

Policy Evaluation of Legal Aid for the Poor in Tangerang Regency

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ABSTRACT

This research is motivated by the fact that since 2016 the Government of Tangerang Regency has established a policy for administering legal aid which is formalized in the Regional Regulation of Tangerang Regency Number 14 of 2016 concerning the Implementation of Legal Aid. Even though a policy on the provision of legal aid has been presented and implemented in the framework of protecting the rights of the poor person or group of people in Tangerang Regency, the implementation of this policy needs to be evaluated, to find out the effectiveness, efficiency, equity, adequacy responsiveness, and appropriateness of the community to the policy. The aims and objectives of this research are to find out and analyze the current implementation of the policy of providing legal aid for the poor in Tangerang Regency, as well as to find out, analyze and find the ideal implementation of the policy of providing legal aid for the poor in Tangerang Regency in the future. This study was designed in the realm of qualitative research using the constructivism paradigm, using two types of data, namely: primary data and secondary data, and the determination of informants was carried out using a purposive sampling technique. The data obtained is tested using the policy evaluation model from William Dunn which includes the criteria; effectiveness, efficiency, adequacy equity, responsiveness, and appropriateness policy. The results of the study show that the implementation of legal aid policies in Tangerang Regency has not been fully effective. Going forward, the implementation of legal aid policies in Tangerang Regency needs to be designed as responsive policies, namely policies made and implemented by considering and considering the needs, hopes and desires of the community. In the future, the implementation of legal aid policies must pay attention to several important matters, such as accessibility, effectiveness, efficiency, coordination and cooperation. Apart from that, the implementation of the legal aid policy also requires several important things, including: provision of adequate resources; continuous monitoring and evaluation; effective coordination with other stakeholders; community education and sensitization; and adequate financial support.

INTRODUCTION

The Constitution of the Republic of Indonesia Year 1945 (UUD NRI Year 1945) has affirmed that "the state of Indonesia is a state of law". This norm means that in the Unitary State of the Republic of Indonesia, law is the lifeblood of all aspects of state life. Law must always appear as a means that must color life, both individuals, communities, and state and government institutions

(Bachtiar, 2015: 1). In the rule of law, the state through the constitution recognizes and protects the human rights of every citizen. The State guarantees the constitutional right of everyone to recognition, guarantee, protection, equality, gender justice, fair enforcement and legal certainty and equal treatment before the law as a means of protecting human rights.

Therefore, every citizen regardless of ethnicity, color, social status, beliefs and political views has the right to access to justice including access to legal aid, especially for indigent justice seekers, who are undergoing the examination process in a criminal or civil case. Although it must be admitted that even getting justice is limited to legal aid, it is actually a problem that is not easy to decipher.

The right to legal aid is part of a fair judicial process inherent in the principle of the rule of law and is one of the universally accepted principles of human rights. The fulfillment of the rights of these citizens is certainly the duty and obligation of the state. The State plays a role and is responsible for the fulfillment of constitutional rights and the fulfillment of the human rights of its citizens in full, not only those held by the central government but also local governments.

In order to guarantee constitutional rights for every citizen which includes legal protection, legal certainty, equality before the law, and protection of human rights, on October 4, 2011 the Government and the House of Representatives jointly approved a law regulating legal aid, namely, Law Number 16 of 2011 concerning Legal Aid (hereinafter referred to as the Legal Aid Law). The presence of the Legal Aid Law at least answers the high expectations of the public for solving legal aid problems in Indonesia, where until now there are still many Indonesians who do not get access to legal aid.

The presence of the Legal Aid Law has the consequence of imposing obligations on the Government to allocate funds for the implementation of legal aid in the State Budget. Funding for the implementation of legal aid is allocated to the budget of the ministry that organizes government affairs in the field of law and human rights, in this case the Ministry of Law and Human Rights of the Republic of Indonesia. However, the framers of the Legal Aid Law realized that the funds allocated in the State Budget would not be able to meet all legal aid requests in all regions. For this reason, the Legal Aid Law through the provisions of Article 19 provides space for regions to allocate funds for the implementation of legal aid in the Regional Budget. The Legal Aid Law does not impose an obligation on regions to allocate funds for the implementation of legal aid. Because in the provisions of Article 19 paragraph (1) using the phrase 'may', there is a choice for the region whether to regulate it or not. However, if the region wishes to allocate funds for the implementation of legal aid in the Regional Budget, the Regional Government and Regional Parliament must regulate it in Regional Regulations.

As a form of commitment to the fulfillment of citizens' constitutional rights, especially the right to legal assistance, especially for members of the community who are not / less fortunate in Tangerang Regency, the Regional Government of Tangerang Regency intends to carry out the mandate of Article 19 paragraph (1) of the Legal Aid Law, which is realized by establishing a Regional Regulation of South Tangerang City Number 14 of 2016 concerning the Implementation of Legal Aid (hereinafter referred to as Perda Bankum). In the provisions of Article 2 paragraph (1) it is affirmed that "Local Governments provide Legal Aid to help solve cases faced by poor people or groups". This means that the presence of this Bankum Regional Regulation is none other than to help people or groups of poor people, who do have limited access to legal aid.

So far, the provision of legal aid has not touched many people or groups of people who are economically disadvantaged, so they find it difficult to access justice because they are hampered by their inability to realize their constitutional rights. Legal aid is very important, but in many countries, especially developing countries, it is inadequate so that the opportunity for poor people to get justice (access to justice) is still difficult to fulfill.

