

The Role of Advocates in Guaranteeing the Rights of Suspects During the Investigation Stage of Grant Fund Corruption Criminal Acts

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ABSTRACT. *The investigation stage in the criminal justice process is the earliest phase but it is very decisive in determining the direction of legal treatment of the suspect. In corruption cases, especially those related to the management of grant funds by state institutions. In fact, the suspect's right to receive legal defense is part of the human rights guaranteed in the Constitution, the Criminal Procedure Code, and Law Number 18 of 2003 concerning Advocates. This study aims to determine, examine, and analyze the role of advocates in guaranteeing the rights of suspects at the stage of investigating criminal acts of grant funds at the Bawaslu of Seruyan Regency, the obstacles and solutions of advocates in guaranteeing the rights of suspects and the concept of optimizing the role of advocates in guaranteeing the rights of suspects at the stage of investigating criminal acts of grant funds in the future based on the value of justice. The approach method used in this study is sociological juridical. The specifications of this study are descriptive analytical. The data source used is primary data. While secondary data is obtained from literature study research consisting of primary legal materials, secondary legal materials, and testier legal materials.*

Keywords: *Advocate; Corruption; Investigation; Suspect's.*

1. Introduction

The Republic of Indonesia firmly declares itself as a country based on law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "The Republic of Indonesia is a country based on law". The concept of a country based on law means that all actions of the government and citizens must be based on law, and no power may act arbitrarily outside the legal corridor.

In a state of law, the principles of due process of law, equality before the law, and protection of human rights are the main pillars that must be upheld. One important aspect in a state of law is legal certainty and fair law enforcement, especially in the field of criminal law which functions as the ultimum remedium to maintain social order and justice.¹

However, in practice, Indonesia still faces serious challenges in enforcing criminal law norms. There are many cases of violations of the law, including corruption, violence by law enforcement officers, selective criminalization, and weak protection of the rights of suspects and defendants. This shows a gap between the principles of the rule of law as idealized in the constitution and the reality of the implementation of criminal law norms in the field.

One of the real forms of violation of criminal law norms is when the law enforcement process does not uphold the principle of presumption of innocence and the basic rights of the suspect. Violations of criminal law norms often occur in the form of investigation processes that are not transparent, intimidating, and restrict the suspect's access to legal assistance. In fact, Law Number 8 of 1981 concerning Criminal Procedure Law (KUHP) expressly provides the right to every suspect to receive legal assistance from an advocate from the start of the investigation. This is a manifestation of the principle of fair trial in a state of law.² One of the most damaging forms of violation of legal norms that damages the foundations of national life is the crime of corruption. Corruption is the abuse of power or office for personal or group gain that harms state finances and is contrary to the principles of propriety and justice.³

Based on information from the prosecutor's office, the investigation process has been carried out against a number of suspects, including officials and related parties at Bawaslu. However, in its implementation, various issues have emerged regarding the suspect's access to legal assistance and the treatment of law enforcement officers which are considered not to fully guarantee the principle of justice.

In this context, the role of advocates becomes very strategic, not only as defenders of individual suspects, but also as guardians of accountability and constitutionality of the legal process. Advocates must ensure that the rights of suspects, such as the right to remain silent, the right to obtain legal information, and the right not to be treated inhumanely, are fully protected from the start of the investigation process. Moreover, in corruption cases that are full of social

¹Lilik Mulyadi, "Fair and Impartial Justice in the Perspective of the Indonesian Legal State," *IUS Law Journal*, Vol. 4, No. 2, 2016, pp. 163–175.

²Herlambang P. Wiratraman, "The Right to Legal Aid as a Guarantee of Equality Before the Law," *Constitutional Journal*, Vol. 13, No. 3, 2016, pp. 655–674.

³Ermansyah Djaja, "Corruption in Legal Perspective," *Journal of Law & Development*, Vol. 41, No. 2, 2011, p. 152.

and political pressures, the existence of advocates is a counterweight to the potential for abuse of power by law enforcement officers.

