

The Role of Advocates in Law Enforcement in the Perspective of Law No. 18 of 2003

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Abstract. Legal advocates provide assistance to clients facing legal problems. A "rule of law" state is governed by law and ensures all individuals are subject to legal provisions, including the ruler. The supremacy of law is crucial for a legal state. This kind of examination is standardizing research that utilized legal and calculated approaches. The information source utilized is optional information. Information investigation was done spellbindingly and subjectively. Closing is completed utilizing a rational technique, in particular finishing up from general to explicit, particularly those connected with the exploration point, to be specific the Job of Supporters in Policing the Viewpoint of Regulation no. 18 of 2003. This examination brought about discoveries that promoters in doing their everyday obligations and calling will deal with different sorts of issues, both personal and legal entities relating to criminal, civil, and state administration, advocates are required to be able to be at the forefront of law enforcement in Indonesia. because the government has long recognized advocates' independence, most recently with the passing of Republic of Indonesia Law No. 18 of 2003 concerning Supporters is a forward leap in policing, are as of now not under the power of the legal executive as in the past, right now, advocates are free and free in completing their obligations and calling as one of the law masters in Indonesia.

Keywords: Role of Advocates, Law Enforcement, Law No. 18 of 2003

1 Introduction

The presence of advocates is needed by the wider community in terms of providing legal understanding and enlightenment to all levels of society, so that our society becomes smart and intelligent and understands the importance of law enforcement in society, the law must be used as a basis for action, the law must be placed in the top position in the frame and concept that our country is based on law, it must be made the commander-in-chief so that peace, tranquillity and prosperity of the Indonesian people can be achieved. Advocates in bringing out their daily duties and profession will face various kinds of problems, both personal and legal entities concerning criminal, civil, and state administration. Advocates are required to be able to be at the forefront of law enforcement in Indonesia because the independence of advocates has long been recognized by the government, most recently with the enactment of the Republic of Indonesia Law no. 18 of 2003 concerning Advocates is a breakthrough in law enforcement,

advocates are no longer under the authority of the judiciary as before, advocates are free and independent in carrying out their duties and profession as one of the law enforcers in Indonesia[1].

The profession of an advocate is *officium nobile* (a noble job), which is why an advocate, equipped with legal knowledge and a set of codes of ethics for advocates, is given the status of a law enforcer in an independent power. All of this is for the sake of upholding justice and truth, accompanied by respect for Human Rights (HAM). On the other hand, the advocate profession also positions this legal person as a fighter for justice and democracy. The advocate organization is the only free and independent legal enforcement professional forum that was formed by the provisions of Law No. 18 of 2003 concerning Advocates. In this case, the role of advocates is very necessary in re-establishing the authority of the law and the courts which have been weakened by the practice of the legal mafia in Indonesia, and it is from the profession of advocates that the most is expected considering its characteristics as an independent institution and free from political influence from both executive power and legislative [2].

Advocates as suppliers of lawful help or legitimate administrations to people in general or clients who deal with legitimate issues whose presence is required. In today's world, its significance is growing alongside public awareness of legal issues and their complexity. The rule of law which is often found in Indonesian literature refers to a concept of a state where the government and rulers, in exercising their power, are not based solely on their will but based on applicable legal norms, all people in the state are subject to legal provisions, both as individuals and society. as well as as a ruler. A rule of law is a state that is regulated by law and regulates people's lives based on legal provisions. The most important element in the concept of a rule of law is the supremacy of law.

Advocate is an *officium nobile* (honorable profession) type. In completing the calling, a promoter should have opportunity in light of the honor and character of a supporter who sticks to genuineness, freedom, privacy, and receptiveness, to forestall the development of shameful mentalities and less decent way of behaving. In Regulation Number 18 of 2003, a promoter is a calling that offers legitimate types of assistance, both inside and outside the court, which meets the prerequisites in light of the arrangements of this regulation. " Advocate status as regulation authority" is one of the legitimate instruments in the legal cycle whose position is equivalent to other regulation implementers, maintaining regulation and equity. More specifically, it is one of the foundations upon which Indonesia upholds the rule of law and safeguards human rights. Advocates complete their expert obligations for maintaining equity in light of the law to assist individuals looking for equity. The role of Advocates is also seen in professional channels outside of the court, in addition to the judicial process. The requirement for lawful administrations for advocates outside the legal cycle is as of now expanding, in accordance with the developing legitimate necessities of society, particularly in entering a daily existence that is progressively open to cooperations between countries [3].

