

FORMATION OF VILLAGE REGULATIONS ON LEGAL AID SERVICES FOR THE UNDERPRIVILEGED COMMUNITY IN BETIMUS MBARU VILLAGE SIBOLANGIT DISTRICT, DELI SERDANG REGENCY

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Abstract

Access to justice is a basic right of every citizen as guaranteed in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. However, in practice, underprivileged community groups in rural areas still face various structural and cultural obstacles in obtaining legal aid services. Betimus Mbaru Village, located in Sibolangit District, Deli Serdang Regency, is one of the areas facing similar challenges, with a low level of legal literacy among the community and a minimal number of legal aid institutions operating actively in the area. This condition shows the importance of local-based initiatives to guarantee the constitutional rights of village residents, one of which is through the formation of Village Regulations (Perdes) on Legal Aid Services. This study aims to analyze the urgency, mechanisms, and impacts of the formation of Perdes that regulates legal aid services for underprivileged communities. The approach used in this study is a juridical-empirical approach, with qualitative methods. Data were obtained through literature studies, in-depth interviews with village officials, community leaders, and underprivileged residents, and participatory observation in the village deliberation process. The collected data were analyzed descriptively-analytically by referring to applicable legal principles, as well as the theory of social justice and community legal empowerment. This research is expected to provide practical contributions to village government in realizing inclusive governance and oriented towards human rights. In addition, this research can be an initial reference for other regions with similar social characteristics in developing local policies for legal aid services.

Keywords: *regulations, village, legal aid, community, access to justice.*

INTRODUCTION

A. Background

Access to justice is a basic right guaranteed by the state in the Indonesian legal system. The Indonesian constitution, namely the 1945 Constitution, stipulates that every citizen has the right to receive legal protection without discrimination. However, in reality, poor communities often experience obstacles in obtaining adequate legal aid services, so they have difficulty in fighting for their legal rights. One solution is through the provision of legal aid services for the underprivileged, which is regulated in Law Number 16 of 2011 concerning Legal Aid¹.

At the village level, especially in remote and rural areas, the challenge of access to legal aid is greater. This is due to the low level of legal knowledge of the community, the small number of legal aid institutions operating in the village, and the limited budget and human resources available in the village. Betimus Mbaru Village, located in Sibolangit District, Deli Serdang Regency, is one example of an area that has similar challenges. The people of this village, who are mostly low-income, often do not understand their legal rights and do not know how to access legal services.² Although Law Number 16 of 2011 provides a legal basis for legal aid services for the underprivileged, its implementation in rural areas such as Betimus Mbaru Village is still very limited. The absence of legal aid institutions operating in this village, as well as the lack of socialization about legal rights, makes it difficult for people to gain access to justice, especially in legal cases concerning land, family rights, and consumer protection. This causes

¹ Republic of Indonesia Law Number 16 of 2011 concerning Legal Aid, Article 1 Paragraph (1).

² Santoso, A. (2020). Legal Access for Poor Communities in Villages: Case Study in Deli Serdang Regency. *Journal of Law and Society*, 12(1), 76-89.

inequality in access to justice between rural communities and those living in urban areas.³ Such conditions are the basis for the need for efforts to create a more inclusive legal system that can be accessed by all levels of society, especially those in underprivileged groups. One effort that can be made is by forming Village Regulations (Perdes) on legal aid services. The formation of this Perdes is very important to provide a clear legal basis for the provision of legal aid services to village communities, so that they can obtain their legal rights fairly and equally.

Betimus Mbaru Village has great potential to develop village-based legal aid services. With the existence of the Village Regulation, the legal aid services provided can be adjusted to the needs and characteristics of the local community. This village regulation can cover various things, starting from the mechanism for providing legal aid, human resources who will handle cases, to the funding needed for the operation of the service. Thus, the formation of this Village Regulation can provide a solution to the inequality of legal access that exists in the village⁴.

It is further important to note that village regulations governing legal aid will not only provide legal benefits, but will also support community empowerment. Through legal education provided in the village context, communities will be more aware of their rights and how to protect those rights. This in turn will increase legal awareness among village communities, which can ultimately create a more just and legally prosperous society.⁵

One of the advantages of the formation of this Perdes is that village regulations can be more flexible and responsive to the needs of the community. As a local legal instrument, Perdes allows a closer approach to the reality and problems faced by village communities. By involving the community in the process of drafting regulations, it is hoped that regulations will be created that are truly in accordance with their conditions and needs.

This study aims to analyze the urgency of establishing a Village Regulation on legal aid services for underprivileged communities in Betimus Mbaru Village, as well as to formulate appropriate implementation mechanisms and regulations to support the sustainability of these services. This study is expected to contribute to the development of village-based legal policies that focus on empowering communities in accessing legal aid in accordance with their rights.⁶

So this study not only aims to analyze the need for legal aid services at the village level, but also to provide practical recommendations that can be used by village governments in forming fair and sustainable legal policies. It is hoped that this study will provide a policy model that can be applied in other villages that have similar problems in terms of access to justice.

B. Formulation of the problem

Based on the background that has been described in the previous section, the formulation of the problem in this research is focused on several main questions as follows:

1. What is the urgency of establishing a Village Regulation on legal aid services for underprivileged communities in Betimus Mbaru Village?
2. What are the factors that support and hinder the formation of Village Regulations on legal aid services?
3. What is the ideal mechanism for forming Village Regulations on legal aid services in Betimus Mbaru Village?

C. Research purposes

In accordance with the problems above, the objectives of this research are as follows:

1. Knowing and identifying the urgency of establishing Village Regulations on legal aid services for underprivileged communities in Betimus Mbaru Village.
2. To analyze the supporting and inhibiting factors in the process of forming village regulations on legal aid.
3. Formulate a model or mechanism for the formation of village regulations for legal aid services that are participatory and in accordance with the provisions of laws and regulations.

³ Setiawan, B. (2019). Challenges of Legal Access in Rural Areas: The Case of Betimus Mbaru Village. *Journal of Legal Development*, 8(2), 54-65.

