

## Access To Justice For Vulnerable Groups In State Administrative Court Procedures (Procedural Obstacles And Legal Solutions)

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### Abstract

Access to justice is not merely a condition or goal to be achieved, but also a continuous process. In the Indonesian context, access to justice reflects the State's obligation under the 1945 Constitution to guarantee the fulfillment of basic human rights and citizens' rights for all, including both capable individuals and vulnerable groups such as the elderly, children, the poor, pregnant women, and persons with disabilities. This study employs a normative legal approach by examining laws through literature-based research and using a qualitative research design. The data analysis conducted is qualitative legal analysis with a descriptive character, drawing on primary and secondary data, including primary, secondary, and tertiary legal materials. The findings reveal several procedural barriers faced by vulnerable groups in accessing the State Administrative Courts. These obstacles include burdensome procedural costs, limited knowledge of pro bono (free) filing mechanisms, the complexity of procedures such as drafting lawsuits, adherence to the 90-day filing deadline, and frequent rejection of administrative legal standing due to incomplete requirements. Other challenges include the absence of systematic legal aid, e-court systems that primarily benefit technology-literate users, the lack of interpreters and special assistants, and the absence of affirmative instruments that explicitly regulate the protection of vulnerable groups within administrative court procedures.

**Keywords:** Access to Justice, Vulnerable Groups, Administrative Court Procedures

## Introduction

Indonesia is a state based on law, with a governmental system grounded in its constitution as the fundamental legal framework.<sup>1</sup> The Indonesian concept of a state based on law aligns with the notion of a welfare state governed by law, in which the state is responsible for guaranteeing the rights of every citizen.<sup>2</sup> This principle is reflected in the Preamble to the 1945 Constitution, paragraph IV, which states: "...and to advance the general welfare, to improve the life of the nation..."<sup>3</sup>

Society, or the citizenry, constitutes a vital element of the nation. Public participation in the implementation of governmental programs is a national obligation. Alongside their duties and responsibilities, citizens also possess rights that must be protected and fulfilled by the state. Among these rights are fundamental human rights, including the right to access justice.<sup>4</sup>

Access to justice is not merely a condition or a goal to be achieved, but also a continuous process. In the Indonesian context, access to justice essentially requires the State to guarantee the fulfillment of basic human and constitutional rights based on the 1945 Constitution. It also requires that citizens, as rights holders, are aware of, understand, and exercise these basic rights. This must be supported by an effective and responsive public complaint mechanism, enabling citizens to obtain optimal benefits and improve their quality of life.<sup>5</sup>

One of the fundamental elements of a state based on the rule of law (*rechtsstaat*) is access to justice, as mandated by the constitution and universal human rights principles.<sup>6</sup>

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<sup>1</sup> Ogiandhafiz Juanda, 'The Ideal Law State Concept in Indonesia; The Reality and The Solution', *Journal of Law, Politic and Humanities* 3, no. 2 (2023): 251–62.

<sup>2</sup> Khudzaiyah Dimiyati et al., 'Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis', *Heliyon* 7, no. 8 (2021), [https://www.cell.com/heliyon/fulltext/S2405-8440\(21\)01968-X](https://www.cell.com/heliyon/fulltext/S2405-8440(21)01968-X).

<sup>3</sup> Andy Omara, 'The Functions of the 1945 Constitutional Preamble', *OLD WEBSITE OF JURNAL MIMBAR HUKUM* 31, no. 1 (2019): 140–56.

<sup>4</sup> Ipeleng Josephinah Makaba, 'Citizen Participation and Meaningful Engagement as Effective Tools for Good Governance in Policy-Making and Realisation of Economic, Social and Cultural Rights' (Master's Thesis, University of Pretoria (South Africa), 2018), <https://search.proquest.com/openview/9b8b75905e59636ddba6029bc7317aaa/1?pq-origsite=gscholar&cbl=2026366&diss=y>.

<sup>5</sup> Nicola Colbran, 'Access to Justice Persons with Disabilities in Indonesia', *Background Assessment Report, AusAID*, 2010, <https://www.dfat.gov.au/sites/default/files/access-justice-2010.pdf>.

<sup>6</sup> Randall Peerenboom, 'Human Rights and Rule of Law: What's the Relationship', *Geo. J. Int'l L.* 36 (2004): 809.

