

Legal Reconstruction of the Fragmentation of the Professional Advocate Organization and its Implications for Law Enforcement

Jutek Bongso¹⁾, Hernawati RAS²⁾ & Eni Dasuki Suhardini³⁾

¹⁾Faculty of Law, Universitas Langlangbuana, Indonesia, E-mail: jutekbongsopasopati@gmail.com

²⁾Faculty of Law, Universitas Langlangbuana, Indonesia, E-mail: hernawatiras57@gmail.com

³⁾Faculty of Law, Universitas Langlangbuana, Indonesia, E-mail: eni.d.suhardini@gmail.com

Abstract. *The legal profession constitutes one of the key components of law enforcement with a strategic role in upholding the rule of law, protecting human rights, and ensuring access to justice. The position of advocates as a free and independent profession presupposes the existence of a professional organization capable of structuring authority, maintaining professional competency standards, and enforcing ethical rules consistently. However, in practice, the regulation of advocate organizations in Indonesia under Law No. 18 of 2003 on Advocates has resulted in prolonged organizational fragmentation. Such fragmentation has generated uncertainty in the governance of the legal profession and has adversely affected the quality of law enforcement and legal certainty within the judicial system. This research aims to analyze the urgency of reconstructing the regulation of advocate organizations, to identify the factors underlying organizational fragmentation along with its implications, and to formulate an ideal model for reconstructing the advocate organizational system in Indonesia. The findings indicate that organizational fragmentation among advocates is a consequence of a regulatory design that fails to provide clear mechanisms for managing authority, organizational legitimacy, and conflict resolution. Internal factors, including leadership legitimacy crises and inconsistencies in the exercise of professional authority, intersect with external factors such as normative weaknesses, judicial interpretation, and evolving administrative practices. These conditions result in divergent professional standards, weakened systemic cohesion, and diminished legal certainty for the advocate profession. Based on these findings, this research proposes a reconstruction model through a hybrid single bar system, which centralizes fundamental professional authority within a single national structure while recognizing organizational plurality within clearly defined limits. This model is intended to safeguard professional independence, ensure*

consistency of professional standards, and strengthen the role of advocates as law enforcement actors. Accordingly, the study recommends either a revision of Law No. 18 of 2003 on Advocates or the enactment of implementing regulations as the normative foundation for the proposed reconstruction.

Keywords: Advocate; Legal; Organizations; Professional; Reconstruction.

1. Introduction

Law is inseparable from the social life of a nation. Without laws to regulate social life, disorder will result. A disorderly state will hinder development, as law is undeniably one of the pillars of the state. Therefore, law enforcement is crucial in ensuring that law exists not only as written norms but also functions to effectively regulate and harmonize social life (Ren, 2024).

Law enforcement is defined as the application of law to an event or incident. Law enforcement can also be defined as the effort to uphold and maintain the validity of the law by law enforcers against legal violations that have occurred or will occur. This definition implies that there are several factors in law enforcement: the regulatory factors that govern something, then law enforcement and legal events or the occurrence of legal violations or the possibility of new violations that occur before law enforcement occurs (Khakim, 2017)

Bagir Manan firmly stated that "law enforcement policy is a policy that is concerned with policies in the field of justice and policies in the field of legal services" (Setiadi et al., 2017). Sudarto defines "law enforcement as attention and cultivation, both of unlawful acts that have actually occurred (*onrecht in actu*) and unlawful acts that may occur (*onrecht in potentie*) (Setiadi et al., 2017). According to Soerjono Soekanto, conceptually, "the essence of law enforcement lies in the activity of harmonizing the relationship between values outlined in legal rules and attitudes as the final stage of value elaboration, in order to create, maintain and defend peace in social life (Setiadi et al., 2017). Thus, through law enforcement policy or politics, it will be known how well the laws that will be made (and those that have been made) can make law enforcement more effective.

As part of social policy (namely an effort to provide social protection or social defense and as an effort to achieve social welfare or social welfare), this law enforcement policy includes a process called criminal policy. This concept of law enforcement policy will be applied at the institutional level through a system called the criminal justice system, therefore there is a relationship between law enforcement policy and the criminal justice system, namely the subsystems of the criminal justice system (police, prosecutors, advocates, courts, and correctional institutions) which will implement law enforcement policies, both prevention and

handling of crimes and legal assistance so that they are treated in accordance with applicable law, with the aim of providing protection and creating public welfare.

