

Judicial Interpretation of the Principle of *Equality Before the Law* in Maintaining Impartiality in the Handling of Pro Bono Cases at the Surakarta District Court

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Abstract

The principle of equality before the law affirms that everyone has equal standing before the law without distinction of social or economic background. This principle relates to the fulfillment of access to justice, including through the provision of free legal aid (*pro bono*) for the underprivileged. This study aims to examine (1) how judges at the Surakarta District Court interpret the principle of equality before the law in the matter pro bono; and (2) how judges apply the principle of equality before the law to maintain impartiality in the judicial process pro bono. This study uses an empirical legal research method with a socio-legal approach and case studies. Data were obtained through interviews, observations, and literature studies, then analyzed qualitatively. The results show that judges at the Surakarta District Court interpret the principle of equality before the law as the equal standing before the court, regardless of economic background or legal aid status. Judges assess cases based on the arguments, evidence, and facts revealed in court. The application of this principle is reflected in the provision of equal opportunity to the parties in court, from the presentation of arguments, the submission of evidence, witness examination, to the delivery of legal opinions. The judge's neutral attitude in presiding over the trial and the preparation of legal considerations based on facts and legal provisions are also part of efforts to maintain impartiality in case handling pro bono.

Keywords: *equality before the law; impartiality of judges; interpretation; pro bono cases.*

INTRODUCTION

Indonesia is a state based on law, as stated in Article 1 paragraph (3) of the 1945 Constitution, which places law as the basis for state administration. Every action of state administrators and the public must be guided by the law, which not only maintains order but also protects the rights of citizens and guarantees justice (1,2). One of the main principles of a state based on law is the equality of every individual before the law (equality before the law), which is emphasized in Article 27 paragraph (1) of the 1945 Constitution and strengthened by Article 28D paragraph (1) of the 1945 Constitution which guarantees recognition, protection, and fair

legal certainty for every individual (3). This principle is also closely related to access to justice, considering that economic conditions often influence a person's opportunity to obtain legal assistance, groups of people who have economic capacity generally find it easier to obtain legal services, while people with economic limitations often face various obstacles in undergoing the legal process (4).

The equal right to access the legal system and justice for every individual embodies the principle of equality before the law. This right is not only recognized within the national legal framework but is also guaranteed by international legal instruments, namely International Covenant on Civil and Political Rights (ICCPR). Articles 16 and 26 of the ICCPR affirm that everyone has the right to be recognized as a legal subject and to receive equal legal protection without discrimination in any form. (5). In addition, Article 14 paragraph (3) of the ICCPR regulates the guarantee of legal aid for every justice seeker who is financially unable, in order to implement the principle of equality before the law. Universal Declaration of Human Rights (UDHR) also regulates the provision of legal aid as a way to realize the ideal of equality before the law. This is an addition to the ICCPR. According to the UDHR, everyone has the right to equal legal protection, freedom from torture and cruel and inhumane punishment (6).

This is in line with the provisions of Law Number 8 of 1981 concerning Indonesian Criminal Procedure Code (KUHAP), which guarantees the right of suspects or defendants to obtain legal assistance at every stage of examination. Article 54 of the KUHAP states that for the sake of defense, suspects or defendants have the right to receive legal assistance from one or more legal counsel, while Article 55 gives suspects or defendants the right to choose their own legal counsel. Providing legal assistance to justice seekers who cannot afford it is an obligation of advocates, known as *pro bono publico*, namely the provision of free legal services as a form of social and moral responsibility of the profession. The provision of this legal aid reflects the principle of a state of law that guarantees equality before the law as stipulated in the 1945 Constitution. Therefore, advocates are required to provide free legal aid based on Article 22 of the Advocates Law and its implementing regulations, although in practice the interest of advocates to carry out and report this obligation is still relatively low (6,7).

Law Number 16 of 2011 concerning Legal Aid encourages legal experts to provide free legal aid services to the economically disadvantaged. This obligation stems from the view that the legal profession is an *officium nobile*, namely a noble profession carried out for the benefit

of the wider community without distinction of social or economic background. Legal aid is a concrete manifestation of the principle of equality before the law and the spirit of justice for all. Economic limitations are still the main obstacle for vulnerable groups to access adequate legal aid services, so that they often experience injustice in the law enforcement process (6).

