

Implementation of Advocate Supervision by Advocate Organizations in accordance with Law Number 18 of 2003 concerning Advocates

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Abstract. Supervision of Advocates is carried out by the Advocate Organization. Supervision aims to ensure that Advocates in performing their profession always uphold the Advocate's professional code of ethics and statutory regulations. 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. Supervision of Advocates refers to Articles 12 and 13 of Law Number 18 of 2003 concerning Advocates. Supervision of advocates by bar organizations is a vital element in maintaining ethics and high standards in the practice of law. Advocate organizations play a major role in establishing codes of ethics, handling complaints, and ensuring that advocates comply with professional norms. Although some challenges and issues need to be addressed, the supervision of advocates by bar organizations remains an important prerequisite for maintaining integrity and trust in the legal profession.

Keywords: Supervision; 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]

Supervision of advocates by advocate organizations is an integral part of the function and responsibility of legal professional institutions in maintaining ethics, integrity, and the highest standards in legal practice. In supervising advocates, advocate organizations have an important role in ensuring that advocates comply with the code of ethics and professional regulations. This article will explain and describe the general supervision of advocates by advocate organizations in the Indonesian context. [3]

Supervision of advocates by advocate organizations is a mechanism implemented to ensure that advocates comply with the rules and ethics set by their professional organizations. The primary objectives of this oversight are to maintain the reputation and integrity of the legal profession, protect the rights and interests of clients, and ensure that the practice of law is conducted to the highest standards. In the Indonesian context, the main advocate organizations are the Indonesian Advocates Association (PERADI) and the Indonesian Muslim Advocates Association (IKAMI). These two organizations have a role in supervising advocates in Indonesia.[4]

Supervision of advocates by advocate organizations often focuses on ethics and professional norms. The following are several noteworthy aspects of monitoring ethics and professional norms: [5]

1. Code of Ethics:
Advocate organizations establish codes of ethics that regulate the behavior of their members. This code of ethics includes principles such as trust, confidentiality, honesty, and loyalty to clients.
2. Complaint Investigation:
Advocate organizations receive complaints from clients, professional colleagues, or other parties regarding advocate behavior that is suspected of violating the code of ethics. An investigation is conducted to determine whether a violation has occurred.
3. Case Check:
If the investigation shows a violation of the code of ethics, the advocate organization can carry out further investigations to collect evidence and hear testimony from all parties involved.
4. Determination of Sanctions:
Once the inspection is complete, the bar organization will determine appropriate sanctions if violations are proven. Sanctions may include warnings, fines, prohibition from practice, or termination.
5. Appeal Rights and Due Process:
Advocates who are sanctioned have the right to appeal the decision. The appeals process often involves a court or other independent body.

Advocate organizations usually require funds to carry out their supervisory functions. These funds can come from member fees, donations, or other income. It is important to ensure that advocacy organizations have sufficient resources to carry out their oversight duties effectively. Apart from funding, the independence of advocate organizations is also important. They must be able to operate independently without external pressure that could influence the decisions and actions they take under the supervision of advocates.

Supervision of advocates by advocate organizations does not always occur without challenges. Some issues often faced by advocate organizations include:

1. Conflict of Interest:
Advocate organizations must maintain their independence and not be influenced by external interests, including political or commercial. Conflicts of interest can interfere with the supervisory function.
2. Transparency:
It is important to maintain transparency in the supervision process. Complaints and the process for handling them must be properly accessible to members and the public.
3. Perception of Fairness:

Advocate organizations must ensure that the monitoring process is carried out fairly and transparently. Perceptions of fairness are critical to maintaining public trust.

4. Lack of Resources:

Some advocacy organizations may face limited resources, which may impact their ability to conduct effective oversight.

5. Technology and Data Security:

In the digital era, advocate organizations also need to maintain the security of data and information related to surveillance cases.

Supervision of advocates by bar organizations is an important element in maintaining ethics and high standards in the practice of law. Advocate organizations play a major role in establishing codes of ethics, handling complaints, and ensuring that advocates comply with professional norms. Although some challenges and issues need to be addressed, the supervision of advocates by bar organizations remains an important prerequisite for maintaining integrity and trust in the legal profession.

2 Problems

The problem in this paper is the problem of the implementation of Advocate Supervision by Advocate Organizations by Law Number 18 of 2003 concerning Advocates.

3 Methods and Approaches

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 studying problems 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 laws, which relate to the Implementation of Advocate Supervision by Advocate Organizations by Law Number 18 of 2003 concerning 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 Advocate Supervision by Advocate Organizations by Law Number 18 of 2003 concerning Advocates in practice.

