



## **Legal Aid for the Poor in the Perspective of Fiqh Tanfiziyyah (Implementation of North Lampung Regency Regional Regulation Number 4 of 2013 Concerning Legal Aid for the Poor at LBH Menang Jagad Kotabumi North Lampung)**

**M. Rafirsa Agung Pratama**

UIN Sunan Kalijaga Yogyakarta, Indonesia

*rafirsaagung2017@gmail.com*

**Ibnu Akbar Maliki**

UIN Sunan Kalijaga Yogyakarta, Indonesia

*ibnuakbarr1999@gmail.com*

**Devi Anes Junilia**

IAIN Metro Lampung, Indonesia

*devianesjunilia01@gmail.com*

### ***Abstract***

*This research aims to describe the legal aid for the poor from the perspective of fiqh tanfiziyyah at the Menang Jagad Legal Aid Institute, North Lampung Regency. This research is a qualitative research, in which data collection is done by observation and in-depth interviews. The data was analysed by using inductive method to get conclusion. This research found that first, the implementation of Regional Regulation Number 4 of 2013 concerning the provision of legal aid in North Lampung Regency is an effort to provide legal aid to the poor in accordance with the laws and regulations contained in Law Number 16 of 2011 concerning legal aid, and Regional Regulation Number 04 of 2013, as well as a derivative of Regent Regulation Number 18 of 2014. Second, the implementation of the provision of legal aid in North Lampung Regency through the legitimacy of Regional Regulation Number 4 of 2013 in the perspective of fiqh siyasah tanfiziyyah is in accordance with the norms of Islamic law and is obliged to provide services. Because in Islam itself it has been confirmed that every Indonesian citizen in his position before the law is the same. Namely, as an obligation of law enforcement and justice for all individuals.*

**Keyword:** *Legal Aid, Poor People, Siyāsah.*

## Abstrak

Penelitian ini bertujuan untuk mendeskripsikan bantuan hukum untuk masyarakat miskin perspektif *fiqh tanfiziyyah* pada Lembaga Bantuan Hukum “Menang Jagad”, Kabupaten Lampung Utara. Penelitian ini merupakan penelitian kualitatif, dalam pengumpulan data dilakukan dengan observasi dan wawancara mendalam. Data dianalisis dengan menggunakan metode induktif untuk mendapatkan kesimpulan. Pada penelitian ini ditemukan bahwa; *Pertama*, pelaksanaan Peraturan Daerah Nomor 4 Tahun 2013 tentang pemberian bantuan hukum di Kabupaten Lampung Utara sebuah upaya memberikan bantuan hukum kepada masyarakat miskin sudah sesuai dengan peraturan perundang-undangan termuat dalam Undang-Undang Nomor 16 Tahun 2011 tentang bantuan hukum, dan Peraturan Daerah Nomor 04 Tahun 2013, serta turunan dari Peraturan Bupati Nomor 18 Tahun 2014. *Kedua*, pelaksanaan tentang pemberian bantuan hukum pada Kabupaten Lampung Utara melalui legitimasi Peraturan Daerah Nomor 4 Tahun 2013 dalam perspektif *fiqh siyasah tanfiziyyah* sudah sesuai dengan norma hukum Islam dan wajib untuk memberi pelayanan. Karena dalam Islam sendiri telah ditegaskan setiap warga negara Indonesia dalam kedudukannya di muka hukum ialah sama, yakni sebagai suatu kewajiban dari penegakan hukum dan keadilan bagi seluruh individu.

**Kata Kunci:** *Bantuan Hukum, Masyarakat Miskin, Siyāsah.*

## Introduction

Indonesia is a form of constitutional state that has been clearly stated in the constitution stated in Article 1 Paragraph 3 of the 1945 Constitution. As a constitutional state it must also be able to guarantee that every human being has the right to be treated equally before the law, as emphasized in Article 28D Paragraph 1 of the 1945 Constitution, and to recognize, respect and protect the rights of its citizens. Equal treatment before the law (equal treatment), or equal treatment, must also apply to efforts to obtain legal services, such as the provision of legal aid (Winarta, 2011).