Judicial power is a state power that is independent and free from interference from other parties, as stated by Imam Anshori Saleh (8). Judges are required to be impartial by basing their decisions on the law and trial facts. A non-neutral attitude is contrary to the basic principle of judges, namely listening politely (to hear courteously), answer wisely (to answer wisely), consider objectively (to consider soberly), and decide fairly (to decide impartially) (8). Judges in carrying out their duties are not only guided by the law, but also consider the norms that exist in society and use their conscience and sense of justice (8,9).

In fact, fulfillment of the right to legal aid for the underprivileged still faces various limitations. Data from the National Legal Development Agency (BPHN) shows that in 2023, the number of recipients of litigation legal aid in Indonesia was recorded at 14,007 people. Of these statistics, 3,807 were women and only 15 were from groups with disabilities. This data shows that although the state has provided a free legal aid scheme, the reach of legal aid recipients nationally is still relatively limited when compared to the number of poor people and vulnerable groups who could potentially face legal proceedings (10).

The government continues to demonstrate its commitment to expanding access to justice through increased budget support. In 2025, the government allocated a budget of Rp94.9 billion for the national legal aid program, with a target of assisting 6,263 litigation legal aid recipients and 839 non-litigation legal aid activities. This budget increase reflects the state's efforts to fulfill the constitutional mandate regarding equality of citizens before the law. Increasing the budget and the number of legal aid recipients does not fully guarantee the realization of substantive justice if there is still disparity in the treatment of parties during case examinations, especially parties involved in legal disputes pro bono (10).

There are many cases of unequal legal treatment towards the common people. For example, the case of Grandma Minah in Banyumas in 2009 who was prosecuted for picking three cocoa pods from the plantation of PT Rumpun Sari Antan and was charged with Article 362 of the Criminal Code, and was finally sentenced to one month and fifteen days in prison with a three-month probation period (11). Another case also happened to Grandma Asyani in Situbondo

in 2015, who was accused of stealing seven teak logs belonging to Perhutani with a value of around Rp. 4 million and was even sentenced to prison, even though she stated that the wood came from her own land (12).

These cases attracted public attention because they showed that law enforcement often felt stricter towards lower-class communities, while cases involving economically or politically powerful parties tended to be perceived as proceeding more slowly, giving rise to the notion that the law was “sharp at the bottom, blunt at the top” (13,14). This condition reflects the need for courage on the part of law enforcement officers to take concrete steps, because in practice the law is still perceived as discriminating based on social class, where powerful groups are often treated more favorably than ordinary people.(15).

The reality of access to justice can also be observed in judicial practices at the Surakarta District Court. In 2025, there was a divorce case, Number 166/Pdt.G/2025/PN Skt, filed by Yusup Sapto Nugroho against Maretha Widyastuti. The request for free legal representation was granted based on Supreme Court Regulation No. 1 of 2014, resulting in the state covering the court costs of Rp203,500. The decision subsequently granted the plaintiff's claim and declared the parties' marriage to be terminated by divorce.

This phenomenon shows that law enforcement does not solely depend on the existence of regulations, but also on how these regulations are applied in judicial practice. Judges play a very important role because they have the authority to examine, assess, and decide a case, so that the independence of judges is very necessary so that the judicial process can take place fairly and free from the influence of any party. (13). In cases that are accompanied by pro bono, which generally involves people with weak economic conditions, the impartial attitude of the judge is important to ensure that the judicial process takes place objectively and guarantees the realization of the principal equality before the law (7).

Based on the background description, this research is directed at examining how judges interpret and apply the principles of equality before the law in handling cases that receive legal assistance pro bono at the Surakarta District Court. This study was conducted to determine how judges interpret the principle of equality before the law and how it is applied in maintaining impartiality during case examinations. Furthermore, this study also aims to examine how judges maintain their objectivity and independence when handling cases involving parties receiving free

legal assistance, ensuring that the judicial process remains fair and impartial in accordance with the principles of the rule of law.

METHOD

This research uses an empirical legal research method, namely research that not only examines legal norms in statutory regulations, but also examines how the law is understood and applied in reality (16). This research focuses on how judges interpret and apply the principles of equality before the law in maintaining an impartial attitude in handling cases *pro bono* at the Surakarta District Court. The approaches used were case studies and socio-legal approaches to understand actual legal events through observations of the judicial process and the perspectives of the parties involved.