The birth of the advocate law is the result of a long struggle for a long time, so far advocates have always been "kids" in the legal system and judicial systems. Almost all laws and regulations made regarding the judiciary do not explicitly recognize the function of advocates in it. Some of these legislative products lead to external intervention of advocates by the government and the judicial bureaucracy. Appreciation for the function of advocates in laws regarding the judiciary usually only comes with the introduction of good judicial principles, such as when the Judicial Power Law and the Criminal Procedure Code were created (which

are generally stronger due to international pressure). However, because it is regulated symbolically, problems regarding the function of advocates are not resolved, just as problems that hinder the creation of a fair trial are not resolved. For this reason, efforts to emphasize state recognition of the function of advocates in the justice system must be in line with efforts to accommodate the greatest possible public interest in the implementation of justice [4].

Meanwhile, Law No. 18 of 2003 concerning Advocates does not regulate the authority of Advocates in carrying out their functions and duties as law enforcement officers. In this way, there is a vacuum in legal norms related to the authority of the Advocate. It should be noted that the advocate profession is a state organ that carries out state functions. In this way, the Advocate profession is the same as the Police, Prosecutor's Office, and Judiciary as state organs that carry out state functions. The difference is that Advocates are private institutions that function publicly while the Police, Prosecutor's Office, and Judiciary are public institutions. If an Advocate carries out his or her functions and duties, he or she is given authority in his status as a law enforcement officer means his position is equal to other law enforcement officers. With this alignment, balance will be created to create a better law enforcement system [5].

In terms of understanding, advocates can be differentiated from lawyers and legal consultants. A legal counselor is somebody who helps offended parties and respondents and is named by a specific High Court and the limits of their obligations are just allowed inside the locale of that High Court. In the mean time, a legitimate specialist is somebody who doesn't must have a permit to rehearse as a promoter or attorney, however he should have adequate information about settling debates in the lawful field. However, the functions, roles, and responsibilities of advocates, lawyers, and legal advisors are the same, the difference is only in terms of competence. Historically the role of an advocate or legal advisor has existed along with the development of law and society, law will always exist as long as there is society and society needs law and at the same time wants law enforcement.

Along with judicial institutions and law enforcement agencies like the police and prosecutors, the role and function of advocates as a free, independent, and responsible profession is crucial to the realization of the principles of the rule of law in social and state life. Through the legitimate administrations gave, Backers complete their expert obligations to maintain equity in view of the law to serve the equity looking for local area, including endeavors to engage the local area to understand their key privileges under the steady gaze of the law. Advocates as a component of the equity framework are one of the support points in maintaining the matchless quality of regulation and basic liberties. Aside from the legal cycle, the job of backers is additionally found in proficient channels outside the court. The requirement for lawful administrations for advocates outside the legal cycle is as of now expanding, in accordance with the developing legitimate necessities of society, particularly in entering a daily existence that is progressively open to cooperations between countries [6]. By giving counseling administrations, discussions, and making exchange gets, the Backer calling makes a critical commitment to local area strengthening and public lawful change, particularly in the financial and exchange fields, remembering for settling questions beyond court.

2 Methodology

This sort of examination is Standardizing research. The methodologies utilized are a legal methodology and a calculated methodology. The information source utilized is optional information. Information examination was done spellbindingly and subjectively [7]. Closing is completed utilizing a rational technique, in particular finishing up from general to explicit, particularly those connected with the exploration point, to be specific the Job of Supporters in Policing the Viewpoint of Regulation no. 18 of 2003. If the empirical data obtained is a collection of words rather than a series of numbers and cannot be categorized, qualitative data analysis is performed. Information can be gathered in different ways (interview perceptions, archive occasions, and recording tapes). In qualitative research, it is typically processed first before being used, such as data reduction, analysis, data interpretation, and triangulation.[8].

3 Results and Discussion

3.1 Implications of the Role of Advocates in Law Enforcement from the Perspective of Law No. 18 of 2003

Along with judicial institutions and law enforcement agencies like the police and prosecutors, the role and function of advocates as a free, independent, and responsible profession is crucial to the realization of the principles of the rule of law in social and state life. Through the legitimate administrations gave, Supporters complete their expert obligations to maintain equity in light of the law to assist individuals looking for equity, including endeavors to engage individuals looking for equity in view of the law to help the local area in understanding their key freedoms under the watchful eye of the law. Advocates as a component of the equity framework are one of the support points in maintaining the matchless quality of regulation and basic liberties. Aside from the legal cycle, the job of backers is likewise engaged with proficient channels outside the court. The requirement for legitimate administrations for advocates outside the legal cycle is expanding, in accordance with the developing lawful necessities of society, particularly in entering a daily existence that is progressively open to cooperations between countries.