⁴ Sulaiman, F. (2018). Legal Empowerment at Village Level: Legal Aid Service Model for Poor Communities. *Journal of Legal Service*, 9(1), 35-45.

⁵ Budi, A. (2021). Improving Legal Access in Villages Through Legal Aid Services: A Theoretical and Practical Study. *Journal of Law and Village Development*, 10(2), 50-63.

⁶ Lestari, F. (2021). Empowering Village Communities in Accessing Legal Aid: A Participatory Approach. *Journal of Law and Justice*, 7(2), 200-212.

LITERATURE REVIEW

A. Theory of the Rule of Law and Access to Justice

The theory of the rule of law is a basic principle in modern governance, which emphasizes that the state must be organized based on law, not on the will of power alone. In this concept, law functions as a tool for regulating and controlling power so that it is not arbitrary, and as a guarantee of the rights of citizens.

According to Friedrich Julius Stahl, a state based on law has several basic elements, namely: recognition and protection of human rights, division of power, government based on law, and the existence of an independent and impartial judiciary.⁷ Meanwhile, AV Dicey stated that the principle of the rule of law includes three main elements: (1) the supremacy of law, meaning that there should be no arbitrariness; (2) equality before the law for every citizen; and (3) the constitution as a result of individual rights protected by law.⁸

In the Indonesian context, the principle of the rule of law is reflected in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "The State of Indonesia is a state based on law." This means that all state administration actions must be based on applicable law and uphold the principle of justice.

Access to justice is an important part of the implementation of the rule of law. This concept refers to the ability of every person, especially the poor and vulnerable groups, to obtain protection of their rights through a legal system that is fair, inclusive, and accessible to all parties.

Cappelletti and Garth state that access to justice is a "new wave in the global movement" that aims to make legal rights truly accessible to the wider community, especially through the establishment of effective legal aid systems for the underprivileged.⁹ Access to justice does not only include the opportunity to bring a case to court, but also includes the provision of legal information, legal assistance, and the assurance that the legal system works fairly for all parties, without discrimination.

The importance of access to justice is also regulated in Law Number 16 of 2011 concerning Legal Aid, which aims to ensure that every citizen, especially the poor, has the right to free legal aid. This is a real manifestation of the principle of equality before the law as stated in Article 28D paragraph (1) of the 1945 Constitution.

Thus, the theory of the rule of law and the principle of access to justice are closely related in realizing a just, equitable, and humanist legal system. The state is obliged not only to create laws, but also to ensure that these laws can be used and enjoyed by all citizens, including those in weak social and economic conditions.

B. Legal Aid Concept

Legal aid is an effort to provide access to underprivileged communities to obtain proper and fair legal services. This concept emerged as a response to inequality in access to justice, where individuals or groups with low socio-economic status often have difficulty obtaining lawyers or sufficient litigation costs to fight for their rights in court. Legal aid aims to create inclusive justice for all levels of society, especially the underprivileged.¹⁰

Legally, Indonesia regulates legal aid through Law Number 16 of 2011 concerning Legal Aid. According to Article 1 paragraph (1), legal aid is any form of legal service provided free of charge to the underprivileged in dealing with legal problems. This legal aid covers various things, such as assistance in the litigation process, legal consultation, and legal protection in various forms of disputes, be it civil, criminal, or administrative disputes.

In the Indonesian context, legal aid service providers usually involve legal aid organizations, non-governmental organizations (NGOs), or lawyers who work together with the government to provide affordable legal services to the community. The government plays a role in funding and organizing this legal service delivery system, with the main goal of ensuring the right to access justice for the financially disadvantaged community.¹¹

Legal aid has two main forms, namely preventive and repressive legal aid. Preventive legal aid aims to prevent the emergence of legal disputes by providing legal education to the community, while repressive legal aid focuses

⁷) Friedrich Julius Stahl, *The Doctrine of Law and the State* (Berlin: Springer, 1850).

⁸) AV Dicey, *Introduction to the Study of the Law of the Constitution* (London: Macmillan, 1885).

⁹) Mauro Cappelletti & Bryant Garth, *Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective* (Milan: Giuffrè, 1978).

¹⁰ Hartono, R. (2015). Access to Justice for the Poor: Definition and Purpose of Legal Aid. *Journal of Law and Justice*, 8(3), 123-135.

¹¹ Mulyadi, S. (2019). The Role of Government in Providing Legal Aid in Indonesia. *Journal of Legal Development*, 15(2), 89-101.

more on providing legal assistance in the litigation process when a legal dispute has already occurred.¹². Both types of legal aid are essential to raise legal awareness in society and to ensure that everyone has equal rights in facing legal problems.

Legal aid at the village level is also very important considering that the majority of people in rural areas tend to have low levels of legal literacy and have difficulty accessing formal legal services. Villagers are often unaware of their legal rights, and without adequate legal aid, they are more vulnerable to abuse of power or injustice in the legal process. Therefore, a village-based approach that provides legal aid that is directly accessible to village communities is very important.¹³.

The formation of village regulations on legal aid is also very relevant in the context of empowering village communities. With regulations at the village level, it is hoped that communities can obtain better information and legal support in dealing with their legal problems. This will also increase the level of public trust in the existing legal system, which in turn will encourage the creation of a more just and equitable society.

The regulation of legal aid at the village level is expected to function as an instrument to increase the empowerment of village communities. In this case, legal aid is not only in the form of legal services provided to individuals, but also as part of legal education that aims to build legal awareness at the local level. A more legally aware community will be more empowered in protecting their rights and can be more active in resolving the legal problems they face.¹⁴.

One important part is that legal aid is not only limited to large or complex legal problems, but also includes everyday problems that are often faced by the community, such as land disputes, family rights issues, and consumer protection. Therefore, the provision of legal aid must be adjusted to the diverse needs of the village community. Village regulations that regulate legal aid services will be able to create a legal system that is more responsive to the specific needs of the village community.

The urgency of village regulations on legal aid, villages will have a clear legal basis to provide legal services to underprivileged communities. This can reduce inequality in access to justice between rural and urban communities, and provide better legal protection for underprivileged communities who are often marginalized in the formal legal system.¹⁵.