Without adequate access to justice for the people, the essential aim of the state, namely the welfare of the nation, cannot be fully realized. According to Thomas Aquinas, justice is grounded in the notion of equality, where each person is entitled to receive what is due to them based on proportional fairness, meaning that every individual must receive treatment or benefits according to their needs.<sup>7</sup> Article 5 paragraph (3) of Law No. 39 of 1999 affirms that every person belonging to a vulnerable community group has the right to receive special treatment and protection in accordance with their particular needs, which include the elderly, children, the poor, pregnant women, and persons with disabilities. Based on the Human Rights Reference framework, vulnerable groups also encompass refugees, internally displaced persons, national minorities, migrant workers, indigenous peoples, children, and women.<sup>8</sup>

In the implementation of government, both in legal processes and within the courts, it is evident that vulnerable groups often do not have equal opportunities to seek justice, including in administrative disputes before the State Administrative Court.<sup>9</sup> The State Administrative Court is one of the four judicial bodies in Indonesia, mandated by Article 50 of the 1945 Constitution, which stipulates that the State Administrative Court has the duty and authority to examine, decide, and resolve state administrative disputes at the first level.<sup>10</sup> Article 142 of the State Administrative Court Law further emphasizes that the Court must uphold the principles of simple, expeditious, and low-cost justice. Accordingly, the State Administrative Court Law establishes time limits for case resolution to prevent unnecessarily prolonged proceedings. However, in practice, several issues persist, including access costs,

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<sup>7</sup> Jean Porter, 'Justice, Equality, and Natural Rights Claims: A Reconsideration of Aquinas's Conception of Right', *Journal of Law and Religion* 30, no. 3 (2015): 446–60.

<sup>8</sup> Lourdes Peroni and Alexandra Timmer, 'Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law', *International Journal of Constitutional Law* 11, no. 4 (2013): 1056–85.

<sup>9</sup> Lorne Sossin, 'Access to Administrative Justice and Other Worries', *Administrative Law in Context, 2nd Ed (Emond Montgomery, 2012)*, 2013, [https://humanrights.apps01.yorku.ca/blog/wp-content/uploads/2009/03/access-to-administrative-justice\\_adminjustice08\\_sossin.pdf](https://humanrights.apps01.yorku.ca/blog/wp-content/uploads/2009/03/access-to-administrative-justice_adminjustice08_sossin.pdf).

<sup>10</sup> Umar Dani, 'The Effectiveness Of Administrative Review In Indonesia'S Administrative Court System', *Prophetic Law Review*, 2019, 58–74.

procedural complexity, low levels of legal literacy, and the limited availability of free legal assistance and affirmative action mechanisms for certain groups.<sup>11</sup>

The fundamental question in this research is whether the current procedural legal system of the State Administrative Court is truly inclusive and adaptive to the needs of vulnerable groups. This paper aims to identify the procedural barriers experienced by vulnerable groups in accessing the State Administrative Court, analyze whether the existing procedural framework accommodates the socio-economic characteristics of these groups, and propose legal and institutional solutions that ensure genuine access to justice.

## Methods

The research specification used in this study is descriptive qualitative research. The approach employed is a normative juridical method. This research relies on both primary and secondary data, which include primary, secondary, and tertiary legal materials. The data collection technique applied is a literature study involving the use of various documents. Through the normative juridical approach, the research examines legal norms within the scope of literature-based analysis, which involves collecting, analyzing, and interpreting data from written sources such as books, journal articles, research reports, and other relevant documents. Using a qualitative research design, the data analysis conducted consists of qualitative legal analysis, carried out in accordance with the descriptive nature of the study.<sup>12</sup>

## Discussion and Analysis

### A. The Paradigm of Vulnerable Groups in State Administrative Courts

Justice essentially involves treating an individual or a group of people in accordance with their rights and obligations. Various theories of justice discuss rights and freedoms, access to power, income, and overall welfare. From this perspective, one of the fundamental rights of the people is the right to access justice. Access to justice is not merely a condition or a goal to be achieved but also a continuous process.

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<sup>11</sup> Zainuddin Zainuddin, 'The Responsibility Of State Administrative Officials In The Implementation Of The Decisions Of The State Administrative Court', *International Journal Reglement & Society (Ijrs)* 1, no. 1 (2020): 25–30.