Thus, the study of the role of advocates in guaranteeing the rights of suspects at the investigation stage in the corruption case of Bawaslu grant funds in Seruyan Regency is important and relevant. This thesis is expected to not only provide theoretical contributions in the field of criminal procedure law and ethics of the advocate profession, but also become a practical reference for improving the criminal justice system to be fairer, more accountable, and uphold the values of the rule of law.

2. Research Methods

The approach method used in this research is method sociological legal approach is a legal research approach that views law not only as written norms (law in books), but also pays attention to the application of law in society (law in action). This approach places law in the context of social, economic, cultural, and community behavior. Researchers use this approach to determine the effectiveness of law in practice, as well as the community's response to the law.⁴ This study uses research specifications with a descriptive analysis method, namely by describing the implementation of consumer protection law in the field, then analyzing it based on the theory of justice and applicable laws and regulations.⁵, because what is being studied are various legal regulations which are the focus and central theme of a research and conceptual approach, namely studying the views of legal doctrines which have developed in legal science.⁶

3. Results and Discussion

3.1. The Role of Advocates in Guaranteeing the Rights of Suspects at the Corruption Investigation Stage of Grant Funds at the Bawaslu of Seruyan Regency

This research was conducted in Seruyan Regency, Central Kalimantan, especially in the environment of Bawaslu Seruyan Regency and advocates/legal assistants of suspects who handle corruption cases of grant funds. Bawaslu Seruyan Regency is an election organizing institution that receives grant funds from the APBD to support the implementation of election supervision tasks.

One of the real forms of violation of criminal law norms is when the law enforcement process does not uphold the principle of presumption of innocence

⁴Siti Sundari Rangkuti, "Sociological Juridical Approach in Empirical Legal Research," *Journal of Law and Development* 27, no. 1 (1997): 12–18.

⁵Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Review* (Jakarta: Rajawali Pers, 2011), pp. 14–15.

⁶Johny Ibrahim, *Theory & Methodology of Normative Legal Research* (Malang: Bayu Media Publishing, 2007), page 300.

and the basic rights of the suspect. Violations of criminal law norms often occur in the form of investigation processes that are not transparent, intimidating, and restrict the suspect's access to legal assistance. In fact, Law Number 8 of 1981 concerning Criminal Procedure Law (KUHP) expressly provides the right to every suspect to receive legal assistance from an advocate from the start of the investigation. This is a manifestation of the principle of fair trial in a state of law.⁷One of the most damaging forms of violation of legal norms that damages the foundations of national life is the crime of corruption. Corruption is the abuse of power or office for personal or group gain that harms state finances and is contrary to the principles of propriety and justice.⁸

According to the Big Indonesian Dictionary (KBBI), corruption is the abuse of power or position (state or private) for personal or group gain, usually carried out by bribery or embezzlement of state funds.⁹Corruption is an act that includes the abuse of public power for personal gain, which can be in the form of bribery, embezzlement, extortion, to abuse of office. In Indonesia, corruption is regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, which normatively defines corruption as an unlawful act that harms the country's finances or economy and enriches oneself or others.¹⁰

Corruption not only causes state financial losses, but also damages public trust in state institutions and hinders development. Therefore, corruption is categorized as an extraordinary crime whose handling is often repressive and excessive, even potentially ignoring the principles of human rights protection.

On the other hand, law enforcement against corruption crimes must not ignore the fundamental principles of the criminal justice system, such as the principle of fair trial, due process of law, and protection of human rights. In practice, it is not uncommon for there to be an imbalance between the spirit of eradicating repressive corruption and respect for the basic rights of suspects or defendants, especially at the investigation and prosecution stages.¹¹In fact, an ideal state of law demands a balance between the effectiveness of action against crime and the protection of the constitutional rights of every citizen, including those who are facing legal proceedings.¹²

⁷Herlambang P. Wiratraman, "The Right to Legal Aid as a Guarantee of Equality Before the Law," *Constitutional Journal*, Vol. 13, No. 3, 2016, pp. 655–674.