4 Discussion

4.1 Advocate Supervision Function

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). Law enforcement also applies to advocates who violate the law. However, before this happens, it is necessary to monitor the role of the Advocate so that it is by the actual objectives of the law.[5]

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]

Supervision of advocates by advocate organizations has several main functions: [8]

1. Establish a Code of Ethics:
Advocate organizations establish codes of ethics and norms that their members must follow. This code of ethics includes moral and ethical principles that lawyers must uphold when carrying out legal practice.
2. Member Acceptance and Registration:
Advocate organizations are responsible for the process of accepting and registering new members. They assess the qualifications of prospective advocates and ensure that they are eligible to become members of the organization.
3. Education and Training:
Advocate organizations provide education and training to their members. This includes ethics training, continuing legal education, and professional skills development.
4. Complaint Handling:
Advocate organizations receive, investigate, and handle complaints filed against their members. This involves the process of investigating and resolving conflicts involving advocates.
5. Professional Discipline:
If ethical violations or unethical actions are found by members, the advocate organization has the authority to take disciplinary action. This may include sanctions such as warnings, fines, prohibition from practice, or suspension.
6. Advocacy for the Profession:
Advocate organizations also play a role in fighting for the rights and interests of advocates, as well as ensuring that applicable legal regulations are fair and support legal practice.

When the supervision of advocates carried out by advocate organizations is not optimal and weak, several problems and consequences can arise, for the legal profession, advocates, and the general public:

1. Ethical Non-Compliance:

Advocates may feel less compelled to comply with ethical codes and professional norms if they perceive that lax oversight reduces the risk of sanctions or consequences for ethical violations. This can lead to more frequent ethical violations.

2. **Corruption and Financial Crimes:**
Weak oversight can enable corrupt practices and financial crimes among advocates. For example, advocates may engage in money laundering, misappropriation of client funds, or other illegal practices without fear of disciplinary action.
3. **Low Professional Standards:**
Professional standards and the quality of legal services can decline if advocates do not feel compelled to adhere to the principles of ethics and professionalism. This can be detrimental to the quality of counsel provided to clients.
4. **Loss of Public Trust:**
Weaknesses in the supervision of advocates can undermine public trust in the legal profession as a whole. The general public may begin to view advocates as an untrustworthy or unethical group.
5. **Potential Conflict of Interest:**
Advocates who are not properly supervised can be involved in conflicts of interest that are detrimental to clients or society. They may prioritize personal or group interests over client interests or justice.
6. **Convenience of Less Qualified Advocates:**
Weak supervision can create a situation where less qualified or incompetent advocates continue to practice without effective supervision. This has the potential to harm clients who need quality legal services.
7. **Crisis of Trust in Advocate Organizations:**
Advocate organizations themselves could experience a crisis of confidence if it is found that they are ineffective in supervising their members. Organizational members may lose trust in leadership and supervisory structures.
8. **Lack of Accountability:**
Advocates who violate ethics or norms professions may avoid sanctions or liability if oversight is weak. This can create a culture where advocates feel irresponsible for their actions.
9. **Disturbances in Law Enforcement:**
If advocates who engage in illegal or unlawful acts are not followed up, this can disrupt law enforcement and the justice system.
10. **Client Rights Not Fulfilled:**
Clients may not receive the protection they should from their advocates if oversight is weak. This can be detrimental to clients who need legal protection.

Thus, weak supervision of advocates can damage the legal profession as a whole and on the public who need fair and quality legal services. Therefore, advocacy organizations need to ensure that their oversight is effective, transparent, and has strong mechanisms for dealing with complaints and ethical violations.

Advocates have a special 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 which 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]

4.2 Implementation of Advocate Supervision in accordance with Law Number 18 of 2003 concerning Advocates

Supervision of advocates by bar organizations involves various aspects designed to ensure that advocates comply with the ethics, standards, and rules applicable to legal practice. The following are several aspects that include supervision of advocates by advocate organizations: [10]

1. **Determination of Code of Ethics and Professional Norms:**
Advocate organizations are responsible for establishing a code of ethics and norms that must be followed by their members. This code of ethics includes ethical principles, moral obligations, and rules governing the behavior of advocates in legal practice.
2. **Member Acceptance and Registration:**
Advocate organizations have a role in assessing the qualifications of prospective advocates and ensuring that they meet the requirements to become members of the organization. This process includes the acceptance and registration of new members.
3. **Education and Training:**
Bar organizations provide education and training to their members to ensure that they remain updated on changes in the law, professional ethics, and the latest developments in legal practice. This includes continuing legal education and ethics training.
4. **Complaint Handling:**
Advocate organizations receive and handle complaints filed against their members. These complaints can come from clients, professional colleagues, or other parties who feel disadvantaged by the advocate's behavior.
5. **Complaint Investigation:**
If a complaint is filed against an advocate, the advocate's organization usually investigates to determine whether an ethical violation has occurred. This investigation involves gathering evidence and hearing testimony from all parties involved.
6. **Determination of Sanctions:**
If ethical violations are proven after investigation, the advocate organization has the authority to determine appropriate sanctions. These sanctions may include warnings, fines, prohibition from practice, or termination according to the severity of the violation.
7. **Appeal and Defense Process:**
Advocates who are sanctioned have the right to appeal the decision. Advocate organizations usually have appeal mechanisms that allow advocates to defend themselves or challenge decisions.
8. **Professional Discipline:**
Advocate organizations can take disciplinary action against their members in the event of ethical violations or unethical behavior. This disciplinary action includes sanctions and action according to the level of violation.