<sup>12</sup> Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif Dan Empiris*, Prenadamedia Group, 2018.

The theory of access to justice developed by Mauro Cappelletti and Bryant Garth emphasizes that access to justice is not only about the formal right to file a lawsuit, but also about the real ability to utilize the legal system and obtain effective legal protection without encountering procedural, geographical, or economic barriers.

Aristotle, in his work *Nicomachean Ethics*, provides a deep understanding of justice by introducing two fundamental concepts: distributive justice and corrective justice. Distributive justice is defined as the justice granted to each person according to their merits or respective entitlements. Aristotle's perspective explains that justice is not absolute, but relative to the specific context of human relationships. This means that justice is not merely about equal treatment, but about proportionality and a contextual understanding of what is right and fair. Distributive justice emphasizes the proportional allocation of resources, honors, and social benefits. This allocation considers individuals' contributions, abilities, and social values, while recognizing the diversity of social roles.

Regarding Aristotle's concept of distributive justice, its primary purpose is the promotion of welfare, encompassing physical, psychological, economic, and social dimensions. The welfare aspects of distributive justice can be described as follows:

1. Physical aspects, which refer to a person's physical ability to access equitable resources, services, or environments.
2. Economic aspects, which relate to a person's ability to access and control economic resources, including employment, wealth, and economic opportunities.
3. Knowledge aspects, which concern the individual's ability to obtain relevant information and understand the decision-making process.
4. Psychological aspects, which refer to a person's emotional and psychological state that influences perceptions of justice, including dignity, respect, and acceptance.

The explanation regarding access to justice and the aspects outlined in the theory of distributive justice clarifies that before the law, all individuals possess equal rights that must be guaranteed by the government, taking into account the conditions of individual citizens to prevent acts of discrimination or temporary affirmative actions that may occur.

Provisions related to justice are enshrined in the 1945 Constitution. Article 27 paragraph (1) states, “All citizens shall have equal status before the law and government and are obliged to uphold the law and government without exception,” while Article 28I paragraph (2) affirms, “Everyone is free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment.”

In Law No. 39 of 1999 concerning Human Rights, Article 1 paragraph (3) defines discrimination as direct or indirect restrictions or exclusions based on human differentiation, including distinctions based on religion, tribe, race, ethnicity, group, class, social status, and similar characteristics. Furthermore, Article 5 paragraph (1) stipulates, “Everyone is recognized as a human being who has the right to demand and receive equal treatment and protection in accordance with their human dignity before the law.”

These regulations embody the principle of equality before the law, meaning that every citizen holds the same position before the law and government and is obliged to comply with the law and governmental authority without exception, regardless of rank, class, or social status. They emphasize the absolute rights of every individual to ensure the absence of discriminatory practices, guaranteeing that everyone has the right to receive equal treatment before the law, irrespective of race, gender, religion, or social status, and that all individuals are treated fairly without exception.

In addition to regulations in Indonesia, international instruments also address this matter. The Universal Declaration of Human Rights (UDHR), Article 7, affirms that everyone is equal before the law and has the right to equal protection of the law without discrimination. The International Covenant on Civil and Political Rights (ICCPR), Article 26, similarly stipulates that all persons are equal before the law and are entitled to equal protection without discrimination. In the Convention on the Rights of Persons with Disabilities (CRPD), the Human Rights Committee provides general comments explaining the obligations of states to ensure equality and non-discrimination for persons with disabilities.

The purpose of these principles is to guarantee that every individual, without exception, can fully enjoy their human rights and have equal opportunities in society. The government must fulfill individual rights not through generalization, but by

addressing the specific needs and circumstances of each person. The needs of citizens in safe conditions cannot be equated with the needs of citizens in vulnerable conditions.

According to the Department of Law and Human Rights, vulnerable groups are those who face obstacles or limitations in achieving a decent standard of living and thus require special treatment to meet their daily needs. These groups include the elderly, children, the poor, pregnant women, and persons with disabilities. Vulnerable groups can be defined as individuals in society who are unable to meet their own needs, which may result in various social, economic, or legal problems. They constitute the segment of society most in need of attention and require additional measures to improve their living conditions. Vulnerable groups have the right to inclusive and accommodating legal procedures because they often encounter barriers in accessing justice and require special treatment tailored to their circumstances. The government is therefore obliged to ensure that legal procedures are both inclusive and responsive to the needs of vulnerable groups. This obligation forms part of the state's effort to guarantee justice and protect human rights for all citizens, regardless of their personal circumstances.