⁸Ermansyah Djaja, "Corruption in Legal Perspective," *Journal of Law & Development*, Vol. 41, No. 2, 2011, p. 152.

⁹ Language Development and Fostering Agency, Big Indonesian Dictionary (KBBI) Online, <https://kbbi.kemdikbud.go.id/entri/korupsi>, accessed May 20, 2025.

¹⁰Article 2 paragraph (1) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption.

¹¹Abdul Wahid, loc.it.

¹²Erdianto Effendi, loc.it.

Law enforcement should ideally not only be oriented towards the aspect of legal certainty, but should also reflect the value of justice and provide real benefits (utility) for the wider community. However, in reality, the law is often used as a tool of power that actually ignores the essence of substantial justice. A rigid, procedural, and insensitive legal approach to vulnerable groups such as suspects, defendants, or justice seekers, shows that the principle of a just state of law has not been fully realized.¹³

The main function of an advocate is to provide legal services to his/her clients, which can be in the form of legal consultation, legal assistance, exercising power of attorney, representing, accompanying, defending, and carrying out other legal actions in the legal interests of the client.¹⁴ Advocates are also tasked with ensuring that every individual has the right to fair legal assistance, as guaranteed by the principle of access to justice in a state based on the rule of law.

According to Soerjono Soekanto, the existence of advocates reflects the implementation of the principle of equality before the law, because advocates are part of the control system over state power, especially in ensuring that the legal process takes place fairly and not arbitrarily.¹⁵

Legal facts in the jurisdiction of Central Kalimantan, as follows: The corruption case that ensnared several parties in the Bawaslu grant fund case for Seruyan Regency, Central Kalimantan, is a real example of how these principles are tested in practice. This case began with the discovery of alleged misappropriation of grant funds from the Seruyan Regency Government to the Election Supervisory Body (Bawaslu) of the district which was allegedly not used according to its intended use. In the 2023–2024 budget year, the Seruyan Regency Government allocated a grant fund of Rp12,582,801,499 to the Seruyan Regency Bawaslu to support the implementation of the Regional Head Election (Pilkada). The funds were disbursed in two stages, namely the first stage in December 2023 amounting to Rp5,033,120,600 from the 2023 Revised APBD, while the second stage was in June 2024 amounting to Rp. 7,549,680,899 from the 2024 APBD. However, the Central Kalimantan High Prosecutor's Office (Kejati Kalteng) found indications of irregularities and abuse of authority in the management of these funds. Between May 18 and June 8, 2024, KH, a financial operator staff member of the Seruyan Bawaslu, allegedly used the BRI Cash Management System (CMS BRI) account belonging to the Commitment Making Officer (PPK) and Assistant Expenditure Treasurer (BPP) without permission to disburse funds to his personal account. KH obtained the OTP code from HI (PPK) on the grounds of urgency, which was then used to approve the disbursement of funds without proper

¹³Satjipto Rahardjo, loc.it. pp. 55–58.

¹⁴Yahya Harahap, *Position, Authority, and Ethics of the Advocate Profession*, (Jakarta: Sinar Grafika, 2005), p. 24.

¹⁵Soerjono Soekanto, *Sociology: An Introduction*, (Jakarta: Rajawali Press, 2001), p. 112.

verification. The state loss due to this action is estimated to reach IDR 2 billion, with the possibility of increasing during the audit process. The misused funds are suspected of being used for personal interests, including purchasing gardens and online gambling.¹⁶

Based on information from the prosecutor's office, the investigation process has been carried out against a number of suspects, including officials and related parties at Bawaslu. However, in its implementation, various issues have emerged regarding the suspect's access to legal assistance and the treatment of law enforcement officers which are considered not to fully guarantee the principle of justice.

