

# Action Against Advocates Who Deliberately Ignore Clients' Interests

Rineke Sara<sup>1</sup>, Farizal Pranata Bahri<sup>2</sup>

{rineke\_sara@borobudur.ac.id<sup>1</sup>, farizalpranatabahri@gmail.com<sup>2</sup>}

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

**Abstract.** The following is stated in Article 1 Number 1 Chapter I of Law Number 16 of 2011 Concerning Legal Aid: "The role of Advocates in providing legal assistance to the community is regulated." Legitimate Guide is a lawful help given by Lawful Guide Suppliers for nothing to Legitimate Guide Beneficiaries." In the meantime, clients are individuals, lawful elements, or different establishments that get legitimate administrations from advocates. As per Regulation Number 18 of 2003 Article 5, Section Four, Supporters can be liable to activity for the accompanying reasons: a. overlooking or disregarding the interests of his clients; b. act or act improperly towards adversaries or individual subject matter experts; c. acting, acting, talking, or offering expressions that show affront for the law, legal guidelines, or the courts; d. do things that are in opposition to their commitments, honor, or the poise of their calling; e. committing infringement of regulations and guidelines or potentially despicable demonstrations; f. abuses the Promoter's pledge/guarantee and additionally the Backer's expert set of principles.

**Keywords:** Action; Advocate; Client abandonment.

## 1 Introduction

One law enforcer who often gets attention is a lawyer, because of his special position in law enforcement. This specialty can be seen from the scope of work which stretches from upstream to downstream (from investigation to execution of punishment), in contrast to other law enforcers which are only partial. An advocate's field of work is providing legal services or legal assistance to people who need it. Of course, the provision of legal assistance by advocates within a larger framework is aimed at fulfilling legal objectives, maintaining order, and balancing various interests, welfare, and happiness.[1]

Advocates, better known as lawyers, are one of the main pillars of the legal system in various countries around the world. 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]

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 legal 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. This includes the use of legal software, online legal database searches, and data security to protect client information.
2. Practice of International Law: Globalization has increased in the practice of international law. Advocates today are often involved in cases involving multiple jurisdictions, and they 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.

An advocate is a person whose job it is to provide legal services, both inside and outside of the court, and who meets the requirements of this Law. The role of advocates in providing legal assistance is an important aspect of maintaining justice, protecting individual human rights, and ensuring that the law is applied fairly. Since the beginning of the development of this profession in England, until it became an integral part of the legal system in various countries, advocates have played a role as legal representatives, advisors, mediators, and human rights defenders. In the modern era, advocates can provide legal services to all Indonesian people. Legitimate Administrations are administrations given by Supporters through giving lawful discussions, legitimate help, practicing legal authority, addressing, helping, guarding, and completing other lawful activities for the client's legitimate advantages. In the mean time, a client is an individual, lawful substance, or other establishment that gets legitimate administrations from a supporter. In the mean time, legitimate guide is lawful administrations given by a supporter for nothing to clients who can't bear the cost of it.

This article will discuss how to take action against advocates who have deliberately ignored the interests of their clients in seeking legal assistance.

## **2 Problem**

The problem in this paper is the problem of how to take action against advocates who have deliberately ignored the interests of their clients in seeking legal assistance.

## **3 Method and Approach**

### **3.1 Metode**

The strategy utilized recorded as a hard copy this applied paper is an unmistakable scientific technique, to be specific by utilizing information that obviously depicts issues straightforwardly in the field, then, at that point, examination is completed and afterward ends are attracted to tackle an issue. The information assortment technique is through perception and writing study to acquire answers for issues in setting up this paper.

### **3.2 Approach**

Standardizing juridical methodology, to be specific the juridical methodology strategy used to look at issues of regulation and legal guidelines, decides that can be utilized as a reason for concentrating on issues and their legitimate outcomes, for this situation Regulation Number 18 of 2003 concerning Promoters.

Based on Law Number 18 of 2003 Concerning Advocates, certain statutory regulations or written laws that relate to taking action against advocates who have intentionally ignored the interests of their clients in seeking legal assistance are subject to the normative juridical approach.[6] This examination portrays what is going on of the item under study, in particular zeroing in on making a move against advocates who have purposely disregarded the interests of their clients in looking for legitimate help, in light of Regulation Number 18 of 2003 concerning Supporters practically speaking.

