

Implementation of Dismissal of Advocates in Accordance with Law Number 18 of 2003 concerning Advocates

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Abstract. The role of Advocates in providing legal assistance to the community is regulated in Article 1 Number 1 Chapter I of Law Number 16 of 2011 concerning Legal Aid, which states: "Legal Aid is a legal service provided by Legal Aid Providers free of charge to Legal Aid Recipients". Meanwhile, the recipients of legal aid here are poor people or groups of people. and Legal Aid Providers are Legal Aid Institutions or community organizations that provide legal aid services. However, along the way, an Advocate's career must stop midway due to matters of a personnel nature, or because the Advocate is deemed to have violated the law. Dismissal of an Advocate refers to Articles 9 and 10 of Law Number 18 of 2003 concerning Advocates. Advocates stop or can be permanently dismissed from their profession for reasons: a. own application; b. sentenced to a crime which has permanent legal force, for committing a crime which is punishable by a sentence of 4 (four) years or more; or c. based on the decision of the Advocate Organization

Keywords: Dismissal; Advocate; UURI Number 18 of 2003 concerning Advocates.

1 Introduction

Advocates, better known as lawyers, are one of the main pillars of the legal system in various countries around the world. [1] The role of advocates in providing legal assistance is a key element in maintaining justice, protecting individual human rights, and ensuring that the law is applied fairly and evenly. As society develops and the complexity of legal issues increases, the role of advocates has evolved and grown to become more diverse and important. In this essay, we will explore the role of advocates in providing legal assistance by reviewing various aspects, starting from the historical development of this profession, to its contribution to maintaining social justice and protecting human rights.[2]

As time goes by, the advocate profession experiences development and change. They organized themselves in bar associations and underwent more formal training. This has resulted in greater professionalization of legal practice, with advocates being held to strict ethical standards and codes of conduct. In the context of the development of legal systems in various countries, the role of advocates becomes increasingly important. They not only act as legal representatives of individuals or permitted entities but also have several key functions in the legal system, including:[3]

1. Protector of Individual Human Rights;
2. Legal Representative;

3. Legal Advisor;
4. Mediators and Negotiators;
5. Legal Development.

In addition to their traditional role in court and providing legal assistance to individual clients, advocates also have an important role in maintaining social justice. This includes:[4]

1. Advocacy for Social Rights;
2. Protection of Minority Rights;
3. Pro Bono and Community Service;
4. Legal Education and Legal Awareness.

In the modern era with the development of information technology and globalization, the role of advocates has changed and developed. Some aspects of this change include:[5]

1. Legal Technology; Advocates must adapt to the rapid development of legal technology. It includes the utilization of legal software, online legal database searches, and data security to protect client information.
2. Practice of International Law: Globalization has improved the practice of international law. Advocates today are often involved in cases involving multiple jurisdictions and must have a deep understanding of international law.
3. Online Advocacy: Advocates can also use social media and online platforms to enhance their advocacy. They can share legal information, network, and expand the impact of their advocacy via the Internet.
4. Contemporary Legal Issues: Advocates are often involved in addressing contemporary legal issues, such as privacy rights in the digital world, climate change, and immigrant rights. They must stay up-to-date with the latest developments in the law.

In reality, an advocate can be dismissed, either because of his wishes, because he has violated the law, or has been carefully issued by the Advocate Organization. Discharge of an advocate by Law Number 18 of 2003 concerning Advocates is a serious action and is related to compliance with professional ethics and codes, as well as applicable laws. This dismissal process is designed to maintain integrity and high standards in the practice of law in Indonesia.

