

Justice at the Margins of the Archipelago: Access to Legal Aid for Minority Communities in Eastern Indonesia

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Abstract

Access to justice remains uneven across Indonesia, particularly for minority communities living in geographically remote and socioeconomically disadvantaged regions. This article examines the structural barriers faced by minority communities in accessing legal aid in Eastern Indonesia. The study focuses on geographical isolation, limited legal infrastructure, linguistic barriers, economic disadvantage, and institutional capacity as interconnected dimensions of exclusion. Using a socio-legal methodology, the research combines analysis of the legal framework governing legal aid with selected regional experiences and documented cases involving vulnerable and minority communities. The article argues that formal entitlement to legal aid does not necessarily produce meaningful access to justice when services are physically inaccessible, culturally inappropriate, or institutionally insufficient. The analysis reveals that conventional legal-aid models tend to treat access primarily as a question of eligibility and funding, while paying insufficient attention to geography, culture, language, and community-specific vulnerabilities. The study proposes an expanded conception of legal aid based on substantive accessibility, including community-based legal services, mobile legal assistance, culturally competent representation, and stronger cooperation between state institutions and civil society organizations. It concludes that legal aid should be understood as an essential component of minority justice rather than merely a procedural benefit available after a dispute arises. The article contributes to access-to-justice scholarship by connecting legal aid policy with territorial inequality and minority protection in geographically peripheral regions.

[Akses terhadap keadilan masih tidak merata di seluruh Indonesia, khususnya bagi komunitas minoritas yang tinggal di daerah terpencil secara geografis dan kurang beruntung secara sosial ekonomi. Artikel ini mengkaji hambatan struktural yang dihadapi komunitas minoritas dalam mengakses bantuan hukum di Indonesia bagian Timur. Studi ini berfokus pada isolasi geografis, infrastruktur hukum yang terbatas, hambatan bahasa, kerugian ekonomi, dan kapasitas kelembagaan sebagai dimensi eksklusi yang saling terkait. Dengan

menggunakan metodologi sosial-hukum, penelitian ini menggabungkan analisis kerangka hukum yang mengatur bantuan hukum dengan pengalaman regional terpilih dan kasus-kasus terdokumentasi yang melibatkan komunitas rentan dan minoritas. Artikel ini berpendapat bahwa hak formal atas bantuan hukum tidak selalu menghasilkan akses yang bermakna terhadap keadilan ketika layanan tersebut secara fisik tidak dapat diakses, tidak sesuai secara budaya, atau tidak memadai secara kelembagaan. Analisis menunjukkan bahwa model bantuan hukum konvensional cenderung memperlakukan akses terutama sebagai masalah kelayakan dan pendanaan, sementara kurang memperhatikan geografi, budaya, bahasa, dan kerentanan khusus komunitas. Studi ini mengusulkan konsepsi bantuan hukum yang diperluas berdasarkan aksesibilitas substantif, termasuk layanan hukum berbasis komunitas, bantuan hukum bergerak, representasi yang kompeten secara budaya, dan kerja sama yang lebih kuat antara lembaga negara dan organisasi masyarakat sipil. Kesimpulannya, bantuan hukum harus dipahami sebagai komponen penting dari keadilan bagi minoritas, bukan sekadar manfaat prosedural yang tersedia setelah timbul sengketa. Artikel ini berkontribusi pada kajian akses terhadap keadilan dengan menghubungkan kebijakan bantuan hukum dengan ketidaksetaraan teritorial dan perlindungan minoritas di wilayah-wilayah yang secara geografis terpencil.]