C. Village Legal Regulations and Village Authority

Village Regulations (Perdes) are legal instruments issued by the village government as a form of authority to regulate and manage the interests of village communities within the framework of national law. Based on Law Number 6 of 2014 concerning Villages, villages have the authority to regulate and manage government affairs and community interests in their area, including in terms of organizing legal aid services. Perdes produced by the village have legal force that binds village residents, with the aim of creating social order and realizing justice at the village level.¹⁶.

The authority of the village in the formation of Village Regulations is reflected in Article 2 Paragraph (1) of the Village Law which gives the village the right to regulate government affairs according to the needs and potential in the village. In this case, the village plays an active role in creating regulations that are tailored to local needs, including regulations regarding legal aid services for the underprivileged. With the existence of Village Regulations, the village can regulate the mechanisms, funding, and implementation of legal aid that can be accessed by all levels of village society who need it.¹⁷.

In addition to that, based on Article 69 of the Village Law, villages also have the authority to organize programs that are community empowerment, including the provision of legal aid services. This indicates that villages are not only responsible for organizing government administration, but also for improving the quality of life of their citizens,

¹² Lubis, E. (2018). Preventive and Repressive Legal Aid in the Indonesian Legal System. *Journal of Law and Empowerment*, 10(4), 150-161.

¹³ Siregar, M. (2020). Legal Empowerment of Village Communities Through Legal Aid Services. *Journal of Village Development Law*, 12(1), 40-52.

¹⁴ Mulyadi, S. (2020). Village Approach in Providing Legal Aid: A Community Empowerment Approach. *Journal of Village Community Law*, 11(3), 101-113.

¹⁵ Nugroho, A. (2020). Legal Protection for Village Communities Through the Formation of Village Regulations on Legal Aid. *Indonesian Law Journal*, 17(3), 182-195.

¹⁶ Republic of Indonesia Law Number 6 of 2014 concerning Villages, Article 2 Paragraph (1).

¹⁷ Irianto, S. (2017). Village Authority in the Formation of Village Regulations and the Regulation of Village Community Rights. *Journal of Village Government and Development*, 5(1), 47-60.

one of which is through access to legal justice. In this context, the formation of a Village Regulation on legal aid services is very important, considering the needs of village communities for fair and affordable legal access.

The establishment of Village Regulations on legal aid is very relevant, considering that village communities often face obstacles in accessing the existing legal system, especially related to costs and low legal understanding. Village Regulations can regulate the types of legal services provided, such as legal assistance in civil, criminal, or land rights disputes, which are often major problems in villages. With clear regulations, it will be easier for communities to access their rights without being hampered by economic limitations.¹⁸.

Empowering village communities through the formation of Village Regulations that regulate legal aid services is also in line with efforts to increase legal awareness at the local level. Legal aid services provided through Village Regulations are not only intended to resolve legal disputes, but also as a means for legal education for village communities. Thus, this Village Regulation is expected to encourage communities to better understand their rights and utilize these rights in dealing with legal problems that may arise.¹⁹.

In practice, the authority of the village to draft the Village Regulation in the field of legal aid also provides an opportunity for the village to collaborate with legal aid institutions and other civil society organizations. This collaboration will enrich the quality of services provided to the village community, as well as ensure that the legal aid services provided are in accordance with the real needs of the community in the village. Therefore, it is important for the village to involve related parties in the process of drafting the Village Regulation so that the results are truly beneficial to the community.

Although the Village Regulation has binding legal force at the village level, challenges in implementation remain. One of them is the limited budget owned by the village government to provide adequate legal aid services. Therefore, in addition to relying on village funds, it is important for the village government to seek other sources of funding, either through cooperation with the private sector, legal aid institutions, or international donors, so that the legal services provided can run effectively.

The establishment of a Village Regulation that regulates legal aid for the underprivileged is expected to reduce the legal gap between rural and urban communities. Rural communities often feel marginalized in the legal process due to limited resources and legal knowledge. With regulations at the village level, they will gain fairer access to the legal system, which will ultimately strengthen social justice at the local level.

It is important to note that in order to improve the effectiveness and sustainability of the Village Regulation on legal aid, there needs to be a periodic evaluation of the implementation of the legal aid program that has been run. This evaluation can be done by involving the village community in the process of monitoring and providing feedback on the quality of legal services provided. Thus, the existing Village Regulation will continue to develop and increasingly approach the increasingly complex needs of the village community.²⁰.

D. Community Participation in the Formation of Regional/Village Regulations

Community participation in the formation of regional/village regulations is an important element in a healthy and effective democratic system. The formation of village regulations that are responsive to community needs requires not only the authority of the village government but also the active involvement of the community in the process of formulating the policy. This participation is not only about voting, but also involving the community in every stage of regulation making, from planning, formulation, to implementation and evaluation.

In discussions about village regulations, community participation allows for a two-way dialogue between the village government and villagers. This is important so that every policy produced truly reflects the needs and aspirations of the community at the local level. Through a participatory process, village regulations can be produced in a more inclusive way and better reflect the common interest, not just a unilateral decision from the village government.²¹.

Therefore, community participation in the formation of village regulations also serves to increase the accountability and transparency of the village government. When the community is actively involved, they can

¹⁸ Soetomo, P. (2018). Villages and Legal Access: Realizing Legal Aid Services in Villages. *Journal of Law and Society*, 7(2), 123-136.

¹⁹ Widodo, A. (2019). Empowering Village Communities Through Legal Aid: Challenges and Solutions. *Journal of Legal Studies*, 13(4), 255-270.

²⁰ Mulyanto, D. (2021). Evaluation of Legal Aid Services in Villages: Model and Continuous Supervision Process. *Journal of Legal Development*, 19(1), 99-110.

²¹ Rachman, M. (2020). The Role of Community Participation in Village Government Decision Making. *Journal of Government Science*, 12(1), 56-67.

monitor and provide input related to the substance and implementation of existing policies. This will help the village government in creating policies that are not only legally valid, but also fair and accepted by the community.