An advocate may have several considerations when deciding to apply for dismissal from practice as an advocate. Here are some possible considerations:

1. Career Change.
Some advocates may decide to leave law enforcement to pursue a different career outside of legal practice. For example, they may be interested in moving into business, education, or the non-profit sector.
2. Retirement and Early Retirement.
Advocates who are approaching retirement age or have reached it may decide to retire or retire early from the practice of law. They may want to enjoy retirement or reduce their workload.
3. Conflict with the Code of Ethics or Professional Values.
Advocates who feel that they can no longer properly comply with the professional code of ethics or the professional values held by the advocacy profession may decide to quit. This can happen if they encounter a situation that goes against their personal moral or ethical principles.
4. Health or Personal Problems.
Physical or mental health, or personal issues, such as family problems or urgent needs, may be a consideration for discontinuing practice as an advocate. Some

advocates may need to reduce their workload or quit altogether to address this issue.

5. **Dissatisfaction in Legal Career.**
Some advocates may feel dissatisfied with their legal career. They may not find satisfaction in their work or feel that the profession of advocate no longer suits their interests or ambitions.
6. **Withdrawal from Business Practices.**
If an attorney is an owner or partner in a law firm, they may decide to end their involvement in the firm. It occurs due to differences in views or business goals.
7. **Outstanding Professional Experience.**
Some advocates may leave after reaching a certain level of experience and feeling they have achieved all their professional goals. They may feel that they have achieved the highest achievement in their career.
8. **Loss of License or Dismissal.**
In some cases, advocates may lose their licenses or be terminated from practice by regulatory authorities, leaving them with no choice but to cease being advocates.
9. **Financial Considerations.**
Personal financial issues may also influence the decision to discontinue a practice. Advocates may feel that their law practice no longer generates adequate or stable income.

The decision to apply for dismissal as an advocate is a personal decision that can be influenced by various factors. This is an important step that needs to be considered carefully, and advocates may wish to consult with professional colleagues or other competent sources before making a final decision. This article will discuss how to implement the dismissal of advocates following Law Number 18 of 2003 concerning Advocates.

2 Problem Formulation

The problem in this paper is the problem of how to implement the dismissal of advocates by Law Number 18 of 2003 concerning Advocates.

3 Methodology and Approach

3.1 Method

The method used in writing this applied paper is a descriptive-analytical method, namely by using data that clearly describes problems directly in the field, then analysis is carried out and then conclusions are drawn to solve a problem. The data collection method is through observation and literature study to obtain solutions to problems in preparing this paper.

3.2 Approach

Normative juridical approach, namely the juridical approach method used to examine problems in terms of law and statutory regulations, rules that can be used as a basis for

analyzing concerns and their legal consequences, in this case namely Law Number 18 of 2003 concerning Advocates.

The normative juridical approach is carried out on certain statutory regulations or written law, which relate to the implementation of the dismissal of advocates by Law Number 18 of 2003 concerning Advocates.[6] This research describes the situation of the object under study, namely focusing on the implementation of the dismissal of advocates under Law Number 18 of 2003 regarding Advocates in practice..

4 Discussion

4.1 Factors that cause an advocate to be dismissed

Law enforcement in a broad sense includes activities to implement and apply the law as well as taking legal action against any violations or deviations from the law committed by legal subjects, either through judicial procedures or through arbitration procedures and other dispute resolution mechanisms (alternative disputes or conflicts resolution). In fact, in a broader sense, law enforcement activities also include all activities intended so that the law as a set of normative rules that regulate and bind legal subjects in all aspects of social and state life are truly obeyed and truly carried out as they should. In a narrow sense, law enforcement involves acting against every violation or deviation from statutory regulations, especially "more narrowly" through the criminal justice process which involves the role of the police, prosecutors, advocates or attorneys, and judicial bodies. [5]

An advocate as a role occupant carries out the ideal role and expected role. The profession of advocate as a law enforcer is equal to other law enforcement agencies, therefore colleagues and other law enforcers must respect each other. Therefore, every Advocate must maintain the image and dignity of the profession, be loyal, and uphold the Code of Ethics and Professional Oath, the implementation of which is supervised by the Honorary Council as an institution whose existence has been and must be recognized by every Advocate regardless of which professional organization they belong to. he comes from and becomes a member, which when taking his Professional Oath implies his acknowledgment and compliance with the applicable Code of Ethics for Advocates.