In the mean time, in the arrangements of Republic of Indonesia Regulation no. 8 of 1981 (KUHAP) not a solitary article manages the security of legitimate counselors in completing their expert obligations, yet the arrangements of the law just direct the arrangement of lawful help by legitimate guides, obviously this makes a lopsidedness between the weight of a supporter's obligations in implementing the law. what's more, equity as the requirement for a free and autonomous promoter calling is extremely essential in doing its obligations and capabilities to understand the standards and targets of policing Indonesia to accomplish the government assistance and success of individuals. When we take a look at the provisions of Article 16 of Law No. 18 of 2003 concerning Supporters, obviously the legitimate assurance for a backer in completing his expert obligations is "just in court", in the mean time advocates in doing their expert obligations are in court as well as outside the court (prosecution and non-case),

obviously. It is as opposed to the interest for freedom of a supporter with an extremely intense expert obligation in maintaining regulation and equity[5].

In its phenomenon, a free and independent advocate profession is free from interference in any form, be it government, judicial institutions, or other law enforcement institutions. Before the issuance of Republic of Indonesia Law No. 18 of 2003 concerning Advocates, advocates in the Republic of Indonesia Law No. 8 of 1981 comprehended as "legal advisors" were appointed by the High Court of each region where the legal advisor is domiciled, meaning that the advocate/legal advisor is still under the Supreme Court/Minister of Justice, the advocate/legal advisor is responsible and under the supervision of the Supreme Court/Minister Judiciary at that time. However, current legal developments with the issuance of Republic of Indonesia Law No. 18 of 2003 concerning Advocates have truly placed advocacy as a noble profession [9].

Meanwhile, Law No. 18 of 2003 concerning Advocates does not regulate the authority of Advocates in carrying out their functions and duties as law enforcement officers. In this way, there is a vacuum in legal norms related to the authority of the Advocate. It should be noted that the advocate profession is a state organ that carries out state functions. In this way, the Advocate profession is the same as the Police, Prosecutor's Office, and Judiciary as state organs that carry out state functions. The difference is that Advocates are private institutions that function publicly while the Police, Prosecutor's Office, and Judiciary are public institutions. If advocates in carrying out their functions and duties are given authority in their status as law enforcement officers, then their position is equal to other law enforcement officers. With this alignment, balance will be created to create a better law enforcement system[6].

3.2 The Urgency of the Role of Advocates in Law Enforcement in the Perspective of Law No. 18 of 2003

It is undeniable that the existence of Advocates is required by society, particularly by those who have come across legal cases. In order to support Advocates in carrying out their functions and responsibilities within the law enforcement system, Advocates require authority. The power of promoters is expected to stay away from erratic activities completed by other policing (judges, examiners, police) and can likewise give clear constraints of power to advocates in doing their calling. Practically speaking, the presence of Backers in doing their calling is frequently disregarded by policing. This outcomes in the place of backers not being equivalent to other policing. As far as understanding, supporters can be separated from attorneys and legitimate experts. A legal counselor is somebody who helps offended parties and respondents and is delegated by a specific High Court and the limits of their obligations are just allowed inside the locale of that High Court [5].

If a portion of society and a portion of law enforcement are mutually sustaining in upholding the principles and goals of the law, then law enforcement can be carried out effectively. From a policing, he should satisfy formal and material necessities. Material requirements describe what the attorney does and what the attorney truly wishes for, while formal requirements determine whether the attorney is valid. On the off chance that there is a distinction between the conventional party and the material party, the champ is the material party, specifically the client, as the closely involved individual. In

the arrangements of Article 5 section (1) of the Law on Promoters, it is expressed that the situation with advocates as regulation masters has an equivalent situation with other regulation implementers in endeavors to maintain regulation and equity. In any case, the situation with a backer isn't just significant as a regulation implementer yet additionally as a calling. Consequently, irreconcilable circumstances frequently happen between the two. The arrangements of Article 5 of the Law on Supporters to be sure detail the position and authority of promoters as regulation masters [10].

