

# Legal Review of the Professional Code of Ethics for Advocates in Accompanying Clients in Criminal Cases

Riswadi<sup>1</sup>, Aan Rizalni Kurniawan<sup>2</sup>

{[riswadi@borobudur.ac.id](mailto:riswadi@borobudur.ac.id)<sup>1</sup>, [adv\\_aan@ymail.com](mailto:adv_aan@ymail.com)<sup>2</sup>}

Universitas Borobudur<sup>1,2</sup>

**Abstract.** The presence of backers existed close to a long time and a half prior. Nonetheless, the acknowledgment of backers isn't managed in a guideline like the law yet is just expressed irregularly in the articles of many regulations and guidelines gave since the Dutch pilgrim government period until the ongoing freedom time frame. The profession of advocate is known as a noble profession (*officium nobile*) because it requires defending everyone without distinction. This sort of examination is Regulating research. The methodologies utilized are a legal methodology and a reasonable methodology. The information source utilized is auxiliary information. Qualitative and descriptive data analysis were used. Closing is done utilizing a logical technique general to explicit, explicitly, those connected with the examination point, to be specific Lawful Survey of the Set of principles for the Promoter Calling in Helping Clients in Criminal Cases. This examination brought about discoveries that the place of the Backer calling as a regulation master is equivalent to that of other policing, therefore each other must be respect each other among colleagues and also between other law enforcers. In carrying out their authority, advocates have many authorities that can create justice and legal order in Indonesia, but there are many problems in its implementation, there is a need to increase the value of creating advocates who uphold the law by the legal ideals of the Indonesian nation.

**Keywords:** Legal Review, Code of Ethics for the Advocate Profession, Assistance to Clients in Criminal Cases

## 1 Introduction

Setting advocates as a sub-framework in the law enforcement framework lined up with other sub-frameworks (police, examiner's office, courts, and restorative establishments) is a step in the right direction and vital for equity searchers (Equity) yet additionally for the smooth running of the actual cycle. As a sensible result of this reasoning, legal advisors should be given adequate open doors both through the game plans and in the act of giving legitimate guide to full admittance to the law enforcement process. As affirmed in Regulation No. In accordance with Law No. 18 of 2003, an advocate is granted the freedom and independence of a law enforcer. Nonetheless, the talk on including the calling of Supporter/Legitimate Consultant in

the Law enforcement Framework as a sub-framework is difficult. This isn't liberated from snags[1].

The presence of backers existed close to a long time and a half prior. Nonetheless, the acknowledgment of supporters isn't controlled in a guideline like the law however is just expressed irregularly in the articles of many regulations and guidelines gave since the Dutch provincial government time frame until the ongoing freedom time frame. The contrary circumstance is capable by other regulation authorities like Adjudicators, Examiners, and Police where their reality is unequivocally demonstrated by the presence of regulations that manage their calling which are illustrated exhaustively and efficiently. As a result, other law enforcement personnel underestimate the advocacy profession. So while managing Backers and other regulation implementers, the Supporter's position can be supposed to be lower. Be that as it may, the ongoing conditions and circumstance are unique, particularly since the declaration of Regulation No. 18 of 2003 concerning Promoters [2].

Legitimate guide comes from "help" and that implies help without anticipating anything consequently and "regulation" which contains the significance of the whole rule or standard in regards to a part of public activity to make harmony. The calling of supporter is known as an honorable calling (*officium nobile*) on the grounds that it requires the protection of everybody without qualification of race, skin tone, religion, culture, or financial foundation. According to Rambe, the profession of an advocate is not just about earning a living, but also about fighting for the values of idealism and morality. One of the obligations of an advocate or advocate's office to the community is to provide legal assistance/services to those who are economically disadvantaged (poor) which must be prioritized by Article 7 of the Indonesian Advocate Code of Ethics paragraph "obligation to provide free legal assistance (*prodeo*) to people who cannot afford it." The development of legal aid from advocates also gave rise to the Legal Aid Institute (LBH) as one of the legal aid movements in Indonesia because of its very dynamic characteristics and the way it is managed more professionally compared to management in consultancy bureaus.[3].

