of relationships among existing societal infrastructure structures. Therefore, law is essentially a constantly changing superstructure and the result of interactions between these structures. Therefore, as long as the patterns of relationships between these infrastructures exhibit signs of inequality, this will increasingly complicate the realization of just law" [16].

In line with this idea, Padang Legal Aid Institute developed the concept of Structural Legal Aid, emphasizing the integration of human rights principles and legal strategies. Their approach focuses on selecting cases with a structural dimension, involving the state, targeting vulnerable victim groups, and potentially having a broad impact on social change. Through critical internal assemblies and a rigorous selection process, each case handled by Padang Legal Aid Institute aims to resolve individual legal issues and to encourage policy transformation and broader systemic change within social and legal structures.

Implementation of Structural Legal Aid by Padang Legal Aid Institute

Padang Legal Aid Institute implements Structural Legal Aid through litigation and non-litigation approaches that aim to encourage systemic change to social structures that give rise to injustice. This approach aligns with the view that law is not merely a tool for resolving legal issues, but also a tool for social transformation, including economic, social, political, and even cultural justice. Through this litigation approach, Padang Legal Aid Institute actively advocates for strategic cases related to human rights violations, agrarian conflicts, and the criminalization of indigenous communities and farmers. According to Catahu 2024, of the 96 complaints received, 44 cases, or approximately 40%, managed by Padang Legal Aid Institute were classified as structural cases. These include agrarian conflicts in Dharmasraya and the criminalization of farmers in South Solok who opposed illegal mining activities.

Meanwhile, the non-litigation approach is implemented through various policy advocacy activities, hearings with local governments, the development of policy briefs, and social issue campaigns through the media. These activities are supported by community organizing, legal counseling, and community-based legal awareness building. One concrete manifestation of this approach is the development of a paralegal network in 35 villages across 14 regencies/cities in West Sumatra, tasked with providing critical legal education and strengthening the community's capacity to understand and collectively advocate for their

rights. Furthermore, Padang Legal Aid Institute utilizes various communication channels, such as social media, annual reports, and public discussion forums, to foster critical opinion, expand cross-sector solidarity, and pressure actors involved in structural oppression. This strategy enables issues of injustice to be brought to the public sphere and become a shared concern for the community.

Opportunities in the Implementation of Structural Legal Aid by Padang Legal Aid Institute

Public trust in Padang Legal Aid Institute is a key foundation for strengthening Structural Legal Aid. The high and positive response from the community is reflected in the intensity of daily requests for Legal Aid, both through in-person consultations and digital channels. According to the 2024 Catahu, Padang Legal Aid Institute received 96 complaints, of which 44 (approximately 40%) were classified as structural cases. It demonstrates that Padang Legal Aid Institute has become a primary reference for the community in handling systemic conflicts, particularly in the agrarian, labor, indigenous communities, and criminalization sectors. It is inseparable from Padang Legal Aid Institute consistency in handling strategic cases, particularly those involving agrarian, labor, indigenous communities, and criminalization conflicts. The community comes not only as "clients" but also transforms into part of a broader movement, as the approach used is not only litigation based but also participatory and community based, prioritizing victim empowerment.

Since 2012, Padang Legal Aid Institute, along with the Faculty of Law of Andalas University and the TIFA Foundation, has established the Paralegal Education Institute (LPP) as a pilot project for community-based legal education. This program involves six months of intensive training for aspiring paralegals from various villages, covering structural advocacy, documenting rights violations, and simulating legal assistance based on local experiences [18]. The presence of these paralegals was then normatively reinforced through Minister of Law and Human Rights Regulation Number 3 of 2021 concerning Paralegals in the Provision of Legal Aid, which affirms that paralegals have an official position and role as part of legal aid providers under accredited legal aid organizations. This regulation legitimizes the community-based legal assistance practices that Padang Legal Aid Institute has long implemented, while also opening up wider space for paralegals to play a role in empowering poor communities and vulnerable groups. Thus, Padang Legal Aid Institute optimizes the role of paralegals to bridge the gap between formal law and vulnerable communities, thereby expanding the reach of legal advocacy to villages and indigenous communities. This trust is an important prerequisite in building solidarity, mobilization, and structural advocacy for cases of violations of civil, agrarian, labor, and environmental rights.