Therefore, the implementation of the policy of providing legal aid for marginalized communities in Tangerang Regency which has been started since 2016 is an urgent thing to do and at the same time as a form of manifestation of the commitment and political will of the Tangerang Regency Government in guaranteeing and fulfilling the right to legal aid as a constitutional right of citizens, especially for marginalized communities in Tangerang Regency. For this reason, it is considered necessary to conduct a policy evaluation so that the level of achievement, policy effectiveness and factors that affect the implementation of the policy can be known.

Every public policy that has been established and implemented, must be monitored, and one of these oversight mechanisms is referred to as policy evaluation. Policy evaluation is usually aimed at assessing the extent to which the effectiveness of public policies is accountable to the public, the extent to which goals are achieved. Evaluation is needed to see the gap between "expectations" and "reality". This is what motivates researchers to conduct further research whose results are then poured into a thesis entitled "Policy Evaluation of Legal Aid Implementation for the Poor in Tangerang Regency".

METHODS

This study is categorized in the realm of qualitative research using the constructivism paradigm (Ritzer, 2003). The choice of this constructivism paradigm allows researchers to understand and understand the policy issues studied, namely the policy of providing legal aid for the poor comprehensively. In this way, it allows researchers to critique the concepts, theories and implementation of legal aid policies for the poor, to reaffirm their theoretical buildings in organizing legal aid policies for the poor in the design of local government administration in Indonesia.

This qualitative research is used to understand the phenomenon of the object of research, in this case the policy of providing legal aid for the poor implemented in the Government, especially local governments, which leads to the preparation of scientific theories based on data in this context, finding an overview of theoretical models of policies for the implementation of legal aid for the poor.

Basically, researchers use two types of data, namely: primary data and secondary data. Primary data is obtained through informants and resource persons, namely structural officials in local governments. Secondary data consists of official documents in the form of relevance and linkage of information to this study.

Data collection techniques are the most strategic step in research, because the main purpose of research is to obtain data. According to Sugiyono (2013: 224), data collection can be done in: (i) various settings, (ii) various sources, and (iii) various ways. In this study, researchers used qualitative analysis of Miles and Huberman (Afrizal, 2016: 178-180).

RESULTS

To find out the picture of the implementation of legal aid implementation policies in Tangerang Regency, researchers in this study use criteria that will be used in conducting policy evaluations by referring to the theory proposed by Dunn (2004: 610) which includes: (1) Effectiveness; (2) Eficency; (3) Adequcy; (4) Equity; (5) Responsiveness; and (6) Appropriateness. The six criteria can be explained below.

Effectiveness

Effectiveness is a very important concept because it is able to provide an overview of the success of an organization in achieving the expected goals. The effectiveness of a public policy is basically concerned with whether an alternative achieves the expected results (consequences), or achieves the objectives of the implementation of action (Dunn, 2003: 429). In other words, the actions taken are intended to overcome the problems that occur. Overcoming problems is the goal of taking action. If after the implementation of public policy activities it turns out that the impact is not able to solve the problems faced by the community, then it can be said that a policy activity has failed, but sometimes a public policy results are not immediately effective in the short term, but after going through a certain process. To see effectiveness, there must be a level of satisfaction and the creation of conducive and high-intensity work relationships. This means that in looking at effectiveness is a state of mutual belonging with a high level. In a more concrete sense, a policy is said to be effective when the objectives of the policy are achieved. Whatever the effectiveness of a policy, said Mahmudi (2005: 92) is the relationship between output and goals, the greater the contribution (contribution) of output to the achievement of goals, the more effective the organization, program or activity.

In the context of the implementation of the current legal aid implementation policy, it is recognized that it is not fully in line with the commitment of local governments as institutionalized into regional regulations. It seems still half-hearted when viewed in terms of policy goals and targets

and is associated with the political will of management by local governments, so that in its implementation, the policy of implementing legal aid has not been fully effective.

In the dimension of policy implementation, policy socialization is very important and is part of the democratic process. By conducting socialization, the government can ensure that the policies taken are acceptable and understandable to the public, while ensuring that they have enough information to make the right decisions. Socialization also helps reduce uncertainty and controversy about the policy. Through socialization, the government can ask for input and feedback from the public, so that they can correct ineffective or unpopular policies. Socialization also helps build trust between the government and the public, because people feel involved in the policy-making process and have a better understanding of it. Overall, dissemination of government policies is an important part of the decision-making process and ensures that policies are in accordance with the needs and aspirations of the people.

However, it must be acknowledged that the effectiveness of the implementation of legal aid policies by the Tangerang Regency Government is also influenced by negative views and public concerns in using legal aid.

Such a fact at least illustrates that in its implementation, the requirements for accreditation are felt to be burdensome for legal aid organizations, and this reality actually affects the effectiveness of policies.

Another thing that also became a finding of the study was that although there was a juridical instrument that became the basis for the implementation of legal assistance by the Legal Section of the Regional Secretariat of Tangerang Regency, the researcher did not find any policy documents such as road maps that outlined how the policy strategy was implemented technically. Not to mention that problems related to the type of legal assistance that can be provided are only in the form of litigation, while non-litigation such as legal counseling, legal consultation, and mediation have not been fully carried out. In other words, the implementation of legal aid implementation policies has not been supported by the concept of planning and preparing a steady and fixed program.

Thus, it must be admitted that so far, the policy of providing legal assistance to poor people in Tangerang Regency has not been fully effective because it still does not touch many people or groups of people who are economically disadvantaged, so they find it difficult to access justice because they are hampered by their inability to realize their constitutional rights. Such an argument rests on the proposition that an effective policy is one that can achieve its goals.