This research was conducted at the Surakarta District Court and the MBZ Keadilan Law Office using primary data from interviews and secondary data from various laws and regulations, namely the 1945 Constitution of the Republic of Indonesia, the Criminal Procedure Code, Law Number 18 of 2003 concerning Advocates, Law Number 48 of 2009 concerning Judicial Power, Law Number 16 of 2011 concerning Legal Aid, and Supreme Court Regulation Number 1 of 2014. Data collection was carried out through interviews, observations, and document studies, then analyzed qualitatively to describe the application of the principles of equality before the law and the impartial attitude of judges in *pro bono* cases at the Surakarta District Court (16,17).

RESULTS AND DISCUSSION

Interpretation of the Judge at the Surakarta District Court Regarding the Principle of Equality before the Law in *Pro Bono* Cases

The results of the research conducted stated that judges at the Surakarta District Court interpreted the principal of equality before the law as the equality of the parties' standing before the court without distinction of economic condition or legal aid status. Based on the results of an interview with the Judge of the Surakarta District Court, Cut Carnelia, S.H., M.M., the case submitted in *pro bono* was examined with the same procedure as other cases. *Pro bono* status only relates to the exemption of case costs for parties who are unable to afford them, while the examination of the case remains based on the arguments of the parties, the evidence presented, and the facts revealed during the trial (7,18).

The following table presents field findings related to the implementation of the principle of equality before the law in *pro bono* cases at the Surakarta District Court:

Table 1. *Implementation of the Principle of Equality Before the Law at the Surakarta District Court*

No	Aspects Analyzed	Field Findings	Relevant Legal Basis
1	Position of the parties	The parties are placed in the same position before the judge without differentiating between economic status and legal aid status.	Article 27 paragraph (1) of the 1945 Constitution
2	Case examination procedure	<i>Pro bono</i> cases are examined with the same procedures as general matters.	Law No. 48 of 2009 concerning Judicial Power
3	Waiver of court fees	<i>Pro bono</i> status only relates to the exemption of legal costs for parties who cannot afford it.	PERMA No. 1 of 2014
4	Opportunity to prove	The parties have the same opportunity to present arguments, evidence and witnesses.	Principle fair trial in court
5	Judge's attitude in court	The judge is neutral and does not show any bias towards either party.	The principle of impartiality of judges

Source: Interview Results at Surakarta District Court, 2026

Based on the table, the implementation of equality before the law in the judiciary, which is realized through guarantees of equal access and procedures. Legal aid, including that provided in person *pro bono*, is positioned as an instrument to guarantee access to justice for the community who cannot afford it without changing the position of the parties before the judge.

Judges place the parties on equal footing without any bias, both in the management of the trial and in the evaluation of evidence. The parties are given equal opportunity to speak, present witnesses, and present arguments. Within this framework, the principle of equality before the law is closely linked to the principle of judicial impartiality.

Judges also do not interpret this principle as an obligation to provide preferential treatment to *pro bono* parties. Legal aid is seen as a right facilitated by the state, but it does not change the parties' position before the judge. After the case is examined, all parties remain placed within the same procedural framework. This shows that judges act as guarantors of balance in the judicial process, not as parties who compensate for inequalities outside the judicial process (19).

This understanding has a constitutional basis as stated in Article 27 paragraph (1) of the 1945 Constitution which states that all citizens have equal status before the law and government. This provision emphasizes that every individual must be treated equally before the law without

any form of discrimination (20). Jimly Asshiddiqie explains that the principle of equality before the law is one of the important elements in a state based on the rule of law, namely the demand that every citizen receive equal treatment from law enforcement officers (21).

This basis is strengthened in Law Number 48 of 2009 concerning Judicial Power. Article 4 paragraph (1) emphasizes that trials are conducted “for the sake of justice based on the One Almighty God,” which reflects a balance between legal certainty and substantive justice. Article 5 paragraph (1) emphasizes that courts adjudicate without discrimination, so judges are obliged to treat all parties equally. In addition, Article 4 paragraph (3) emphasizes the independence of the judiciary from interference by other parties, while Article 10 paragraph (1) and Article 14 paragraph (1) emphasize that courts may not reject cases. These provisions indicate that everyone, including *pro bono* parties, has the right to receive an equal hearing in court (22,23).