The role of the aforementioned subsystems will be more adequate with community participation. Without community participation, law enforcement policies will be less than optimal. The criminal justice system, consisting of its subsystems, is the implementing actor that applies and executes crime prevention policies using criminal law instruments as outlined in criminal policy and penal policy (Setiadi et al., 2017). This condition shows that the criminal justice system needs to be understood as part of an interrelated legal system.

Lawrence M. Friedman considers three points of view in explaining the meaning of the legal system, namely substance, structure and legal culture (Safira et al., 2020). Because the scope of criminal procedural law is limited to content or substance, the criminal justice system encompasses a broader scope than criminal procedural law. Meanwhile, the criminal justice system comprises legal substance, structure, and culture. This demonstrates that law within a system is viewed not only from what is explicitly regulated in books and other written regulations, but also from how it is regulated in context and reality. The criminal justice system is a crime prevention tool that utilizes a basic systems approach. This systems approach means that crime prevention is carried out by integrating subsystems as a single, interrelated and interdependent unit. Thus, law enforcement depends not only on the existence of written norms but also on the fundamental values underlying law enforcement.

Gustav Radbruch put forward three basic legal values that are very appropriate to support the achievement of the overall objectives of the law in relation to law enforcement in the criminal justice system. These three basic legal values are justice, utility, and certainty. As basic values, Radbruch emphasized that in law enforcement, there is a scale of priorities that must be considered: justice must come first, followed by utility and legal certainty.

This emphasis demonstrates that in the criminal justice system, while certainty and expediency are important goals, justice must be the top priority, given that justice is a fundamental value that encompasses all aspects of law, particularly in the context of criminal law enforcement, which directly impacts the rights of individuals and society. The ideal synergy between the three basic legal values of justice, expediency, and certainty will strengthen the effectiveness of the legal system as a whole (Qamar et al., 2020).

The principle of the rule of law demands that justice, certainty, and legal benefits be enjoyed by all citizens. In this regard, advocates play a fundamental role. As a noble official, advocates are not merely a profession, but rather an instrument of democracy that guarantees access to justice. The advocate's position as a law enforcer, ideally on a par with judges, prosecutors, and police, emphasizes that

advocates are an integral part of the criminal justice system, which must be carried out with integrity, independence, and high moral responsibility. Advocacy, as an elegant and noble profession, as stated by the late Artidjo Alkotsar, former Supreme Court Justice, is required to work professionally. Therefore, an advocate is bound by professional ethics and a sense of responsibility to scientific standards (Rolansa et al., 2022).

The prestige of the legal profession certainly stems from its extraordinary nature. Advocacy is not merely a profession providing legal services, but also an honorable and special profession. Honorable because, altruistically, advocates become helpers for those whose fate is being fought for. What makes it special is the scope of work that stretches from upstream to downstream (from investigation to sentencing), unlike other law enforcement agencies that are merely partial. Advocates play important roles in law enforcement and social change. Therefore, it is not uncommon for social change to be initiated by agents of change who are advocates. In Greece there was Dhemosthenes, in Rome Marsilius Van Padua, in Africa there was Nelson Mandela, in America there was Abraham Lincoln, and even in Indonesia there are great people like Mr. Besar Mertokusumo, Mr. Ali Sastroamidjoyo, and Mochtar Kusumaaditadja (Wibowo, Tri et al., 2024).

The role and function of advocates as a free, independent, and responsible profession is important, in addition to judicial institutions and law enforcement agencies such as the police and prosecutors, the role and function of advocates or lawyers is an effort to realize the principles of the rule of law in social and state life. Through the legal services provided, advocates carry out their professional duties to uphold justice based on law for the benefit of the justice-seeking community, including efforts to empower the community to realize their fundamental rights before the law. Advocates as one element of the judicial system are one of the pillars in upholding the supremacy of law and human rights (Sumariyanto et al., 2020).

Before the enactment of Law No. 18 of 2003 concerning Advocates on April 5, 2003, the regulations that became the basis for the existence of the advocate profession in Indonesia were still scattered partially in various regulations, so that it affected advocates in carrying out their profession because there was no certainty about the position of advocates as one of the elements of law enforcement. It was different after the enactment of Law No. 18 of 2003 concerning Advocates, it was firmly stated in the law that advocates are one of the elements of law enforcement who in carrying out their profession are free and independent which is guaranteed and protected by law (Qamar et al., 2020).

Article 5 paragraph (1) of Law No. 18 of 2003 concerning Advocates is a legal basis that provides legitimacy to advocates as one of the elements of law enforcement who carry out their profession freely and independently and receive legal guarantees and protection. This provision states that advocates are an inseparable

part of the justice system, so that the implementation of the advocate's function as a law enforcer cannot be separated from the existence of an advocate organization as a forum to ensure the implementation of the advocate's function as a law enforcer with integrity and independence. The advocate organization not only functions as a place for advocates to gather, but also has an important role in fostering, regulating, and maintaining advocate behavioral standards that have a direct impact on the quality of law enforcement (Ghozali et al., 2018).