This is affirmed by Dunn (2004: 612) that effectiveness (effectiveness) relates to whether an alternative achieves the expected results (effects), or achieves the objectives of the action. Mardiasmo (2009: 134) also emphasized that effectiveness relates to the measure of success or failure of an organization to achieve its goals. That is, a job or activity carried out by an organization is said to be effective if a job can produce a unit (output) and can be completed on time in accordance with a predetermined plan. So, effectiveness only looks at whether a program of activities has achieved the objectives that have been set. Effectiveness is generally viewed as the degree to which an organization's goals or objectives are set.

In fact, Steers as quoted by Elmizola (2015: 5) emphasizes that the importance of organizational effectiveness in achieving organizational goals and effectiveness is the key to organizational success. A successful and effective organization can be measured by looking at the extent to which the organization can achieve the goals that have been set. Even Sondang P. Siagian (2004: 32) reminded that organizational effectiveness is not only measured from (i) clarity of goals to be achieved, but also includes (ii) clarity of strategy for achieving goals, (iii) a steady process of analysis and policy formulation, and (iv) steady planning of the preparation of appropriate programs. However, the greater the achievement of organizational goals the greater its effectiveness, as emphasized by Gedeian et al., (1991: 61) "That is, the greater the extent it which an organization's goals are met or surpassed, the greater its effectiveness". In other words, when the objectives set out in a policy (legal aid policy) have not been met, then by itself the policy can be said to have not been fully effective.

Efficiency

Talking about the effectiveness of a public policy is inseparable from talking about efficiency. The two concepts are very closely related. This is illustrated by Dunn's opinion that efficiency relates to the amount of effort required to produce a certain effectiveness. Still according to Dunn (2004: 429), "Effectiveness (effectiveness) relates to whether an alternative achieves the expected results (effects), or achieves the objectives of the action". In other words, if effectiveness emphasizes results or their effect on achieving goals, then efficiency tends to be the use of resources in achieving goals. This can be seen from Staveren's opinion (2009: 107), "efficiency discusses how resources are allocated to achieve goals".

Therefore, efficiency will occur if the use of resources is optimally empowered so that a goal will be achieved. Efficiency will occur if the use of resources is optimally empowered so that a goal will be achieved. In other words, effectiveness has a reciprocal relationship between output and purpose. The greater the contribution of output, the more effective a program or activity is (Mahmudi, 2005: 92). With such a meaning, it can be said that "efficiency means doing or doing things right, while effectiveness doing or doing something right on target or doing the right things".

Thus, it must be admitted that the scope of legal aid recipients is still very limited, in the sense that not all people who have problems with the law can access legal aid fees from the Tangerang Regency Government. This is not comparable to the number of poor people who have problems with the law, their access is still very limited.

When compared with data on crime events by type, for example in the form of theft and fraud in Tangerang Regency obtained by researchers from the Police in 2021, out of a total of 783 criminal cases of theft and fraud, most of which were committed by people in the poor category, there were only 2 (two) cases that could be provided free legal assistance.

Not to mention the limited budget allocation from the Tangerang Regency Government in financing the implementation of legal aid for the poor. The Tangerang Regency Government with the approval of the Tangerang Regency DPRD is only able to provide a budget whose number of recipients is limited.

Here it can be seen, the policy of providing legal aid has not fully reached the poor, as a result of limited budget allocations of local governments. When compared to other assistance programs for the poor with an allocation of billions of rupiah, the implementation of legal aid in Tangerang Regency is very limited.

From the various information as described above, it can be concluded that the efficiency of the policy of providing legal aid for the poor in Tangerang Regency in its implementation is still not fully efficient, as a result of (a) limited coverage of poor recipients of legal aid, (b) limited budget allocation of local governments, (c) limitations of legal aid organizations and the capacity of providing legal aid services carried out by aid providers law; and (d) the legal aid disbursement system felt by legal aid organizations is still quite complicated.

Adequacy

Adequacy in public policy can be said that the goals that have been achieved have been felt in answering the problems needed in society. Dunn suggests that adequacy relates to how far a level of effectiveness satisfies a need, value, or opportunity that fosters a problem (Dunn, 2003: 430). From the arguments above, it can be concluded that adequacy is still related to effectiveness by seeing or predicting how far existing alternatives can satisfy needs, values or opportunities in solving problems that occur.

Similarly, the availability of legal aid organizations should not only be limited to accredited legal aid organizations, but should also be extended to legal aid institutions established based on the initiation of advocates and legal consultants in order to carry out the functions of free legal aid services or prodeo as mandated in the Advocates Law, or established by law faculties at various universities in around the area of Tangerang Regency.

Such an opinion is reasonable because to ensure the adequacy of the implementation of legal aid implementation policies, the Tangerang Regency government needs to equalize access to legal aid not only limited to accredited legal aid organizations, but also those that are not accredited, so that all parties can participate in policy implementation. Only in this way is it believed that this policy can encourage legal aid organizations to contribute more to the legal aid service program for the poor in Tangerang Regency.

In this case, it is relevant to be associated with the results of research conducted by Souliisa (2017: 95). According to him, this aspect is very influential on achieving goals rather than policies, if the adequacy aspect is met in a program, then automatically the activities to be carried out run well and it can be ascertained that the program will succeed despite the constraints in the program but still find solutions in its completion, if the resources used support the operationalism of the program and the needs for program beneficiaries are met.