Structural Legal Aid work is also strengthened through Padang Legal Aid Institute position as a regional branch within the national institutional network, through the Indonesian Legal Aid Foundation (YLBHI). It also collaborates with NGOs across Sumatra to strengthen cross-regional collaboration. This connectivity not only provides access to training and institutional capacity building but also opens up pathways for cross-regional collaboration in addressing broader human rights and structural justice issues. Through this network, Padang Legal Aid Institute can elevate local cases to the national level, including through joint campaigns, inter-Legal Aid Institute consolidation, and involvement in public policy advocacy. This is evident in several articulations of local struggles that have gained national

traction, such as the #JusticeForAfif or #SolidarityforKapaFarmers campaigns, which mobilized cross-regional solidarity through media campaigns and direct action.

Padang Legal Aid Institute success in handling various cases also reflects the effectiveness of this structural approach. For example, in labor cases, Padang Legal Aid Institute recorded that it had saved more than IDR 4 billion in workers' rights throughout 2024. This sum came from winning 9 PHI lawsuits, including the case of Maria Theresiali, an elderly worker who was fired by CV Sinar Bening without severance pay after 31 years of work, and finally won her rights through a court decision at the Padang Industrial Court at the Padang District Court. The Judge has decided in case Number: 30 / Pdt.Sus-PHI / 2020 / PNPdg. jo Number: 450 K / Pdt.Sus-PHI / 2021 granted Maria's lawsuit. CV Sinar Bening was sentenced to pay the rights of the Plaintiff amounting to IDR 66,695,400, which has had legal force [19]. In the area of public transparency, Padang Legal Aid Institute won a public information lawsuit against the West Sumatra Inspectorate, which forced the opening of audit documents regarding alleged corruption at Bapenda worth IDR 5.4 billion [20]. Furthermore, in the extrajudicial killing of Ganti Akmal, the Padang District Court declared the SP3 issued by the West Sumatra Regional Police invalid, thanks to the litigation efforts of Padang Legal Aid Institute, coupled with a strong public campaign [21].

These victories are not only technical successes in the courtroom but also demonstrate that litigation strategies can complement community organizing and public pressure to achieve structural change. With strong social capital, significant litigation achievements, a cross-regional network, and a robust paralegal infrastructure, Padang Legal Aid Institute has a significant opportunity to continue expanding its advocacy reach and strengthening its position in pushing for policy changes that favor vulnerable communities

Obstacles in the Implementation of Structural Legal Aid by Padang Legal Aid Institute

The implementation of Structural Legal Aid by Padang Legal Aid Institute is inseparable from various internal and external dynamics that influence the effectiveness of advocacy work. In the context of West Sumatra, Padang Legal Aid Institute success in implementing a structural approach is largely supported by opportunities arising from socio-political relations and networks built over more than two decades [22]. However, several structural and repressive obstacles remain serious challenges, providing legal assistance by government and non-government actors is faced with many complex challenges, especially the criminalization of civil society and human rights defenders remains a major obstacle to the implementation of Structural Legal Aid in Indonesia [23]. In many cases, the law is used not to guarantee justice, but as a repressive tool against community groups demanding their rights. This situation further narrows democratic space and hinders the work of Legal Aid organizations, including the Padang Legal Aid Institute, which has long assisted communities in structural conflicts.

a. Criminalization Patterns and Problematic Articles

In 2024, agrarian conflicts in Indonesia reached their highest point in modern history, with 295 outbreaks of conflict, involving 556 criminalization cases, 149 incidents of violence, 4 shootings, and 4 deaths. A total of 399 people were criminalized simply for fighting for their land rights. Many of them came from indigenous communities, farmers, and fishermen defending their living space from the expansion of extractive industry projects and National Strategic Projects (PSN). These conflicts occurred over 1.1 million hectares of land,

impacting 67,436 families. The plantation sector was the most affected by palm oil plantations, followed by the infrastructure sector, partly caused by PSN and food estates, and then the mining sector, dominated by the coal and nickel industries. These conflict outbreaks occurred in 34 of Indonesia's 38 provinces [24].

