

JURIDICAL REVIEW OF THE EFFECTIVENESS OF LEGAL AID PROVISION BY ADVOCATES THROUGH DIGITAL MEDIA

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Abstract

The rapid advancement of technology in Indonesia has catalyzed transformation across various sectors, including the provision of legal aid services by advocates. This study investigates the effectiveness of delivering legal aid through digital media from a juridical perspective, with particular emphasis on the opportunities and challenges associated with its implementation. Employing a normative juridical approach, the research examines the legal frameworks regulating digital legal aid practices, notably the Advocate Law, the Electronic Information and Transactions (ITE) Law, and the Advocate Code of Ethics. The findings indicate that digital media can significantly enhance the accessibility of legal services, particularly for communities in remote areas. Nevertheless, the implementation of digital legal aid faces persistent challenges, including the absence of specific regulatory provisions, concerns over data security, and disparities in digital infrastructure. Advocates providing online legal services may be classified as Electronic System Providers and are thus obliged to comply with the provisions of the ITE Law, especially those relating to data protection and the security of electronic transactions. The study concludes that comprehensive regulatory reforms are essential to govern the practice of digital legal aid effectively, alongside efforts to improve digital infrastructure and literacy. Key recommendations include the development of technical guidelines for digital legal aid delivery and the reinforcement of data security systems to safeguard clients' interests.

Keywords : Legal Aid, Advocate, Digital Media, Information Technology

INTRODUCTION

With the advancements and innovations in technology, particularly in Indonesia, and with the extensive development of the Internet, artificial intelligence, and 5G networks, almost every aspect of society's life is being transformed. This not only changes aspects of community life but also opens up significant opportunities in various sectors. For example, increasingly autonomous AI can make complex decisions and provide personalized solutions, while the IoT creates integrated smart environments such as smart homes and smart cities that are responsive to user needs.

However, this technological progress also demands adjustments in regulations and laws in Indonesia to accommodate new challenges, such as data security, privacy, and the ethics of technology use. The Indonesian government has begun to develop a legal framework governing aspects of cybersecurity and personal data protection, given the increasing risk of increasingly complex cyberattacks. Additionally, regulations related to electric vehicles and autonomous technology are also being continuously formulated to ensure safety and sustainability. These legal adjustments are crucial so that technological innovation can proceed in parallel with the fair and responsible protection of the rights and interests of the community.

In its implementation, this digital transformation also requires the development of supporting facilities throughout Indonesia. The construction of fiber optic networks, telecommunication towers, and data centers spread across various regions is a crucial foundation for supporting national technology adoption. Furthermore, increasing public digital literacy through education and training programs is also key to ensuring that technology can be utilized optimally and responsibly.

In the context of the digital economy, technological developments have driven the growth of Indonesian startups and unicorns innovating in various sectors, ranging from e-commerce and fintech to technological solutions for SMEs. Advocates have a strategic role in assisting technology companies, from the establishment and funding stages to business expansion. They also play a role in providing legal protection related to intellectual property rights, cooperation agreements, and compliance with technology sector regulations (Yotawati et al., 2017). Furthermore, the integration of technology in public services has introduced the concept of more efficient and transparent e-government. The implementation of digital-based public service systems, such as online population administration, electronic permits, and digital payment systems, has increased the accessibility and quality of government services to the public. Advocates play an important role in providing legal assistance related to the implementation of e-government, including aspects of data security and the protection of citizens' privacy (Sadar, 2023).

Facing the era of the Industrial Revolution 4.0, Indonesia is confronted with both significant challenges and opportunities in promoting digital development across various sectors, one of which, the legal sector, is the focus of the author. To address these challenges, the country needs to consistently strengthen the digital foundation through the equitable development of technological infrastructure and the establishment of regulations that are responsive and adaptive to digital dynamics.

In line with the increasing public need for legal services that are fast, easily accessible, and efficient, advocates are required to continuously update their competencies, not only in aspects of substantive law but also in understanding and utilizing developments in information technology. Knowledge in the field of technology law or cyber law, mastery of digital platforms such as video conferencing applications, electronic document management systems, and digital-based data security have become essential skills that modern advocates need to acquire. With these capabilities, the provision of legal aid is no longer limited by space and time but can reach the community more broadly and inclusively.

In this fast-paced digital era, advocates face both significant challenges and opportunities in carrying out their mission of providing access to justice for the community. Digital transformation requires advocates to be present not only physically but also in the online or digital sphere. Indonesia, as the world's largest archipelago with more than 17,000 islands and thousands of villages spread from Sabang to Merauke, faces unique challenges in reaching justice, especially in providing legal aid to communities in remote areas. In utilizing technology in the legal service process, advocates must have a robust system to protect client data from falling into the wrong hands. This requires investment in digital security infrastructure and a deep understanding of data protection ethics. Internally, many advocates are not yet familiar with modern technology, so continuous training is needed to enable them to operate digital platforms effectively. Nevertheless, the digital era also brings significant opportunities for advocates, such as expanding the reach of services through websites, applications, and social media.