In *pro bono* cases, exemption from court fees is governed by Supreme Court Regulation (PERMA) No. 1 of 2014. Article 7 stipulates that a party who cannot afford to pay can submit a petition to litigate free of charge by attaching a certificate of inability to pay, while Article 19 states that court fees *come out* charged to the state. This provision shows that the status *pro bono* is only related to the financing of the case, while the examination of the substance of the case remains carried out with the same procedure (24).

Facilitation remains possible as long as it is within the limits of maintaining the smooth running of the trial process and does not interfere with the principle of impartiality of judges. Article 5 paragraph (1) of Law Number 48 of 2009 requires judges to explore, follow, and understand the values of justice that exist in society. Within this framework, judges can ensure that the trial process takes place in an orderly manner and provides equal opportunities for the parties to express their interests. This role is not intended to help one party, but rather to ensure that the judicial process runs fairly and proportionally (25).

From the perspective of legal professional ethics, impartiality is a moral obligation inherent in judges. Impartiality is not only interpreted as a prohibition against taking sides, but also demands personal integrity and objectivity in carrying out judicial functions. Judges are obliged to maintain their attitudes and behavior so as not to give the impression of bias, and to ensure that all parties receive equal treatment and opportunities before the court. Thus, the judge's active attitude is limited to efforts to maintain balance in the judicial process, not to benefit one party (25).

This shows that the application of the principle of equality before the law at the Surakarta District Court is still within the framework of formal equality (*formal equality*), namely equal treatment without considering the factual conditions of the parties. All parties are treated equally before the law without considering the underlying social inequality. This approach differs from the concept of substantive equality which demands affirmative steps to balance this inequality (26). Although this approach is in line with the principle of judicial impartiality, in practice it can create limitations in realizing substantive justice, especially for *pro bono* parties who have limitations in economic aspects and legal understanding.

Although it is acknowledged that the parties *pro bono* often come from vulnerable groups with limited legal understanding, the judge's assistance in trials remains limited to procedural aspects in order to maintain impartiality. This view shows that the principle *equality before the law* is more interpreted within the framework of formal equality, while efforts to balance substantive inequalities are placed in legal aid mechanisms outside the judge's judicial role. The interpretation of a legal principle in the courts is not always singular or static, but rather is influenced by the judge's professional experience, the nature of the case, and the dynamics of daily judicial practice. Therefore, it is important to examine the factors that influence how judges interpret these principles in cases of *pro bono*.

The judge's interpretation shows that the principle of equality before the law is understood within the framework of procedural equality (19). The judge places the parties in an equal position during the trial process, so that each party has the same opportunity to present arguments, present evidence, and present witnesses. This view is in line with the concept fair trial which emphasizes that justice in the trial is not only determined by the outcome of the decision, but also by the trial process which provides equal opportunities for the parties to defend their interests (27).

In addition to providing equal opportunity to all parties to present arguments and evidence, this equality is also reflected in the judge's treatment during the trial. The judge manages the proceedings in a balanced manner by providing proportional opportunities for all parties to present their arguments, present witnesses, and respond to the opposing party's testimony. Under these circumstances, the principle of equality before the law is not only interpreted as the formal equality of the parties, but also as the judge's obligation to maintain neutrality and impartiality during the case examination process. This principle is in line with the

view that equality before the law can only be realized if the judicial institution carries out its judicial function in a non-discriminatory manner and is free from bias (28).

Although the parties have equal standing before the judge, the factual conditions of the parties in a case are often not the same. The parties in a case are *pro bono*, they generally come from groups with limited economic resources and legal understanding. This situation is one of the reasons for the enactment of Law No. 16 of 2011, which, in Article 3, letter a, states that the provision of legal aid aims to guarantee and fulfill the rights of legal aid recipients to access justice.

In fact, the parties *pro bono* generally come from groups with limited economic and legal knowledge, which can affect the effectiveness of their defense in court. This condition has the potential to affect their ability to understand the trial process and to present their defense effectively. Therefore, the availability of legal aid is important to ensure that disadvantaged groups in society can still fight for their rights in court. Without access to legal aid, equality before the law often remains only a normative principle that is difficult to achieve (29).