Legal aid is part of the type of media that can be used by everyone in the context of demanding their rights to indications of improper treatment with positive legal values. This legal aid serves as a bridge between people's rights starting from background, ethnicity, ancestry, skin color, ideology, political beliefs, rich, poor, religion, and the group of people it defends (Mertokusumo, 1998).

In practice there are people who cannot afford to pay for the services of a lawyer to accompany their case. Despite the fact that he has evidence that can be used in mitigation efforts and shows the facts in the case, so that their case does not even reach court. Because in every legal process, especially criminal law, to provide protection and guarantees for a human being who has been accused of committing a crime in the process of examining a case so that his human rights are still respected. then provide guidelines for officers to limit their actions in conducting examinations of suspects/defendants because they are human beings who still have the same dignity as those conducting the examination. especially the

poor who cannot afford legal services and the defense of a lawyer (legal advisor) (Abdurrahman, 1979). The presence of legal aid is treated to defend the poor so that violence, inhuman treatment and degrading human dignity do not occur. On that basis the suspect/defendant has the right to obtain legal assistance.

Legal aid exists to make people aware of their rights as subjects of law, as well as to uphold human rights values for the creation of a state of law (rechtstaat). The right to legal aid is one of the most important rights that every citizen has. Law No. 16 of 2011 on Legal Aid states that legal aid is a legal service provided by legal aid providers, namely legal aid institutions or community organisations that provide legal aid services free of charge to legal aid recipients, be it individuals or groups of poor people who are facing legal problems as a manifestation of access to justice (Widyadharma, 2010). Because the legal process is an issue related to human rights in order to realise constitutional rights. Legal aid develops not only in the context of defending victims of violations of civil and political rights, but also becomes one of the methods in order to increase people's legal awareness, ensure law enforcement, legal certainty, and legal defence services with various efforts in terms of providing legal aid services.

In Islam, providing legal aid to the poor is very important, especially as an access to uphold justice and human rights in order to achieve a good and orderly life. With this it is clear that what has happened to representatives in upholding justice must be in accordance with God's law. As explained above, the basis of legality in providing legal aid to the poor in Islam includes the Qur'an, Hadith, and scholarly consensus. In a Hadith mentioned (al-Hâkim, 1410):

وَاللَّهُ فِي عَوْنِ الْعَبْدِ مَا كَانَ الْعَبْدُ فِي عَوْنِ أَخِيهِ (رَوَاهُ الْحَاكِمُ)

*"And Allah will help His servant as long as His servant helps his brother."* (HR. Al-Hakim).

Legal aid in the Qur'an is also explained, namely in Q.S Al-Qashash: 33-34 which mean: *Moses said: "O my Lord, behold, I have killed a man from among them, and I fear that they will kill me; and my brother Aaron is more eloquent than I am, so send him with me as my helper to justify me; behold, I fear that they will disbelieve me."* (QS. Al-Qashash: 33-34).

Legal aid, especially for small people who are poor and law-illiterate, seems to be something that we can say in developing countries such as Indonesia. In Islam has been taught to help each other, help each other in the goodness of fellow human beings and Islam also teaches its people to provide assistance to those who need help, as Allah's word, QS. al-Maidah: 2 which reads:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

*"And help each other in (doing) righteousness and piety, and do not help each other in sin and transgression, and fear Allah, Verily He is severe in punishment."* (QS. al-Maidah: 2).

Based on the verse above, which states that Allah encourages humans to help each other in terms of goodness. Based on this background, researchers are interested in discussing the extent to which North Lampung Regency Regional Regulation Number 4 of 2013 implements legal aid to the poor. So the preparation of this thesis is entitled; *"Implementation of North Lampung Regency Regional Regulation Number 4 of 2013 concerning Legal Aid for the Poor from the Perspective of Fiqh Siyash (Study at the Menang Jagad Legal Aid Foundation Kotabumi, North Lampung)."*

## **Literature Review**

Research related to legal aid is not a new study in academia. Many researchers have reviewed and published it in various formats and methods. Yang Meliana, et al., in their research entitled; *"Penerapan Dan Pemberian Bantuan Hukum Bagi Masyarakat Kurang Mampu,"* It has discussed very well how the implementation of legal aid has many challenges and obstacles for the underprivileged. Starting from normative legal aspects, lack of legal awareness, access to formalist justice, and the absence of supervision of aid providers (Meliana, 2021). What Yang Meliana examines has similarities with what the author examines in the context of legal aid for the poor, as for the distinction; if Meliana examines it in the form of normative law, the author examines it in the perspective of Islamic Law.