Keywords: legal aid, access to justice, minority communities, Eastern Indonesia, socio-legal studies

Introduction

Access to justice is a foundational element of the rule of law because legal rights have limited practical value when individuals cannot effectively invoke, defend, or enforce them. Article 28D(1) of the Indonesian Constitution guarantees recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law, while Article 27(1) establishes equality of citizens before the law and government. These principles are reinforced by Law No. 16 of 2011 on Legal Aid, which institutionalizes state responsibility to provide legal assistance for poor individuals and groups. Nevertheless, the existence of a formal entitlement does not automatically eliminate structural barriers to justice. The problem becomes particularly acute in Eastern Indonesia, where dispersed islands, mountainous terrain, limited transportation networks, uneven legal infrastructure, and socioeconomic disparities can separate communities from lawyers, courts, legal-aid organizations, and state institutions (Cappelletti and Garth 1978; Sen 2009).

The geography of Indonesia creates a distinctive access-to-justice problem. Justice institutions are concentrated in administrative and economic centers, whereas many vulnerable communities live in villages, outer islands, customary territories, and regions with limited transportation and communication

infrastructure. In Eastern Indonesia, this problem is intensified by the archipelagic character of Maluku and North Maluku and the territorial scale of Papua. Physical distance is therefore not merely a logistical inconvenience; it can become a legal barrier because attending consultations, collecting documents, appearing before courts, or meeting advocates may require substantial travel costs and time. Research on remote communities has shown that geographical isolation can combine with inadequate legal knowledge and limited institutional capacity to restrict meaningful access to justice (Kurniawan 2025). The result is a form of territorial inequality in which the formal content of citizenship remains uniform while the practical capacity to exercise legal rights differs substantially by location.

The conventional legal-aid paradigm often conceptualizes accessibility through eligibility. Under Law No. 16 of 2011, legal aid is principally directed toward poor individuals or groups who cannot independently fulfill their basic rights. This approach is normatively important because economic exclusion is one of the most significant barriers to justice. However, poverty is only one dimension of exclusion. A person may satisfy the economic requirements for legal aid but still be unable to reach an accredited legal-aid organization, communicate effectively with legal professionals, understand formal procedures, or obtain assistance in a culturally appropriate manner. Sanjaya (2020) argues that Indonesia's accreditation and eligibility model may create additional barriers when legal assistance is understood primarily through formal categories of poverty. Legal aid therefore needs to be evaluated not simply according to whether services are legally available but according to whether potential beneficiaries can actually reach and use them.

Previous studies have established several dimensions of Indonesia's legal-aid problem. Sundari (2016) identified weaknesses in budget allocation and implementation under the national legal-aid scheme. Hapsari (2021) emphasized that legal aid represents a constitutional dimension of equality before the law rather than an act of governmental charity. Andhini (2021) identified limitations in the availability of accredited legal-aid organizations and the adequacy of state funding. Budijanto and Rahmanto (2022) further found that the distribution of legal-aid organizations remained insufficient to reach all districts and municipalities. More recent studies continue to identify funding, administrative requirements, legal awareness, and geographical disparities as significant obstacles (Wulandari and Winarsih 2024; Hadri 2025). These findings demonstrate that Indonesia's legal-aid framework has developed substantially at the normative level but remains uneven in implementation.

A second body of scholarship emphasizes the importance of non-lawyer actors and community-based mechanisms. Wulandari, Wicaksono, and Khikmah (2019) demonstrate the role of paralegals in connecting poor communities with legal-aid providers, while Wicaksono and Malik (2022) show that paralegals can expand non-litigation assistance to marginalized communities. Particularly significant for Eastern Indonesia is the emerging literature on indigenous community paralegals. Research conducted in Sorong Regency demonstrates that indigenous

paralegals can function as intermediaries between remote communities and professional advocates, particularly where geographical barriers make conventional legal services difficult to access. This evidence suggests that legal-aid infrastructure should not be understood exclusively through lawyers and offices; it should also include locally embedded intermediaries capable of translating legal institutions into accessible community practices.