As a professional organization, advocate organizations play a strategic role in maintaining the integrity and credibility of advocates. They are not only a gathering place for advocates, but also serve as the primary instrument for regulating ethical standards, competency quality, and accountability mechanisms for the profession. The reputation and quality of advocates depend heavily on how well these organizations create an environment that supports the professional growth of their members. Historically, the advocate profession in Indonesia has existed since the Dutch East Indies era, with the establishment of *Balie van Advocaten*, which operated within the *landraad and raad van justitie* (courts of justice) in major cities (Feliks et al., 2023).

The need for a single body after independence grew stronger with the increasing complexity of national legal practice. A key moment occurred at the Indonesian Advocates Congress in Solo on August 30, 1964, which gave birth to the Indonesian Advocates Association (Peradin), the first national organization to implement a single bar association system. Peradin played a crucial role in consolidating the legal profession under one umbrella that was institutionally and ethically strong (Sulastri et al., 2021). However, the political dynamics of the New Order and differing internal interests resulted in the fragmentation of this single system. The government gradually weakened Peradin by providing space for rival organizations. This situation led to the emergence of various organizations such as the Indonesian Advocates Association (IKADIN), the Indonesian Advocates Association (AAI), the Indonesian Legal Advisors Association (IPHI), the Association of Indonesian Advocates and Lawyers (HAPI), the Indonesian Lawyers Union (SPI), the Association of Indonesian Legal Consultants (AKHI), the Association of Capital Market Legal Consultants (HKHPM), and the Indonesian Sharia Lawyers Association (APSI), each founded based on its own orientation without structural coordination. This situation ultimately led to blurred boundaries of authority, resulting in overlapping functions in the legal profession (Taufik et al., 2021).

Law No. 18 of 2003 concerning Advocates was born in response to these conditions. This law provides legal certainty by making advocate organizations independent institutions that carry out institutional mandates in the appointment, development, and enforcement of the ethics of their members. Article 28 paragraph (1) of Law No. 18 of 2003 concerning Advocates emphasizes the formation of a single professional body to improve the quality of advocates as a

whole. Article 32 paragraphs (3) and (4) of Law No. 18 of 2003 concerning Advocates stipulates the stages of establishing a single organization, which was finally realized with the establishment of the Indonesian Advocates Association (Peradi) on December 21, 2004, after going through a transitional phase by eight organizations through the Indonesian Advocates Working Committee (KKAI) (Syarief, 2023).

Unfortunately, several advocate organizations resisted the establishment of Peradi, deeming it undemocratic and unaccountable. This led to the declaration of the Indonesian Advocates Congress (KAI) by IPHI, HAPI, APSI, and IKADIN (a rival organization), which deemed the formation of Peradi not to represent the collective will of its members. The dynamics of internal polarization continued, particularly after the Second Peradi National Conference in Makassar, which resulted in three leadership camps. This conflict even extended to the realm of advocate oath-taking, which then forced the Supreme Court to intervene and issue a policy to ensure legal certainty for new advocates (Syarief, 2023).

KAI also faced a similar situation to Peradi. Internal conflict arose during the leadership of Indra Sahnun Lubis, who was deemed not to have conducted the congress in accordance with the Articles of Association (AD/ART) (Hukumonline, 2025). This led to the formation of KPO-KAI in 2014 and created a dual system for the inauguration of advocates (GresNews, 2025). One of the efforts to reduce conflict is carried out through the collective-collegial presidium model, as an institutional innovation to avoid centralization of leadership which often triggers factionalism (RM.id, 2025).

The disharmonious state of advocate organizations within the Indonesian Advocates Association (Peradi) and the Indonesian College of Law (KAI) offers important lessons. On the one hand, it demonstrates the weakness of internal democratic traditions and institutional accountability within advocate organizations. On the other hand, it demonstrates the lack of a legal framework capable of guaranteeing the integrity of the profession in an integrated manner. Within a law enforcement framework based on due process of law, this situation poses a structural obstacle, leading to disintegration in the enforcement of the code of ethics, overlapping appointments, and inconsistencies in the protection of the advocate profession as law enforcers (PortalHukum.id, 2025).