Haidan Angga Kusumah, and Agus Rasyid Chandra Wijaya in an article entitled; *"Optimisation of the Application of Legal Aid for the Poor People in Sukabumi City,"* has described very systematically how legal aid to the poor is improved. The results of the research work above show that increasing legal aid can be done with the encouragement and support of local governments (Kusumah, 2019). Haidan and Agus's essay has similarities with the author's research in the context of legal aid for underprivileged communities. Significant differences exist in the location of the study, if Haidan researched in Sukabumi City, the author conducted research in Kotabumi.

Muhammad Salda, dkk., in their research entitled; *"Hak Bantuan Hukum Prodeo dalam Hukum Islam dan Hukum Nasional,"* We have compared two important variables: how legal aid is viewed from the perspective of Islamic law and national law. Salda's work has a correlation with what the author examined, especially in terms of the provision of law in the perspective of Islamic law. However, the work is different from what the author presents, if Salda discusses comparative law, the author only focuses on dissecting legal aid in the perspective of Islamic law alone (Salda, 2020). Based on the various literature reviews above, there has not been found a single work that examines legal aid in the perspective of Tanfiziyyah Fiqh in the Menag Jagad Kota Bumi Lampung. Shows that what the authors examined has research gaps.

## Research Method

This article is classified as a field research with a qualitative approach. The methodology used is case studies and normative legal research. Primary data is sourced from interviews and field exploration. Primary data are obtained through interviews with informants directly related to the subject and object of research. The secondary data is information related to research variables through scientific journals, and books published in the last five years. The data validation process and draft preparation process are carried out inductively.

This qualitative research aims to see the actualization of legal aid for the poor from the fiqh siyāsah tanfīziyyah perspective. To implement regulations, it is necessary to apply a complete structure in which each law contains the principle of equality before the law (equality before the law) for the poor (Triwulandari, 2020). In this case, it is also necessary to look at the relevance of legal aid which regulates applicable law and siyāsah fiqh.

### Legal Aid for the Poor at LBH Menang Jagad, Kotabumi, North Lampung

The Legal Aid Institute (LBH) Menang Jagad was established on 19 October 2015, founded by Lidya Wati, Syafruddin, Karzuli Ali, Fauzi Arifin and first held by Karzuli Ali, SH as chairman. LBH Menang Jagad Kotabumi was established based on the Foundation Establishment Deed Number 16 dated 19 October 2015 made before Notary Monti Efrizal, SH, Mkn. The legal aid organisation (LBH) Menang Jagad Kotabumi received a legal entity certificate from the Ministry of Law and Human Rights Number AHU-0018130.AH01.04 of 2015. After its establishment LBH Menang Jagad Kotabumi participated in verification to become an accredited legal aid organisation at the Ministry of Law and Human Rights based on decision letter Number: M.HH-01, HM.03.03 on 7 January 2016 concerning Legal Aid Institutions/Organisations that passed verification and accreditation as legal aid providers for the 2016-2018 period. Then for 2019 to 2021 LBH Menang Jagad again passed the verification and accreditation as a legal aid provider based on decision letter Number: M.HH-01.HN.07.02 of 2018.