The literature concerning customary justice further reveals the importance of institutional pluralism. In Papua, customary courts continue to function as mechanisms for resolving disputes within indigenous communities, although their relationship with formal state courts remains legally complex (Reumi 2018; Mayastuti, H., and Lukitasari 2022). Suhariyanto et al. (2024) demonstrate that the interaction between customary and state criminal justice institutions can generate jurisdictional tensions. Yet such tensions should not automatically lead to the marginalization of customary mechanisms. From an access-to-justice perspective, customary institutions may reduce geographical, linguistic, and cultural barriers when they operate consistently with fundamental rights. The challenge is therefore to construct a framework of legal pluralism that recognizes legitimate customary institutions while ensuring protection against arbitrary or discriminatory practices.

This article contributes to the literature by conceptualizing legal aid in Eastern Indonesia through the idea of territorial substantive accessibility. The concept emphasizes that access to justice requires more than formal eligibility and the existence of legal-aid providers. It requires physical accessibility, financial affordability, cultural and linguistic appropriateness, institutional continuity, and the capacity to provide assistance before legal disputes become formal litigation. The novelty of the article lies in connecting access-to-justice theory with the territorial organization of legal services in an archipelagic state. Rather than treating geographical remoteness as a background variable, the analysis considers territory itself as a structural determinant of legal opportunity. This perspective allows legal aid to be understood as part of distributive justice because the state must compensate for unequal geographical conditions rather than simply provide formally identical services throughout the country.

The research employs a socio-legal methodology combining normative and contextual analysis. The normative component examines the 1945 Constitution, Law No. 16 of 2011 on Legal Aid, Law No. 48 of 2009 on Judicial Power, relevant regulations governing legal-aid providers and paralegals, and legal instruments concerning Papua's special autonomy and customary justice. The socio-legal component examines academic studies, documented regional experiences, institutional reports, and empirical scholarship concerning legal aid, paralegals, customary justice, remote courts, and access to justice in Indonesia. The analysis uses Cappelletti and Garth's access-to-justice framework, Sen's capability approach, and contemporary legal-empowerment scholarship to assess whether legal institutions expand the real capacity of minority communities to pursue remedies. The article asks three questions: what barriers restrict legal-aid access in

Eastern Indonesia, why do conventional service models fail to address territorial inequality, and what institutional model could provide more substantive and culturally appropriate access?

Results and Discussion

1. Access to Justice as a Territorial Question

Access to justice should not be reduced to physical entry into a courtroom. Cappelletti and Garth (1978) famously conceptualized access to justice as involving the ability of individuals to overcome barriers that prevent effective use of legal institutions. This perspective is particularly useful for Indonesia because the legal system is formally national but territorially fragmented. A citizen in Jakarta and a citizen in a remote island community may possess identical constitutional rights, yet the practical cost of exercising those rights can differ dramatically. If one individual can reach a lawyer within an hour while another must travel by boat and road for several days, formal equality has not translated into equal access. Geography therefore operates as an institutional variable capable of determining who can effectively use law.

Sen's capability approach provides an additional theoretical foundation for this argument. Sen (2009) distinguishes between possessing formal resources and having the substantive freedom to convert those resources into meaningful opportunities. Applied to legal aid, the existence of a statutory entitlement constitutes a resource, but the actual capability to use that entitlement depends upon transportation, information, communication, financial resources, social support, and institutional responsiveness. A poor community may theoretically qualify for free legal assistance but remain practically excluded because the nearest accredited organization is hundreds of kilometers away. Legal rights therefore require enabling conditions. The state must evaluate not only the distribution of legal services but also whether communities possess the practical capabilities necessary to transform those services into remedies.

The territorial dimension becomes especially important in Eastern Indonesia because distance is frequently combined with infrastructural inequality. The problem is not simply that courts and lawyers are far away. Remote communities may also face unreliable transportation, limited electricity, weak internet connectivity, and high communication costs. Digitalization can partially address these barriers, but only where sufficient infrastructure and digital literacy exist. Research on e-court implementation in remote regions indicates that electronic justice cannot automatically eliminate territorial inequality because connectivity, devices, and technological literacy remain uneven (Hastomo et al. 2025). Digital justice should therefore supplement rather than replace physical and community-based legal services.