Meanwhile, records from the Indonesian Legal Aid Foundation (YLBHI) indicate that between 2019 and May 2025, there were 154 cases of criminalization by the police, with 1,097 victims. The groups most frequently targeted were farmers, students, laborers, journalists, and environmental activists. Authorities frequently use ambiguous or open-ended articles in the Criminal Code and the Electronic Information and Transactions Law (UU ITE) to prosecute them.

Tabel 1. Some of the Most Frequently Misused Articles

No.	UU/ Regulation	Article (Subject)	Practical problems in the field	Legal status / MK & academic records
1.	Kitab Undang- Undang Hukum Pidana (KUHP) (The Indonesian Criminal Code)	Article 160 (incitement	It's often used to ensnare organizers/spokespeople of peaceful protests without verifying their intentions; it's a tool for silencing..	Still in effect; widely criticized by YLBHI/academics for its broad interpretation [25].
2.	KUHP	Article 170 (common violence) & Article 406 (valadism)	It's often applied even when evidence of violence/destruction is unclear or triggered by actions by officials/corporations.	Still in effect; often used in complaints against demonstrators/farmers [26].
3.	KUHP	Article 362 (thefting)	It's used to ensnare residents who harvest/take crops on land they claim (disputed), thus framing farming activities as theft.	Still effective; problematic when land status is unclear.
4.	Plantation Law No. 39/2014	Article 55 (entering/work ing on the garden without permission)	It's used by companies to report residents working on disputed land; it has the potential to criminalize members of indigenous communities.	Has been tested in the Constitutional Court; the Constitutional Court limits the application of this article to indigenous communities [27].

5.	Forestry Law No. 41/1999	Article 50 paragraph (3) & Article 78 (activities in forest areas without permission)	Indigenous territories are often designated as "state forests" without formal recognition; communities are criminalized for engaging in traditional activities.	Constitutional Court Decision No. 35/PUU-X/2012 affirmed the recognition of customary forests and limited the application of the Article; however, in the field, authorities continue to enforce this Article against indigenous communities [28].
6.	P3H Law No. 18/2013 (Prevention & Eradication of Forest Destruction)	Criminal articles on forest area violations	The threat of strong criminal penalties, sometimes discriminating against traditional activities and industrial destruction, fuels the criminalization of indigenous communities.	It has been criticized for its potentially broad formulation; technical policies sensitive to customary rights are needed [29].
7.	Law No. 3 of 2020 on Mineral and Coal Mining	Article 158/162 (obstructing mining business activities)	It is used to prosecute artisanal/traditional miners who oppose large-scale mining; it does not always differentiate between scale and legality, and it obstructs mining efforts.	Criticism highlights the need to differentiate between artisanal and commercial mining. [30] It also criminalizes legitimate community organizing, which peacefully protests against mining [31].
8.	Law No. 11 of 2008 jo. Law No. 19 of 2016 on Electronic Information and Transactions	Article 27(3) / Article related to defamation	It is used to prosecute activists, journalists, or advocates who publish evidence of violations; it has an online silencing effect..	The Constitutional Court ruling narrows the definition of pollution, but prosecutions persist [32].

Source: YLBHI, Hukum Online, WALHI

Based on YLBHI's findings, the following articles are often used as instruments of criminalization in handling structural cases in West Sumatra and nationally. Although several articles have been tested in the Constitutional Court and have undergone changes in interpretation, repressive practices still occur because officials do not follow the ruling [33]. Thus, the use of problematic articles in handling agrarian conflicts not only reflects regulatory weaknesses but also becomes a means of criminalizing communities and their legal representatives. This pattern does not stop at the national level, but also appears in various events in the regions, including in West Sumatra. Cases that occur in this region provide a concrete illustration of how legal instruments are often used to oppress residents, instead of resolving the root of agrarian problems fairly.

b. Barriers to Structural Legal Aid due to Criminalization in West Sumatra

The phenomenon of criminalization against communities and their legal representatives is not only national but also evident in West Sumatra. Various agrarian, environmental, and labor conflicts in this region demonstrate a similar pattern of repressive use of legal instruments to suppress citizen resistance and limit the freedom of public advocates, including Padang Legal Aid Institute. In the context of the implementation of Structural Legal Aid, this practice of criminalization poses a serious obstacle, as it not only drains litigation resources but also erodes the public's sense of security and trust in the legal process that is supposed to protect them.