A lawyer or advocate's position is subjective because he is appointed by one of the parties to represent him at trial and his assessment is very subjective because he has to defend the interests of his client. However, it is important to remember that the main function of a lawyer is to help facilitate the resolution of cases by upholding Pancasila, law, and justice. Apart from that, it is also by the advocate's code of ethics that advocates must not only prioritize the interests of their clients but also prioritize upholding the law, justice, and truth.[7]

Starting from this, the role of advocates as law enforcers is very important to become one of the elements of law enforcement who can participate as an agent in legal reform in Indonesia so that it can produce a judiciary with integrity. This role is still not fully understood or may still be neglected by the advocates themselves. In fact, in the field, there are still many cases where advocates focus on thinking solely for clients.

And what's worse is that advocates lower the dignity of their profession by providing themselves as "couriers" between clients. with law enforcement.[8]

Some of these advocates have even served time for their involvement in bribery cases. Advocates have an outstanding position in law enforcement. This specialty can be seen from the scope of work which stretches from upstream to downstream (from the investigation stage to the implementation of punishment), in contrast to other law enforcers are only partial. The field of work of advocates is to provide legal services or legal assistance to people who need it. Of course, providing legal assistance by advocates in a larger framework is aimed at fulfilling legal objectives, maintaining order, and balancing various interests, welfare, and happiness.[9]

Advocates can be terminated from employment or terminated from practicing law due to various factors. Factors leading to such discontinuation may include:

1. Violation of Professional Ethics:

Violations of the code of ethics and professional norms are one of the main reasons why lawyers are dismissed. This includes violations of moral principles, ethics, and proficient obligations set out by bar associations and regulatory bodies of the legal profession.

2. License Revocation:

An advocate can be dismissed if his or her license is revoked by a legal regulatory authority. License revocation may occur as a result of ethical violations, legal violations, or other disciplinary action.

3. Violation of Law:

Advocates who engage in serious legal violations, such as fraud, forgery, or other financial crimes, may be disbarred from practicing law and faced with legal action.

4. Incompetence or Incompetence:

Advocates who are unable or incompetent to carry out their legal duties can be terminated. This includes an inability to provide adequate service to clients or to properly understand and apply the law.

5. Conflict of Interest:

Advocates can be terminated if they are proven to be involved in a serious conflict of interest that is detrimental to clients or violates the principles of professional integrity.

6. Professional Negligence:

Negligence or negligence in carrying out professional duties, such as ignoring deadlines, not providing adequate attention to clients, or committing legal errors that have detrimental effects, may result in termination.

7. Cheating or Fraud:

Fraud or fraud in the practice of law, such as diverting client funds, abusing a client's trust, or defrauding a client, are serious offenses that can result in termination.

8. Bankruptcy or Financial Problems:

Advocates facing serious financial problems, including personal bankruptcy, may be terminated if these problems affect their ability to properly practice law.

9. Law Firm Policies or Terms:

In some cases, advocates can be dismissed from a law firm for not complying with the policies or regulations that apply at the firm. This could include performance issues or a mismatch with company culture.

10. Non-Compliance with Reporting and Tax Regulations:

Advocates who do not comply with tax laws or financial reporting regulations may face serious sanctions, including discontinuance of practice.

11. Health or Personal Problems:

Physical or mental health problems or personal problems, such as drug or alcohol abuse, may also affect an attorney's ability to practice law well and may result in termination.

12. Career Change or Aging:

Some advocates may choose to leave the practice of law to pursue a different career or endeavor outside the practice of law.

An attorney's discontinuation from practicing law can have severe consequences for their career, including loss of their license and right to practice. Therefore, advocates are expected to comply with codes of ethics, professional standards, and laws governing the regulation practice to maintain their reputation and integrity in the legal profession.