Legal aid aims to ensure that disadvantaged communities can still defend and fight for their rights before the law (29). However, the existence of legal aid does not change the position of the parties before the judge. Judges are still required to be neutral and assess cases based on the arguments and evidence presented in court. Judges are not permitted to go beyond the arguments of the parties because their duties are limited to assessing cases based on the evidence presented (28). Without access to legal aid, equality before the law often remains merely a symbolic principle. Therefore, legal aid plays a role in opening public access to the judicial process, while judges maintain procedural balance throughout the trial (7).

Based on the results of this research, it can be understood that the principle of equality before the law in the case of *pro bono* is more meaningful in the framework of formal equations. The judge places the parties in an equal position during the trial process without considering the differences in social or economic conditions that underlie it. In this approach, equality is realized by providing the same procedural opportunities to the parties to present arguments, present witnesses, and submit evidence. Meanwhile, efforts to balance social inequality are placed on the legal aid mechanism provided by the state to expand public access to justice (28). Thus, the application of the principle of equality before the law in the Surakarta District Court has fulfilled the aspect of procedural equality, but has not fully reached the dimension of substantive equality.

Basic Application Equality Before The Law by Judges to Maintain Impartiality in the Trial Process of Cases *Pro bono*

Statistical data on court fee exemptions show that in 2025, the Surakarta District Court received only one *prodeo* application, namely Civil Case No. 166/Pdt.G/2025/PN Skt, which was registered in July 2025. Although the number is limited, this case can still be used as an illustration to see how the principles of equality before the law applied in the trial process in terms of procedural treatment of the parties.

The application of the principle of equality before the law can be observed from how the trial process is conducted. The panel of judges provides equal opportunities to all parties to present their arguments, present evidence, and present witnesses. This opportunity is an important part of maintaining balance in the trial process. Sudikno Mertokusumo stated that civil procedural law places the parties in an equal position so that each party has the same right to prove their arguments before the court (30).

In case No. 166/Pdt.G/2025/PN Skt, the plaintiff was given the opportunity to file a lawsuit, submit documentary evidence, and present witnesses. Meanwhile, the defendant was still legally and properly summoned by the court, even though he ultimately failed to appear at the hearing. This process demonstrates that the defendant's procedural rights were respected before the panel of judges proceeded with the case examination and issued a verdict.*default*The judge also objectively assessed the evidence presented. Documentary evidence and witness statements were examined first before the panel of judges drew conclusions regarding the merits of the dispute. Subekti explained that evidence is a core part of examining civil cases because the judge's decision must be based on valid evidence.

The results of an interview with judge Cut Cernelia, S.H., M.M., spoke about the *pro bono* cases still being examined through the same procedures as other cases. Status *pro bono* only relates to the waiver of court costs, while the judge's assessment of the main points of the dispute remains based on the arguments of the parties, the evidence presented, and the facts revealed in court. This is in line with the provisions of Article 5 paragraph (1) of Law No. 48 of 2009 which emphasizes that the court adjudicates without discrimination.

The *pro bono* status in the decision is only indicated in the section on court costs. The judge's legal considerations remain focused on the facts revealed in court, the evidence presented, and relevant legal provisions. The economic conditions of the parties to the case do not influence the judge's considerations in assessing the main points of the dispute. Sudikno Mertokusumo emphasized that the judge is obliged to decide the case objectively based on the facts revealed and the applicable legal provisions (30).

Although the principle of equality before the law has been applied procedurally, this study also identified several obstacles in the practice of handling cases of *pro bono*. One of these obstacles relates to the uneven quality of legal assistance. Advocate M. Badrus Zaman, S.H., M.H., explained that an advocate's readiness to prepare evidence and formulate legal arguments can impact the course of a trial. Furthermore, the limited legal understanding of the legal aid recipients often presents an obstacle in the evidentiary process.

Another aspect of judicial facilitation is the judge's efforts to ensure that the parties understand the legal consequences of the proceedings. In civil cases, the parties' understanding of the decision and the trial stages is part of the protection of procedural human rights. Therefore, informative explanations are seen as a form of judicial service, not bias.