In carrying out its activities, LBH Menang Jagad collaborates with the Ministry of Law and Human Rights and also collaborates with the Regional Government of North Lampung Regency. The cooperation with the Ministry of Law and Human Rights is based on Law No. 16/2011 on Legal Aid, and the cooperation with the Regional Government of North Lampung Regency is based on Regional Regulation 4/2013 on Legal Aid for the Poor. When LBH Menang Jagad Kotabumi was first established, its head office was located at Jl. Raden Intan, Gg. Tulang Bawang I Number 12 Kotabumi North Lampung, currently operating at Jl. Dahlia Number 95 Gapura North Lampung. LBH Menang Jagad Kotabumi is currently only engaged in litigation (in-court) and non-litigation (out-of-court) legal assistance such as legal consultation, community empowerment, mediation and negotiation.

According to Mr. Karzuli Ali, Head of LBH Menang Jagad Kotabumi, based on the results of research at LBH Menang Jagad Kotabumi, stated that Regional Regulation 4 of 2013 concerning Legal Aid for the Poor so far that so far we as aid providers and recipients of legal aid have experienced obstacles significant (major

obstacle), and so far there are no obstacles in the process of providing legal aid to the poor or unable to afford it (Karzuli Ali, 2020).

This legal aid program has been mandated by the Law on Legal Aid. On the other hand, the North Lampung Regency Government has also regulated derivative regulations by trying to obtain Regional Regulation No. 4 of 2013 concerning legal aid for the poor. This regulation is supported by the enactment of PerBup Number 18 of 2014 regarding the conditions and procedures for distributing legal aid and the procedures for distributing legal aid funds to the poor (F. Arifin, 2020).

Mr. Karzuli Ali also said that Regional Regulation Number 4 of 2013 concerning Legal Aid for the Poor has fully implemented the rights and obligations of recipients and providers of legal aid. Funding for legal aid needed and used by advocates (lawyers) for legal aid has been added to the Regional Revenue and Expenditure Budget (APBD) (Karzuli Ali, 2020). Based on the data sources that have been obtained, the number of cases at LBH Menang Jagad Kotabumi every year there is an increase in cases where in 2017 there were 103 cases, 124 cases in 2018, and in 2019 alone there were 134 cases (F. Arifin, 2020).

As this data actually exceeds the limit of the handling authority of the regulations of the Ministry of Law and Human Rights of the Republic of Indonesia, regarding the legal aid budget, only 30 standard legal aid cases are provided annually by the state through the Ministry of Law and Human Rights. Meanwhile, the Regional Government of North Lampung through its Perda provides 20 legal aid cases each year. When the measurement value for the handling of civil, criminal and state administrative cases is higher than the total amount that has been regulated, in fact the state's obligation to facilitate legal assistance becomes limited as is the case with LBH Menang Jagad Kotabumi. However, in an effort to maintain the honorable profession of a lawyer (*officium nobile*), you can be sure that the work carried out by LBH Menang Jagad Kotabumi is solely for the poor to get access to justice. That is why it is carried out free of charge (*pro bono*) in legal aid services (Karzuli Ali, 2020).

**Tabel 1**  
**Number of Cases Recipients of Legal Aid in 2017-2019**

<b>Tahun</b>	<b>Perkara</b>
<b>2017</b>	103
<b>2018</b>	124
<b>2019</b>	134

## **Implementation of North Lampung Regency Regional Regulation Number 4 of 2013 concerning Legal Aid for the Poor**

Legal aid is a provision of legal aid carried out by Legal Aid Institutions as executors of applicable regulations. This regional regulation issued by the Regional Government of North Lampung Regency is very important and necessary because this legal aid for the poor helps marginalized and legally illiterate communities. Before getting legal aid, there are conditions and procedures that must be met, namely submitting a request for legal assistance, either in writing or verbally, to LBH. Legal aid for the poor is also very helpful and in accordance with applicable regulations (A. Sukanda, 2020).

The implementation of legal aid with the North Lampung Regency Regional Regulation implemented between the Regional Government and LBH is a way to guarantee rights, protect rights and guarantee legal certainty in protecting human rights to obtain equal justice before the law. Free legal aid is very helpful for the poor. The services in legal aid provided by LBH have no problems in obtaining legal aid services and LBH as a legal aid provider is very helpful and in accordance with the Regional Regulations of North Lampung Regency (A. D. Wijaya, 2020). Based on the author's research, the implementation of legal assistance in North Lampung Regency is an effort to provide legal assistance to disadvantaged communities as mandated by Law Number 16 of 2011 concerning legal aid.