In this context, the role of advocates becomes very strategic, not only as defenders of individual suspects, but also as guardians of accountability and constitutionality of the legal process. Advocates must ensure that the rights of suspects, such as the right to remain silent, the right to obtain legal information, and the right not to be treated inhumanely, are fully protected from the start of the investigation process. Moreover, in corruption cases that are full of social and political pressures, the presence of advocates is a counterweight to the potential for abuse of power by law enforcement officers, especially during the investigation stage.

According to Article 1 number 1 of the Criminal Procedure Code (KUHP), investigators are officers of the Indonesian National Police or certain civil servants who have special authority from the law to conduct investigations. In the Police environment, especially in the Criminal Investigation Division, investigators are often referred to as "Investigators." A similar definition is also found in Article 1 of Law Number 2 of 2002 concerning the Indonesian National Police.¹⁷

From the above case, as the advocate/legal assistant of one of the suspects with the initials HI who served as the Commitment Making Officer (PPK) in the Seruyan Regency Bawaslu grant fund corruption case, namely accompanied by an advocate named Bambang Sakti, SHAdvocate Bambang Sakti stated that the process of determining his client as a suspect seemed rushed and did not reveal all the relevant facts. He emphasized that his client, HI, was only a victim in this case.¹⁸

¹⁶ [Balanganews.com+3kontenkalteng.com+3Radar Sampit - The New Spirit of Kotawaringin+3Balanganews.com](https://balanganews.com+3kontenkalteng.com+3Radar+Sampit+-+The+New+Spirit+of+Kotawaringin+3Balanganews.com), accessed on May 20, 2025

¹⁷M. Yahya Harahap, 2007, Discussion of Problems and Application of Criminal Procedure Code Investigation and Prosecution, Sinar Grafika, Jakarta, p. 109.

¹⁸Results of an Interview with Bambang Sakti, S.H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

Based on the results of an interview with Advocate Bambang Sakti, SH, as the attorney for suspect HI in the alleged corruption case of Bawaslu grant funds for Seruyan Regency, information was obtained that the initial examination process for his client was carried out without the presence or notification to him as a legitimate legal representative. Advocate Bambang stated that he had submitted an official power of attorney to the investigator before the examination was carried out, but still did not receive access or notification regarding the examination schedule. Regarding this action, he submitted an official objection to the investigator, both in writing and verbally, because it was considered to violate the suspect's constitutional rights to be accompanied by a legal advisor from the start of the investigation as regulated in Article 56 of the Criminal Procedure Code and Law Number 18 of 2003 concerning Advocates.¹⁹

Furthermore, Advocate Bambang emphasized that the presence of an advocate in the initial examination process is not only to provide legal assistance, but also to ensure that every statement given by his client is obtained legally, free from psychological pressure, and in accordance with the principle of due process of law. According to him, the absence of legal assistance during the initial examination has the potential to weaken his client's legal standing in the subsequent trial process. Therefore, he considers it important to officially record the objection as a form of protection for the suspect's rights and as an effort to encourage fair and accountable law enforcement.²⁰

In his statement, Advocate Bambang Sakti, SH said that as the attorney for suspect HI, he had firmly submitted a request to investigators that in every stage of the examination, his client be treated in accordance with legal provisions that guarantee the rights of suspects. The request was submitted both verbally when facing investigators directly, and in writing through an official letter. Advocate Bambang emphasized that the examination of the suspect must be carried out without pressure, intimidation, or other coercive efforts that could affect the suspect's freedom to provide information. He referred to the principles of criminal procedure law that uphold the principle of the presumption of innocence and Article 117 of the Criminal Procedure Code which requires the examination to be carried out free from physical or psychological pressure.²¹

Furthermore, he said that in practice, suspects are often in a depressed mental state, either because of the legal status that ensnares them or because of the pressure of the examination environment. Therefore, the assistance of an advocate not only functions as legal protection, but also as a psychological