However, the policy of providing legal aid to the poor is a policy intended to affirm the constitutional rights of citizens. Community access to legal aid is one of the fundamental rights. This right is not merely a postulate. This right was born as a consequence of the concept of the rule of law adopted by Indonesia. It can be read in the Constitution of the Republic of Indonesia Year 1945 (UUD 1945), Article 1 paragraph (3) states "Indonesia is a state of law". The provisions in this article then gave birth to various kinds of human rights which were further elaborated in Articles 28A-28J of the 1945 Constitution. As a consequence of the fulfillment of this right, the government is obliged to provide resources, including in terms of financing for the community to obtain legal aid services from legal aid providers.

Based on the description above, the implementation of the policy of providing legal aid and the results are recognized to have been achieved by serving poor people to get legal aid services. However, in terms of implementation, not all poor people who have problems with the law get access to legal aid services from local governments. In addition, not all legal aid organizations can provide legal aid services funded by local governments, as a result of the requirements set by the government for legal aid organizations to have passed verification and are accredited.

Equity

Policy implementation must be fair in the sense that all sectors and levels of society must equally enjoy the results of the policy. Equity-oriented policies are policies whose consequences or efforts are fairly distributed. A particular program may be effective, efficient, and sufficient if the cost-benefit is evenly distributed (Winanrno, 2002: 187). Equity focuses on the distribution of a type of program applied, providing an illustration for example whether existing costs or budgets can be distributed evenly to the target group in this case the public with different group categories. This is illustrated from Dunn's (2003: 434) thinking that the criterion of equality (equity) is closely related to legal and social rationality and refers to the distribution of effects and efforts between different groups in society.

In the context of the implementation of legal aid in Tangerang Regency in general, it has been carried out in accordance with the mechanism regulated in the Regional Regulation of Tangerang Regency Number 14 of 2016 concerning the Implementation of Legal Aid for the Poor and its derivative regulations regulated in the Tangerang Regent Regulation.

It's just that in this study revealed the fact that although the implementation of legal aid has been carried out for the poor, the implementation has not been carried out in a fair manner, which at least can be seen from the fact that there are still poor people who have problems with the law do not get access to participate in legal aid services organized by local governments on the grounds that they are unable to complete administrative requirements, or non-accredited aid organizations, and also related to the absence of budget allocations.

More or less the same information was also conveyed by the informant of a poor citizen who had been in trouble with the law. The poor concerned had applied to a legal aid organization that had been appointed by the local government to provide legal aid services. However, the legal aid cannot be accessed by the poor as a result of the person concerned being unable to meet administrative requirements in the form of not obtaining a certificate of incapacity from the village government as a result of the person concerned having a less harmonious relationship with the village head because at the time of election the village head concerned did not choose the village head.

In policy implementation, there are often still people who have problems with the law who in terms of eligibility do not deserve to be provided legal aid services (economically capable), but are given legal aid services because of the closeness of kinship with local government officials and are agreed by legal aid organizations.

The uneven picture of the implementation of the policy of providing legal aid for the poor is clearly inseparable from the influence of the effectiveness, efficiency, and adequacy of the policy itself. Vice versa, effectiveness, efficiency, and adequacy will ultimately also affect policy equity. The key to equality itself is none other than fairness. Justice in providing legal aid is defined as equality, balance, and harmony of relationships between one element and policy elements. Injustice means the limping of relations between policy elements due to disturbed equality. With the principle of justice, the objectives of the legal aid implementation policy will be realized. The meaning of justice should not only be measured from the fulfillment of basic needs, but should also be interpreted from the dimensions of meeting special needs and performance, because these two things will also affect the effectiveness, efficiency, and adequacy of policies.

Responsiveness

Responsiveness relates to the extent to which policies can satisfy the needs, preferences, or values of certain groups of people. The success of the policy can be seen through the response of the community who respond to the implementation after first predicting the effect that will occur if the policy will be implemented, as well as the response of the community after the impact of the policy has begun to be felt in the form of support / in the form of rejection. The responsiveness criterion is important because an analysis that satisfies all other criteria (effectiveness, efficiency, adequacy, similarity) still fails if it does not respond to the actual needs of the group that should benefit from the policy. Therefore, the criteria of responsiveness reflect the real needs, preferences, and values of a particular group against the criteria of effectiveness, efficiency, adequacy, and similarity.

In the context of the policy of providing legal aid in Tangerang Regency, it seems that it is still unsatisfactory both for poor recipients of legal aid and legal aid organizations as providers of legal aid.

Another thing, nominally the legal aid fund is still very small so that many legal aid service needs have not been met. Based on informant information from one of the Directors of LBH in Tangerang, Mr. Anri Situmeang, S.H., stated that the implementation of the policy of providing legal aid in Tangerang Regency must be admitted to be not very satisfactory, as a result of the small budget allocation that can be given to the poor.

However, it is recognized that in general, the distribution of legal aid funds for poor people in Tangerang Regency has been very helpful for poor people who have problems with the law, so that in the future legal aid funds can be increased in order to meet the overall needs of poor people who have problems with the law.

Based on the results of interviews with informants, it can be concluded that the policy of providing legal aid in general greatly helps the access of poor people to legal aid services. It's just that it is recognized that its implementation still cannot satisfy, both for poor recipients of legal aid and legal aid organizations as providers of legal aid. Apart from the reason that not all poor people who face the law can access legal aid services, also the funds allocated for legal aid services are still very small, not as close to the complexity of services faced by legal aid providers.