Judge facilitation of the parties *pro bono* is in a sensitive area between maintaining equality and potentially creating bias. On the one hand, facilitation is needed to realize substantive equality, namely equality that takes into account the real circumstances of the parties. However, excessive facilitation can create a perception of bias and compromise the judge's impartiality. Therefore, the limit lies in proportionality: facilitation is provided only to ensure procedural rights are met, not to strengthen the legal position of one party.

The basic application of the principle of equality before the law in *pro bono* cases is not only reflected during the trial process but can also be analyzed through the legal reasoning formulated by the judge in the judgment. Legal considerations are the core of the rationality of the verdict because they contain the judge's assessment process of the parties' arguments, evidence, and facts revealed in the trial. Therefore, an analysis of the structure of legal considerations is important in assessing whether the status of the case *pro bono* affects the judge's objectivity or not.

In Decision Number 166/Pdt.G/2025/PN Skt, the status *pro bono* was explicitly mentioned by the panel of judges, but the mention was limited to the administrative aspects of

the cost of the case. The panel of judges stated that based on the decision of the Chief Justice of the Surakarta District Court, the plaintiff was granted permission to proceed *prodeo* or free of charge so that the court costs would be borne by the state. The placement of the status *pro bono* which is only in the cost-charging section shows that legal aid is not used as a variable in assessing the main points of the dispute, but is solely related to access to financing for the judicial process.

The structure of the judge's legal considerations in Decision Number 166/Pdt.G/2025/PN Skt can be mapped in the following table, in order to assess the extent of the status *pro bono* influence the construction of the panel of judges' legal assessment.

Table 2. Analysis of Decision Number 166/Pdt.G/2025/PN Skt

No	Aspects of Consideration	Description of the Judge's Considerations	Equality / Impartiality Indicator
1	Status Mention <i>Pro bono</i>	The <i>prodeo</i> status is stated to be based on the decision of the Head of the District Court and is only related to the burden of court costs.	Does not affect the subject of the dispute, only administrative
2	Presence of Parties	The defendant was summoned legally and properly but did not attend, so the examination was continued by default.	The defendant's procedural rights are still granted
3	Examination Stages	The judge still goes through the stages of lawsuit, evidence and witness examination.	The procedure is the same as usual.
4	Documentary Evidence	Evidence P-1 to P-4 (KTP, Marriage Certificate, Family Card, Birth Certificate) are checked	Legal document-based proof
5	Witness Statement	Two witnesses were questioned under oath regarding a domestic dispute.	The objectivity of the evidence is maintained
6	Fact Assessment	The judge assessed that there was separation, quarrels, and no hope of harmony.	Fact-based assessment, not economic empathy
7	Legal basis	Marriage Law, PP 9/1975, MA jurisprudence is used	Decisions based on positive law
8	Argumentation Structure	Starting from procedural → main point of dispute → <i>petitum</i>	Systematic & juridical
9	Verdict	The lawsuit was granted in default	Based on evidence
10	Charge Charges	The costs are charged to the state because it is <i>prodeo</i>	The only implication of status <i>pro bono</i>

Source: Decision Number 166/Pdt.G/2025/PN Skt

Based on this mapping, it can be seen that the status *pro bono* does not affect the substance of the judge's legal considerations. The mention only relates to the administrative aspects of case financing. In assessing the merits of the dispute, the panel of judges remains focused on the trial facts, evidence, and the appropriate legal provisions.

The panel of judges first outlined the circumstances of the case, then assessed the parties' attendance, particularly the absence of the defendant, who had been legally and properly summoned. The judges emphasized that the defendant had been given the opportunity to defend himself through an official summons, but did not use it, allowing the case to proceed. This pattern demonstrates that the judge maintained a balance of procedural rights, even though the decision was rendered by default.

In assessing the merits of the case, the judge does not automatically rule in favor of the plaintiff simply because the plaintiff is represented *pro bono*. Instead, the panel of judges first tested the lawsuit's arguments through evidentiary mechanisms. The plaintiff submitted documentary evidence marked P-1 through P-4, which respectively consisted of photocopies of Resident Identity Cards, Marriage Certificate Extracts, Family Cards, and Birth Certificates of the parties' children. In addition to documentary evidence, the plaintiff also presented two witnesses who were examined under oath to strengthen the arguments regarding the household dispute and the condition of separate residences.