Community participation in the formulation of village regulations also has long-term benefits in terms of increasing legal awareness. When communities are involved in the formulation of regulations governing legal aid services, they will be more aware of their rights and how to access these services. This will reduce the potential for rights violations that occur due to community ignorance of the law.²²

According to Law Number 6 of 2014 concerning Villages, the village government is required to involve the community in formulating policies that are directly related to their interests, including in the formation of village regulations. In this context, community participation is not something that is voluntary, but rather an obligation regulated by law. The formation of village regulations on legal aid services for the underprivileged in Betimus Mbaru Village, for example, requires a process that involves the community at every stage.

The participatory process in the formation of village regulations can be carried out through various mechanisms, such as village deliberations, public consultation forums, or legal counseling that directly involves the community. Village deliberations are a traditional method that is widely used in Indonesian villages to discuss important problems faced together. In this forum, the community has the opportunity to convey their opinions and aspirations related to the legal aid services they need.²³

In addition to village deliberations, another mechanism that can be applied is the use of surveys or questionnaires to find out the needs of the community in a more structured way. By involving the community in data collection, the village government can get a clearer picture of the legal problems faced by the community and the type of legal assistance they need. This will also ensure that village regulations are made based on accurate and accountable data.

It is important to note that community participation must be carried out openly and inclusively. This means that all community groups, including those who are less fortunate and may be marginalized, must be given equal opportunities to participate in the formation of village regulations. Thus, the resulting regulations will better reflect justice and equality for all levels of village society, without exception.²⁴

In the discussion of legal aid services, community participation in the formation of village regulations is very important so that the resulting policies can truly answer the needs of those who are financially disadvantaged. The community must be given space to convey the challenges they face in accessing justice and how they see the most appropriate solution. This will also increase the sense of community ownership of the resulting policies, which in turn can increase the effectiveness of the implementation of the village regulations.

So that community participation in the formation of village regulations on legal aid services for the underprivileged in Betimus Mbaru Village is the main key to creating policies that are fair, transparent, and acceptable to the community. Through broad participation, it is hoped that the village can provide fairer legal services, as well as increase access for underprivileged communities to the legal justice they need. Therefore, it is important for the village government to optimize community participation in every process of forming village regulations²⁵.

RESEARCH METHODS

The empirical legal research method is a method used to analyze facts and phenomena that exist in people's lives related to the application of law in the field. In the context of this research, the empirical legal method is used to assess the implementation and effectiveness of legal regulations at the village level related to legal aid services for underprivileged people in Betimus Mbaru Village, Sibolangit District, Deli Serdang Regency. This method combines legal theories with social realities that occur in society through the collection of primary and secondary data.²⁶

This study uses a qualitative approach with a descriptive research type. This approach was chosen because the study aims to describe the existing factual conditions related to the formation of village regulations on legal aid

²² Suhartini, N. (2020). Increasing Public Legal Awareness Through Participation in the Preparation of Village Regulations. *Journal of Law and Society*, 8(1), 75-90.

²³ Kurniawan, F. (2019). Village Deliberation as a Participatory Means in Village Decision Making. *Journal of Village Government*, 11(2), 85-97.

²⁴ Kurniawati, T. (2020). Inclusivity in Community Participation: Addressing Social Disparities at the Village Level. *Journal of Development and Society*, 9(3), 100-113.

²⁵ Nurhadi, A. (2020). Optimizing Community Participation in the Formation of Village Regulations to Increase Access to Law. *Journal of Law and Justice*, 15(2), 109-120.

²⁶ Soerjono, S. (2015). *Empirical Legal Research Methodology*. Jakarta: RajaGrafindo Persada.

services. The data collected aims to provide a clear picture of community needs, obstacles faced in accessing justice, and the process of forming village regulations at the local level that involve community participation.

Data collection in this study was conducted through two main sources, namely primary data and secondary data. Primary data was obtained through in-depth interviews and direct observation in the field, while secondary data was obtained through document studies such as existing village regulations, relevant literature, and previous research results discussing village regulations and legal aid. Interviews were conducted with village governments, community leaders, lawyers, and underprivileged communities who are the main targets of legal aid services.²⁷.

In-depth Interview

In-depth interviews were conducted with several relevant parties to obtain more in-depth information about the formation and implementation of village regulations on legal aid services. These interviews were conducted with village heads, village officials related to the implementation of legal aid programs, and communities receiving legal aid services. The in-depth interview approach was chosen because it allows researchers to dig up more extensive and detailed information related to the community's experiences and perceptions of legal aid services in the village.



Figure 1: Interview with the Betimus Mbaru Village Community

Field Observation

Field observations were conducted to directly observe the implementation process of legal aid services in Betimus Mbaru Village. This observation aims to see directly how the legal aid policy is implemented in the village, whether there are obstacles in its implementation, and how effective the legal aid services provided to the

²⁷ Ridwan, H. (2016). Legal Research: Methodology and Practice. Jakarta: Kencana.

underprivileged are. With field observations, researchers can obtain more concrete and relevant data related to the dynamics that occur in the field²⁸.



Figure 2: Group photo after interview with the Betimus Mbaru Village Community

Documentation Study

In addition to interviews and observations, this study also uses documentation studies as a method of data collection. Documentation studies are conducted by analyzing various existing village regulations, policy documents related to legal aid services, as well as reports and evaluation results prepared by the village government or other institutions involved in providing legal aid. This documentation provides information related to the process of making village regulations and the implementation of legal aid services that are being prepared by the Betimus Mbaru village apparatus.

Data Types and Sources

The data collected in this study are divided into two categories: primary data and secondary data. Primary data were obtained directly from the community through interviews and field observations, while secondary data included village regulation documents, literature related to legal aid, and data from relevant previous studies. Primary data sources used in this study included the village government, community leaders, and communities receiving legal aid services. Secondary data sources included policy documents and village regulations governing legal aid, as well as scientific studies related to this topic.²⁹.