¹⁹Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

²⁰Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

²¹Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

guarantee so that the suspect can provide information honestly and freely. Advocate Bambang emphasized that his party will continue to monitor and record any potential violations of his client's rights during the investigation process, and will not hesitate to take legal action if actions are found that exceed authority or deviate from procedures.²²

In an interview with Advocate Bambang Sakti, SH, he emphasized that one of the important steps he took as attorney for suspect HI was to ensure access to the Investigation Report (BAP) and other investigation documents relevant to the case. According to him, access to these documents is a fundamental right guaranteed by criminal procedure law, especially as part of the principle of transparency and the right to fair defense. Advocate Bambang explained that at the beginning of the investigation process, he had experienced obstacles in obtaining copies of the documents needed to develop a defense strategy, because there were restrictions from the investigators on the grounds of confidentiality of the investigation.²³

However, he still tried formally to fulfill the right by submitting a written request to the investigator, accompanied by a clear legal basis, namely Article 72 of the Criminal Procedure Code which states that legal counsel has the right to contact and speak with the suspect and obtain information related to the ongoing legal process. After going through the communication and clarification process, the investigator finally provided limited access to certain documents, although not completely. Advocate Bambang stated that the openness of investigation documents is an important part of maintaining a balanced position between the public prosecutor and the defense, as well as a form of respect for the principle of due process of law in the criminal justice system.²⁴

In the statement delivered by Advocate Bambang Sakti, SH, as the legal advisor to suspect HI, he emphasized that one of the main tasks carried out while accompanying his client was to provide comprehensive legal advice at every stage of the investigation process. The advice was given before the examination began, with the aim that the client understands his rights as a suspect, including the right to remain silent, the right not to answer questions that could incriminate himself, and the right to be accompanied by a legal advisor during the process. Advocate Bambang explained that before the examination, he

²²Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

²³Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

²⁴Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

routinely communicated with his client to ensure that the client was mentally prepared and understood his legal position in the ongoing case.²⁵

During the examination, he was present and supervised the process to ensure that there were no violations of legal procedures, and to ensure that his client was treated humanely and was not under psychological pressure. After the examination, he again provided an explanation to the client regarding the results of the examination, the potential legal impact of the information provided, and the legal steps that would be taken in the future. Advocate Bambang emphasized that ongoing legal advice is part of a strategic effort to protect his client's constitutional rights and ensure that the judicial process is carried out fairly, transparently, and in accordance with the principle of legal certainty.²⁶

In his explanation, Advocate Bambang Sakti, SH, said that while accompanying suspect HI in the alleged corruption case of Bawaslu grant funds for Seruyan Regency, he had prepared and submitted a written objection note against several investigators' actions that he considered were not in accordance with the provisions of criminal procedure law. The objection note was prepared as a form of official objection to actions that were considered to violate procedures, including the examination of the suspect without the presence of legal counsel, restrictions on access to investigation documents, and treatment that was considered to not uphold the principle of protection of the suspect's rights. Advocate Bambang explained that the preparation of the objection note was carried out by referring to legal norms in the Criminal Procedure Code and the principles of a fair trial.²⁷

Based on the theory of legal protection, the actions of advocates can be interpreted as the realization of the function of law to provide a sense of security, certainty, and justice for suspects as legal subjects who have basic rights. The law in this case is not merely a repressive tool of the state, but a means to balance power between law enforcement and individuals being investigated. The role of advocates strengthens the legal position of suspects as citizens whose rights are still guaranteed in the legal process, even when dealing with law enforcement officers in serious cases such as corruption.

Thus, if it is associated with the theory of legal protection, then the role of advocates in this case does not only function technically procedurally, but also has a philosophical and normative dimension as a protector of individual human

²⁵Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

²⁶Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

²⁷Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

rights, a guardian of the balance of power, and a guarantor of the realization of justice in the law enforcement process.