The panel of judges then assessed all the evidence legally. The marriage certificate was used to confirm the existence of a valid marital relationship between the parties, while witness testimony was considered to assess the ongoing conflict and the lack of hope of reconciling. Thus, the basis for the considerations was established through a correlation between the arguments in the lawsuit, the evidence, and relevant legal provisions.

In addition to assessing the facts, the judge also based his considerations on normative provisions, including the Marriage Law, the Government Regulation on the Implementation of Marriage, and Supreme Court jurisprudence on divorce. The use of these legal bases indicates that the decision was based not on empathetic considerations of the plaintiff's economic situation, but rather on applicable positive law.

From the perspective of balancing the parties' arguments, even though the defendant was absent, the judge still emphasized that the defendant's right to defend himself had been granted. This demonstrates that the defendant's absence was positioned as a legal consequence, not as a

reason to immediately rule in favor of the plaintiff. This consideration pattern reflects the principle of fairness in the decision.

Status *pro bono* does not affect the substance of the judge's legal considerations. The mention is only related to the charging of court costs, while in assessing the main points of the dispute, the judge remains focused on the trial facts, documentary evidence, witness statements, and provisions of laws and regulations. Subekti emphasized that judges in civil cases must build their beliefs based on valid evidence, not on factors outside the evidence. In line with this, Sudikno Mertokusumo also stated that the judge's decision must arise from an objective assessment of the facts and law, not from sympathy for the social conditions of the parties (30).

The impartiality of judges is a fundamental element in ensuring the upholding of the principle of equality before the law in the judicial process. In this case of *pro bono*, the issue of impartiality is becoming increasingly important due to the potential perception that judges may sympathize with the economically disadvantaged. Therefore, judicial neutrality must not only be maintained factually but also reflected in the structure and language of the decision. One way to assess this impartiality is through an analysis of the legal reasoning within the decision.

In Decision Number 166/Pdt.G/2025/PN Skt, the first indicator of impartiality can be seen in the use of neutral legal language. The panel of judges used standard formulations such as "considering that", "based on evidence", and "the assembly is of the opinion" which shows that the decision was formulated through a legal argument framework, not an empathetic one. The language employed in the judgment does not indicate any bias toward the plaintiff, even though the case is handled *pro bono*. This aligns with the principle that judicial language must reflect the objectivity and rationality of the law, rather than the judge's personal preferences.

The second indicator is evident in the systematic structure of legal reasoning. The panel of judges first assesses procedural aspects, particularly the absence of the defendant, who has been legally and properly summoned. Afterward, the judges move on to examining the main points of the case, starting with assessing the validity of the marriage, then assessing the parties' marital status, and finally drawing a conclusion regarding the grounds for divorce. This hierarchical structure demonstrates that the judges do not immediately grant the lawsuit, but rather proceed through a step-by-step analysis process in accordance with civil procedure law.

Impartiality is also reflected in the absence of preferential treatment for either party in *pro bono* cases. Although the plaintiff accessed the judicial process free of charge, the panel of

judges did not consider this financial condition as a basis for granting the lawsuit. The *pro bono* status is only mentioned in the context of state-funded court fees, while the assessment of the merits of the dispute remains strictly focused on trial facts and the evidence presented. Therefore, there is no indication that the provision of legal aid influences the substance of the decision.

The judge's objectivity was evident in the evidentiary assessment process. The panel of judges evaluated the documentary evidence marked P-1 through P-4, as well as the testimony of two witnesses, before concluding that the parties' marriage was untenable. The decision was constructed through a logical relationship between the arguments, evidence, and legal norms. This demonstrates that the judge based his conviction on valid evidence, rather than on non-legal considerations such as the plaintiff's economic situation.

This principle is in line with Sudikno Mertokusumo's view that judges must decide cases objectively based on facts and law, and maintain an equal distance from the parties. This neutrality is the main requirement for decisions to have the legitimacy of justice (30).

When linked to the Code of Ethics and Guidelines for Judicial Conduct, impartiality is a principle that must be upheld in carrying out judicial functions. The code of ethics emphasizes that judges must be free from bias, prejudice, or personal interests in examining and deciding cases. Judges are also required to ensure that all parties receive equal treatment in court. This principle also serves as a guarantee of a fair trial, namely a fair, independent, and impartial judicial process.