In accordance with the principle of equality before the law, the provision of legal aid to the poor is intended to provide space for legal aid to achieve a sense of justice, legal certainty, and the realization of constitutional rights. In addition, the goal is for the implementation of legal aid to be evenly distributed in the North Lampung area in order to create an efficient, effective and accountable justice system in accordance with the provisions of Article 3 of Law Number 16 of 2011 concerning Law. Government Regulation Number 42 of 2013 concerning terms and procedures for providing legal aid and distributing legal aid funds. Regional Regulation number 4 of 2013 and also strengthened by Regent Regulation Number 18 of 2014 North Lampung Regency (Law Number 4 of 2004 concerning Judicial Power, Article 37).

There is no selective logging, regardless of religion, politics, descent, or social and cultural background in accordance with applicable regulations. Because, everyone has the right to legal assistance. The principle that a person affected by a case has the right to seek legal counsel is a crucial component. Must be maintained in accordance with applicable regulations in this case. The purpose of law in the principle of equality is to uphold justice based on the will of the human creator in order to achieve public order and peace. Equality in the field of law guarantees that everyone must receive legal treatment and protection without being different, all are the same regardless of their position, whether they are elite or marginalized groups (K. & Hasan, 2019).

Based on the regulations in force there is no difference in treatment whether it be religion, politics, descent, or social and cultural background. Because basically everyone has the right to obtain legal assistance (Law Number 4 of 2004 concerning Judicial Power, Article 37). This is part of the principle that it is necessary that a person involved in a legal case has the right to obtain legal aid

protection. Of course this problem must be given protection space in accordance with positive legal regulations as appropriate.

Provision of Legal Aid for handling cases carried out by LBH Menang Jagad Kotabumi based on Regional Regulation case handling standards, the following is a list of names of legal aid recipients (F. Arifin, 2020):

**List of Recipients of North Lampung District Legal Aid for 2019**

NO	Name of Recipient of Legal Aid	List of Cases Handled
1.	Irfan Wahyudi Alias Yuda bin Sarmani	Article 363
2.	Ogi Wijaya bin Suyono	Article 8182
3.	Erzan Alias Nopen bin Hanafi	Law No. 35 of 2009
4.	Ngatimin Alias Danin bin Sarno	Article 8182
5.	Rino Andi Saputra bin Hamami	Law No. 35 of 2009
6.	Anam Sukanda bin Supangat	Article 8182
7.	M.Iqbal Pajri bin Zulkarnain	Article 8182
8.	Agung Darma Wijaya bin Juanda RD	Law No. 35 of 2009
9.	Anton Apriyandi Z. S.pd bin Zulkifli	Article 80
10.	Darisan Aliyas I'in bin Parjio	Article 8182
11.	Gani Satrio bin Sugitno	Intercourse
12.	Roniza alias Peb bin Sufyan	Law No. 35 of 2009
13.	Ronzi Irawan bin Syamsudin	Law No. 35 of 2009
14.	Heriyanto bin Sawal	Law No. 35 of 2009
15.	Tarmunasyar bin Mansur	Law No. 35 of 2009
16.	Sandeta Putra bin Susnadi	Abuse/Harassment
17.	Ashari bin Abu Manaf	Law No. 35 of 2009
18.	Hendri Lestari bin Tatang	Theft with weighting
19.	Angga Putra Dinata bin Marsya	Law No. 35 of 2009
20.	Dede Kurniawan, bin Sukardiman	Law No. 35 of 2009

*Source: Data from LBH Win Jagad Kotabumi List of Recipients of Legal Aid in the District Regulation. North Lampung in 2019.*

LBH Menang Jagad Kotabumi regarding the implementation of their duties and obligations through the LBH Menang Jagad Kotabumi Posbakum to provide access to legal services needed for the poor is one of the accesses that can be used in obtaining justice in legal aid according to applicable regulations. The right to get legal aid and resolve legal problems, namely as a recipient of legal aid is to get their rights (E. A. Nopen, 2020). With this, legal aid is present to provide legal assistance, both starting from litigation and non-litigation, meaning that there is protection for the rights of the poor (I. A. Wijaya, 2020).