A legal counselor is an individual who coordinates and deals with the phases of a legal procedure, from the very beginning of the case until the consummation of the execution of the appointed authority's choice through execution. In the mean time, a legitimate expert is somebody who doesn't must have a permit to rehearse as a Supporter or Legal advisor, yet he should have adequate information. as to goal in the lawful field. Nonetheless, the capabilities, jobs, and obligations of Supporters, Attorneys, and Lawful Guides are something very similar. Society as a legal subject requirements supporter to assist with maintaining equity. The objective of acquiring a Supporter is to give lawful help to the respondent and help the adjudicator in tracking down reality. In this way, advocates are viewed as regulation implementers. The term Backer has been known since Roman times, when his position was called *officium nobile* (a respectable calling) since he committed himself to the interests of society, as well as his commitment to maintain basic liberties, helping people without an honorarium. During the Dutch East Indies era, according to Hooggerechshof and Raadvan, *justitie, litigants* were required to be represented by a procureur (legal expert). However, in contrast to European groups, Landraad, as a court for indigenous people, does not require representation in trials before the court.

It turns out that there are still divergent viewpoints regarding advocates' roles as law enforcers in the criminal justice system, both academically and practically. Some say just the Police, Investigator's Office, Courts and Restorative Establishments. Then again, some express that Lawful Advice can likewise be added as a component of the law enforcement sub-framework. Normatively and as a general rule, Policing don't just comprise of the three office conditions referenced above, even according to the point of view of critical thinking and improving policing, just these three office conditions are referenced, it isn't just fragmented however deceptive which causes inclination. In any case, since its proclamation UURI No. It has been stated that Advocates are the only free and independent law enforcers who are guaranteed by laws and statutory regulations so that their position is the same as that of other law enforcers in Section 18 of 2003 concerning Advocates. The term "Catur Wangsa law enforcers" (Judges, Prosecutors, Police, and Advocates) has also been used to acknowledge this [5]. So the expectation that arose with the proclamation of UURI. No. The purpose of Act No. 18 of 2003 is to make Advocates' existence known and not belittled. This will allow Advocates to fulfill their responsibilities and fight for justice on good legal grounds in accordance with procedural procedures both inside and outside the court.

Advocates as suppliers of lawful help or legitimate administrations to people in general or clients who deal with legitimate issues whose presence is required. In today's world, its significance is growing alongside public awareness of legal issues and their complexity. The rule of law which is often found in Indonesian literature refers to a

concept of a state where the government and rulers, in exercising their power, are not based solely on their will but based on applicable legal norms, all people in the state are subject to legal provisions, both as individuals and society. as well as as a ruler [6]. A rule of law is a state that is regulated by law and regulates people's lives established on legal provisions. The most crucial element in the concept of a rule of law is the supremacy of law.

4 Conclusion

1. Advocates in doing their everyday obligations and calling will deal with different sorts of issues, both individual and legitimate elements including criminal, common, and state organization, advocates are expected to have the option to be at the very front of policing Indonesia, on the grounds that the autonomy of backers has for some time been perceived by the public authority, most as of late with the authorization of Republic of Indonesia Regulation no. 18 of 2003 concerning Supporters is a forward leap in policing, are as of now not under the power of the legal executive as in the past, right now, advocates are free and free in completing their obligations and calling as one of the law masters in Indonesia.
2. Advocates as suppliers of lawful help or legitimate administrations to people in general or clients who deal with legitimate issues whose presence is required. In today's world, its significance is growing alongside public awareness of legal issues and their complexity.
3. In essence, law enforcement can function effectively if both society and law enforcement are mutually supportive of upholding the law's principles and goals. From a policing, he should satisfy formal and material necessities. Formal necessities decide if the lawyer is substantial or not, while material prerequisites portray what the lawyer does and what the lawyer really wishes.

5 Suggestion

1. The existence of Advocates is needed by the community, especially people who have stumbled upon legal cases, to help the presence of Promoters in completing their capabilities and obligations in the policing, it is important that power should be given to Backers.
2. It is hoped that society as legal subjects needs advocates to help uphold justice. The goal of bringing in an Advocate is to provide legal assistance to the defendant and assist the judge in finding the truth.
3. It is expected that advocates, in carrying out their daily duties and profession, will face various kinds of problems, both personal and legal, involving criminal, civil, and state administration matters. Advocates are required to be able to be at the forefront of law enforcement in Indonesia.

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