9. Advocacy for the Profession:
Advocate organizations fight for the rights and interests of advocates and ensure that applicable legal regulations are fair and support fair legal practices.
10. Financial and Administrative Supervision:
Bar organizations typically also oversee administrative, financial, and management aspects related to the practice of law and the management of client funds.
11. Ethics and Policy Development:
Bar organizations engage in the development of relevant ethics and policies to keep pace with changes in legal practice and social change.
12. Supervision of Marketing and Promotion:
Advocate organizations may monitor marketing and promotional practices by advocates to ensure that they comply with applicable ethical standards.
13. Collaboration and Knowledge Update:
Bar organizations encourage collaboration between their members and encourage the updating of legal knowledge and the exchange of professional experiences.

Supervision of advocates by bar organizations aims to maintain the integrity of the legal profession, ensure fairness, protect clients' rights, and meet high ethical standards. It involves various steps and processes designed to maintain the professionalism of advocates and maintain the quality of legal practice.

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

Article 12

- (1) Supervision of Advocates is carried out by the Advocate Organization.
- (2) Supervision as intended in paragraph (1) aims to ensure that Advocates in carrying out their profession always uphold the Advocate's professional code of ethics and statutory regulations.

Article 13

- (1) The implementation of daily supervision is carried out by the Supervisory Commission formed by the Advocate Organization.
- (2) The membership of the Supervisory Commission as referred to in paragraph (1) consists of senior advocates, experts/academics, and the public.
- (3) Provisions regarding supervision procedures are further regulated by a decision of the Advocate Organization.

Procedures and stages of supervision of advocates by advocate organizations may vary in various countries and legal professional organizations. However, the following is a general guide regarding the procedures and stages commonly encountered in lawyer supervision: [11]

1. Admission and Registration:

The first stage is the acceptance and registration of new members.

Prospective advocates must meet certain requirements, such as passing a legal professional exam and having good character. Advocate organizations will examine and assess their qualifications before accepting them as members.

2. Determination of Code of Ethics:

Advocate organizations establish codes of ethics that regulate advocate behavior. This code of ethics includes ethical principles, moral obligations, and rules that advocates must follow in the practice of law.

3. Education and Training:

Advocate organizations organize education and training programs for their members. This includes ethics training, continuing legal education, and professional skills development. Advocates are expected to continually update their knowledge.

4. Reception of Complaints:

Advocate organizations accept complaints submitted by clients, fellow professionals, or other parties who feel disadvantaged by the behavior of advocates. These complaints can range from ethical violations to unprofessionalism.

5. Complaint Investigation:

After receiving a complaint, the advocate organization will conduct an investigation. This stage involves gathering evidence, interviewing witnesses, and examining relevant documents.

6. Judgment and Decision:

Once the investigation is complete, the advocacy organization will assess the results and determine whether ethical violations or unethical behavior have occurred. They will also decide whether sanctions or other measures are necessary.

7. Announcement of Decision:

Supervisory decisions are usually announced to members of the advocate organization and parties involved in the complaint. Transparency in announcements is very important.

8. Appeal Process:

Advocates who are dissatisfied with a supervisory decision have the right to appeal. Advocate organizations usually have appeal mechanisms that allow advocates to challenge decisions or defend themselves.

9. Implementation of Sanctions:

If ethical violations are proven, the advocate organization will implement appropriate sanctions. Sanctions may include warnings, fines, prohibition from practice, or termination according to the severity of the violation.

10. Professional Assistance:

During the supervision process, the advocates involved may require professional assistance, such as legal counsel, to provide advice and guidance.

11. Evaluation and Update:

The bar organization regularly evaluates its oversight procedures and makes updates as necessary to improve their effectiveness.

12. Preventive Activities:

Advocate organizations also engage in prevention activities, such as providing ethical guidelines, providing training on ethics, and advocating ethical principles to their members.

These procedures and stages may vary depending on the applicable legal jurisdiction and advocate organization. It is important to remember that attorney

supervision aims to maintain integrity and professionalism in legal practice, as well as protect the rights and interests of clients.

5 Conclusion

Supervision of advocates by bar organizations aims to maintain the integrity of the legal profession, ensure fairness, protect client rights, and meet high ethical standards. It involves various steps and processes designed to maintain the professionalism of advocates and maintain the quality of legal practice. Law of the Republic of Indonesia Number 18 of 2003 concerning Advocates regulates procedures for supervising an advocate for membership in a professional organization, as stated in Articles 12 and 13.

Procedures and stages of supervision of advocates by advocate organizations may vary in various countries and legal professional organizations. However, the following is a general guide regarding the procedures and stages commonly encountered in the supervision of advocates: Reception and Registration, Establishment of a Code of Ethics, Education, and Training, Reception Complaints, Investigation of Complaints, Assessment, and Decision, Announcement of Decision, Appeal Process, Implementation of Sanctions, Professional Assistance, Evaluation and Update, and Prevention Activities.

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