The consequences of territorial exclusion are cumulative. A person who cannot afford transportation may delay seeking advice. Delayed advice can lead to missed procedural deadlines, inadequate evidence, or avoidable escalation of

disputes. In criminal cases, delayed legal assistance can affect the fairness of investigation and trial. In land conflicts, delayed representation can allow disputed activities to proceed before a community understands its legal options. In family disputes, lack of access may prevent individuals from obtaining legally recognized documents or judicial remedies. Consequently, distance can influence not only whether justice is accessed but also the substantive outcome of a dispute.

2. The Limits of the Eligibility-Based Legal-Aid Model

Law No. 16 of 2011 represents an important transformation in Indonesian legal policy because it recognizes legal aid as a state-supported mechanism rather than a purely charitable service. The law establishes legal-aid providers, accreditation mechanisms, funding arrangements, and eligibility requirements for recipients. The framework reflects the principle that economic disadvantage should not prevent citizens from obtaining legal representation. Nevertheless, the eligibility model can become restrictive if legal aid is conceptualized primarily as a benefit available after an individual proves poverty. Sanjaya (2020) observes that the formal accreditation and poverty-based structure can limit the reach of assistance when individuals who experience serious legal vulnerability do not fit neatly within administrative categories.

This limitation becomes more serious for minority communities. Minority status can create vulnerabilities that are not reducible to household income. Indigenous communities may experience collective land disputes involving corporations or state institutions even when individual members cannot easily demonstrate conventional poverty. Linguistic minorities may require interpretation or culturally appropriate assistance. Religious minorities may require legal assistance in disputes involving permits, public order regulations, or discriminatory local practices. Migrant and displaced communities may face documentation problems that make them difficult to classify within conventional legal-aid systems. A narrow poverty-centered model may therefore overlook forms of structural vulnerability that affect access to justice.

The administrative process of obtaining legal aid can itself constitute a barrier. Applicants may need identity documents, proof of economic disadvantage, case documentation, or other administrative materials. For communities living in remote areas, obtaining these documents may require travel to district administrative centers. Thus, the very requirements designed to verify eligibility can disproportionately burden people whom the system is intended to assist. This phenomenon resembles what administrative-burden scholarship identifies as learning, compliance, and psychological costs (Herd and Moynihan 2018). Legal-aid policy should therefore assess the burden of accessing legal aid itself rather than assuming that free services are automatically accessible.

Empirical studies support this concern. Sundari (2016) found that Indonesia's legal-aid policy had not been implemented optimally because of limited budget allocation and uneven participation by professional lawyers. Andhini (2021)

similarly identified shortages of accredited legal-aid institutions and budget limitations. Budijanto and Rahmanto (2022) found that legal-aid services did not yet reach all districts and municipalities because of the limited number of providers. These findings indicate that legal aid remains institutionally concentrated. For Eastern Indonesia, where population distribution is highly dispersed, concentration in provincial capitals can transform a formally universal right into a geographically selective service.

The appropriate policy response is therefore not merely to increase the number of eligible recipients. The state must redesign the concept of eligibility around vulnerability and accessibility. Economic poverty should remain a core criterion, but it should be supplemented by territorial remoteness, disability, linguistic barriers, indigenous status, displacement, and other circumstances that materially restrict access to legal institutions. A community living in an isolated island or customary territory may require legal assistance because of the costs associated with distance even when its members do not satisfy a narrow conception of poverty. Such an approach would shift legal aid from a compensatory program for the poor toward a broader instrument of substantive equality.

3. Eastern Indonesia and the Geography of Legal Infrastructure

The institutional geography of legal aid is especially significant in Eastern Indonesia. Provincial capitals such as Ambon, Ternate, Jayapura, Manokwari, Sorong, and other urban centers function as nodes of legal expertise, while many surrounding communities remain dependent on irregular transportation and limited local institutions. The result is a center-periphery structure in which specialized legal knowledge is concentrated in urban areas. This structure creates a paradox: the communities most exposed to land, resource, customary, and human-rights disputes may have the least immediate access to professional legal assistance. The problem therefore cannot be solved solely by increasing the number of lawyers nationally. Distribution and institutional placement matter equally.