Often poor parties, because they do not know their rights as suspects/accused, are treated unfairly or their right to be accompanied by an advocate is hampered. This is of course very detrimental to the suspect/defendant who will later be processed in court. To prevent this, a role for Advocate Organizations is needed in implementing free legal aid that fights for justice and enforces the law for underprivileged people. Starting from the increasingly oppressed underprivileged people or groups, especially in seeking justice in the legal field, this is where the role of Advocate Organizations is needed in providing legal services or assistance, legal training, and education for underprivileged people or groups. Lawyers in developing countries must be made aware that they carry out functions that reach far beyond just those of advisors.

The autonomy and opportunity moved by the supporter calling must obviously be joined by the obligations of each promoter and the expert association that supervises them. Arrangements of Regulation No. 18 of 2003, which deals with advocates, established guidelines to ensure that advocates practice law and justice. The least demanding thing to see is from the vow or commitment that promoters take prior to doing their calling. This vow is basically a commitment made by somebody who will embrace the calling as a supporter, to God, themselves, and society. On the off chance that each supporter didn't simply express it as a convention, however ingested it, affirmed it, and completed it, the state of policing consistently get to the next level. Law and justice will truly be upheld by judicial authority. The arrangements of Article 6 of Regulation no. 18 of 2003 concerning Promoters, for instance, discover that backers can be likely to activity on the grounds of: 1) ignoring or ignoring their customers' interests; 2) acting or acting improperly towards adversaries or individual experts; 3) acting,

acting, talking or offering expressions that show disregard for the law, regulation or the courts; 4) do things that are in opposition to their commitments, honor, or the respect of their calling; 5) committing disgraceful or illegal acts, 6) breaking the Advocate's oath or promise, or 7) breaking the Advocate's professional code of ethics [4].

Law Number 18 of 2003 concerning Advocates does not explicitly explain the cooperative relationship with PERADI, but if we trace it in Article 69 of PERADI Regulation Number 1 of 2006 in conjunction with PERADI Regulation Number 23 of 2009, it is stated to maintain the dignity and honor of the Advocate and/or Temporary Advocate profession a professional organization of Advocates and/or Temporary Advocates must be formed. The professional organization of Advocates and/or Temporary Advocates as referred to above is obliged to prepare 1 (one) General set of rules for the Supporter Calling which applies broadly with be complied to by all Promoter and Impermanent Backer individuals. The Advocate professional organizations collaborated to create the Code of Ethics for the Profession, which was ratified by the Chairman of PERADI as a common guideline for the profession's growth. In enforcing the code of ethics, according to Suprihono, association organizations form PERADI Branch Offices and PERADI Center which is a body or institution established by associations and/or organizations which has the authority to carry out investigations for violations of the code of ethics and impose sanctions on violators by respective authorities[5].

Because the Advocates' position as law enforcers is comparable to that of other law enforcement agencies, they must respect one another among coworkers and among other law enforcers. Additionally, every Advocate must uphold the Code, be loyal, and uphold the profession's image and dignity. Morals and Expert Pledge, the execution of which is directed by the Privileged Board as a foundation whose presence has been and should be perceived by each Backer no matter what the expert association to which the person in question has a place and is a part, which while articulating the Expert Promise suggests affirmation and consistence with the Set of rules Pertinent promoter. Advocates act in accordance with their authority. have a lot of authority that can create justice and legal order in Indonesia, but there are many problems in its implementation, there is a need to increase the value of creating advocates who uphold the law by the legal ideals of the Indonesian nation.

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 [6].

## **2 Methodology**

This sort of examination is Regulating research. The methodologies utilized are a legal methodology and a reasonable methodology. The information source utilized is auxiliary

information. Information investigation was completed clearly and subjectively [7]. A deductive approach is used to reach a conclusion, which entails moving from general to specific points, particularly those that are connected to the subject of the research, specifically Legal Review of the Code of Ethics for the Advocate Profession in Assisting Clients in Criminal Cases. If the empirical data obtained is in the form of a collection of words, qualitative data analysis is carried out. isn't a progression of numbers and can't be sorted out into classifications. Information can be gathered in different ways (interview observations, document instances, and recording tapes). Qualitative research involves transcribing interviews, reducing data to focus on important information, analyzing for patterns and themes, interpreting insights, and using triangulation to ensure validity and reliability.[8].