## **4 Discussion**

### **4.1 Action against advocates who have deliberately ignored the interests of their clients in seeking legal assistance, based on Law Number 18 of 2003 concerning Advocates.**

A supporter as a job inhabitant completes the best job and anticipated job. The calling of backer as a regulation implementer is equivalent to other policing, consequently partners and other regulation masters should regard one another. In this manner, each Promoter should keep up with the picture and pride of the calling, be faithful, and maintain the Set of principles and Expert Promise, the execution of which is administered by the Privileged Board as a foundation whose presence has been and should be perceived by each Supporter paying little mind to which proficient association they have a place with. when he takes his Professional Oath, he

acknowledges and abides by the applicable Code of Ethics for Advocates because he joins and comes from the organization. As a result, the Indonesian Advocate Code of Ethics is the highest law governing the practice of law. It requires all advocates to be honest and accountable in their work, not only to their clients, the court, the state, or society, but also to themselves. The ideal upsides of a supporter are being courageous, genuine in keeping up with equity and truth in view of high ethics, respectable and honorable and ready to maintain the law, the Constitution of the Republic of Indonesia, the expert set of principles, and the pledge of office (Article 2 of the Backer's Set of rules).

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. Notwithstanding, it is critical to recall that the primary capability of a legal counselor is to assist with working with the goal of cases by maintaining Pancasila, regulation, and equity. Other than that, it is likewise by the supporter's general set of principles that promoters should focus on the interests of their clients as well as rather focus on maintaining the law, equity, and truth.[7]

Based on Article 2 of Law Number 18 of 2003 concerning Advocates, those who can be appointed as Advocates are

Article 2 paragraph (1)

- (1) Graduates with a background in law from a higher education institution who have completed the Advocate Organization's special education for the Advocate profession are eligible to be appointed as Advocates.1
- (2) The appointment of an Advocate is carried out by the Advocate Organization.
- (3) A duplicate of the choice letter on the arrangement of a Promoter as planned in passage (2) is submitted to the High Court and the Clergyman.

The requirements to become an advocate are regulated in the following article:

Article 3

- (1) To be appointed as an Advocate, you must fulfill the following requirements:
  - a. citizen of the Republic of Indonesia;
  - b. reside in Indonesia;
  - c. does not have the situation with a government employee or state official;
  - d. at least 25 (25) years old;
  - e. have a four year certification with higher legitimate schooling foundation as planned in Article 2 passage (1);
  - f. pass the test held by the Backer Association;
  - g. internship for no less than 2 (two) years consistently at a Supporter's office;
  - h. have never been found guilty of a crime that carries a maximum sentence of five years in prison;
  - i. behave well, tell the truth, be dependable, be fair, and have high trustworthiness.
- (2) Advocates who have been designated in view of the necessities as expected in passage (1) can complete their training by spend significant time in specific fields by still up in the air by legal guidelines.

Humans are legal subjects, so society's awareness of the law is crucial to the application of the law. [8] Be that as it may, aside from relying upon legitimate mindfulness, society likewise relies upon and is to a still up in the air by the execution

of policing cops. In this way, numerous legitimate guidelines can't be carried out appropriately on the grounds that cops fail to really see how to do their obligations and obligations.[9] Then, what if an advocate has deliberately ignored the interests of his client?

Action against advocates who have deliberately ignored the interests of their clients is regulated in the following article:

#### Article 6

- (3) Advocates may be subject to action for the following reasons:
  - a. ignoring or neglecting the interests of his clients;
  - b. act or behave inappropriately towards opponents or fellow professionals;
  - c. behaving, acting, speaking, or making statements that show disrespect for the law, legislation, or the courts;
  - d. do things that are contrary to their obligations, honor, or the dignity of their profession;
  - e. committing violations of laws and regulations and/or disgraceful acts;
  - f. violates the Advocate's oath/promise and/or the Advocate's professional code of ethics.

#### Article 7

- (1) The types of actions imposed on Advocates can be in the form of:
  - a. verbal warning;
  - b. written warning;
  - c. temporary dismissal from the profession for 3 (three) to 12 (twelve) months;
  - d. permanent dismissal from the profession.
- (2) Provisions regarding the types and levels of actions that can be subject to action as intended in paragraph (1) are further regulated by a Decree of the Honorary Council of the Advocates' Organization.
- (3) Before an Advocate is subjected to the action as intended in paragraph (1), the person concerned is allowed to defend themselves.

#### Article 8

- (1) Action against Supporters with the sorts of activities as expected in Article 7 passage (1) letter a, letter b, letter c, or letter d, is completed by the Privileged Gathering of the Promoter Association by the Backer's expert set of rules.
- (2) If the activity appears as an impermanent excusal as planned in Article 7 letter c or long-lasting excusal in letter d, the Backer Association as expected in section (1) presents the choice on the activity to the High Court.