Research concerning Papua demonstrates the importance of local legal actors. Hulihulis et al. (2023) found that indigenous community paralegals in Sorong Regency play an important role in connecting indigenous communities with advocates and legal-aid institutions. Their value derives partly from geographical proximity but also from social legitimacy. A community member who understands local customs, language, and social relationships may be more capable of identifying legal problems before they become formal disputes. Such actors can provide preliminary information, document grievances, facilitate communication with lawyers, and help communities understand legal procedures. Community paralegals therefore function as institutional bridges rather than substitutes for professional legal representation.

The role of paralegals is supported by broader Indonesian scholarship. Wulandari, Wicaksono, and Khikmah (2019) demonstrate that paralegals can facilitate consultation, mediation, negotiation, and communication between poor

communities and formal legal-aid providers. Wicaksono and Malik (2022) similarly emphasize their potential in expanding non-litigation assistance. The legal position of paralegals has nevertheless experienced institutional uncertainty, particularly concerning the boundary between permissible assistance and professional legal practice. This uncertainty should be resolved in a way that preserves professional standards without unnecessarily restricting community-based legal empowerment. In remote areas, eliminating or severely limiting paralegal functions could unintentionally deepen the geographical justice gap.

Mobile legal services provide a second institutional response. Courts have experimented with mobile services to reach communities that cannot easily travel to permanent judicial institutions. The experience of the Religious Court of Labuha in Maluku Utara illustrates both the promise and fragility of such mechanisms. La Tua, Husain, and Alhadar (2025) found that mobile court services in remote island communities were affected by limited personnel, weak coordination, budget constraints, and geography. When the service became inactive, cases accumulated; when it resumed, access and case resolution improved. This evidence demonstrates that outreach programs can materially affect access to justice but require institutional continuity rather than temporary projects.

The lesson is that Eastern Indonesia needs a distributed legal-aid architecture rather than simple replication of urban legal-service models. Such an architecture would combine permanent legal-aid offices in regional centers with mobile teams, community paralegals, partnerships with universities, local organizations, customary institutions, and digital consultation. The objective should be to reduce the distance between communities and legal expertise at multiple stages of a dispute. Legal aid should reach communities before litigation becomes unavoidable. Preventive advice, documentation assistance, negotiation, and early dispute resolution can be particularly valuable where formal litigation is costly and geographically difficult.

4. Culture, Language, and the Meaning of Legal Accessibility

Physical proximity alone does not guarantee access to justice. A legal service may be geographically available but socially inaccessible if legal professionals cannot communicate effectively with the community or do not understand its cultural context. This issue is particularly important for indigenous and minority communities in Eastern Indonesia, where customary law, local languages, kinship structures, and collective conceptions of property can differ from assumptions embedded in formal legal institutions. When legal aid ignores these dimensions, representation may become technically correct but substantively ineffective. The client may possess a lawyer but remain unable to participate meaningfully in the legal process.

Legal empowerment theory emphasizes that marginalized communities should not merely receive representation but should acquire the knowledge and institutional capacity necessary to understand and influence legal processes (Golub

2003). This distinction is important in Eastern Indonesia because legal problems often involve collective interests. A land dispute, for example, may concern an indigenous territory rather than an individual parcel. A legal strategy based exclusively on individual ownership documents may therefore fail to capture the community's actual claim. Effective legal aid requires lawyers and paralegals to understand the social structure through which rights are experienced and contested.