Based on the research researched by the author, the implementation of legal aid in North Lampung Regency in an effort to provide legal aid to the community is an obligation mandated by Law Number 16 of 2011 concerning legal aid. The purpose of providing legal aid for the poor is to gain access to legal aid in accessing justice, certainty and realising constitutional rights in accordance with the principle of equality before the law, ensuring the certainty of the implementation of legal aid which is carried out equally throughout the North Lampung Regency in order to realise an efficient, effective and accountable judiciary in accordance with article 3 of Law Number 16 of 2011 concerning Legal



Aid, Government Regulation of the Republic of Indonesia Number 42 of 2013 concerning the terms and procedures for providing legal aid and distributing legal aid funds, Regional Regulation Number 4 of 2013 of North Lampung Regency and also strengthened by the existence of North Lampung Regent Regulation Number 18 of 2014.

Based on the applicable regulations there is no discrimination on religion, politics, descent, or social and cultural background. Because everyone has the right to obtain legal aid. It is an important principle that a person affected by a case has the right to legal aid. In this case, they must be given protection in accordance with applicable regulations. LBH Menang Jagad Kotabumi carries out its duties, functions and obligations through Posbakum LBH Menang Jagad Kotabumi as a distributor of legal services needed by the community. In accordance with the duties, functions and obligations of the Legal Aid Institution or Legal Aid Organisation itself on the basis of the Law. Thus, legal aid is present to provide protection for the rights of the poor (underprivileged) in legal assistance ranging from litigation (in court) and non-litigation (out of court).

The implementation of legal aid for the poor in North Lampung Regency can also be seen through the cooperation that has been carried out by LBH Menang Jagad Kotabumi with the Kotabumi District Court and the Regional Government of North Lampung Regency as evidenced by the existence of an agreement (MOU) stipulated by both parties. From this agreement, the implementation of legal aid for the poor in North Lampung Regency will be maximised for LBH Menang Jagad Kotabumi in serving and providing legal aid to the poor. So that all poor people get their rights based on the principles of justice, equality before the law, openness, efficiency, effectiveness and accountability.

### **Legal Assistance For Poor Communities by LBH Menang Jagad in The Perspective of Siyāsah Tanfīziyyah**

Based on the perspective of the scope of fiqh siyasah, the provision of legal aid is known as legal aid institutions and or legal aid organisations (siyāsah qadlâ'iyah). In function, jurists equate the position of advocates / lawyers with legal aid providers, namely hakim, mufti and mushalih-alaih. The three legal aid providers have almost the same function as advocates, namely as law enforcement agencies outside the government that have the task of providing legal services to the community.

Legal aid in Islam is also not as simple as the understanding of legal aid in western concepts such as free legal services (prodeo), but the concept of legal aid in Islam actually has a broader meaning, namely being someone who functions as a legal decision maker and peace broker between two disputing parties and has the task of enforcing law and justice. Therefore, the position of advocates/lawyers in law is not only bound by certain conditions that fulfil the criteria of law enforcement, but also has duties and functions that exist in the eyes of the law.

In positive law, the principle of equality before the law is known, and in Islam, the theory of equal human legal rights is based on the theory of human honour (al-fitrah). Naturally and essentially (fitrah) every human being has the right to be free in dignity. This theory was proposed by Al-Maududi in Human Rights in Islam that "by fitrah everyone is born free and equal in dignity".

In Islam, legal aid is referred to as legal power. Where the Arabic term for an advocate is called *al-wakalah fi al-khusumah*. According to Sayyid Sabiq, *Al Wakalah* is the delegation of power by one person to another in matters that can be represented. *Al wakalah* is still general in nature, covering representatives of activities in the field of *muamalah*, including trade representatives, representatives of rulers, people's representatives and others. Meanwhile, according to Imam Syafi'i about *wakalah* is surrender by someone to another person for something that he has the right to do and something that can be replaced, to be done during his lifetime (Al-Husaini, 1990). Regarding *al-wakalah fi al-khusumah* (power of law) specifically in disputes in court, namely regarding the theory of equality of human legal rights relating to the field of legal aid (Muslih, 2020).