The controversy surrounding advocate organizations in Indonesia has historical roots closely related to the direction of legal policy during the New Order era. During that period, the government systematically restricted advocates' freedom of movement to prevent them from consolidating into a single, solid organizational force. There were concerns that if advocates, as a profession with a controlling role over power, were to unite under a single, strong professional organization, their position would evolve into a civil force critical of the government. This situation created a segmented regulatory pattern within

advocate organizations, preventing professional associations from developing into a unified institutional structure. Under these conditions, advocates, who should have acted as guardians of the constitution, experienced a narrowing of their role through various institutional restrictions (Taufik et al., 2021).

This situation is also a result of the transplantation of the colonial legal system that the state has maintained since independence, including institutions such as the Raad van *Justitie* (Justice Council) and the *Landraad* (Regional Court), along with their derivatives such as the *Herziene Inlandsch Reglement* (HIR). This system creates a distance between the public and access to justice, and limits the development of the legal profession, including advocates. Instead of being equal partners in law enforcement, advocates are positioned as outsiders who are not fully entrusted with the institutional authority to exercise oversight over state power. As a result, to this day, the advocate profession still does not receive full institutional recognition commensurate with its position as a law enforcement element in the judicial system (Taufik et al., 2021).

The disintegration of the legal profession's legal organization has not only triggered conflict among advocates but has also resulted in suboptimal oversight of advocates, leading to violations of the code of ethics in a number of cases. The phenomenon of advocates switching organizations to avoid ethical sanctions reflects the ineffective functioning of internal control mechanisms within advocate organizations. This situation has created a pattern of poorly organized legal professional organizations, reduced the bargaining power of advocates as partners with the state in establishing legal principles, and made it difficult for the state to build strategic institutional cooperation (Wibowo, Tri et al., 2024).

To date, there are more than 50 advocate organizations registered with the Ministry of Law and Human Rights, each carrying out advocate functions with varying professional standards. The Supreme Court, as the highest court institution, faces a dilemma in determining the legality of the oath of attorney candidates submitted by various advocate organizations. To address this ambiguity, the Supreme Court issued a series of important documents reflecting the dynamics of institutional attitudes towards the existence of advocate organizations. Starting from the Fatwa of the Chief Justice of the Supreme Court No. 052/KMA/V/2009 which affirms the preference for the single bar system model as referred to in Article 28 paragraph (1) of Law No. 18 of 2003 concerning Advocates, but subsequent documents, namely the Letter of the Chief Justice of the Supreme Court No. 089/KMA/VI/2010, Letter No. 052/KMA/HK.01/III/2011, and Letter No. 73/KMA/HK.01/IX/2015 actually shows a change in attitude that is more pragmatic and accommodating towards the reality of plurality in the dynamics of advocate organizations (Asyura et al., 2019).

The final three letters essentially demonstrate that the Supreme Court is not turning a blind eye to the reality of advocate organizations, and in practice,

administratively permits High Courts to administer oaths to prospective advocates from various organizations deemed "legitimate." While not explicitly legitimizing the multi-bar system, this stance de facto provides space for the existence of a plurality of advocate organizations, while simultaneously demonstrating the ambivalence between the normative ideal of a single bar and the ongoing functional needs of the judicial system. This emphasizes that the issue of advocate organizations is no longer merely a legal-formal issue, but also relates to the broader and more consistent direction of institutional structuring policies (Sari et al., 2023).

The Supreme Court's efforts did not immediately quell the legitimacy conflict between advocate organizations. The debate extended to the constitutional forum through judicial review at the Constitutional Court. Several important decisions, such as Constitutional Court Decisions No. 014/PUU-IV/2006, No. 101/PUU-VII/2009, No. 66/PUU-VIII/2010, No. 112/PUU-XII/2014, No. 36/PUU-XIII/2015, and No. 35/PUU-XVI/2018, demonstrate the dynamics of the Constitutional Court's jurisprudence in responding to the polarization of advocate organizations. Initially, the Constitutional Court acknowledged the importance of the idea of a single body to maintain the quality and ethics of the profession. However, over time, the trend of Constitutional Court decisions shifted toward consolidating citizens' constitutional guarantees for organizing and practicing their profession, thus strengthening the position of the multi-bar system as a difficult-to-avoid legal reality (Mukhtarzain, 2023).

This situation creates regulatory ambiguity and encourages institutional competition between advocate organizations (Siregar et al., 2020). The attitudes of the Supreme Court and the Constitutional Court toward advocate organizations demonstrate interconnected dynamics but differing orientations. The Supreme Court tends to maintain procedural stability through oaths as a form of fulfilling the statutory mandate, while still opening administrative space for a plurality of advocate organizations. In line with this, the Constitutional Court emphasizes the importance of protecting the constitutional right to organize and practice, which has implications for the acceptance of the multi-bar system without explicitly rejecting the single-bar concept as an institutional option (Sunaryo et al., 2024).