Data Analysis Techniques

The data analysis technique in this study uses a qualitative approach with descriptive analysis. Data obtained from interviews, observations, and documentation will be analyzed by identifying emerging themes, grouping data based on certain categories, and then drawing conclusions from the findings. This analysis technique allows researchers to provide a clear and systematic description of the conditions in the field and to assess the extent to which village regulations on legal aid services can provide benefits to underprivileged communities.

²⁸ Mulyani, S. (2018). Observation Methods in Social and Legal Research. *Journal of Legal Development*, 9 (3), 210-222.

²⁹ Budiono, B. (2019). Primary and Secondary Data in Legal Research. *Journal of Legal Studies*, 15(2), 85-98.

Legal Analysis

In analyzing the data obtained, researchers used a normative and empirical legal analysis approach. This approach combines an understanding of legal texts that are relevant to the social realities in the field. Researchers will compare the provisions contained in village regulations with their implementation in the field to see the gap between existing norms and practices in society. This analysis also includes an assessment of the effectiveness of implementing village regulations and the challenges faced in providing legal aid services to underprivileged communities.³⁰.

Qualitative Approach

The qualitative approach was chosen in this study because this study aims to understand the phenomenon in depth in a specific social context. This study does not focus on measuring numbers or statistics, but rather on understanding the views, experiences, and perceptions of the community about the legal aid services they receive. By using a qualitative approach, researchers can more easily explore the meaning and understand the dynamics that occur in Betimus Mbaru village related to legal aid services.

Community Participation in the Formation of Village Regulations

One of the main focuses of this study is to analyze the role of community participation in the formation of village regulations regarding legal aid services. Therefore, this study also explores the extent to which the community is involved in the process of formulating village policies related to legal aid. This participatory process is important to ensure that the resulting village regulations can meet the needs of the community and are more acceptable to them. This study will identify the participation mechanisms used in Betimus Mbaru Village and the challenges faced in actively involving the community in the preparation of village regulations.³¹.

Research Location

The research location is in Betimus Mbaru Village, Sibolangit District, Deli Serdang Regency, as the object of study and a place for direct community involvement in the research process.

Social and Legal Analysis

This study also involves social analysis related to the influence of village regulations on the social structure in Betimus Mbaru Village. Through this approach, researchers can understand how legal aid policies impact people's lives, both in terms of social, economic, and legal aspects. This analysis will explore how underprivileged communities benefit from legal services provided through village regulations and whether these services are successful in reducing the gap in access to law in the village.

Evaluation of the Implementation of Legal Aid Services

One of the main objectives of this study is to evaluate the effectiveness of the implementation of legal aid services in Betimus Mbaru Village. The evaluation is carried out by comparing the initial objectives of establishing village regulations with the results achieved in the field. This will include an analysis of the success or failure of the program, the challenges faced, and recommendations for future improvements. With this evaluation, this study will provide insight into the potential sustainability of legal aid policies in the village and how village regulations can be more effective in providing legal access for the underprivileged.

RESULTS AND DISCUSSION

1. Urgency of Establishing Village Regulations Regarding Legal Aid Services for Underprivileged Communities in Betimus Mbaru Village

Legal aid services for the underprivileged are an important aspect in creating social and economic justice in Indonesia. One of the biggest challenges faced by rural communities is the lack of understanding of their legal rights and limited access to the existing justice system. Poor communities are often marginalized in the legal process due to limited funds to obtain a lawyer or high litigation costs. This causes social disparities in access to justice. Therefore,

³⁰ Marzuki, P. (2020). Legal Analysis and Implementation of Village Regulations. Jakarta: Sinar Baru Algensindo.

³¹ Hamzah, A. (2018). The Role of Society in the Formation of Village Regulations. Journal of Development Law, 17(1),

the formation of a Village Regulation on legal aid services in Betimus Mbaru Village is very important to ensure access to justice for all rural communities, especially the underprivileged.³²

Betimus Mbaru Village, as one of the villages located in Sibolangit District, Deli Serdang Regency, faces various challenges related to legal access. Most of the residents of this village are underprivileged and do not have adequate knowledge about their legal rights. Therefore, they often do not know how to obtain legal assistance when facing legal problems, such as land disputes, family problems, or even criminal cases. This situation shows the importance of policies that can regulate the provision of affordable and easily accessible legal aid services for village communities.

Based on Law Number 16 of 2011 concerning Legal Aid, the state provides the right for underprivileged people to receive free legal aid. However, the implementation of this law at the village level is still very limited. Although there are several legal aid institutions operating in Indonesia, their existence is not evenly distributed, especially in rural areas. The formation of village regulations governing legal aid services is important to fill this gap. This Village Regulation will provide a clear legal basis for the implementation of legal aid at the village level.³³

One of the important reasons for the establishment of Village Regulations on legal aid services is to bring legal services closer to village communities. Village communities often have difficulty in accessing legal services outside the village due to distance, cost, and lack of knowledge about proper legal procedures. With the existence of village regulations governing legal aid services, village communities will find it easier to access their legal rights without being hampered by various existing obstacles.

Village Regulations on legal aid services also serve to increase legal awareness of village communities. With the existence of legal aid programs at the village level, communities will be more open to understanding their rights, as well as applicable legal procedures. This will create a more legally aware and empowered community in protecting their rights, which in turn can reduce social inequality at the village level.

Poor rural communities often do not know how to access lawyers or other legal services. This can lead to injustice, where only those with sufficient resources can access the existing justice system. The establishment of Village Regulations on legal aid will ensure that all levels of society, including the poor, can receive legal protection equal to other villagers who are more economically well-off.³⁴

Village regulations governing legal aid services are also very important in creating procedural justice. Without clear regulations, village communities will be trapped in legal uncertainty and have difficulty in accessing legal services that suit their needs. Therefore, these village regulations will be clear guidelines for village officials in providing legal aid effectively and efficiently, as well as preventing potential abuse of authority by irresponsible parties.