Papua provides an important illustration of legal pluralism. Customary courts remain relevant institutions for resolving disputes within indigenous communities. Reumi (2018) identifies customary courts as an important component of Papua's special autonomy and traditional rights framework. Reumi (2023) further emphasizes the continuing existence of customary justice as a form of dispute resolution. Mayastuti, H., and Lukitasari (2022) argue that institutionalizing customary justice can strengthen access to justice for indigenous peoples. These studies suggest that legal accessibility can sometimes be increased by recognizing institutions that communities already understand rather than requiring every dispute to enter distant formal courts.

However, customary justice should not be romanticized. Its legitimacy must coexist with constitutional rights, procedural fairness, and protection against discrimination. Suhariyanto et al. (2024) identify jurisdictional tensions between customary and state criminal courts in Papua, demonstrating that legal pluralism requires clear institutional coordination. The appropriate objective is therefore not to replace state courts with customary institutions but to construct mechanisms of interaction between them. Customary forums may resolve appropriate disputes locally, while serious criminal matters and rights-sensitive cases require effective links to formal institutions. Legal aid providers can play a crucial role in navigating this institutional boundary.

Language represents another dimension of accessibility. Legal documents are generally drafted in formal Indonesian, while some remote communities use local languages as their primary means of communication. A legal service that requires clients to understand complex statutory terminology may create an information barrier. Community paralegals can reduce this problem by translating legal concepts into accessible language and helping individuals understand their procedural rights. Interpretation should therefore be considered part of legal aid rather than an optional supplementary service. In rights-sensitive cases, linguistic accessibility is directly connected to meaningful participation and procedural fairness.

5. Legal Aid, Minority Protection, and Structural Vulnerability

The concept of minority justice requires attention to the intersection between legal vulnerability and social position. Minority communities may be defined by ethnicity, religion, indigeneity, language, geography, or socioeconomic status. These characteristics can overlap. An indigenous community in a remote area may simultaneously face economic disadvantage, geographical isolation, limited

political influence, and cultural barriers. A religious minority on an outer island may experience both numerical marginalization and limited access to legal institutions. The cumulative effect can be substantially greater than the effect of any single disadvantage. Legal-aid policy must therefore move beyond single-category vulnerability.

The international human-rights framework supports such an approach. Article 14 of the International Covenant on Civil and Political Rights protects fair-trial guarantees, while Article 26 establishes equality before the law and equal protection without discrimination. The United Nations has also linked access to justice with Sustainable Development Goal 16.3, which explicitly calls for the promotion of the rule of law and equal access to justice for all. The international principle is therefore not satisfied merely by creating legal-aid legislation. States must build institutions capable of delivering effective remedies to populations facing structural barriers. Territorial exclusion is consequently a human-rights issue rather than simply an administrative problem.

Indonesia's own constitutional framework reinforces this obligation. Article 28I(2) of the Constitution provides protection against discriminatory treatment, while Article 28H(2) recognizes the possibility of special measures to achieve equality. The latter is particularly relevant to geographically marginalized communities. If identical legal-aid services produce unequal access because of territorial conditions, differentiated measures may be justified to achieve substantive equality. Mobile legal services, additional funding for remote providers, community paralegal programs, and interpretation services should therefore not be regarded as preferential treatment. They can instead be understood as corrective measures designed to compensate for structural disadvantage.

This reasoning is particularly important because resource allocation can itself become a distributive-justice issue. Legal-aid funding is finite, and decisions concerning where providers are located determine who receives effective services. If funding formulas are based primarily on population size or case volume, remote communities may receive insufficient resources because their populations are dispersed and their cases are less visible. A geographically sensitive funding formula should account for transportation costs, island fragmentation, population dispersion, infrastructure deficits, and the complexity of serving customary communities. The 2024 research on legal-aid budgeting for vulnerable groups similarly emphasizes the need to align legal-aid budgets with the actual needs of vulnerable populations rather than relying solely on conventional expenditure structures (Budiarti et al. 2024).