The Constitutional Court's decision regarding the judicial review of Law No. 18 of 2003 concerning Advocates has apparently failed to curb the escalating institutional conflict within advocate organizations. Conflicts between advocate organizations and between members and their organizations have actually intensified. This has not only disoriented the institutional role of advocate organizations but also affected justice seekers (*justiciabelen*), who are the ones most affected by these institutional conflicts (Raharjo et al., 2025).

2. Research Methods

This research employs a normative–empirical legal research method using a socio-legal approach. This approach is selected because the dissertation not only examines the normative structure governing the legal profession, but also analyzes how those norms are implemented in practice (law in action), including the social, political, and institutional factors influencing organizational fragmentation among advocates (Wiraguna, 2024). The normative or doctrinal approach is used to examine positive legal norms regulating the advocate profession, particularly Law No. 18 of 2003 on Advocates, decisions of the Constitutional Court, as well as circulars and policies of the Supreme Court, including relevant legal doctrines (Jonaedi et al., 2016). Through this approach, the research identifies legal principles, regulatory structures, substantive weaknesses, and normative disharmony that trigger and sustain fragmentation within the advocate profession. Normative analysis also provides the foundation for formulating legal reconstruction consistent with the principles of legal certainty, justice, and utility (Butarbutar, 2023). The empirical or sociological approach is used to examine the practical reality of organizational fragmentation among advocates. Fragmentation does not arise solely from normative provisions, but also from sociological, political, and institutional factors, such as weak ethical oversight, variations in the quality of PKPA programs, and competing organizational interests. Primary data are collected through interviews, observation, and examination of empirical facts related to the dynamics of advocate organizations. The integration of normative and empirical approaches within a socio-legal framework enables the research to produce a comprehensive depiction of the gap between law in books and law in action in the context of advocate organizations. This approach ensures that the research extends beyond normative description and adopts a critical perspective on social realities influencing law enforcement (Reform et al., 2023).

3. Results and Discussion

3.1. Research Findings

a. Findings on the Urgency of Reconstructing Advocate Regulation

The principal findings related to the first research question demonstrate that reconstruction of advocate regulation constitutes an urgent necessity because the existing regulatory design is unable to structure organizational legitimacy, professional standards, and the allocation of authority in a clear and consistent manner. Law No. 18 of 2003 on Advocates articulates the idea of centralized professional authority within a single organizational framework, yet fails to provide adequate mechanisms should this ideal not materialize. This condition creates opportunities for struggles over authority, disparities in professional standards, and dependence on administrative policies of judicial institutions.

Consequently, the judiciary assumes the role of the primary buffer for managing institutional disorder, while the root problems at the level of foundational regulation remain unresolved.

The research maps three principal pathways for reconstructing advocate regulation, each with distinct normative characteristics and juridical consequences. The first pathway involves revising Law No. 18 of 2003 on Advocates to reorganize the institutional foundation of the legal profession, particularly the meaning of advocate organizations, sources of authoritative legitimacy, and decision-making mechanisms with systemic impact. The second pathway entails maintaining the existing statute while strengthening regulation through implementing rules to ensure that technical matters previously addressed fragmentarily through administrative policies are governed more consistently. The third pathway leads to the formulation of a hybrid single bar system model as an effort to balance the need for centralized professional standards with the reality of plural advocate organizations.

This mapping does not culminate in a mere list of policy alternatives, but is supplemented by juridical evaluation criteria, including consistency with constitutional foundations as articulated in Constitutional Court decisions, the capacity to establish minimum professional standards consistently (professional education, ethical standards, and disciplinary mechanisms), and the ability to reduce the judiciary's dependence on situational administrative guidelines. These findings reinforce the argument that reconstruction is not merely an organizational necessity but a systemic requirement to shift the management of professional authority and legitimacy from administrative practice to a regulatory framework with imperative binding force. Content of the manuscript.

b. Findings on Internal and External Factors of Fragmentation

Organizational fragmentation among advocates emerges as a structural phenomenon influenced by an interrelated combination of internal and external factors. Internal factors include crises of leadership legitimacy, dichotomies in professional management orientation, and inconsistencies in the exercise of fundamental professional authority. These internal dynamics do not remain confined to organizational management, but interact dialectically with the normative environment external to advocate organizations, particularly the responses of state institutions to evolving practices. When internal mechanisms fail to achieve harmonization, external mechanisms instead become catalysts for fragmentation through administrative policies and institutional interpretative patterns in the exercise of professional authority.

