

**Pro Bono Practices and Opportunities in Indonesia<sup>1</sup>**

**I. Introduction**

Indonesia has a tradition of encouraging lawyers to provide pro bono legal services. Although there are no specific laws and regulations mandating the provision of pro bono legal services in Indonesia, *Perhimpunan Advokat Indonesia*, or the Indonesian Advocate Association (“**PERADI**”), recommend that domestic lawyers provide at least 50 hours of pro bono legal services each year. According to Rule No. 1/2010 issued by PERADI, this pro bono requirement shall be included as one of the requirements that needs to be satisfied by domestic lawyers in order to obtain or renew their advocate identity card with PERADI.

**II. Overview of Pro Bono Practices**

(a)	<b>Professional Regulation</b>	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The provision of legal services in Indonesia is regulated by Law No. 18/2003 on Advocates, which came into effect on April 5, 2003 (the “<b>Advocate Law</b>”). To be registered as a lawyer in Indonesia, a person must: (i) be an Indonesian national residing in Indonesia, (ii) must not be a civil servant or public officer, (iii) be at least 25 years of age, and (iv) meet a number of other educational, training and character requirements as well as passing the bar exam.</p> <p>Foreign lawyers practicing in Indonesia are known as foreign legal consultants (<i>Konsultan Hukum Asing</i>) and must provide the Ministry of Law &amp; Human Rights with the following documentation to practice: (i) a curriculum vitae, (ii) certified copies of academic degrees, (iii) clarification letters on practicing status, (iv) proof of membership of the bar in the country of origin, (v) immigration documentation, and (vi) the tax numbers of the sponsoring law firm and the foreign lawyer. The license granted is valid for one year.</p> <p>Foreign lawyers practicing in Indonesia are not permitted to: (i) appear before any court; or (ii) set up law firms or branches of their overseas law firms in Indonesia.</p>
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>The Advocate Law provided that eight bar organizations would be replaced by a single, unified professional association, which led to the establishment of PERADI.<sup>2</sup></p>

<sup>1</sup> This chapter was drafted with the support of Emir Nurmansyah of Ali Budiardjo, Nugroho, Reksodiputro (ABNR).

<sup>2</sup> See link at [www.peradi.or.id](http://www.peradi.or.id) (last visited on May 1, 2019).

		<p>However, a number of prominent Indonesian lawyers set up a competing association, the <i>Kongres Advokat Indonesia</i> or Indonesia Advocates Congress (“<b>KAI</b>”) in 2008. After an extended dispute, the Supreme Court of Indonesia declared that it did not matter which organization an advocate was registered with for the purpose of representing clients in Indonesian courts. Accordingly, the division between PERADI and KAI remains so there is no single unified body. PERADI and KAI are the only licensing “bar” associations for (local) advocates in Indonesia.</p>
(b)	<b>Pro Bono Practice and Culture</b>	
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules that specifically regulate the provision of pro bono legal services in Indonesia. Advocates are not required to charge VAT on services that they provide for free and local regulations do not require lawyers to charge minimum tariffs for the provision of pro bono legal services.</p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Domestic lawyers are recommended to provide at least 50 hours of pro bono legal assistance each year under Rule No. 1/2010 issued by PERADI. This pro bono requirement must be satisfied by lawyers in order to obtain or renew their advocate identity card.<sup>3</sup></p> <p>In order to be able to practice law in Indonesia, foreign lawyers must provide ten hours of pro bono legal services per month in Indonesia in the areas of legal education, legal research or government legal service.<sup>4</sup></p>
	<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers are not required to complete a minimum number of hours of pro bono legal work to become a licensed lawyer. However, aspiring lawyers will typically gain pro bono experience during their two year internship with a registered law firm in Indonesia.</p>
	<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono</p>	<p>There are pro bono legal opportunities across the full spectrum of the law in Indonesia. Major legal</p>

<sup>3</sup> THE INDONESIAN ADVOCATES ASSOCIATION COUNTRY REPORT 2010 (author unknown), p. 1; see also Joint Statement Letter of Head of the Supreme Court and Minister of Justice No. KMA/005/SKKB/VII/1987.

<sup>4</sup> Article 23(3) of the Advocates Law states that foreign advocates are required to provide legal services free of charge for a certain time for education and legal research.

	legal services? What are the major unmet legal needs?	needs for pro bono legal services arise in the areas of criminal law, human rights, police law, the law of domestic relations, environmental law, land law, discrimination law, employment law, and commercial law.
	5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	NGOs are the main provider of pro bono legal services in Indonesia, although more recently private practice law firms have become more frequently involved.
<b>(c)</b>	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	1. Do lawyers require a license to provide pro bono legal services?	The legal profession is governed by the Advocate Law, which provides that lawyers must be licensed, in order to act as advocates (including the provision of pro bono legal services) in Indonesia.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers do not require any additional license(s), aside from their practicing license, in order to provide pro bono legal services in Indonesia. However, foreign lawyers cannot (i) appear before any court, or (ii) advise on domestic matters (e.g. family law) according to Indonesia law.
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Professional indemnity insurance is not mandatory for practicing advocates or law firms in Indonesia. Accordingly, it is not required for the provision of pro bono legal services.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules prohibiting the advertising of pro bono successes or the solicitation of new pro bono clients in Indonesia.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	In Indonesia, lawyers do not receive any “Continuing Legal Education” or equivalent credit for the provision of pro bono legal services.
<b>(d)</b>	<b>Sources of Pro Bono Opportunities and Key Contacts</b>	
	1. Describe any governmental sources of pro bono and/or other legal services in Indonesia.	There are no governmental sources for the provision of pro bono legal services in Indonesia.

<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Indonesia.</p>	<p>The following organizations are the main non-governmental pro bono resources in Indonesia:</p> <ul style="list-style-type: none"> <li>• Jakarta LBH;<sup>5</sup></li> <li>• Indonesian Legal Resource Centre (ILRC);<sup>6</sup></li> <li>• Institute for Policy Research and Advocacy (ELSAM);<sup>7</sup> and</li> <li>• Program for Women-Headed Households in Indonesia (PEKKA).<sup>8</sup></li> </ul>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>There is no governmental organization dedicated to offering pro bono opportunities with which a local or foreign attorney can register in order to be made aware of pro bono opportunities in Indonesia.</p> <p>There are various NGOs, such as those listed in II.(d).2 with which a local or foreign lawyer can register for pro bono opportunities in Indonesia.</p> <p>Law firms can register with Trust Law Connect by the Thomson Reuters Foundation, in order to be made aware of domestic pro bono opportunities in Indonesia.<sup>9</sup></p>

May 2019

Pro Bono Practices and Opportunities in Indonesia

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

<sup>5</sup> See <https://www.bantuanhukum.or.id/web/category/pro-bono> (last visited on May 1, 2019).

<sup>6</sup> See [www.mitrakum.org](http://www.mitrakum.org) (last visited on May 1, 2019).

<sup>7</sup> See [www.elsam.or.id](http://www.elsam.or.id) (last visited on May 1, 2019).

<sup>8</sup> See [www.pekka.or.id](http://www.pekka.or.id) (last visited on May 1, 2019).

<sup>9</sup> See <http://www.trust.org/trustlaw/> (last visited on May 1, 2019).