One of the efforts to fulfill the right to access justice for vulnerable groups is reflected in the principles of judicial procedural law. Law Number 48 of 2009 concerning Judicial Power, Article 2 paragraph (4), states that trials must be conducted quickly, simply, and at low cost. This principle requires that law enforcement in Indonesia be guided by the concept of fast, simple, and low-cost justice to provide protection and legal certainty for justice seekers undergoing judicial processes.

The fulfillment of the right to access justice for vulnerable groups, in addition to the principles of fast, simple, and low-cost justice, also involves the concept of Administrative Legal Standing, which regulates the right to file a lawsuit in a limited manner. The right to sue is a citizen's entitlement and serves the interests of all citizens or the public, including environmental interests. It allows individuals to file lawsuits in court to demand that the government enforce the law it is obliged to uphold or to recover public losses that have occurred.

Legal standing is a concept used to determine whether an applicant has been sufficiently affected to warrant a court case. It examines the circumstances under which

a person or party meets the requirements to file a petition for the resolution of a dispute, issue, or case before the courts. The legal standing provision means that not all individuals or parties have the right to file a petition; only those with a genuine legal interest are recognized as applicants. Petitioners without legal standing will have their cases dismissed as inadmissible (niet ontvankelijk verklaard).

Beyond these two aspects, there remains a lack of affirmative action procedures that optimally support the fulfillment of the right to access justice. Affirmative action aims to liberate individuals or groups from oppressive, discriminatory, and exploitative political, economic, social, and legal conditions, transforming their situation into one that is humane, moral, egalitarian, and just. Affirmative action policies grant temporary privileges to minority or marginalized groups, enabling them to reach equal footing with other groups over time.

In the context of court proceedings, marginalized individuals or groups, such as the poor, the legally illiterate, the elderly, children, pregnant women, and persons with disabilities, are entitled to receive free legal aid, to be tried in special courtrooms, to have accessible facilities, to be provided with necessary translators, and to have their trial processes prioritized. This temporary positive discrimination is legally permitted, as stated in Article 28H paragraph (2) of the 1945 Constitution, which affirms that “everyone has the right to receive facilities and special treatment to obtain the same opportunities and benefits in order to achieve equality and justice.”

## **B. Procedural Obstacles in State Administrative Courts**

The State Administrative Court is one of the pillars of the Indonesian justice system, functioning to resolve disputes between citizens or legal entities and the government, generally arising from state administrative decisions or actions perceived as detrimental to certain parties. The existence of the State Administrative Court aims to ensure that government administrative actions are conducted in accordance with the law and do not violate principles of justice. The State Administrative Court Law grants the Court the legitimacy to hear and resolve disputes involving government officials in their capacity to issue state administrative decisions or take actions.

The State Administrative Court operates alongside other courts, such as General Courts, Religious Courts, and Military Courts. Its primary purpose is to oversee the legality of government administrative actions, ensuring that such actions remain within

the bounds of the law and preventing arbitrary conduct against the public. The Court's role must align with its main function, namely, adjudicating and resolving state administrative disputes arising from decisions or actions of government officials that are detrimental to other parties. The State Administrative Court also ensures that administrative actions are carried out in accordance with principles of good governance, including transparency, accountability, and legal certainty.

As a crucial instrument in ensuring justice, the State Administrative Court provides legal protection to the public and ensures that government operations adhere to principles of good governance, maintaining a balance between executive authority and the rights of the public against the actions of state officials. All Indonesian citizens, particularly vulnerable groups with limited access to justice, must be guaranteed the right to seek justice through the State Administrative Court.

With societal development, relative poverty manifests not only as challenges in individual survival due to low income and difficulties in meeting basic needs but also as a lack of access to rights, resources, and opportunities within society. Poverty is both an individual deprivation and a social consequence. Social systems, structures, power relations, and policy inequalities contribute to the intensification of individual poverty, as seen in how poor natural and human conditions reduce the coping abilities of slum dwellers.