Fragmentation does not occur as an isolated event but develops through reciprocal interactions between the internal dynamics of the legal profession and external normative dynamics. It arises not only from leadership legitimacy issues

or divergent professional orientations, but also from the absence of a regulatory framework capable of maintaining consistent implementation of fundamental professional authority within a context of organizational plurality. Accordingly, the research rejects perspectives that reduce fragmentation to personal conflict. While personal conflict may act as a trigger, fragmentation persists and manifests because regulatory structures and institutional practices fail to provide effective conflict-resolution mechanisms and clear normative references.

c. Findings on the Implications of Fragmentation

The implications of organizational fragmentation among advocates must be understood as systemic problems requiring reform at the regulatory and institutional levels rather than mere procedural adjustments within judicial practice. Fragmentation directly affects the quality of law enforcement and legal certainty through structural mechanisms within the legal system. It is not a single causal factor, but a condition shaping how law is implemented, evaluated, and understood by legal subjects. Law enforcement continues to function, but loses the cohesion necessary to generate stable and accountable legal certainty.

Law enforcement is conceptualized as the operation of legal norms throughout the judicial process, from norm formation and application by law enforcement actors to the protection of citizens' rights in practice. Legal certainty is defined as the assurance that law operates consistently, follows a traceable direction, and is not altered arbitrarily by non-normative factors. Within this framework, organizational fragmentation among advocates constitutes a structural condition affecting the coherence of both pillars. The analysis further demonstrates that fragmentation causes value orientations in law enforcement to develop divergently and not always in alignment. When the advocate profession operates within fragmented organizational frameworks, the normative foundations supporting legal practice become insufficiently coordinated, rendering legal certainty increasingly difficult to achieve.

3.2. Concepts and Propositions

The principal conceptual contribution of this dissertation lies in the formulation of a reconstruction model for advocate organizations through a hybrid single bar system approach. This model is proposed as a design that centralizes fundamental professional authority, such as competency standards, codes of ethics, and disciplinary mechanisms, within a single national structure, while simultaneously legitimizing organizational plurality within clearly defined boundaries. The model aims to close gaps in fragmented authority, maintain consistency of professional standards, and ensure the independence of the advocate profession from external power interference.

The hybrid single bar system is designed with sensitivity to the historical and institutional realities of existing advocate organizations. It does not seek to negate organizations that have already developed, but rather to restructure the distribution of authority and institutional functions within a more orderly regulatory framework. Existing advocate organizations are positioned as organizational chambers with representative and developmental roles, without losing their identity or contributions, thereby reducing resistance and enhancing the social and institutional feasibility of reconstruction.

Implementation may proceed through revision of Law No. 18 of 2003 on Advocates as the most robust pathway to affirm the existence of a central professional organization, recognition of organizational chambers, and the clear allocation of fundamental and supporting functions. Through statutory revision, the public function mandate of the advocate profession can be explicitly articulated, including regulation of competency standards, a national code of ethics, disciplinary mechanisms, and a national advocate registry. This pathway ensures normative hierarchy and terminates reliance on temporary administrative policies.

Alternatively, should statutory revision not be immediately feasible, implementation may proceed through normative elaboration of the existing statute via implementing regulations. This approach maintains the existing law while supplementing it with more detailed and consistent implementing rules, whether in the form of government regulations, presidential regulations, or coordinated administrative policies. Accordingly, the core contribution of the dissertation is not merely the proposal of the hybrid single bar system as a normative design, but also the articulation of a realistic policy roadmap for gradual and accountable implementation.

3.3. Concepts and Propositions

The conceptual framework of this dissertation is built upon the integration of theories and concepts used to interpret fragmentation as a systemic phenomenon. The concept of the rule of law (*rechtsstaat*) serves as the foundational framework for assessing the position of advocates as a legal profession that should support limitations on power and the protection of rights. The *rechtsstaat* is understood as a principle requiring that state power be limited and exercised in accordance with law rather than the will of those in power, incorporating elements such as legality, equality before the law, limitation of power, and an independent judiciary.

Gustav Radbruch's theory of the purposes of law and the value framework of legal certainty, justice, and utility are employed to analyze how the orderliness of professional organization affects the quality of law enforcement and legal certainty. Legal certainty in this context is not reduced to a purely formal

dimension but is understood as the outcome of coherence between norms, values, and practices within the judicial system.