To clarify the pattern of criminalization in West Sumatra and its relationship to obstacles to the implementation of Structural Legal Aid, the following is a summary of several cases handled by Padang Legal Aid Institute. This table contains information on the types of cases and their impact on the advocacy process.

Table 2. Criminalization Cases in West Sumatra

No.	Cases	Conflict and Major Issue
1.	Summons of the Head of the Padang Legal Aid Institute by the West Sumatra Regional Police.	Allegedly an attempt to silence public scrutiny [34].
2.	Nagari (Settlement) Air Bangis, Pasaman Barat.	Criminalization of farmers over customary land claims, arrest and detention of six members of the Air Bangis community [35].
3.	Nagari (Settlement) Air Bangis, Pasaman Barat	Development of ± 30,162 hectares of National Forest Conservation (PSN) covering nine islands and 2,000 hectares of mangrove forest vs. Customary & Environmental Rights, structural criminalization through PSN, arrest of 18 individuals, including advocates, activists, and community members, human rights violations, and repressive actions [36].
4.	Bidar Alam, Solok Selatan	Residents were convicted of theft on disputed customary land. Six residents were named suspects by the South Solok Police, while the reporting company lacked legal standing, demonstrating systemic legal bias[37].
5.	Nagari (Settlement) Kapa, Pasaman Barat.	Forced evictions and arrests of nine farmers, mostly women. Police escorted PT PHP I during the eviction, and a community post was forcibly demolished [38].
6.	Nagari (Settlement) Kapa, Pasaman Barat.	Peaceful demonstrations demanding the withdrawal of authorities from disputed land. Fourteen Kapa farmer activists face prison sentences [39].
7.	Bidar Alam, Solok Selatan	The palm oil plantation development process in Bidar Alam uses a partnership scheme between landowners, represented by the <i>ninik mamak</i> ¹ (traditional elders), and the company. The profit sharing is 40% for the landowners and 60% for the company. However, after

¹ In Minangkabau society, *ninik mamak* are male traditional leaders within the matrilineal kinship system who hold responsibility for guiding, protecting, and managing the affairs of their extended family or clan from the maternal line. They serve as guardians of customary values, mediators in disputes, managers of communal ancestral property (*harta pusaka tinggi*), and representatives of their clans in customary institutions such as the Kerapatan Adat Nagari (KAN). *Ninik mamak* also function as a bridge between younger generations and tradition, as well as between customary governance and the modern state system, in accordance with the Minangkabau philosophy *adat basandi syarak, syarak basandi Kitabullah* (custom is founded upon Islamic law, and Islamic law upon the Qur'an).

	more than 11 years of operation, the company has never fulfilled the terms of the agreement, leading residents to protest and demand their rights for years. The land dispute between residents and the palm oil plantation company has resulted in legal entanglements. Zulkarnaini, a Bidar Alam farmer, was sentenced to five months in prison under the Plantation Law after being reported by the palm oil company, PT Ranah Andalas Plantation (RAP). Zulkarnaini harvested his own disputed land, which the company reported as theft [40].
8. Ombilin Steam Power Plant (PLTU), Sawahlunto.	The Ministry of Environment and Forestry (KLHK) imposed sanctions on the Ombilin Steam Power Plant (PLTU) in Sawahlunto six years ago. However, no improvements have been made, but the PLTU's continued operation has created a public health crisis in Sawahlunto, with 76% of children living near the area diagnosed with lung disorders [41].

Source: Padang Legal Aid Institute, WALHI Sumbar, Sumbarsatu

This series of cases demonstrates that obstacles to the implementation of Structural Legal Aid in West Sumatra stem not only from internal limitations of legal aid institutions, but also from structural external pressures. Criminalization has become an effective instrument to hinder community advocacy and weaken structural advocacy movements. Understanding the patterns and impacts of this criminalization reveals that addressing legal issues in West Sumatra requires an approach that goes beyond litigation, encompassing political and structural strategies to ensure genuine access to justice for the community.