From the above facts, it is illustrated that the responsiveness of policies providing legal assistance to the poor is ultimately also influenced by the effectiveness, efficiency, adequacy, and leveling of policies that are actually not in accordance with policy objectives. In other words, there is no alignment between the implementation of legal aid policies and the expectations of the needs of recipients and providers of legal aid.

In this context, a good policy is a policy that is in line with the aspirations and in accordance with the needs of the community. This was emphasized by Dwiyanto (2006: 50), "responsiveness is the ability of organizations to recognize community needs, formulate service agendas and priorities, and develop public service programs in accordance with the needs and aspirations of the community". Even by Tangkisan (2005: 177) relates responsiveness to the meaning of "harmony between programs and service activities with community needs". Relying on this opinion, there needs to be a rationalization of the amount of legal aid funds based on the real operational needs of legal aid services, especially for litigation legal aid services carried out in court.

However, the work of a policy requires responsiveness or responsiveness from the government in providing services to the community. The policy of providing legal aid should not just be a policy

that only wants to show the commitment and political will of the government that the government is on the side of the community, but more than that the launch of a policy is nothing but in order to meet the needs of the community. Of course, the policy must be based on the real needs of the community.

Maruti as quoted by Apdita Suci Nurani et al., (2015: 215) asserts that "Indicators of responsiveness in service include: (1) whether there are complaints from service users; (2) the attitude of bureaucratic officers in responding to complaints from service users; (3) the use of complaints from service users as a reference for improving service delivery in the future; (4) various actions of bureaucratic officials to provide service satisfaction to service users; (5) placement of service users by bureaucratic officials in the applicable service system".

Referring to Muruti's opinion, Nurani finally came to the conclusion that "responsiveness can be interpreted as the government's responsiveness shown through sensitivity and ability to deal with complaints and community needs as recipients of services". One way to show the sensitivity or responsiveness of the government to the community is by providing policies based on the needs of the community.

Therefore, in the future it is necessary to improve legal aid policies where allocation and distribution are adjusted to the real needs of the community. Such an opinion is reasonable, because after all the government is held in order to provide services to the community. In the name of service to the community, of course, there is a need for government responsiveness to the community. After all, good service is service that is always improving. Policy improvements are developed in accordance with the needs and to meet the expectations or demands of the community who are always experiencing dynamic development.

Appropriateness

According to Winarno (2002: 184), accuracy refers to the value or price of program objectives and to the strong assumptions underlying these goals. The criteria used to select a number of alternatives for recommendation by assessing whether the results of the recommended alternatives are feasible goal choices. Eligibility criteria are associated with substantive rationality, because these criteria concern the substance of the goal rather than the means or instruments for the realization of that goal.

Likewise, the cost of litigation has been borne by the local government so that poor people who have problems with the law no longer need to think about the cost of legal aid services.

Based on the various information described above, it can be concluded that the policy of providing legal aid in general is at least in accordance with the objectives of the policy. Through this policy, poor people who have problems with the law can focus on facing their legal problems at the cost borne by the government. The right of poor people to access legal aid services from local governments can be fulfilled. However, it must be admitted that the implementation of this policy still needs to be addressed, not just aborting its obligation to its citizens to provide legal assistance.

Discussion

The implementation of legal aid by local governments is an important concept that focuses on providing legal assistance to people in need. The implementation of legal assistance by local governments which is incorporated into a regional regulation is very necessary in order to guarantee and realize equality before the law and access to justice for everyone, especially the poor as a vulnerable group of people who are in trouble with the law. For local governments, the implementation of legal aid is a form of commitment and political will of local governments within the framework of regional autonomy aimed at providing protection to their citizens, one of which is related to access to justice as a manifestation of the principle of equal treatment before the law and government without exception as stated in Article 27 paragraph (1) of the NRI Constitution of 1945.

The right to legal aid is a human right for someone affected by legal problems. Because obtaining legal aid is one form of access to justice for those who deal with the law. Obtaining legal aid is also one manifestation of equality before the law. The principle of equality before the law has been contained in Article 28D paragraph (1) of the NRI Constitution of 1945, namely that everyone has the right to recognition, guarantee, protection, and fair legal certainty and equal treatment before the law (equality before the law and equal access to justice). This is a consequence of the

State of Indonesia as a rule of law, as affirmed by Article 1 paragraph (3) of the 1945 NRI Constitution.

Equality before the law and equal access to justice is a universal legal principle that affirms that all people should receive equal treatment before the law and that all people should have equal opportunities for justice. However, it is realized that in social reality in society, it cannot be ruled out that certain circumstances make not all groups in society can easily feel prosperity, including the opportunity to get justice (access to justice). The poor are examples of groups that are very vulnerable to injustice in society. The vulnerability experienced by these poor people needs to be affirmed by the local government.

In the absence of access to justice, people cannot voice their opinions, obtain their rights, oppose discrimination or maintain policy accountability. We therefore continue to promote the right to equal access to justice for all, including vulnerable groups, and reaffirm our commitment to take the necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all. If the rule of law is not enforced, poverty, suffering and marginalization will get worse. The poor and vulnerable need the ability to secure their rights, legal protection and participation in policy-making that affects their communities.