Lawrence M. Friedman's legal system theory is used to conceptualize law as a system involving the interaction of structure, substance, and legal culture (Safira et al., 2020). An independent legal profession is viewed as a crucial element in supporting law enforcement processes so that they operate in accordance with procedural and normative values rather than being influenced by political pressure or external interests. This framework explains that organizational fragmentation among advocates is not merely an organizational event but a problem affecting the structural and cultural dimensions of the legal profession, with consequences for judicial processes.

The theory of the functioning of law developed by William J. Chambliss and Robert B. Seidman is employed to analyze the relationship between legal norms, sanction mechanisms, and the responses of legal subjects within a broader social context. This theory emphasizes that the formation and implementation of law are always connected to social factors beyond normative provisions. Legal implementation is influenced by the interaction between legal norms and surrounding social forces. Within this framework, the behavior of legal subjects is shaped by the relationship between applicable rules and sanction mechanisms, supplemented by corrective mechanisms arising from the practical application of rules, which subsequently influence how institutions apply law and how lawmakers adjust legal provisions.

This conceptual framework is further enriched by welfare state theory and the theory of professional independence. Professional independence of advocates in this dissertation is not understood as unrestricted freedom, but as protected professional autonomy that enables advocates to perform legal assistance functions based on objective legal analysis, ethical standards, and professional judgment free from external power pressures. Independence also encompasses self-regulation through the establishment of competency standards, codes of ethics, and professional practice procedures by advocate organizations. Accordingly, the core of the dissertation's conceptual framework lies in viewing organizational fragmentation among advocates as a structural problem affecting the self-regulatory mechanism of the legal profession, which in turn impacts the functioning of the legal system within a rule-of-law framework.

4. Conclusion

Reconstruction of advocate regulation under Law No. 18 of 2003 on Advocates constitutes an urgent necessity because the current regulatory design fails to structure organizational legitimacy, professional standards, and authority allocation in a clear and consistent manner. When the ideal of a single professional organization is not realized, adequate regulatory mechanisms are absent, creating authority struggles, disparities in standards, and dependence on judicial

administrative policies, thereby positioning the judiciary as the primary buffer for institutional disorder while leaving foundational regulatory problems unresolved. Organizational fragmentation among advocates emerges as a structural phenomenon shaped by an interrelated combination of internal and external factors. Internal factors include leadership legitimacy crises, divergent professional management orientations, and inconsistencies in exercising fundamental authority. External factors relate to statutory design, constitutional interpretation, and evolving administrative practices. Fragmentation directly affects law enforcement quality and legal certainty through diminished systemic cohesion, differentiated professional standards, and impeded integration among law enforcement actors within the judicial system. The ideal model for reconstructing the advocate organizational system in Indonesia is formulated through an adaptive approach that considers normative configurations, institutional practices, and the reality of fragmentation. The hybrid single bar system is proposed as a design that centralizes fundamental professional authority within a national structure while legitimizing organizational plurality within clearly defined parameters. This model aims to close authority fragmentation, maintain consistent professional standards, and safeguard professional independence from external power interference, thereby strengthening the role of advocates as law enforcement actors in an orderly and accountable manner.

5. References

Journals:

- Baidhowi, D. (2022). Analisis Problematika Penerapan Etika Profesi Advokat sebagai Upaya Pengawasan Profesionalisme Advokat dalam Hal Penegakan Hukum. *Jurnal Hukum Lex Generalis*, 3(10), 795–805.
- Fahrazi, M. (2018). Transformasi Organisasi Advokat Indonesia dari Single Bar Menjadi Multi Bar (Implikasi Putusan Mahkamah Konstitusi No. 101/PPU -VII/2009 dan Surat Ketua Mahkamah Agung No. 73/KMA/HK.01/IX/2015). *Mizan: Jurnal Ilmu Hukum*, 8(1), 72–82.
- Fakhariyah, Laela, E. (2020). Kajian Sangsi Pidana Terhadap Pelanggaran Etik Advokat Dihubungkan Dengan Kitab Undang-Undang No 18 Tahun 2003 Tentang Advokat. *Jurnal Iustitia Omnibus*, 1(1), 30–49.
- Ismail, I. (2019). Kewenangan Ketua Mahkamah Agung Mengeluarkan Surat Keputusan Ketua Mahkamah Agung Nomor 73/KMA/HK.01/IX/2015 Perihal Penyempahan Advokat. *Syiah Kuala Law Journal*, 3(3), 429–444.
- Kossay, M. (2025). Legal Issues in the Supervision and Enforcement of Professional Ethics for Advocates in Indonesia. *Hakim: Jurnal Ilmu Hukum Dan Sosial*, 3(1), 900–917.
- Law, C. (2023). *Legal Ideals: Lawmaking and Law Enforcement Primarily based on Community Social Life in Indonesia*. 23, 129–162.
- Maryano. (2024). Legal Certainty Advocate Organizational System Arrangements in the Implementation of Professional Quality With the Value of Justice. *Revista de Gestao Social e Ambiental*, 18(2), 1–11.
- Mukhtarzain, A. A. (2023). Dualisme Kebijakan Terkait Organisasi Advokat Dalam Putusan Mahkamah Konstitusi No.101/PPU -VII/2009 dan Surat Ketua