3.2. Barriers and Solutions of Advocates in Guaranteeing the Rights of Suspects at the Investigation Stage of Corruption of Grant Funds at the Bawaslu of Seruyan Regency

In the Indonesian criminal justice system, advocates play an important role as part of law enforcement whose duty is to ensure that the legal rights of suspects are fulfilled, including during the investigation stage. This task becomes even more crucial in cases involving corruption, given the complexity of the cases and the high public expectations for clean and firm law enforcement. One of the cases that has attracted attention is the alleged corruption of grant funds at the Bawaslu of Seruyan Regency, Central Kalimantan, which highlights the importance of the role of advocates in ensuring the protection of suspects' rights during the legal process.

However, in practice, advocates often face various obstacles when carrying out their constitutional functions. Based on the results of an interview with Mr. Bambang Sakti, SH as Advocate/Legal Companion for one of the suspects in the corruption case of grant funds at the Seruyan Regency Bawaslu, the obstacles are:²⁸

1) Limited Access to Suspects

In the early stages of criminal investigations, especially those related to corruption, advocates often experience obstacles in gaining access to accompany their clients. This occurs when a suspect has just been arrested or named a suspect and brought before investigators for initial examination. In this condition, many advocates are not immediately informed or are even deliberately prevented from being present to accompany the suspect, so that the examination is carried out without proper legal assistance.

Normatively, the suspect's right to be assisted by legal counsel has been guaranteed in various legal instruments, including Article 56 and Article 114 of the Criminal Procedure Code (KUHP), and is strengthened by Law Number 18 of 2003 concerning Advocates. Article 54 of the KUHP states that "at every level of examination, the suspect or defendant has the right to receive legal assistance from one or more legal counsels."

However, in practice, this right is often not implemented ideally. One of the main causes is the lack of understanding of investigators regarding the importance of the role of advocates in a fair criminal justice system. Not infrequently, advocates are seen as "interfering" in efforts to obtain confessions or

²⁸Results of an Interview with Bambang Sakti, S.H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

information from suspects. In this context, repressive actions such as delaying notification of arrests to family or advocates, examinations without legal assistance, and intimidation of advocates who try to carry out their duties.

In addition, there is also a deliberate factor from investigators to delay or even block access for advocates to their clients. This can happen because of concerns that the presence of advocates will make the investigation process more difficult, especially in corruption cases that are full of pressure from the public and institutional superiors. As a result, suspects are in a vulnerable position to human rights violations, including the risk of psychological pressure, coercion, or unfair examination.

From the perspective of due process of law theory, this practice is a serious violation of the principle of fair and balanced justice. A legal system that upholds justice must provide an equal opportunity for suspects to defend themselves through their legal counsel. Without legal assistance from the start, the position of the suspect in the investigation process becomes unequal, while the investigator has full control over the course of the examination.

2) Restriction of Access to Case Files

One of the serious obstacles faced by advocates in guaranteeing the rights of suspects is the restriction of access to case files during the investigation stage. In many cases, advocates are not given copies, or are not even allowed to directly examine important documents related to the charges against their clients. This is a crucial problem because effective defense can only be carried out if legal counsel has a thorough understanding of the substance of the case.

Legally, the advocate's right to access case files has been guaranteed in Article 72 of the Criminal Procedure Code which states that legal counsel has the right to read and copy case files after the case has been transferred to the court. However, there is a gap or legal loophole regarding access at the investigation stage. This is often used as an excuse by investigators to reject access requests from advocates before the case is transferred to the prosecutor's office.

In fact, according to the principle of fair trial regulated in Article 14 paragraph (3) of the International Covenant on Civil and Political Rights (ICCPR) which has been ratified by Indonesia through Law No. 12 of 2005, the suspect or defendant has the right to "obtain sufficient time and facilities to prepare his defense." The term "facilities" in this context clearly includes access to files and evidence submitted by the public prosecutor.

In practice, this restriction of access causes an imbalance in position between advocates and investigators, where investigators have full control over information and evidence, while advocates do not have sufficient information to refute or defend the accusations against their clients. This harms the

constitutional rights of suspects and violates the principle of equality of arms in the criminal justice system.