c. Budgetary Constraints in the Implementation of Structural Legal Aid

The law governing legal aid in Indonesia remains focused on the number of cases and the target of budget absorption allocated by the state to legal aid organizations that have been verified and accredited in carrying out their functions for individuals or groups in need[42]. Minister of Law and Human Rights Regulation No. 63 of 2016 regulates the procedures for providing legal aid by Legal Aid Organizations, covering both litigation and non-litigation services. The legal aid service fees are further stipulated in the Minister of Law and Human Rights Decree No. M.HH-01.HN.03.03 of 2017. Based on this regulation, for litigation activities handling criminal cases, the total cost budgeted by the state is IDR 8,000,000 per case, covering the entire process from police investigation to judicial review (PK). For non-litigation activities, such as legal counseling, the state provides IDR 3,740,000 per activity [43]. However, this fee has not been updated since 2017, even though operational costs in the field, such as transportation, accommodation, and case administration, have continued to increase. As a result, although this fee formally serves as a reference for payments from the state budget (APBN/APBD), its value no longer reflects the actual need for legal assistance in various regions.

A preliminary study conducted by Legal Aid Institute APIK, the Institute for Criminal Justice Reform (IJSR), and YLBHI (2023) found that the national legal aid budget design was inadequate to cover all service needs, particularly for vulnerable groups. The available budget generally only minimally covers litigation costs, while non-litigation components such as

policy advocacy, field investigations, or community legal education do not receive adequate financial support.[44] This situation is also experienced by Padang Legal Aid Institute, which receives a legal aid budget allocation from the National Legal Aid Agency of approximately IDR 90 million per year to cover all litigation and non-litigation activities. However, this amount has decreased drastically to approximately IDR 12.7 million per year. This sharp decline has had a significant impact on case-handling capacity. According to Padang Legal Aid Institute:

"...based on the fees stipulated in the Minister of Law and Human Rights Regulation, only four litigation cases can be claimed from the Legal Aid Fund, which is sourced from the State Budget or Regional Budget. Even then, they don't reach a decision, only a lawsuit, and the fees have already been exhausted. Because the Legal Aid Fund is being streamlined, the fees remain based on the old Minister of Law and Human Rights Regulation. So, only a few cases can be claimed, and if the government follows the budget efficiency policy, very little Legal Aid can be provided by the government."

This drastic reduction is the result of the national budget efficiency policy as stipulated in Presidential Instruction Number 1 of 2025 concerning the Efficiency of State Budget/Regional Budget Spending. This policy cuts the total budget ceiling for National Legal Aid from approximately IDR 59 billion to IDR 15.33 billion per year [45].

The Head of Advocacy at the National Legal Aid Agency (BPHN), Masan Nurpian, explained:

"One OBH, who usually receives a funding allocation of IDR 75 million, with this efficiency, will receive a maximum of IDR 12 million."

The policy means that, although the formal case rates still adhere to the old regulations (IDR 8 million for litigation and IDR 3.74 million for non-litigation), the number of cases that can be funded by the state is significantly reduced. In West Sumatra, Padang Legal Aid Institute can only claim four litigation cases with its 2025 funding allocation, without covering costs for non-litigation cases or long term assistance.

The obstacles faced by Padang Legal Aid Institute in implementing Structural Legal Aid stem from legal aid rates that are no longer relevant to actual needs [46], and national efficiency policies that have significantly reduced the total budget ceiling. The combination of these two factors limits Padang Legal Aid Institute ability to handle strategic cases and narrows access to justice for the poor and vulnerable groups in West Sumatra.

CONCLUSION

The Structural Legal Aid provided by the Padang Legal Aid Institute functions not only as a mechanism for dispute resolution but also as a tool for socio-political intervention in West Sumatra, bridging courtroom litigation with community-based advocacy within the nagari system and customary community structures. This study finds that the institute's model sustains an advocacy ecosystem through paralegal networks, litigation and non-litigation strategies, and institutional relationships with affected communities, thereby challenging formal legal injustice while strengthening indigenous community sovereignty. Academically, the research contributes to the progressive law discourse by highlighting community-based advocacy as a driver of structural transformation toward social justice. However, as the study

focuses on a single institution, it does not fully capture the broader dynamics of Structural Legal Aid implementation across other regions, nor does it comprehensively evaluate long-term impacts. Future research should examine multi-institutional practices and assess the long-term effectiveness of Structural Legal Aid, particularly how legal advocacy aligns with civil society movements, political support, and systemic law enforcement reforms to ensure sustained access to justice for vulnerable groups.

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