However, there are many barriers to accessing justice, especially those in poverty, marginalized and insecure circumstances. Legal and Judicial institutions, both formal and informal, can be biased or discriminatory. The Justice and security systems can be ineffective, slow and untrustworthy. People may not understand their rights. Often legal aid is difficult to reach, resulting in a lack of access to formal mechanisms for protection and empowerment. One of the major barriers to access to justice is the high cost of legal aid. Legal aid programs are a key component of strategies to improve access to justice. Therefore, free legal assistance for the poor exists to strengthen the rule of law.

Furthermore, local government is an important institution in the implementation of state life. In accordance with Indonesian laws and regulations, local governments are implementers of the principle of decentralization where the central government hands over part of its affairs to the regions to be managed independently. In this context, regional governments are given the freedom to regulate themselves in the context of implementing regional autonomy, among others through the issuance of regional legal products. Through its authority, basically local governments have the opportunity to implement legal aid activities, especially for underprivileged communities.

As part of the Unitary State of the Republic of Indonesia, local governments as stipulated in Article 18 of the NRI Constitution of 1945 and Law Number 23 of 2014 concerning Regional Government, basically also bear responsibility for state obligations in guaranteeing and protecting the constitutional rights of citizens. So far, the provision of legal aid has not touched many people or groups of people who are economically disadvantaged, so they find it difficult to access justice because they are hampered by their inability to realize their constitutional rights.

In addition, the alignment of local governments towards their communities who have problems with the law through efforts to provide legal assistance has not been an initiative of local governments. So far, the approach of strengthening the community has not been able to be basically carried out through alleviation programs and strengthening the community's economy. Even if there are programs related to the field of law, they are generally carried out in the form of legal counseling or socialization of laws and regulations.

Departing from this situation, local governments should participate in assuming the responsibility of the state in guaranteeing and protecting the right of every citizen to access justice through the implementation of legal aid programs as outlined in a Regional Regulation. The existence of Regional Regulations on legal aid is an urgent matter to be realized as a form of commitment and political will of every Regional Government to underprivileged communities in their regions.

The Regional Regulation on the Implementation of Legal Aid for the poor that will be established by the Regional Government is basically a regulation aimed at ensuring the existence of public services provided by the Regional Government to its community. Through the Regional Regulation, the Regional Government wants to reaffirm the types of public services provided, how to get access to them and clarity on the obligations of Regional Governments and the rights of their citizens. Through this Regional Regulation, the principles of guarantee and protection of the right to

legal assistance are regulated as part of public services for residents in the region. Therefore, the existence of Regional Regulations on the Implementation of Legal Aid is urgent not only in order to guarantee the right to legal aid in order to improve public services, but also to guarantee the constitutional rights of citizens in order to achieve the goals of prosperous local people.

In this legal aid concept, local governments have an important role in ensuring that communities have equal access to legal aid and legal rights in accordance with the law. Local governments can facilitate the provision of legal aid through various means, such as facilitating the provision of legal aid, providing financial support and resources to legal aid organizations, and facilitating training and capacity building for legal aid workers. The implementation of legal aid by local governments can also involve cooperation with various parties, such as universities, civil society organizations, and non-governmental organizations. This cooperation can help ensure that legal assistance is appropriate and provides more effective and efficient support.

In addition, the concept of providing legal aid by local governments, it is important to ensure that the legal aid provided is free or at an affordable cost. This is important to ensure that people have equal access to legal aid and legal rights, without being affected by their economic or social conditions. The provision of legal aid by local governments can also help strengthen the legal system and ensure that laws are applied fairly and equitably. This is important to ensure that society has confidence in the legal system and ensure that every individual has equal access to legal rights.

Thus, it can be ensured that the implementation of legal aid by local governments is very important because it provides fair and equitable access for the community to obtain legal aid. In the view of researchers, there are at least several reasons why the provision of legal aid by local governments is very important:

Improving access to justice for all: Legal aid provided by local governments helps underprivileged communities obtain the necessary legal assistance. This ensures that everyone has equal access to legal aid and fights for their rights before the courts.

Strengthening the justice system: By providing effective legal assistance to the community, the justice system can function better. It ensures that individual rights are recognized and protected, and helps strengthen the judicial institutions that are an essential part of democracy.

Increase public trust in the government: Effective legal aid by local governments helps increase public trust in the government. This ensures that the government has an active role in helping people fight for their rights and strengthens the relationship between government and society.

Prevent discrimination and exclusion: Legal assistance available to everyone helps prevent discrimination and exclusion against certain groups in society. This ensures that everyone has equal access to legal aid and fights for their rights.

Improve people's quality of life: Effective legal aid can help communities fight for their rights and ensure that they receive fair and fair treatment. This can help improve people's quality of life and ensure that everyone has equal access to justice.

The policy of providing legal aid carried out by local governments should be designed as a responsive policy, namely policies made and implemented by taking into account and considering the needs, expectations, and desires of the community. This policy emphasizes a deep understanding of the issues facing communities and ensuring that the actions taken meet their needs. According to researchers, responsive legal aid implementation policies have several characteristics, including:

Community-oriented: this policy ensures that the community has an active role in the process of its creation and implementation.

Information diffusion: this policy ensures that the public has sufficient access to information about the issues faced and actions taken to address them.

Transparency and accountability: these policies ensure that the policy-making and implementation process can be transparently audited and evaluated by the public.

Solution-oriented: this policy focuses on solutions that can help address the problems facing communities and meet their needs.

By taking into account these characteristics, responsive legal aid policies will be more effective in meeting the needs of communities and ensuring that actions taken are in accordance with their expectations and wishes. The policy of responsive legal aid delivery is designed with the intention of affirming the vulnerability of the poor in their inability to gain access to justice, especially accessing

legal aid services. The affirmation played by the local government is a manifestation of the government's existence in providing guarantees for the fulfillment of citizens' rights.