Vulnerable groups, including the poor and marginalized, face economic limitations, such as insufficient financial resources, difficulty saving, and vulnerability to economic shocks, as well as geographic limitations, such as living in remote areas that restrict access and increase susceptibility to disasters and environmental hazards. These characteristics place them at higher risk of negative impacts, including limited access to adequate living conditions, disaster protection, and education.

Human abilities and characteristics vary: some individuals are born without physical or mental limitations, while others are born with physical or cognitive challenges. Disability encompasses impairments, activity limitations, and participation restrictions and may be physical, cognitive, mental, sensory, emotional, developmental, or a combination of these. This broad definition highlights the diverse needs of individuals with disabilities and underscores the importance of inclusive legal and social protections.

In 2012, the National Commission on Human Rights emphasized that minority groups require more serious attention due to their vulnerability to various human rights violations. The absence of comprehensive structural policies has weakened their status, and even where policies exist, they do not fully guarantee the protection of their rights. Vulnerable minority groups are typically in socially, economically, or politically disadvantaged positions, often constitute smaller populations, and frequently experience discrimination in various forms, including prejudice, stigma, and violence. Their vulnerability is further exacerbated by a lack of trust in formal institutions, stemming from feelings that their rights are neglected, limited access to public services, and negative experiences with legal and governmental systems.

These groups face different obstacles based on their characteristics and life circumstances, as well as difficulties in understanding formal legal procedures. Common obstacles include high costs, complex procedures, lack of assistance, minimal information, and the absence of special treatment for those in need.

Article 142 of the State Administrative Court Law emphasizes that the Court must adhere to the principles of simple, fast, and low-cost justice. Procedural costs, which are referred to as low costs, are consistently incurred when filing a lawsuit, yet these costs should not become a burden for the public. Among these costs are case registration fees and transportation expenses to the court.

Generally, the trial process begins with the filing of a lawsuit at the court. The lawsuit is first processed at the clerk's office by paying a down payment for court costs, obtaining a case registration number, and submitting it to the Chief Justice. The Chief Justice appoints the Panel of Judges, who then determine the trial date and instruct the clerk to summon the plaintiff and defendant according to the scheduled trial date (relaas).

In practice, however, the down payment for court costs in several courts can be a significant financial burden for plaintiffs. Different courts have different practices regarding these costs, as observed in three courts located in Kendari, Medan, and Jambi.

Based on the Decree of the Chairman of the Kendari State Administrative Court Number: W4-TUN6/9a/HK.06/I/2021 concerning Advances on Court Costs and

Their Management in a Conventional Manner at the Kendari State Administrative Court, the following fees are applied:

1. Advance Fee for Filing a Lawsuit/Application: IDR 1,000,000
2. Advance Fee for Appeal: IDR 1,500,000
3. Advance Fee for Cassation: IDR 2,000,000
4. Advance Fee for Judicial Review: IDR 4,000,000
5. Advance Fee for Execution: IDR 400,000

At the Medan State Administrative High Court, in accordance with the Decree of the Head of the Medan State Administrative High Court No. 140/KPITUN.W1-TUN/SK.HK2.7/I/2025 concerning Advance Costs for Case Settlement and Management, the following fees are applied:

- a. First-Level Legal Cost Advance (Lawsuit/Regional Election/Employee Affairs): IDR 800,000
- b. Appeal Process Fee Advance (Conventional/E-Court): IDR 250,000
- c. Advance Fee for First-Level Cassation Process (Lawsuit/Regional Election/Employee Affairs): IDR 1,000,000
- d. Advance Fee for Judicial Review Process: IDR 3,500,000
- e. Advance Fee for Execution Process: IDR 700,000
- f. Non Tax Revenue & Other Clerk's Rights: IDR 50,000
- g. Court Processing Fee: IDR 230,000

At the Jambi State Administrative Court, the advance fees for First Instance Court (E-Court), Appeal, Cassation, Judicial Review, On-site Examination, and Execution are as follows. The conventional advance fee for a first-instance lawsuit/application is IDR 1,156,500, excluding on-site examination fees.

The government has attempted to address these financial barriers by enacting a law on legal aid, which provides funds accessible to advocates who offer legal assistance to the poor. However, this law also demonstrates that legal aid is not entirely free for the public, even though the costs are covered by the state.