In Islamic law itself, the equality of human legal rights is based on the theory of human honor (*al-fitrah*). Naturally and inherently, everyone has the right to freedom in dignity. As stated according to Al-Maududi who presented Human Rights in Islam, namely, indirectly all human beings are born and equal in dignity and right (Kusnadi, 2011). Because Islam also emphasizes that all human beings are essentially the same in the eyes of the law, namely as an obligation of law enforcement and justice for all every individual (Zubir & Rahmatillah, 2021).

As also according to T.M. Hasbi, *siyāsah tanfīziyyah* is also part of the scope of *Siyāsah syar'iyah*. *Siyāsah tanfīziyyah* is an institution authorized to implement and enact laws or it can also be called an executive agency in an Islamic State. This authority is the Head of Government, who are referred to as *ulil amri* and *umaro*, as well as the staff of the ranks have the authority to implement regulations, policies, and provisions that must adhere to Islamic principles to achieve Islamic goals outlined in the *maqāṣid syari'ah* through regulations, policies, and the provisions must be in accordance with Islamic principles (Djazuli, 2013).

Based on the historical Islamic concept of law enforcement, fulfillment of legal rights and justice can be executed with three legal services, namely: *Al-Hakam*, *Al-Mufti*, and *Al Mushalalih Al-Alaih* who have the same function as Lawyers, Arbitrators, Consultants or Counselors Law. Also its role is to provide advice or legal assistance services to each party so that they can mutually agree and consult each other in order to actualize obligations and return their rights to the recipients (Kenedi, 2016).

Another evidence for the provision of legal aid services is the actions of companions who represented themselves in a case. In one narration it is stated that 'Aqil represented a case during the time of Caliph Abu Bakr r.a, the same thing was done by Abdullah bin Jakfar during the time of Usman Ibn Affan.

According to the fiqh scholars regarding the representation or granting of power given to another person, the legal action is valid as long as the one who is given the power or the person who will represent him is competent to represent other people's affairs to him. Where the scholars also provide an understanding of the representation or granting of power to others according to the Shafi'iyah scholars "it is like a person handing over something to another person to do while he is alive", according to Hanabilah *al-wakalah* is a request "in exchange for a person who allows balanced *tasharruf* on the other party, in which there is a substitute for the rights of Allah and human rights", and this *wakalah* can be

understood that it is a handover from one person to another to do something, representation as long as the representative is still alive.

Based on the verses of the Qur'an, hadith, the actions of the companions and the opinions of the scholars above, that the act of representing in a matter has been implemented since the Islamic period because it has become a human need. Therefore, the fiqh scholars allow representation in all matters, including representation by appointing a lawyer, advocate, attorney or legal advisor.

For the poor in North Lampung Regency, the recipients of legal aid certainly aim to be treated equally in the eyes of the law and their rights are fulfilled in accordance with applicable regulatory norms. Legal aid for the poor is a form of implementation of regional regulations. Related to the task of *al-Sulthah tanfi'ziyyah* itself is to implement the law. In this case the state or local government has the authority to describe and actualize the legislation that has been stipulated (Iqbal, 2014).

## Conclusion

Legal aid for the poor is a form of the North Lampung Regency Government's efforts to provide the right to provide legal aid to the poor through Regional Regulation Number 4 of 2013 concerning Legal Aid for the Poor. The government has also carried out its obligations with the aim of providing legal aid services to the poor who come to ask for legal assistance through LBH Menang Jagad to resolve the case problems they are facing and of course without discriminating against the socio-economic status of the people who request legal assistance in accordance with Applicable Laws and Regulations. Because in Islam it is emphasized that all people are equal before the law, namely as an obligation to uphold law and justice for all individuals.

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