Digital transformation carried out with a holistic approach will not only accelerate legal services but also has the potential to increase the effectiveness of law enforcement, strengthen the protection of public legal rights, and contribute to supporting national economic development based on social justice. However, this digitization process must be implemented while prioritizing the principles of data security, privacy protection, and the sustainability of the legal system itself (Wibowo, 2023).

RESEARCH METHODS

The method used in this research is the normative juridical method, which aims to analyze and assess the statutory regulations relevant to the legal issues being investigated. This approach employs two main approaches: the statute approach and the conceptual approach.

The statute approach is an approach that focuses on applicable statutory regulations. This approach is carried out by examining and analyzing all legal provisions related to the legal problem or question being investigated, both general and specific in nature. This approach allows for the identification of legal norms that can be applied in the context of the legal problem under study. Meanwhile, the conceptual approach focuses on understanding the legal concepts used in statutory regulations as well as their meaning and application in legal practice (Sihombing & Hadita, 2022).

RESULT AND DISCUSSION

Legal Basis for the Role of Advocates in Providing Legal Aid

Legal Aid Providers are legal aid institutions or community organizations that provide free legal aid services to the public, based on the provisions of the relevant law (Law, 2011). These services are primarily aimed at community groups that lack the necessary financial resources to access justice. Legal aid is a constitutional right of citizens as guaranteed in Article 28 D paragraph (1) of the 1945 Constitution of the Republic of Indonesia and further regulated in Law Number 16 of 2011. Meanwhile, the advocate profession positions advocates as law enforcers who are free and independent in providing legal services, including in the form of legal aid (Law, 2003). However, along with technological advancements, questions arise regarding the effectiveness of the implementation of legal aid by advocates when carried out through digital media, as well as the forms of accountability and compliance with applicable legal norms in such practices.

Advocates are a profession with moral and professional responsibilities in carrying out their roles within society. To ensure that every action of an advocate remains within the corridors of law and ethics, the fundamental principles in carrying out this profession are formulated into a guideline known as the Advocate's Code of Ethics (Tarantang, 2018). Every advocate acts in accordance with this code of ethics as a guide to conduct, whether acting in the

capacity of legal counsel, legal representative representing clients before the court, or as part of the broader law enforcement system; advocates are required to always uphold integrity, professionalism, and justice (Law, 2003).

Advocates serve as professional companions, defenders, and legal advisors, so that people facing legal problems can obtain optimal protection and justice. The role of advocates is not limited to court proceedings but also includes providing legal consultation, mediation, and advocacy in various legal fields. This is particularly important for vulnerable and underprivileged community groups who often face difficulties in accessing legal services (Supriadi, 2006). Advocates play a vital role in the Indonesian judicial system, especially as facilitators in resolving disputes in various legal cases. This is because among their duties, advocates prioritize peaceful settlements, avoid providing information that could harm their clients, and maintain client confidentiality. In carrying out their duties, advocates function as competent intermediaries in handling cases in criminal, civil, and state administrative law. The presence of advocates is crucial in ensuring the fair and transparent operation of the legal process. As legal professionals, advocates not only act as defenders of clients but also as mediators who help uncover the truth and uphold justice.

Moreover, advocates are highly responsible for protecting human rights and providing legal aid independently and impartially. They act as the forefront in ensuring that every individual has access to justice and adequate legal protection. In carrying out their profession, advocates must be free from the intervention of any party, so that they can provide legal assistance objectively and professionally for the achievement of substantive justice.

Legal Aid Through Digital Media

Service facilities are an essential component of legal services, connecting clients and advocates. With the progress of the times and the advancement of information technology, there has been a shift in how advocates provide their services. One emerging innovation is the presence of online advocates, which is the practice of providing legal services virtually, relying on digital media as a means of communication and legal interaction. However, to date, the Law on Advocates has not explicitly regulated or defined the concept of online advocates.

Legal consultations can now be conducted through instant messaging applications, video calls, email, and legaltech platforms such as Justika, Hukumonline, and others. These services generally include legal consultation, document review, legal document drafting, and virtual legal assistance. The main purpose of these services is to provide ease of access for clients without the need to visit an advocate's office in person. Advocates providing online services are obligated to fulfill administrative and professional legality requirements that can be verified by clients. Furthermore, given the prohibition for advocates to engage in commercial advertising, clients are advised to still conduct face-to-face meetings to ensure the validity and professionalism of the legal services provided.

This convenience addresses the needs of communities who have long faced difficulties in accessing legal aid, whether due to geographical constraints or limitations of time and cost. As previously explained, one of the main challenges is the limited transportation and communication infrastructure. Due to limited public transportation, poor road conditions, or even the need for hours-long boat journeys, many areas in Indonesia remain difficult to reach. This requires advocates or legal aid organizations to expend significant time, effort, and costs just to reach the location, not including the time for the legal consultation itself. Moreover, the uneven distribution of advocates in Indonesia exacerbates the situation. The majority of advocates are still concentrated in large cities, while many remote areas have virtually no legal representation. Consequently, rural communities facing legal issues often do not receive adequate access to legal defense. Digitalization could be a solution but also faces challenges. Many villages still have minimal internet access, technological devices, and low levels of public

digital literacy. As a result, the provision of online legal aid has not yet been fully effectively implemented throughout the region (Bethsyeba, 2014).