In providing legal aid services, village regulations can regulate the types of services provided, ranging from legal consultations to legal assistance in disputes. These regulations can also regulate funding mechanisms, both from the village government and other sources, to support the operation of legal services at the village level. This is very important to ensure that legal aid can be provided sustainably and can reach all people in need.³⁵

In addition, the establishment of Village Regulations on legal aid services in Betimus Mbaru Village will also create better communication channels between the village government and the community. The process of creating village regulations that involves community participation will ensure that the resulting regulations reflect the needs of the village community. Through village deliberations or public consultation forums, the community can convey their opinions and aspirations regarding the type of legal assistance they need, as well as how to implement it.

Village regulations governing legal aid services will also strengthen the relationship between the village government and existing legal aid institutions. Through this collaboration, the village government can utilize existing resources to expand the reach of legal aid services, including involving lawyers or legal aid institutions that are willing to provide pro bono services. This will ensure that legal aid services can be provided more efficiently and on target.

In terms of social justice, the establishment of this Village Regulation can also help reduce social inequality in the village. Underprivileged communities often experience inequality in gaining access to the legal system. With the

³² Soerjono, S. (2015). *Empirical Legal Research Methodology*. Jakarta: RajaGrafindo Persada.

³³ Ridwan, H. (2016). *Legal Research: Methodology and Practice*. Jakarta: Kencana.

³⁴ Soetomo, P. (2018). Villages and Legal Access: Realizing Legal Aid Services in Villages. *Journal of Law and Society*, 7(2), 123-136.

³⁵ Dewi, L. (2021). Survey Method in Village Policy Making: A Participatory Approach for Appropriate Decision Making. *Journal of Social Research*, 13(4), 141-153.

existence of village regulations that regulate legal aid, everyone in the village, without exception, can access their legal rights in a fair and non-discriminatory manner.³⁶

Therefore, with the existence of legal aid services regulated by Village Regulations, a more transparent and accountable system will be created. The legal services provided will be easier to monitor and evaluate, because there is a clear legal basis that regulates its implementation. This will increase public trust in the legal system in the village and ensure that legal aid services are provided with high standards.



Figure 3: Discussion and debate on the draft Village Regulation with the Head of Betimus Mbaru Village and the Village Council.

Village regulations on legal aid services can also serve as an instrument to increase community empowerment. Communities that are assisted by legal services will be better able to protect their rights, whether in civil, criminal, or other matters. This will create a stronger and more independent community in dealing with the legal problems they face.

It can be concluded that the importance of the urgency of establishing Village Regulations on legal aid services in Betimus Mbaru Village is very clear. This regulation will not only provide access to justice for the less fortunate, but will also help realize a more inclusive and transparent government. With clear regulations, the community will find it easier to access legal services that are in accordance with their rights, and the village government will have clear guidelines for implementing effective and efficient legal aid policies.³⁷

2. Factors Supporting and Inhibiting the Formation of Village Regulations on Legal Aid Services

The formation of Village Regulations (Perdes) on legal aid services for underprivileged communities in Betimus Mbaru Village is highly dependent on various factors that can support or hinder the process. These factors are not only related to village government policies, but also to community involvement, available resources, and challenges faced in implementing legal aid services. The following is a description of the factors that support and hinder the formation of Perdes on legal aid services in the village.

Supporting Factors

One of the main factors supporting the formation of a Village Regulation on legal aid services is the awareness and support of the village government. A village government that has a strong commitment to providing access to justice for the underprivileged will find it easier to initiate the formation of this village regulation. In this case, the

³⁶ Mulyadi, S. (2020). Empowering Village Communities Through Legal Aid: Challenges and Solutions. *Journal of Legal Studies*, 15(2), 85-98.

³⁷ Sulaiman, F. (2021). Community Participation in the Formation of Legal Aid Policies in Villages. *Journal of Community Empowerment*, 7(2), 58-72.

village head and village government officials play an important role in directing the process of making regulations that are inclusive and accessible to all village residents.³⁸



Figure 4: Head of Betimus Mbaru Village in a discussion and deliberation of the draft Village Regulation

Community participation is also a very important supporting factor. Communities that are actively involved in formulating village policies will feel more ownership of the regulations, so that their implementation can run more smoothly. Community participation can be done through village deliberations, public consultation forums, or legal counseling that directly involves the community. By involving the community in the drafting process, village regulations will be more easily accepted and in accordance with their needs.

Collaboration with legal aid institutions or civil society organizations is also a factor that supports the formation of Perdes. These institutions have the knowledge and experience to provide valuable advice and input in the preparation of village regulations governing legal aid services. They can act as strategic partners in providing human and technical resources to support the implementation of legal services in the village.

The next supporting factor is the existence of adequate budget resources. Village governments that have sufficient budgets will find it easier to provide funds for the operation of legal aid services. The formation of this budget is very important so that legal aid services can run sustainably and not stop just because of a lack of funds. An adequate village budget also makes it possible to hold training for village officials and the community on how to access legal aid.³⁹

Increasing public legal awareness is another important factor. The higher the level of public understanding of the importance of legal aid, the greater the impetus for the formation of Village Regulations that regulate such services. This legal awareness can be increased through legal education at the village level that provides information about the legal rights of the community and how to access them.

Inhibiting Factors

Despite the supporting factors, there are also a number of challenges that can hinder the formation of a Village Regulation on legal aid services. One of the main obstacles is the limited human resources who have a deep understanding of the law at the village level. Village officials who do not have a legal education background or experience in handling legal problems may face difficulties in formulating effective policies that are in accordance with the needs of the community.

On the other hand, limited village budget can be a significant obstacle in the formation and implementation of village regulations. Limited funds prevent village governments from providing adequate legal aid services and

³⁸ Ali, Z. (2017). Legal Research Methods. Jakarta: Sinar Grafika.

³⁹ Setiawan, B. (2019). Challenges in Providing Legal Aid Services in Rural Areas. Journal of Legal Development, 15(2), 72-85.

ensuring that these services can cover all levels of society in need. Without sufficient budget, it is difficult for villages to add legal experts or provide the facilities needed for the operation of legal services.⁴⁰

Another major challenge is the lack of coordination between village governments and existing legal institutions, such as law offices, legal aid institutions, and other institutions. Without good coordination, the resulting village regulations can be less effective in providing legal services that meet the needs of the community. Cooperation between various parties is essential to ensure that legal aid services can be carried out professionally and in accordance with applicable laws.