In *pro bono* matters, these indicators show that the judge has consistently sought to maintain impartiality. The neutral language of the decision, the systematic structure of the considerations, and the absence of any special advantages for the parties involved *pro bono*, as well as evidence-based assessments confirm that legal aid does not affect the judge's objectivity. Thus, the principal equality before the law not only maintained at the procedural level, but also internalized in the impartial attitude of judges in making decisions.

Lawrence M. Friedman explains that the effectiveness of law is influenced by the interaction between legal structure, legal substance, and legal culture (31). The successful implementation of the principle of equality before the law does not depend solely on the role of judges but is also influenced by the quality of legal aid and the parties' readiness to undergo the judicial process. In *pro bono* cases at the Surakarta District Court, this principle has been applied by ensuring equal procedural opportunities for all parties.

Although, normatively, the principle of *equality before the law* has been implemented in *pro bono* cases, the research findings show that in practice there are still several obstacles affecting its implementation. These obstacles are not only related to judicial mechanisms but also stem from the parties involved in the trial process. Identifying these obstacles is important to understand how legal equality is applied in practice in *pro bono* cases at the Surakarta District Court.

One of the obstacles identified in this study relates to the quality of legal assistance provided in *pro bono* cases. Based on the results of an interview with advocate M. Badrus Zaman, S.H., M.H., the quality of legal assistance is not always the same. In some cases, the advocate providing assistance was deemed not to have prepared the case optimally, both in terms of evidence and the preparation of legal arguments. This condition can affect the effectiveness of the defense provided to clients in court. He also said that in practice there are still advocates who are not prepared when the trial takes place or are not serious in carrying out assistance, even though the quality of the defense greatly influences the client's ability to fight for their rights in court.

Another obstacle relates to the level of cooperation of the legal aid recipients. According to Judge Cut Carnelia, S.H., M.M., not all parties involved in *pro bono* legal aid cases are cooperative or able to actively participate in the trial process. In some cases, parties receiving legal aid experience difficulty in presenting documents, witnesses, or information needed for evidence. This situation is not solely due to a reluctance to cooperate, but is more often related to limited legal knowledge and the parties' social and economic conditions. This results in the defense process in court not always running optimally even though equal opportunities have been provided.

In addition to factors originating from the parties, obstacles also relate to the conditions under which trials are conducted in court. According to the judge, the court's high caseload means that examination time must be divided among other cases that also need to be resolved. Despite this situation, the judge still strives to provide a fair opportunity for the parties to present their arguments and evidence. However, time constraints in the trial process remain an unavoidable obstacle.

The next obstacle relates to the administrative aspects of providing legal aid. The process of filing a case *prodeo* or providing legal aid assistance requires document verification and a

court order. In some circumstances, this administrative process takes time, which can impact the case's readiness for immediate trial. This indicates that the case filing process in *pro bono* matters is slow and is not only influenced by court proceedings but also by the administrative mechanisms that precede them.

CLOSING

The judge at the Surakarta District Court interpreted the principle of equality before the law in *pro bono* cases as the equal legal standing of the parties before the court, without distinction based on economic background or their status as legal aid recipients. This interpretation is realized through the application of the same trial procedures, in which judges assess cases based on the arguments, evidence, and trial facts without considering *pro bono* status as a factor influencing the examination or decision. Thus, the interpretation of this principle shows that judges apply the concept of formal equality, which is oriented toward the principles of impartiality and a fair trial.

The basic application of the principle of equality before the law in maintaining impartiality in *pro bono* cases is realized through the provision of equal trial opportunities for the parties, from the presentation of arguments and evidence, to witness examination and legal submissions. Judges also maintain a neutral attitude and formulate legal considerations objectively based on trial facts and applicable legal provisions. However, the application of this principle in practice has not fully reached the dimension of substantive equality, because it is still influenced by several factors, such as the quality of legal aid assistance, the level of cooperation of the parties, the court's caseload, and administrative constraints in the legal aid system. Therefore, the realization of equality before the law in *pro bono* cases depends not only on the attitude of the judge, but also on the overall effectiveness of the legal aid system.

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