However, this innovation also carries new legal risks if not balanced by adequate regulation. Without a clear legal basis, various problems can arise, such as:

1. Confidentiality of client information, as digital communication is vulnerable to data breaches if not supported by robust security systems;
2. Identification and authentication, as it is difficult to verify the authenticity of the identities of both clients and advocates in online services, thus risking fraud or misuse of power of attorney; and
3. Professionalism standards, as there are no standard guidelines regulating the procedures for advocates providing services digitally, including ethics in online interactions.

Technology has created a borderless world, where national boundaries seemingly disappear, making information and interaction between individuals across countries very easy and fast. This phenomenon, on the one hand, promotes efficiency, but on the other hand, poses serious challenges, especially in terms of security and digital literacy gaps. According to Manuel Castells, today's information society forms a global network structure that allows for instant information exchange but also creates vulnerabilities to technology misuse. The uneven unpreparedness of human resources in understanding and utilizing technology becomes a loophole exploited by criminals (Castells, 2000). Under the guise of technological advancement, various forms of crime such as online fraud, the spread of false information, and cybercrime are increasingly prevalent (Pan Dhadha et al., 2021).

Juridical Review of Digital Legal Aid

Advocates who provide legal services online through websites or applications can be categorized as electronic system operators under Indonesian positive law (Law, 2024). Consequently, advocates who utilize digital media to provide legal consultation, assistance, and other services fall into this category and are obligated to comply with the principles of electronic system management, including data security, privacy protection, and information transparency in accordance with the provisions of the ITE Law.

The existence of online advocates as electronic system operators can be clearly observed through the use of domain names and the development of digital legal applications used to provide legal services. The utilization of digital platforms by advocates directly makes them part of the electronic system as intended in the ITE Law. In practice, legal services provided online are inseparable from electronic transaction activities (Law, 2024). Thus, every legal consultation activity, document submission, or agreement between clients and advocates online constitutes a part of electronic transactions subject to the provisions of the ITE Law (Fransisko & Alauddin 2024).

CONCLUSIONS

The provision of legal aid through online advocates is an innovative solution to address the challenges of access to justice in Indonesia, particularly for communities living in remote areas or those with limitations in accessing law offices. With the advancement of information technology, digital legal services open up opportunities for the public to obtain legal consultation more easily, quickly, and efficiently. This is particularly important given Indonesia's geographical conditions, which consist of thousands of islands and hard-to-reach rural areas.

However, the emergence of online advocates also poses serious challenges, especially regarding the regulatory vacuum in governing this practice. Issues of client personal data protection, the validity of the identities of advocates and clients, and the potential for misuse of digital legal services must be a primary concern. Furthermore, the continued disparity in technology access across various regions narrows the reach of online advocates. Therefore, regulatory updates are needed to clearly govern online advocates to ensure that these services can operate with safe, professional, and accountable standards.

REFERENCES

- Castells, M. (2000). *The rise of the network society* (2nd ed.). Oxford: Blackwell Publishers.
- Dhadha Pan, T., Rahayu, L. A., Resmi, D. S., & Kusumastuti, D. (2021). Efektivitas peran UU ITE dalam rangka melindungi serta menjaga seluruh aktivitas siber yang ada di Indonesia. *Legal Standing: Jurnal Ilmu Hukum*, 6(1).
- Edwar, F. R., & Alauddin. (2024). Legalitas advokat dalam memberikan layanan konsultasi hukum daring ditinjau dari perspektif UU Advokat dan UU ITE. *UNES Law Review*, 6(4).
- Gabriell, B. (2014). Pelaksanaan bantuan hukum cuma-cuma yang diberikan oleh advokat kepada masyarakat yang kurang mampu. *Jurnal Ilmiah*, Universitas Atmajaya Yogyakarta.
- Krista, Y., Haryani, A. T., & Nugroho, S. S. (2017). *Hukum dan teknologi*. Solo: Pustaka Iltizam.
- Sadar. (2023). *E-government (Konsep, implementasi, dan evaluasi e-government di Indonesia)*. Bandung: Widina Media Utama.
- Sihombing, E. N., & Cynthia, H. (2022). *Penelitian hukum*. Malang: Setara Press.
- Supriadi. (2006). *Etika dan tanggung jawab profesi hukum di Indonesia*. Jakarta: Sinar Grafika.
- Tarantang, J. (2018). *Advokat mulia*. Yogyakarta: K-Media.
- Undang-Undang Dasar Tahun 1945.
- Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.
- Undang-Undang Nomor 16 Tahun 2011 tentang Bantuan Hukum.
- Undang-Undang Nomor 18 Tahun 2003 tentang Advokat.
- Wibowo, A. (2023). *Hukum di era globalisasi digital*. Semarang: Universitas STEKOM.