### **3 Result and Discussion**

#### **3.1 Implications of Legal Review of the Code of Ethics for the Advocate Profession in Assisting Clients in Criminal Cases**

Considering the central and flexible role of advocates, the position of the function and duties of advocates as law enforcers and honorable professionals ought to be outfitted with similar authority as other regulation implementers like police, investigators, and judges, so that the role of advocates is not only attached to defending the rights of their clients but functions as well. as checks and balances in the judicial process that controls and balances other law enforcers. As a guardian in realizing good justice, he can create peace and oversee performance at the police level, defend human dignity before the law, act as a counterbalance to the dominance of public prosecutors who can claim the legal rights of the community, advocates can report arbitrariness by judges in the judicial process against clients, and can oversee all implementation of court decisions both in prisons and field executions. So in judicial litigation, advocates are guardians in ensuring that the rule of law is implemented properly in Indonesia and act as a monitor and balance in the implementation of justice by other law enforcers [9].

The role of advocates is very vulnerable to practices of abuse of the rule of law commonly known as the Judicial Mafia. Advocates as subjects who master all the rules and legal processes can enter every judicial process from the police to the prison level and have a great possibility of playing the role of defenders of individual interests. clients rather than upholding law and justice. In practice, quite a few advocates are involved in abusing the law in the judicial process, even just defending the interests of a group of people. This results in the collapse of public confidence in the law and law enforcement officials, especially in the role of advocates. The judicial process seems to be just a stage play played by advocates and no longer runs by the mandate of the law and social justice for society [4].

The term advocate has been known since 2000 years ago, nicknamed officium nobile or a noble profession, filled with idealism because he dedicates himself to the interests of society, not to himself, defending society to fight for justice and truth. In contrast to other law enforcers (police, prosecutors, and judges), advocates are not tied to bureaucratic hierarchies, allowing them to move more widely with social currents. Advocates are more familiar with the community so they are more observant in seeing legal and human rights problems that occur in society. Advocates must always voice

justice and be sensitive to social problems with a legal dimension around them. 32 Advocates are law enforcers and as a calling are free, free, and capable in upholding the regulations ensured by regulation. This implies that supporters have freedoms, commitments, and obligations to the legitimate guidelines for advocates. Article 17 of Regulation Number 18 of 2003 concerning Promoters gives advocates the option to support their clients.

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. Advocates fulfill their professional responsibilities to uphold law-based justice for the benefit of the justice-seeking community by providing legal services, including efforts to empower the community to realize their fundamental rights before 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 freedoms. In addition to the judicial process, Advocates play a professional role outside of the court. [2]. The requirement for legitimate administrations for advocates outside the legal cycle is as of now expanding, in accordance with the developing lawful necessities of society, particularly in entering a daily existence that is progressively open to social cooperations between countries. By giving counseling administrations, exchanges, and making exchange gets, the Supporter 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.

### **3.2 The Urgency of Legal Review of the Code of Ethics for the Advocate Profession in Assisting Clients in Criminal Cases**

UURI, in accordance with point 1 of Article 1. No. 18 of 2003 concerning Promoters, it is expressed that a Backer is an individual whose calling is to offer legitimate types of assistance, both inside and outside the court, who meets the prerequisites in light of the arrangements of the Law. These necessities are expressed in Article 2 passage (1) of the Law. A lawyer is someone who organizes and manages the stages of a legal event, from the beginning of the case to when the judge's decision is put into action. 14 In the mean time, a legitimate specialist is somebody who doesn't must have a permit to rehearse as a Supporter or Legal counselor, yet the person should have adequate information about settling debates in the lawful field. Notwithstanding, the capabilities, jobs, and obligations of Promoters, Attorneys, and Legitimate Consultants are something very similar. Society as a legal subject 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. So advocates are considered law enforcers. The term Backer has been known since Roman times, when his position was called officium nobile (respectable calling) since he dedicated himself to the interests of society, as well as his commitment to maintain common liberties, helping individuals without an honorarium [1].

The function of advocates in enforcing the legal system has a very important role. Advocates fulfill their professional responsibilities to uphold law and justice for the benefit of the community seeking justice by providing legal services. The job of a supporter is done both inside and outside the court. Advocates are a part of the legal system in the courts to ensure both the principle of due process of law and a free and

impartial judicial process. Meanwhile, outside the court, advocates provide consultation, negotiation, and contract drafting services, and carry out activities that increase the legal empowerment of the community. In line with the decline in the authority of the law and the courts, the profession of advocates is now at a very worrying stage. The decline of the advocacy profession cannot be separated from the weakness of the advocate association. The advocate profession as an honorable profession is always feared in every authoritarian government. Advocates and advocate associations are obliged to carry out the functions of criticism and control [10].