The poor need to be affirmed and helped to improve their quality of life. The poor are a group vulnerable to various types of injustice and discrimination, such as limited access to education, poor employment, and poor health. They also often do not have adequate access to economic resources, such as money and assets. Through affirmative policies such as the policy of providing legal aid, it can help the poor by providing needed assistance and support. In this way, the poor can increase access to justice when legally troubled. In addition, by providing the help and support needed, affirmative policies can help the poor to achieve equality and overcome discrimination and achieve a better life.

Conceptually, the policy of providing legal aid is an affirmative policy, which is a policy designed to help marginalized and discriminated groups to achieve equality and access to justice. This policy is carried out to overcome injustices and inequalities that occur in society, especially those related to the fulfillment of legal rights. Affirmative policies can help increase awareness and adherence to the principle of equality in society. By taking concrete action to address inequities and inequalities, affirmative policies can help shape a more inclusive mindset and change discriminatory cultures. In short, these policies help promote equality, diversity, and inclusivity, and improve the quality of life for marginalized groups. This can help create a fairer and more equitable environment for everyone, as mandated in the constitution of the Republic of Indonesia.

Relying on the various arguments above, the implementation of legal aid implementation policies in the future should ideally pay attention to several important things, such as accessibility, effectiveness, and efficiency in providing legal aid to the community. Here are some things that need to be considered in the implementation of an ideal legal aid policy in the future, as follows:

Accessibility

Accessibility of legal aid policies refers to efforts to ensure that all poor people have equal opportunities to access legal aid services. The accessibility of legal aid services should be a top priority in the implementation of legal aid policies. This can be achieved through several ways such as expanding the reach of legal aid services to remote areas, expanding new legal aid organizations, and expanding the types of legal aid services offered, not only litigation, but also non-litigation. In addition, a legal aid information system must also be developed to make it easier for the public to access legal aid information and facilitate the registration process.

Given the importance of policy accessibility, there are several things to consider to ensure effective implementation of legal aid policy.

Effective communication: Policies should be clearly communicated to the poor, so that they understand the benefits of the policy and how to obtain it. Communication can be done through various media, such as radio, television, brochures, and social media.

Physical access: Policies should be easily physically accessible to the poor. If programs or assistance are only available in certain locations, then accessibility of those policies becomes difficult for those who live far away. Therefore, policies should be available in places that are easy to reach, such as in urban centers or near poor neighborhoods.

Availability of information: Information about policies should be openly available and easily accessible to the poor. This information may be provided through brochures, websites, or through information service centers.

Easy application process: The procedure for obtaining aid or programs should be easy and simple for the poor to understand.

Effective oversight: It is important to ensure that the policy is well supervised and managed transparently. This will help the poor to have confidence that the policy is actually beneficial to them and will help reduce potential deviations.

By taking into account these factors, policy accessibility can be improved so that the implementation of legal aid implementation policies can run effectively and efficiently in helping the poor improve their quality of life.

Effectiveness

The effectiveness of legal aid can be achieved through improving the quality of legal aid services. This can be done by equipping legal aid providers with good knowledge and skills,

improving coordination between legal aid providers, and expanding cooperation networks with other institutions engaged in legal aid. In short, the implementation of legal aid should be carried out in a quality manner, not just a pseudo-commitment or just presenting policies that have a political or populist tendency, but what needs to be presented is a quality legal aid policy. This is especially important in ascertaining whether the presence of this policy is really in accordance with the policy objectives and gives poor people satisfaction with the services they receive.

In the context of policy implementation, policy implementers must understand the goals and objectives of the policy to be implemented properly. They must understand the issues the policy seeks to address and how it can help solve those issues. Policy implementers must also involve stakeholders, including communities, interest groups, and related parties in the policy implementation process. This will ensure that all relevant parties feel ownership and are involved in the implementation of the policy. In addition, policy implementers ensure that the necessary resources are available and sufficient to properly implement the policy. In addition, effective communication between policy implementers and the public is essential to ensure that policies are well understood. Policy implementers must convey information about policies clearly, accurately and regularly.

Effective policies also require a regular assessment and evaluation process to ensure policies are running according to plan and meet the goals and objectives set. By conducting evaluations, policy implementers can identify problems and errors that occur, so that they can make improvements and improvements for the future. Policy implementers must also be flexible and responsive to conditions and needs that change from time to time. This allows policies to remain relevant and effective in addressing ever-changing issues. In short, effective policy implementation requires hard work and dedication from policy implementers. By considering these factors, they can ensure that policies can be well implemented and provide benefits to communities and other vulnerable groups.

Efficiency

In the context of legal aid policy, efficiency can be measured by how much benefit is provided to the poor in relation to the use of available resources. If a legal aid policy can provide maximum benefits with efficient use of resources, then the policy can be said to be efficient. Efficiency in the provision of legal aid can be achieved through optimization of work processes and systems. This can be done by updating the legal aid information system, speeding up the decision-making process, and expanding the network of cooperation between legal aid institutions. Legal aid policies should be implemented in the most efficient manner, in the sense that available resources should be used to the best of their ability to achieve the desired policy objectives.