If client neglect continues to occur, an advocate may be dismissed. This is as explained in the article below;

#### Article 9

- (1) Advocates can stop or be excused from their calling by the Supporter Association.
- (2) A duplicate of the Announcement on excusal as planned in passage (1) is submitted to the High Court, High Court, and other policing.

#### Article 10

- (1) An advocate stops or can be permanently dismissed from his profession for reasons:
  - a. own application;

- b. sentenced to a wrongdoing which has long-lasting lawful power, for carrying out a wrongdoing which is deserving of a sentence of 4 (four) years or more; or on the other hand
- c. based on the choice of the Supporter Association. (2) Supporters who are excused in view of the arrangements as planned in passage (1), are not qualified for do the calling of Promote.

#### Article 11

The Advocates' Organization must receive a copy of the decision from the Registrar of the District Court in the event that an Advocate is sentenced to a crime that has permanent legal force in accordance with Article 10 paragraph (1) letter b.

Thus, Advocates must understand the code of ethics, their responsibilities, rights, and obligations. by understanding and implementing the Advocate Code of Ethics. The code of ethics for advocates as a form of personality in carrying out their profession as a provider of legal services is: [10]

- 1) Advocates can decline to give legitimate guidance and help to anybody who needs lawful administrations or potentially lawful help since it isn't by their mastery and is in opposition to their heart;
- 2) In carrying out his duties the aim is not only to obtain material things but to prioritize upholding law, truth, and justice;
- 3) In carrying out professional practice, they must be free, independent, and not influenced by anyone, and must fight for human rights;
- 4) Willing to provide legal assistance to anyone who needs it regardless of religion, race, ethnicity, descent, or political beliefs;
- 5) Advocates are not permitted to do other work that could harm their freedom, status, and dignity;
- 6) Always uphold the profession of advocate as an honorable profession;
- 7) If an advocate is appointed as a state official then he is not permitted to practice as an advocate.

Strengthening the role of advocates in providing legal assistance to the Indonesian people is an important step in maintaining justice, protecting individual human rights, and ensuring that the law is applied fairly in the country. Several ways and forms of strengthening the role of advocates in providing legal assistance to the Indonesian people involve:

1. Advocate Education and Training: To ensure that advocates have adequate knowledge and skills, strengthening the role of advocates starts with better education and training. This includes quality legal education programs and relevant training courses to prepare advocates with a deep understanding of the law.
2. Providing Legal Access: One important way to strengthen the role of advocates is to ensure that all citizens have equal access to the legal system. This could involve providing free or affordable legal aid to those who cannot afford the services of an advocate.
3. Pro Bono Legal Services: Advocates can contribute to society by providing pro bono legal services to those in need. This can be free legal aid in certain cases or very low-cost legal aid.

4. **Human Rights Advocacy:** Advocates have an important role in fighting for human rights. They can actively advocate to ensure that basic rights such as the right to education, work, and welfare are maintained and expanded.
5. **Legal Education Campaign:** Advocates can play a role in legal education campaigns in society. They can provide seminars, workshops, and other educational programs to increase people's awareness of their legal rights and obligations.
6. **Use of Legal Technology:** The use of information technology in legal practice can speed up the process of providing legal assistance. Advocates can use online platforms to provide legal consultations, share legal information, and run advocacy campaigns.
7. **Collaboration with Legal Institutions:** Advocates can collaborate with other legal institutions such as law enforcement agencies, courts, and government agencies to increase the effectiveness of providing legal assistance. This collaboration can help in resolving complex legal issues.
8. **Advocacy for Legal Change:** Advocates have a role in advocating for legal changes necessary to improve justice and protect human rights. They can participate in the law-making process and provide legal input to policymakers.
9. **Training Young Judges and Lawyers:** Preparing the next generation of competent and ethical lawyers is an important part of strengthening the role of advocates. This involves training and mentoring young lawyers to ensure that values of ethics and justice are maintained.
10. **Professional Supervision:** Advocate associations and regulatory agencies have the function of supervising the ethics and professionalism of advocates. Strengthening professional oversight can help maintain the integrity of the profession and ensure that advocates adhere to high ethical standards.

As an advocate, maintaining the integrity and interests of clients is the main task. Ignoring a client's interests could potentially result in legal or ethical sanctions. The following are several steps that a lawyer must take to avoid being sanctioned for ignoring the interests of his client:

1. **Understand and Follow the Professional Code of Ethics:**  
Advocates must fully understand and comply with the professional code of ethics that applies in their area. This code of ethics usually regulates the behavior and responsibilities of advocates towards clients, the courts, and the profession in general.
2. **Effective Communication:**  
Advocates must communicate openly and honestly with their clients. This includes providing relevant information about case progress, risks, and strategies taken.
3. **Consultation with Clients:**  
Always discuss every important step in the case with the client before taking any further action. This includes settlement offers, trial strategies, and other legal actions.
4. **Understand Client Interests:**  
Advocates must listen and fully understand their clients' interests. This includes carefully evaluating factors that may impact the client and taking action that is in the client's best interests.