4.2 Implementation of Dismissal of Advocates in Accordance with Law Number 18 of 2003 concerning Advocates

The implementation of law in society is very dependent on the legal awareness of society because humans are legal subjects. However, apart from depending on legal awareness, the community also depends on and is largely determined by the implementation of law enforcement by law enforcement officers. Therefore, many legal regulations cannot be implemented properly because law enforcement officers do not understand how to carry out their duties and responsibilities.[10]

Law of the Republic of Indonesia Number 18 of 2003 concerning Advocates regulates procedures for dismissing an advocate from membership in a professional organization. The following is an explanation regarding the dismissal of advocates by the law:

1. Voluntary Dismissal (Article 9 of the Law on Advocates):

An advocate can submit a voluntary resignation by submitting a letter of resignation to the Advocate Honorary Council (DKA). This resignation will end the advocate's membership status in this professional organization.

2. Forced Dismissal (Article 10 of the Law on Advocates):

Forced dismissal of an attorney can occur in several situations, including:

- a. Ethics Violation: If an advocate is proven to have committed an ethical violation or violated the professional code of ethics, the DKA can take action to dismiss him. It involves an ethics trial process executed by the DKA to prosecute advocates who violate professional norms and ethics.
- b. Court Decision: If an advocate is convicted by a court of a criminal offense involving imprisonment or deprivation of the right to advocate, then the advocate may be dismissed by the DKA.
- c. Bankruptcy: If an advocate is declared bankrupt by the court, this may result in the advocate's dismissal by the DKA.

In these cases, the DKA has the authority to propose the dismissal of an advocate to the Advocates' Honorary Council (MKA), which can then decide on dismissal.

3. Trial and Appeal (Article 11 of the Law on Advocates):

Advocates who are dismissed based on the MKA decision can submit an appeal to the State Administrative Court (PTUN) within 14 days of being notified of the decision.

4. High Court:

The PTUN decision can be appealed to the High Court (PT) and then to the Supreme Court (MA).

5. Impact of Dismissal: Advocates who are dismissed from membership in a professional advocate organization no longer have the right to practice as an advocate. This results in loss of status and rights associated with the profession.

Dismissal of an advocate by Law Number 18 of 2003 concerning Advocates is a strenuous action and is related to compliance with professional ethics and codes, as well as applicable laws. This dismissal process is designed to maintain integrity and high standards in the practice of law in Indonesia.

When an advocate is dismissed by Law of the Republic of Indonesia Number 18 of 2003 concerning Advocates, there are several losses that the advocate may experience:

1. Loss of License:

One of the most significant losses is losing your license to practice as an advocate. Advocates who are dismissed will lose the rights and privileges attached to the status of an advocate, including the right to legally represent clients.

2. Reputation Loss:

Discontinuation from the practice of law can damage an attorney's reputation. Loss of license or disciplinary suspension may become a public record and may affect how the advocate is viewed by professional peers, potential clients, and the general public.

3. Loss of Revenue:

Advocates who are discontinued from practicing law will lose the income normally earned through their practice. This can be a significant financial loss, especially if the advocate relies on the practice of law as a primary source of income.

4. Difficulty in Career Recovery:

Once terminated, advocates may face difficulties re-establishing their careers in the legal profession or other fields. Not only is a reputation damaged but also a record of terminations can be an obstacle to obtaining future employment or licensure.

5. Stress and Uncertainty:

Retirement from the practice of law can result in stress and uncertainty. Advocates may need to find a way forward for their future, which can be an emotionally and financially challenging experience.

6. Impact on Clients:

Clients previously represented by discontinued advocates may face disruption in their cases. Changing lawyers can result in delays and additional costs, which can be detrimental to clients.

7. Loss of Professional Relationships:

A terminated advocate may lose professional relationships with colleagues, law firms, or other legal institutions. This could affect future collaboration and employment opportunities.