The concept of minority justice therefore requires a transformation in how legal aid is evaluated. The relevant question is not simply how many cases a legal-aid organization handles or how efficiently its budget is absorbed. A more meaningful evaluation should ask whether vulnerable communities can identify legal problems, obtain advice, participate in proceedings, secure representation, and obtain enforceable remedies. Service quality should include geographical

reach, cultural competence, responsiveness, and continuity. Without these dimensions, performance indicators may reward institutions for serving accessible populations while leaving the most geographically isolated communities underserved.

6. Digital Justice: Opportunity and New Exclusion

Digitalization offers substantial opportunities to reduce territorial barriers. Online consultations can connect remote communities with lawyers located in provincial capitals. Electronic document submission can reduce travel requirements. Virtual hearings can lower the cost of participation. Legal information platforms can provide communities with basic knowledge before they approach formal institutions. These possibilities are consistent with broader access-to-justice reforms that seek to reduce transaction costs through technology. Yet digital justice should not be assumed to be universally inclusive. In Eastern Indonesia, internet reliability, electricity, device ownership, digital literacy, and technical support vary significantly across regions.

Research on e-court systems in remote Indonesian areas demonstrates this limitation. Hastomo et al. (2025) found that cross-regional digital justice continues to face infrastructure and technological-readiness constraints. The implication is that digitalization can create a second access gap if physical services are withdrawn on the assumption that technology has replaced them. Communities that cannot reliably connect to digital platforms may become doubly marginalized: they lose traditional face-to-face services while remaining unable to benefit from digital alternatives. Digital transformation must therefore be designed as a hybrid system rather than a complete substitution of physical access.

A hybrid approach would combine digital consultations with physical outreach. For example, community paralegals could provide local access points where residents receive assistance using secure digital communication with professional lawyers. Mobile legal teams could visit communities periodically to address cases requiring physical documentation or collective consultation. Courts could provide digital kiosks or assisted-access facilities rather than assuming that every litigant possesses a smartphone, computer, and stable internet connection. Such arrangements would transform technology from a barrier into an enabling infrastructure. The principle should be technology-assisted accessibility, not technology-dependent justice.

Data protection is also essential. Remote communities may disclose sensitive information when seeking legal assistance, including land documents, family information, criminal allegations, or disputes involving powerful actors. Digital legal-aid systems must therefore maintain confidentiality, secure communications, and informed consent. Technology should not reduce the professional duties of lawyers or the privacy protections owed to clients. The use of digital platforms must remain subordinate to the rights and interests of legal-aid recipients. Otherwise, technological efficiency could come at the expense of substantive justice.

7. Toward a Distributed and Community-Based Legal-Aid Model

The findings support a model of legal aid based on five interconnected principles: proximity, affordability, cultural competence, continuity, and institutional pluralism. Proximity requires legal services to be physically and digitally reachable. Affordability requires that transportation, documentation, interpretation, and communication costs be considered alongside lawyers' fees. Cultural competence requires legal professionals to understand indigenous and local contexts. Continuity requires stable institutional funding rather than temporary outreach programs. Institutional pluralism requires constructive coordination between state courts, customary institutions, legal-aid organizations, universities, and community organizations. Together, these principles redefine legal aid as a public infrastructure of justice.

The first institutional reform should concern the distribution of legal-aid organizations. Accreditation and funding systems should incorporate territorial indicators rather than relying solely on population and case volume. Remote provinces and districts should receive additional institutional support to compensate for higher service-delivery costs. Special funding could be provided for mobile legal teams, transportation, interpretation, community legal education, and technology-assisted consultations. This would operationalize the constitutional principle of substantive equality by recognizing that equal service requires different levels of public investment when communities face unequal structural conditions.

Second, community paralegals should become a formal component of legal-aid infrastructure. Their function should remain clearly distinguished from that of advocates, particularly in litigation, but their role in legal education, complaint identification, mediation support, document preparation, referral, and community organizing should be strengthened. Wulandari, Wicaksono, and Khikmah (2019) demonstrate that paralegals can bridge the gap between poor communities and professional legal providers. The Sorong experience further indicates that indigenous paralegals can provide culturally embedded assistance in remote areas (Hulihulis et al. 2023). Regulation should therefore protect paralegal legitimacy while establishing training, supervision, ethical, and referral standards.