5. Confidentiality and Privacy:  
Ensuring the confidentiality and privacy of client information is an obligation. Advocates may not provide client information to other parties without written permission from the client or without a valid legal basis.
5. Conflict of Interest:  
Avoid conflicts of interest. Advocates must identify and address any potential or actual conflicts of interest that could affect their ability to properly represent clients.
6. Training and Continuing Education:  
Continuing relevant legal education and training to stay familiar with the latest legal and practice developments. This will help advocates in providing the best advice to their clients.
7. Comply with Legal Rules and Procedural Laws:  
Advocates must comply with applicable laws and legal procedures in every case they handle. It includes document filing deadlines, filing requirements, and other legal actions.
8. Discussion with Peers:  
If advocates face a complex situation or are confused about how to proceed, they can consult with colleagues or seek advice from experienced fellow advocates.

If advocates stick to these ethical principles and practices, they will have a better chance of avoiding legal or ethical sanctions that could arise as a result of ignoring their clients' interests. Additionally, consult with a senior attorney or legal professional organization if you have specific questions or concerns regarding the case or legal action you are handling.

## **5 Conclusion**

A backer is an individual whose calling is to offer legitimate types of assistance, both inside and outside the court, who satisfy the prerequisites under the arrangements of this Regulation. The job of backers in giving legitimate help is a significant part of keeping up with equity, safeguarding individual common liberties, and guaranteeing that the law is applied decently. The following is stated in Article 1 Number 1 Chapter I of Law Number 16 of 2011 Concerning Legal Aid: "The role of Advocates in providing legal assistance to the community is regulated." Legal Aid is a free legal service provided to Legal Aid Recipients by Legal Aid Providers. In the mean time, clients are individuals, lawful elements, or different establishments that get legitimate administrations from advocates. As per Regulation Number 18 of 2003 Article 5, Section Four, Supporters can be liable to activity for the accompanying reasons: a. overlooking or disregarding the interests of his clients; b. act or act improperly towards adversaries or individual experts; c. acting, acting, talking, or offering expressions that show affront for the law, legal guidelines, or the courts; d. doing differentiation to their commitments, honor, or the pride of their calling; e. committing infringement of regulations and guidelines or potentially despicable demonstrations; f. disregarding the Promoter's vow/guarantee and additionally the Supporter's expert set of rules.

## References

- [1] H. Nugroho, "Peran Advokat dalam Mewujudkan Peradilan yang Berintegritas," *Diktum J. Ilmu Huk.*, vol. 7, no. 1, pp. 1–12, 2018, doi: 10.24905/diktum.v7i1.7.
- [2] H. Setyowati, "The Role of Advocates in Providing Legal Assistance to the Community in the Perspective of Human Rights Peran Advokat dalam Memberikan Bantuan Hukum Kepada Masyarakat dalam Perspektif Hak Asasi Manusia," vol. 2, no. 2, pp. 155–168.
- [3] A. dan sunaryo Raharjo, "Penilaian profesionalisme advokat dalam penegakan hukum melalui pengukuran indikator kinerja etisnya," *J. Media Huk.*, no. 708, 2013.
- [4] Agus Riyanto., "Eksistensi Profesi Advokat dalam Implementasi Jasa Hukum dan Perbandingan dengan Advokat Asing di Indonesia: Peran Negara dalam Pengaturan Profesi," Indonesia University, 2006.
- [5] J. Asshiddiqie., "Peran advokat dalam penegakan hukum, Bahan Orasi Hukum pada acara," 2012.
- [6] R. H. Soemitro, *Metodologi Penelitian Hukum dan Jurimetri*. Jakarta : Ghalia Indonesia, 1988.
- [7] S. Mertokusumo, *Hukum Acara Perdata Indonesia*. Yogyakarta: Liberty, 1977.
- [8] K. Bertens, *Etika*. Jakarta: Gramedia Pustaka Utama, 2005.
- [9] Abdurrahman., *Aneka Masalah Dalam Praktek Penegakan Hukum di Indonesia*. Bandung: Alumni, 1980.
- [10] Supriadi., *Etika dan Tanggung Jawab Profesi Hukum di Indonesia*. Jakarta: Sinar Grafika, 2006.