Uncertainty in regulations and policies can also hamper the formation of this Perdes. Existing regulations at the national or provincial level that do not support or are ambiguous regarding the formation of legal aid services at the village level can make village governments hesitate to go further in drafting Perdes. Unclear regulations regarding the financing or implementation of legal aid programs in villages will hinder efforts to realize legal services for the underprivileged.

In addition, cultural barriers are also often a barrier in the formation of this Village Regulation. In some areas, people still have the view that legal aid is only needed by those involved in criminal cases or major cases, so that legal services for simpler communities are often ignored. This view needs to be changed with a better legal education approach, so that people are aware of the importance of access to legal aid for even simpler problems.⁴¹

Resistance from some village officials to change can also hinder the formation of the Village Regulation. Some village officials may feel that the formation of legal aid services will increase their workload or even worsen existing problems. In this case, it is important to take an approach that involves them in the policy-making process and explains the benefits of establishing legal services for the community.

Insufficient Socialization and Counseling

Inadequate socialization and outreach can also be a inhibiting factor. Without sufficient efforts to provide information about the village regulations to be made and their benefits to the community, villagers will not know the importance of the regulations. Thus, the village regulations may not get full support from the community who should be the main beneficiaries.

The factor of ignorance about the legal rights held by the village community is also a significant obstacle. Many villagers are not aware of their legal rights and tend to consider legal problems as something that must be resolved privately or through informal channels. Inadequate legal education leads to low legal awareness among the village community.⁴²

Challenges in Implementing Legal Aid Services

Finally, the challenges in implementing legal aid services themselves are also significant obstacles. For example, the unpreparedness of human resources who will provide legal aid services at the village level, both in terms of quality and quantity. Limited training for village officials or lawyers involved in legal aid programs will affect the effectiveness of the services provided. Without sufficient experts, legal aid services at the village level will not be optimal.

3. Ideal Mechanism in Forming Village Regulations Regarding Legal Aid Services in Betimus Mbaru Village

The establishment of Village Regulations (Perdes) on legal aid services for underprivileged communities in Betimus Mbaru Village, Sibolangit District, Deli Serdang Regency requires a clear and structured mechanism so that the regulation can run effectively and in accordance with the needs of the community. This mechanism does not only involve the village government, but also the community and existing legal institutions. The ideal mechanism in the establishment of this Perdes must go through several stages including planning, drafting, public consultation, ratification, and periodic evaluation.

⁴⁰ Budi, A. (2020). Funding for Legal Aid in Villages: Sources and Management of Funds. *Journal of Village Finance*, 9(4), 191-202.

⁴¹ Firdaus, R. (2019). Cultural Barriers in the Implementation of Legal Aid Services in Villages. *Journal of Social and Law*, 12(2), 65-76.

⁴² Suryani, P. (2020). Legal Education in Rural Areas and Its Role in Community Empowerment. *Journal of Legal Education*, 7(4), 140-150.

a. Identification of Needs and Initial Preparation

The mechanism for establishing a Village Regulation begins with identifying community needs related to legal aid services. The village government must first collect information on legal problems frequently faced by the community, such as land disputes, family rights issues, or consumer protection. This data can be obtained through surveys, interviews with community leaders, and analysis from legal aid institutions that have been operating. In addition, the village government also needs to prepare supporting documents such as budgets, implementation plans, and resources that will be used in the establishment and implementation of legal aid services.⁴³.

b. Formation of Village Regulation Drafting Team

Once the needs have been identified, the next step is to form a village regulation drafting team. This team should consist of village officials, parties with legal expertise, and representatives from the community. Involving the community in the drafting team is essential so that the resulting village regulations are in accordance with their needs. This team will be responsible for drafting the initial draft of the village regulations, which includes the mechanism for providing legal aid, who is entitled to receive services, and the procedure for applying for legal aid.

c. Drafting of Village Regulations

The drafting of the Village Regulation is carried out by considering input from the drafting team, competent parties, and the results of surveys or consultations with the community. The draft of this village regulation must cover various things, such as the definition of legal aid, the types of services provided (for example legal consultation, assistance in court, or dispute resolution), and the parties responsible for its implementation (village government or legal aid institutions). The preparation of this draft must also be in accordance with higher laws and regulations and consider the available budget.

d. Public Consultation and Village Deliberation

After the draft of the village regulation is completed, the next stage is public consultation or village deliberation. At this stage, the village government invites the community to provide responses and input on the draft of the village regulation that has been prepared. The village deliberation is a forum for the community to convey their aspirations, both regarding the type of legal aid services desired and the application procedures. Through this process, the resulting village regulation will be more inclusive and reflect the real needs of the community. The success of this stage is highly dependent on how effective the village government is in actively involving the community.⁴⁴.



Figure 5: Finalization meeting for the drafting of Village Regulations by the Head of Betimus Mbaru Village with the BPD and other village officials.

⁴³ Soerjono, S. (2015). Empirical Legal Research Methodology. Jakarta: RajaGrafindo Persada.