Supreme Court Regulation Number 1 of 2014 concerning Guidelines for the Provision of Legal Services for the Underprivileged in Court serves as one of the legal bases for free legal fees, commonly known as prodeo. To apply for prodeo in court, an economically disadvantaged plaintiff or applicant must submit a prodeo litigation

application for civil cases, lawsuits, or petitions through Desk I at the Integrated One-Stop Service Office, attaching the following:

- 1) Letter of Lawsuit or Letter of Application, which includes a request to file the lawsuit prodeco with the reasons stated;
- 2) Certificate of Poverty issued by the local Village Head or Head of the Subdistrict; or
- 3) Other social assistance certificates, such as the Poor Family Card, Community Health Insurance Card, Family Hope Program Card, Direct Cash Assistance Card, or a letter of financial capability signed by the legal aid applicant and acknowledged by the Head of the District Court.

However, not all groups are aware of the prodeco application procedure, and not all are able to fulfill the requirements. The process of obtaining the necessary certificates itself has various requirements that can be difficult for vulnerable groups to meet.

Beyond costs, plaintiffs also face procedural obstacles, including the complexity of drafting lawsuits, formalistic formats, administrative documentation, and the strict 90-day time limit, which can be challenging for individuals who are unaware of their rights. Additionally, administrative legal standing is often rejected due to incomplete documentation.

Article 56 of the State Administrative Court Law stipulates the requirements for a lawsuit as follows:

1. The lawsuit must include:
  - a. The name, nationality, residence, and occupation of the plaintiff or their attorney;
  - b. The name, position, and domicile of the defendant;
  - c. The basis of the lawsuit and the matters requested to be decided by the court.
2. If the lawsuit is prepared and signed by the plaintiff's attorney, it must be accompanied by a valid power of attorney.
3. Whenever possible, the lawsuit must also include the State Administrative Decision being contested by the plaintiff.

Regarding the format of legal documents, including the lawsuit letter, answer, reply and duplicate, list/evidence, and conclusion, the following regulations apply: Paper Size F4; Font/Letter Type: Arial; Font/Letter Size: 12; Line Spacing: 1.5; Margins: Left 4 cm, Right 2 cm, Top 3 cm, Bottom 3 cm; and submission of one copy of the parties' ID card (if not represented by an attorney).

From the explanation above, the formalistic aspects and administrative requirements include the document format, signature by the plaintiff or their attorney, completion of administrative documents such as photocopies of the parties' ID cards (if not represented), and a notarized special power of attorney if representation by an attorney is used.

Regarding court competence, the plaintiff must ensure that the lawsuit is filed with a court that has both absolute and relative authority to adjudicate the case. In the context of administrative lawsuits, the plaintiff must also ensure that prior administrative remedies have been exhausted, which can be evidenced through a letter of objection and a response from the relevant agency.

The plaintiff must also observe the deadline for filing a lawsuit, as regulated in Article 3 of the State Administrative Court Law. A lawsuit against a state administrative decision must be filed within 90 days from the date the plaintiff becomes aware of the decision. If this deadline is exceeded, the lawsuit may be deemed "expired" and cannot be heard by the court.

In terms of law enforcement in court, legal processes for individuals or marginalized groups, such as the poor, the legally illiterate, the elderly, children, pregnant women, and persons with disabilities, are entitled to free legal aid facilities. They are also entitled to be tried in special courtrooms that are easily accessible, to be provided with necessary translators, and to have their trial processes prioritized. This temporary positive discrimination is permitted by law, as stated in Article 28H paragraph (2) of the 1945 Constitution, which affirms that "everyone has the right to receive facilities and special treatment to obtain the same opportunities and benefits in order to achieve equality and justice."

Legal practitioners in Indonesia categorize legal aid into individual and structural legal aid. Individual legal aid is provided to specific individuals, offering assistance both

in the judicial process and in other processes within the broader context of community service.

Indonesian Legal Aid Foundation (Yayasan Lembaga Bantuan Hukum Indonesia – Indonesian Legal Aid Foundation) provides Structural Legal Aid. This form of legal aid combines community empowerment, litigation, and public policy advocacy. Structural Legal Aid distinguishes Legal Aid Institutes (under the Indonesian Legal Aid Foundation umbrella) from other legal aid institutions. The term “Structural Legal Aid” was first explicitly coined by Professor Paul Moedikdo, employing his well-known sociological approach.