It is certain that the efficiency of legal aid policies is related to how they can provide maximum benefits by using available resources efficiently. There are several factors that can affect the efficiency of legal aid policies. First, the policy of providing legal aid must have a clear priority, namely providing legal assistance to poor people in need. These priorities must be applied consistently and transparently, so that available resources are used effectively. Second, legal aid implementation policies must have effective resource management, namely allocating resources wisely and efficiently. This can be done by identifying and prioritizing the most pressing legal issues to resolve, so that resources can be allocated to those issues. Third, legal aid policies must be able to provide long-term benefits for the poor. This can be achieved by providing integrated and holistic legal assistance, so that poor people can overcome legal problems independently. Fourth, legal aid policies should be evaluated regularly to ensure that they are effective and efficient in benefiting the poor. Evaluation can be done by looking at how many poor people managed to obtain justice and legal protection after receiving legal assistance.

Coordination and Cooperation

Coordination and cooperation between legal aid institutions is important to improve the effectiveness and efficiency of legal aid delivery. This can be done through expanding cooperation networks between local governments with legal aid organizations and between legal aid organizations, facilitating meetings and discussions between local governments and legal aid organizations, and facilitating information exchange between local governments and legal aid organizations and between legal aid organizations.

There are several reasons why coordination and cooperation are important in the implementation of legal aid policies. First, coordination and cooperation can improve accessibility for poor people in need of legal assistance. With cooperation between local governments and legal aid organizations and other community social institutions, poor people can more easily access the information and legal assistance they need. Second, with coordination and cooperation, available resources can be optimized more effectively. For example, non-accredited legal aid organizations or other community-initiated legal aid institutions can provide free assistance and counseling to the poor, while legal aid institutions can provide legal aid directly. By utilizing the expertise and resources possessed by each institution, better results can be obtained in providing legal assistance. Third, in legal aid policies, overlapping and duplication of programs can reduce the efficiency and effectiveness of these policies. Coordination and cooperation between legal institutions and social institutions can prevent overlapping and duplication of programs, so that available resources can be optimized more effectively. Fourth, in legal aid policy, service quality is very important to ensure that poor people receive adequate legal aid. With the cooperation between legal institutions and social institutions, the quality of services can be improved by providing more holistic assistance and counseling to the poor.

In short, coordination and cooperation are important factors in the implementation of legal aid policies because they can improve accessibility, optimize resources, prevent overlap, and improve service quality. Therefore, coordination and cooperation between local governments and legal aid organizations and legal aid institutions initiated by the community is very important, especially to ensure the success of the implementation of legal aid policies.

In addition, the implementation of future legal aid implementation policies requires several prerequisites, including:

- Provision of adequate resources: this includes competent personnel, facilities, and equipment necessary to provide effective legal assistance.
- Continuous monitoring and evaluation: this is important to ensure that legal aid policies are always appropriate to the needs of the community and can be implemented effectively.
- Effective coordination with other stakeholders: this includes institutions related to legal aid, such as prosecutors, lawyers, and civil society organizations.
- Education and sensitization of the community: this is important to ensure that the community understands their rights and obligations with respect to legal aid.
- Adequate financial support: this is essential to ensure that legal aid is available to everyone who needs it, especially to the poor regardless of income level. Legal aid must be adequately funded to ensure that legal services are accessible to all poor citizens who need them

By paying attention to these matters, the implementation of legal aid implementation policies will be more effective and in accordance with the needs of the community.

Thus, the implementation of an ideal legal aid policy is one that ensures that everyone has access to fair and affordable legal services. The design of the implementation of legal aid policies for the poor in Tangerang Regency must consider that access to legal services is often an obstacle for them due to financial problems. Therefore, some important things to consider in the design of legal aid policies for the poor include:

Sufficient funding to ensure that legal aid services are accessible to all who need them, especially the poor, minorities, and the economically disadvantaged at any level of education.

The provision of legal aid is carried out in a non-discriminatory manner, regardless of gender, race, religion, or social background.

A trained and experienced advocate or paralegal should be available to provide appropriate and qualified legal assistance.

Availability of adequate legal aid services, including advocates, mediators, counselors, and other legal service providers; Easy and affordable access to the justice system, including through the establishment of legal aid information centers provided by local governments.

Legal education and awareness for the public, including legal education that raises awareness of their legal rights. Socialization or counseling targeting the poor must be improved, so that the poor can understand their rights and the legal process

Easy service administration system redesign, so that poor people can apply with an easy and fast administration system to get the legal aid services they need, including the disbursement system for legal aid services that have been provided by legal aid organizations.

Rigorous monitoring and evaluation to ensure the effectiveness of legal aid policies and identify deficiencies and necessary improvements. The implementation of legal aid policies must be monitored and evaluated regularly, so that the effectiveness and efficiency of policies can continue to be improved.

Only then can the implementation of the legal aid policy initiated by the local government in Tangerang Regency run effectively and efficiently.

CONCLUSION

Based on the analysis of the research results and the discussion above, it can be concluded that judging from the policy evaluation criteria, the implementation of the legal aid implementation policy in Tangerang Regency has not been fully effective. The implementation of the legal aid policy in Tangerang Regency is not fully in line with the commitment of the local government as formulated in Regional Regulation Number 14 of 2016.

To streamline the implementation of legal aid in Tangerang Regency, policy implementation needs to be designed as a responsive policy, namely policies that are made and implemented by taking into account and considering the needs, hopes, and desires of the community and being fair. This responsive legal aid policy is designed with the intention of affirming the vulnerability of the poor in their inability to gain access to legal justice. A responsive legal aid policy has several characteristics, namely; (a) poor community oriented: (b) information diffusion: (c) transparency and accountability; and (d) solution-oriented.

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