⁴⁴ Setiawan, B. (2019). Community Participation in the Preparation of Village Regulations: A Democratic Approach. Journal of Law and Development, 10(2), 121-134.

e. Revision and Finalization of Village Regulations

Based on the input received during the public consultation or village deliberation, the village regulation drafting team will revise the draft village regulation. This revision may include changes to the regulatory material or the addition of more detailed clauses so that the village regulation is more comprehensive and easier for the community to understand. Once the revision is complete, the final draft village regulation will be submitted for further processing.

f. Approval by the Village Government and Village Consultative Body (BPD)

After the draft of the village regulation is final, the next step is ratification by the village government and the Village Consultative Body (BPD). This ratification is carried out in a plenary meeting attended by BPD members, the village head, and other village officials. This ratification is important to provide legal force to the village regulations that have been prepared. The village government and BPD must ensure that these village regulations have met all legal requirements and can be implemented effectively in the field.

g. Socialization and Counseling to the Community

After the village regulation is ratified, the next step is socialization and counseling to the community. The village government must ensure that all people, especially those who are less fortunate, know about the legal aid services that they can access. Socialization can be done through village meetings, flyers, or announcements in public places. This counseling aims to increase legal awareness in the community and make it easier for them to access legal aid.⁴⁵



Figure 6: Submission of final opinions by the BPD in a finalization meeting for the drafting of Village Regulations by the Head of Betimus Mbaru Village with the BPD and other village officials.

h. Implementation of Legal Aid Services

After socialization, the next stage is the implementation of legal aid services in accordance with the provisions in the village regulations. The village government must prepare operational mechanisms, including the selection of legal aid institutions or lawyers who will work with the village government. This implementation must be monitored periodically to ensure that the legal aid services provided are in accordance with the provisions in the village regulations and can provide maximum benefits to the community.⁴⁶

i. Periodic Evaluation and Monitoring

After the implementation is running, it is important to conduct regular evaluation and monitoring. The village government needs to evaluate the effectiveness of the legal aid services that have been provided, whether the services meet the expectations of the community and whether there are obstacles in their implementation. This evaluation must also involve input from the community, so that policies can be improved or adjusted to the

⁴⁵ Dewi, L. (2021). Survey Method in Village Policy Making: A Participatory Approach for Appropriate Decision Making. *Journal of Social Research*, 13(4), 141-153.

⁴⁶ Mulyanto, D. (2018). Limited Legal Resources in Villages: Challenges in the Formation of Village Regulations. *Journal of Legal Studies*, 19(3), 125-135.

needs in the field. Through proper evaluation, legal aid services in the village can continue to develop and be better in the future.⁴⁷



Figure 7: Discussion in the finalization meeting for the drafting of Village Regulations by the Head of Betimus Mbaru Village with the BPD and other village officials.

j. Updates and Revisions to Village Regulations

Over time, existing village regulations need to be updated or revised to accommodate changes in social, economic, and legal conditions of the community. This revision process can be done by repeating previous steps, such as public consultation and village deliberation. This revision is important to keep village regulations relevant and effective in providing optimal legal aid services for the underprivileged.⁴⁸

The process of forming Village Regulations in Betimus Mbaru Village involves systematic stages, from planning to evaluation, with the aim of ensuring that legal aid services can be accessed by the entire community, especially those who are less fortunate. Active participation of the community in every stage is an important key to the success of this village regulation, so that the legal services provided can truly be in accordance with their needs.

CLOSING

A. Conclusion

Based on the description that has been outlined in the results and discussion section, the following conclusions can be drawn:

1. The establishment of Village Regulations on legal aid services for the underprivileged in Betimus Mbaru Village is very clear and urgent. With the majority of the village population having economic and legal knowledge limitations, legal aid services are a right that should be accessible to all levels of society, without exception. The establishment of these village regulations will not only provide access to justice for those who are marginalized, but will also increase public legal awareness, encourage social empowerment, and ensure that the legal rights of villagers are protected fairly and evenly. Clear and structured village regulations will strengthen the legal position of the underprivileged, reduce the gap in access to the justice system, and create a more inclusive and responsible village government in providing fair and transparent legal services.
2. Factors supporting the establishment of Village Regulations on legal aid services in Betimus Mbaru Village include awareness and support from the village government, active community participation, collaboration with legal aid institutions, and the availability of adequate budget. However, there are also a number of inhibiting factors, such as limited human resources with legal expertise, limited village funds, lack of coordination between the village government and legal institutions, and uncertainty of applicable regulations.

⁴⁷ Widodo, A. (2020). Evaluation of Legal Aid Services in Villages: Model and Continuous Monitoring Process. *Journal of Development and Law*, 19(3), 131-145.

⁴⁸ Prasetyo, D. (2020). Challenges in Implementing Legal Aid Services in Villages. *Journal of Legal Services*, 6(3), 121-134.

Therefore, to ensure the success of the establishment of this village regulation, synergy efforts are needed between the village government, community, and legal institutions, as well as a commitment to overcome these obstacles by increasing the capacity and available resources.

3. The ideal mechanism for the formation of Village Regulations on legal aid services in Betimus Mbaru Village must involve a series of systematic and inclusive stages, starting from identifying community needs, forming a drafting team involving various parties, to drafting a draft that is tailored to local needs. Public consultation and village deliberation are essential to ensure that the resulting village regulations are acceptable to the community and meet their needs. Ratification of village regulations by the village government and the Village Consultative Body (BPD), followed by intensive socialization, and ongoing implementation with periodic evaluation, will ensure that legal aid services can be carried out effectively, transparently, and can be accessed by all levels of village society in need.

b. Suggestion

Based on the description that has been outlined in the results and discussion section, the following suggestions can be given:

1. The importance of involving all relevant parties in every stage of the formation of Village Regulations on legal aid services, starting from the village government, legal aid institutions, to the community. The village government must ensure that there is a participatory mechanism that allows the community to provide input in the formulation of village regulations. This active participation will ensure that the resulting regulations truly reflect the needs and aspirations of the community, and can be widely accepted. In addition, collaboration with experienced legal aid institutions is also very necessary so that the services provided are of quality and can be sustainable.



Figure 8: Group photo after the finalization meeting for the drafting of Village Regulations

2. Continuous evaluation and monitoring are essential to ensure the effectiveness of the implementation of the village regulation. Once the village regulation has been passed and legal aid services have been implemented, periodic evaluations should be conducted to assess the extent to which the services are meeting the needs of the underprivileged. These evaluations should involve the community receiving legal services to obtain honest feedback on the quality of the services. If necessary, the village government should be prepared to revise or improve the village regulation to improve its effectiveness, ensuring that legal aid services continue to be easily accessible to all villagers.

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c. Perundang-Undangan

Formation of Village Regulations on Legal Aid Services For the Underprivileged Community in Betimus Mbaru Village Sibolangit District, Deli Serdang Regency

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