Structural disparities and oppressive patterns of relationships between the center and marginalized communities must be addressed using a structural, integral, and, if necessary, extralegal approach. Legal aid must therefore be structural in nature, meaning it fully supports marginalized communities in confronting the center. Structural legal aid prioritizes assistance to groups rather than individuals. Individual legal aid is not entirely excluded, but priority is given to cases involving structural conflicts, particularly conflicts between the center and marginalized communities. However, in practice, structural legal aid has not yet been intensively directed toward administrative lawsuits on behalf of vulnerable groups.

Courts that are friendly to persons with disabilities and vulnerable groups can be developed by implementing inclusive innovations within the State Administrative Court system. One important innovation in the development of the State Administrative Court is the implementation of an electronic court system (e-Court).

Through the e-Court system, the public can file lawsuits online without physically visiting the court, thereby making the judicial process faster and more efficient. The e-Court system is an electronic-based judicial system implemented by the Supreme Court to achieve faster, simpler, and more cost-effective justice.

The implementation of this system is motivated by the need for judicial modernization, particularly in response to the digital era in Indonesia. Within the State Administrative Court, e-Court simplifies case administration, registration, payment of court fees, and electronic trial processes. In practice, however, the e-Court system primarily benefits technology-savvy communities and has yet to adequately support

communities with limited technological capabilities, insufficient funds, or locations with limited network access.

In the implementation of justice, vulnerable groups require assistance, such as a language interpreter in court, a special companion for individuals with specific needs, special procedures for certain cases, or access to a fast and low-cost justice system.

In the context of law enforcement in court, legal processes involving individuals or marginalized groups, such as the poor, the legally illiterate, the elderly, children, pregnant women, and persons with disabilities, are entitled to temporary positive discriminatory measures permitted by law. This is stipulated in Article 28H paragraph (2) of the 1945 Constitution, which states that “everyone has the right to receive facilities and special treatment to obtain the same opportunities and benefits in order to achieve equality and justice.”

These temporary positive discriminatory measures can be referred to as affirmative instruments. However, within State Administrative Court procedural law, such affirmative instruments or special treatments are not specifically implemented, and there are no regulations that explicitly provide for the protection of vulnerable groups in State Administrative Court procedures.

### **C. Legal Solutions and Recommendations for Vulnerable Groups in State Administrative Courts**

Solutions to ensuring the right of access to justice for vulnerable groups in the State Administrative Court can be explored from several perspectives. First, from a normative or regulatory standpoint, revisions or amendments to the State Administrative Court Law and related regulations are proposed. These revisions could include the addition of articles specifically protecting vulnerable groups, mechanisms for special extensions, and oral hearings for individuals who are illiterate or have certain disabilities.

The second perspective is procedural and institutional. This includes the provision of mandatory legal aid services for vulnerable groups, the establishment of a dedicated legal assistance service unit within the State Administrative Court, and the simplification of lawsuit formats for individuals with limited education.

The third perspective focuses on technological solutions, such as the development of inclusive e-Court systems that provide visual and audio guidance,

offline access, and mobile State Administrative Court service counters in remote, frontier, and outermost areas to ensure network accessibility.

The effectiveness of these solutions depends on active government involvement as well as the participation of non-governmental organizations. Collaboration with Legal Aid Institutes, NGOs, and law faculties can support advocacy and provide assistance to vulnerable groups in pursuing lawsuits before the State Administrative Court.

## CONCLUSION

Access to justice for vulnerable groups is not only a matter of formal rights but also of substantive equality in practice. The current procedural framework of the State Administrative Court remains formally neutral; however, this can lead to substantive inequalities for the poor, marginalized communities, persons with disabilities, and minorities. Numerous barriers prevent vulnerable groups from accessing justice in the State Administrative Courts, including economic constraints, limited knowledge and information, and suboptimal government assistance. Therefore, legal and procedural reforms, affirmative action policies, and multi-sectoral collaboration are necessary to ensure that administrative courts are inclusive and equitable, providing access to all citizens, including vulnerable groups, according to their individual capacities.

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