- Mahkamah Agung No.73/KMA/HK.01/IX/2015). *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, 6(1), 289–303.
- Prabandari, A. P. (2020). Dynamics of the Relationship Between Supreme Court and Constitutional Court: Conflict and Collaboration Perspectives. *Jurnal USM Law Review*, 7(2), 729–739.
- Ren, J. (2024). The Role of Law Under the Social Structure. *Journal of Education, Humanities and Social Sciences*, 42, 710–715.
- Swastiwi, A. W. (2023). Handling People Smuggling Crimes in Border Areas: Batam City Case Study. *BIO Web of Conferences*, 70, 1–13.
- Syarief, V. G. (2023). Kedudukan Organisasi Advokat Dalam Sistem Kekuasaan Kehakiman. *Jurnal Ilmiah Publika*, 11(1), 42–51.
- Wiraguna, S. A. (2024). Metode Normatif dan Empiris dalam Penelitian Hukum: Studi Eksploratif di Indonesia. *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum*, 3(3), 58–65.

Books:

- Butarbutar, R. (2023). *Penelitian Hukum Suatu Metode, Keterhubungan Filsafat, Teori Hukum Dengan Analisis & Penulisannya*. CV Mega Press Nusantara: Sumedang.
- Haryono, C. (2023). *Konsep Standar Profesi Advokat Dalam Mewujudkan Advokat Profesional*. Yogyakarta: PT. Nas Media Indonesia.
- Khakim, M. (2017). *Penegakan Hukum dan Implementasi Pasal 27 Ayat (1) Undang-Undang Dasar 1945 tentang Persamaan Kedudukan di Hadapan Hukum*.
- Kristian. (2017). *Sistem Peradilan Pidana Terpadu dan Sistem Penegakan Hukum di Indonesia*. Jalarta: Kencana.
- Nurachma, S. (2021). *Organisasi advokat di Indonesia: implikasi putusan mahkamah konstitusi terhadap keberadaan organisasi advokat*. Depok: Rajawali Pers.
- Prasetijo, R. (2016). *Metode Penelitian Hukum Normatif dan Empiris*. Kencana: Jakarta.
- Purba, Jasmalin, J. (2024). *Filsafat dan Etika Profesi Advokat: Menggali Hakekat, Meneladani Etika dan Mencari Figur Advokat*. Jejak Pustaka: Yogyakarta.
- Putri. (2020). *Sistem Peradilan Pidana*. Bandar Lampung: Pusaka Media.
- Rezah, S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. Makassar: CV. Social Politic Genius.
- Wibowo, K. T. (2021). *Merajut Sistem Keorganisasian Advokat Di Indonesia*. Ponorogo: CV. Gracias Logis Kreatif.

Internet:

- GresNews. (2025). "Otto Hasibuan dan Indra Sahnun Lubis Berdamai". GresNews. <https://www.gresnews.com/artikel/73112/Otto-Hasibuan-amp-Indra-Sahnun-Lubis-acuteBerdamaiacute/>

- Hukumonline. (2025). *Dua Kubu KAI Laksanakan Pelantikan Advokat*.
www.hukumonline.com/berita/a/dua-kubu-kai-laksanakan-pelantikan-advokat-lt4bfabc4f72d24/
- PortalHukum.id. (2025, September 1). *Polemik Pernyataan Menko Yusril tentang Organisasi Advokat di Luar Peradi*. <https://portalhukum.id/opini-hukum/polemik-pernyataan-menko-yusril-tentang-organisasi-advokat-di-luar-peradi/>
- RM.id. (2025). *Kongres IV KAI: Dr. Tjoetjoe KAI Sukses Keluar dari Masa Sulit, Jadi Salah Satu Organisasi Advokat Terbesar*. <https://rm.id/baca-berita/nasional/223665/kongres-iv-kai-dr-tjoetjoe-kai-sukses-keluar-dari-masa-sulit-jadi-salah-satu-organisasi-advokat-terbesar>.