8. Appeal and Rehabilitation Process:

Disbarred advocates may need to go through a time-consuming appeals process or undergo rehabilitation to reinstate their license. This process can be a significant additional cost and effort.

Termination of an advocate by Law Number 18 of 2003 concerning Advocates is a serious action that can have a broad and long-term impact on the advocate's career and personal life. Therefore, advocates are expected to comply with professional ethics, laws, and regulations governing legal practice to conserve their reputation and integrity in the legal profession.[11]

To become a dedicated advocate and avoid being dismissed by an advocate organization, a person needs to prepare and comply with applicable ethical standards and regulations. Here are some steps that may help:

1. Good Legal Education:

The crucial first preparation is getting a good legal education. This involves graduating from a recognized college or law school and understanding the basics of the law.

2. Licenses and Certifications:

Be sure to obtain the necessary licenses and certifications to practice as an advocate by applicable regulations in your jurisdiction.

3. Understand the Code of Ethics and Professional Norms:

Advocates need to have a strong understanding of the code of ethics and professional norms that govern the practice of law. Understanding and adhering to ethics is key to maintaining your reputation.

4. Training in Professional Ethics:

Many bar organizations provide legal ethics training and courses. Taking this training can help advocates understand the ethical principles they must adhere to.

5. Implementation of Integrity Principles

Integrity is an important aspect of legal practice. Advocates must avoid conflicts of interest, accepting bribes, or engaging in other unethical actions that could damage their integrity.

6. Collaboration with Colleagues and Superiors:

Building good relationships with professional colleagues, superiors, and advocacy organizations can provide support and understanding in facing ethical and legal challenges.

7. Legal Knowledge Update:

The law is constantly evolving, and advocates need to keep their knowledge up to date on legal changes and the latest developments in legal practice.

8. Accurate Reporting:

Be sure to comply with applicable reporting requirements in your law practice. This includes accurate and timely financial and tax reporting.

9. **Commitment to Client Interests:**
Advocates must always put the client's interests above personal or financial interests. They must also be committed to providing the best service to clients.
10. **Legal Assistance:**
If you encounter a situation that raises ethical or legal questions, consult a mentor or professional colleague for insight.
11. **Compliance with Regulations:**
Be sure to comply with all applicable regulations in the practice of law, including those imposed by bar organizations and regulatory bodies.
12. **Compliance with the Social Media Code of Ethics:**
In the digital era, advocates also need to understand and comply with the code of ethics relating to social media in legal practice.
13. **Continuous Education:**
Continue learning and participating in continuing education to stay updated on legal changes and best practices.
14. **Commitment to Clients and Fairness:**
Finally, a strong commitment to clients and the ideal of justice is one of the most important things. Dedicated advocates focus on their client's interests and strive to achieve fair results.

Advocates who are dedicated and adhere to professional ethics can usually maintain their reputation within bar organizations and avoid termination. Adherence to the ethics code, integrity, and dedication to clients are core values in a successful legal practice.

5 Conclusion

Termination of an advocate by Law Number 18 of 2003 concerning Advocates is a serious action that can have a broad and long-term impact on the advocate's career and personal life. Therefore, advocates are expected to comply with professional ethics, laws, and regulations governing legal practice to maintain their reputation and integrity in the legal profession. Law of the Republic of Indonesia Number 18 of 2003 concerning Advocates regulates procedures for dismissing an advocate from membership in a professional organization. The implementation of an advocate's dismissal includes: Voluntary Dismissal (Article 9 of the Advocate Law), Forced Dismissal (Article 10 of the Advocate Law), Trial and Appeal (Article 11 of the Advocate Law), and High Court.

Advocates who are dismissed from membership in a professional advocate organization no longer have the right to practice as advocates. This results in loss of status and rights associated with the profession. Dismissal of an advocate by Law Number 18 of 2003 concerning Advocates is a severe action and is related to compliance with professional ethics and codes, as well as applicable laws. This dismissal process is designed to maintain integrity and high standards in the practice of law in Indonesia.

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