Therefore, understanding law comprehensively as an integrated system is very important to do. The strategy for legal development or national development to realize the idea of the State of Law (Rechtsstaat or The Rule of Law) must not be trapped in only orienting itself towards making laws, or only looking at one element or aspect of the entire legal system mentioned above. That is the reason, I frequently say that we as a country should order and form what we mean by the idea of the Indonesian Law and order as commanded in the 1945 Constitution, particularly since it has been affirmed in the plan of the arrangements of Article 1 section (3) of the 1945 Constitution. The current regulation ought to be viewed as the need might arise to be created inside the structure of law and order. For this reason, the Indonesian people need to prepare a blue-print, a macro design regarding the State of Law and the Indonesian Legal System that we want to build and enforce in the future.

As law enforcement officers, advocates are free and independent in carrying out their profession, and cannot be intervened by other people, even from elements of the government itself. The existence of Advocates is very necessary when it is related to the world of justice, this has been stated in the legal considerations in the Advocates law which reads: "judicial power that is free from all interference and influence from outside, requires a profession of Advocates that is free, independent and responsible, for the implementation of honest justice and legal certainty for all justice seekers in upholding the law, truth, justice and human rights." Fair or equitable law enforcement will be achieved if the law is enforced, and if the laws that regulate the way law enforcers act are true and just. A legal rule will be correct and fair if it is made in the correct ways and its content is by legal awareness and provides the maximum benefit for the interests of individuals and society in general [11].

The position of an Advocate as a law enforcer is a no-nonsense position that provides encouragement and enthusiasm for Advocates to defend truth and justice, without fear, without pressure, so that the rights of the people which have so far been neglected will be assisted by Advocates. The presence of Advocates as law enforcers has a very large role in law enforcement to achieve legal supremacy. Advocates are actors in law enforcement who support the rule of law's implementation both inside and outside of court. Backers can offer legitimate types of assistance to the general population as managed in Regulation no. 18 of 2003 concerning Supporters, in particular: Article 1 Letter (2): Lawful administrations are administrations given by Supporters through giving legitimate interviews, lawful help, practicing full legal authority, addressing, helping, protecting, and completing other legitimate activities for client legitimate purposes. (This advocate is an independent party between the Judge and Prosecutor in the trial process, who can help the Judge to be neutral in his decision[1]).

## 4 Conclusion

1. The place of the Promoter calling as a regulation master is equivalent to that of other policing, subsequently they should regard each other among partners and furthermore between other regulation implementers, each Supporter should keep up with the picture and pride of the distinction of the calling, and be steadfast and maintain High Set of rules and Expert Promise.
2. Outside of the court, professional channels also highlight the role of advocates. The requirement for Supporter legitimate administrations beyond the legal cycle is as of now expanding, in accordance with the developing lawful necessities of society, particularly in entering a daily existence that is progressively open to communications between countries.
3. The presence of Advocates as law enforcers has a very large role in law enforcement to achieve legal supremacy. Advocates are the law enforcement actors who help the implementation of the rule of law both inside and outside of court. Advocates can provide legal services to the public as regulated in Law No. 18 of 2003 concerning Advocates.

## 5 Suggestion

1. Advoates can report arbitrariness by judges in the judicial process against clients and can oversee all implementation of court decisions both in prison and in field executions. So, in judicial litigation, advocates are guardians in ensuring that the rule of law is implemented properly in Indonesia and act as a monitor and balance in the implementation of justice by other law enforcers.
2. In doing his obligations as a promoter as an individual whose calling is to offer legitimate types of assistance both inside and outside the court that satisfies the prerequisites in light of the arrangements of the law. The calling of a supporter is free, autonomous, and capable, for the execution of a preliminary that tells the truth, fair, and has sureness for all equity searchers in maintaining the law, truth, equity, and basic liberties. In completing their calling, advocates should be free, autonomous, and dependable.
3. It is expected that in carrying out their daily duties and profession, advocates will face various kinds of problems, both personal and legal, involving criminal, civil, and state administration. Advocates are required to be able to be at the forefront of law enforcement in Indonesia.

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