Third, mobile legal services should be institutionalized rather than treated as occasional outreach. The experience of Labuha demonstrates that interruptions in mobile services can immediately restrict access for remote communities (La Tua, Husain, and Alhadar 2025). Mobile teams should have predictable schedules, dedicated budgets, and coordination with local governments, courts, and community institutions. Such services should not focus exclusively on litigation. They should provide legal education, document assistance, mediation, preliminary consultations, and referrals. Early intervention is especially important because many disputes can be resolved before formal litigation becomes necessary.

Fourth, customary institutions should be integrated through structured referral and coordination mechanisms. In Papua and other regions with strong customary systems, community justice should not be treated as an informal residue outside the

legal system. Properly regulated customary mechanisms can reduce distance and cultural barriers. At the same time, cases involving serious rights violations, coercion, gender-based violence, or criminal conduct should have clear pathways to formal institutions. Legal-aid organizations can function as safeguards by helping communities understand the consequences of different dispute-resolution options. This model recognizes legal pluralism while maintaining constitutional commitments to equality and human rights.

Finally, legal-aid evaluation should move from output indicators to access indicators. The number of cases handled is an incomplete measure of justice because institutions serving easily accessible urban populations may appear more productive than institutions serving remote communities. Evaluation should include the number of remote communities reached, average travel distance for beneficiaries, response time, language accessibility, continuity of service, successful referrals, community legal-education activities, and client satisfaction. Such indicators would reveal whether legal-aid institutions are genuinely reducing the justice gap or merely operating efficiently within already accessible locations.

Conclusion

This article demonstrates that access to legal aid in Eastern Indonesia is fundamentally a problem of territorial and substantive equality. Indonesia has established a significant legal framework through constitutional guarantees, Law No. 16 of 2011, judicial institutions, accredited legal-aid organizations, and paralegal mechanisms. Nevertheless, formal entitlement does not ensure meaningful access where communities remain separated from lawyers, courts, information, and administrative institutions by geography, poverty, infrastructure, language, or culture. The evidence reviewed from Papua, Maluku, North Maluku, and other remote areas demonstrates that these barriers interact rather than operate independently. A community may simultaneously face transportation costs, limited legal knowledge, weak institutional capacity, and cultural barriers. Legal aid must therefore be understood as an enabling infrastructure through which constitutional rights become practically exercisable.

The article further argues that the conventional model of legal aid remains too centered on eligibility, litigation, and provider accreditation. Such a model is inadequate for an archipelagic state in which territorial distance determines the cost of accessing institutions. The appropriate approach is a distributed model combining professional lawyers, community paralegals, mobile legal services, digital platforms, universities, civil society organizations, and carefully coordinated customary institutions. This approach would transform legal aid from a service delivered primarily after disputes arise into a continuous mechanism of legal empowerment and prevention. It would also recognize that minority justice requires culturally competent institutions capable of engaging communities on their own social and geographical terrain.

Future research should develop empirical indicators capable of measuring the territorial distribution of legal-aid services across Indonesia. Comparative studies between western and eastern provinces could examine provider density, case-processing time, transportation costs, legal-aid uptake, and outcomes for different minority communities. Research should also investigate how customary justice and formal legal aid can be coordinated without weakening constitutional safeguards, and how digital technologies can expand rather than reproduce geographical inequalities. Longitudinal research on community paralegal programs would be particularly valuable in determining whether locally embedded legal assistance produces sustainable improvements in legal empowerment. Ultimately, the legitimacy of Indonesia's legal-aid system should be assessed not by the existence of legal rights alone, but by whether people living at the geographical margins of the republic can realistically convert those rights into protection, representation, and effective remedies.

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