3) Negative Stigma Against Advocates

In handling corruption cases, including the alleged corruption case of grant funds at Bawaslu Seruyan Regency, advocates often face negative stigma from various parties, both from law enforcement, the media, and the general public. Advocates are often portrayed as parties who try to "protect perpetrators of crimes" or "hinder law enforcement efforts," especially when accompanying suspects in corruption cases that attract public attention.

The stigma that advocates are "obstacles to eradicating corruption" arises because of the paradigm of law enforcement that tends to be repressive and populist, especially in cases of corruption that are political in nature or involve public funds. The public and the media often see the legal process from only one side: punishing as severely as possible, without considering the rights of the suspect to receive a defense. As a result, advocates who carry out their duties are actually associated with efforts to slow down or weaken the legal process.

The impact of this stigma is very serious, especially in terms of cooperation between advocates and law enforcement. Advocates can experience unprofessional treatment, such as being ignored, restricted in their movement, or even considered suspicious by investigators. This causes an unhealthy and uncondusive working atmosphere in the justice system. In the long term, this has the potential to erode trust in the legal process itself.

4) Social Pressure and Politics

In corruption cases involving grant funds, especially in strategic institutions such as Bawaslu, advocates often face pressure from various parties, including public opinion, the media, anti-corruption activists, and local political actors. This pressure often appears in the form of demands for the suspect to be given the heaviest possible sentence, without considering the suspect's legal rights. This situation puts advocates in a difficult position, because their professional duty to defend clients can be interpreted as a defense against corrupt practices.

From an academic perspective, the social and political pressures faced by advocates violate the principle of independence of the advocate profession as guaranteed in Law Number 18 of 2003 concerning Advocates, especially Article 15, which states that advocates in carrying out their profession cannot be prosecuted criminally or civilly as long as they are within the corridor of their professional duties in good faith. This confirms that advocates should be free from interference from any party, including social and political pressures that can affect the integrity and objectivity of legal defense.

Narratively, this pressure can take the form of threats, intimidation, or social exclusion of advocates and their families, especially if the corruption case involves public figures or regional officials. Advocates can be ostracized from the professional community, avoided by colleagues, or even lose other clients because they are labeled as "defending corruptors." In this situation, not only is the integrity of the profession threatened, but also the constitutional rights of the suspect who is harmed because he does not get optimal legal defense due to intimidation of his legal counsel.

5) Lack of Professionalism of Law Enforcement Officers

One of the significant obstacles faced by advocates in guaranteeing the rights of suspects at the stage of investigating corruption crimes is the lack of professionalism of some law enforcement officers, especially investigators. In practice, advocates often experience discriminatory, intimidating, and even verbal and physical abuse when carrying out their duties to accompany clients. Investigators sometimes do not respect the position of advocates as equal law enforcers, and treat them as obstacles to the investigation process.

Academically, the function of advocates as law enforcers on a par with investigators, prosecutors and judges has been confirmed in Law Number 18 of 2003 concerning Advocates, specifically Article 5 paragraph (1), which states that "advocates have the status of law enforcers, free and independent which is guaranteed by law and statutory regulations in carrying out their professional duties." Therefore, any form of intimidating action or ethical violation against advocates is a violation of the principles of the rule of law (*rechtstaat*) and the supremacy of law.

However, in practice, a repressive and hierarchical legal culture often makes the position of advocates unappreciated by certain officials. For example, advocates are made difficult to accompany clients, ignored when filing objections, or even intimidated when asking for their clients' legal rights to be upheld. This is in stark contrast to the principles of due process of law and equality before the law, which demand balance and respect for the rights of all parties in the legal process.

Narratively, many advocates have experienced incidents where they were accused of obstructing investigations simply because they reminded investigators of legal procedures, such as the suspect's right to remain silent or the right not to sign a police report without assistance. In fact, in some cases, advocates were threatened with being reported back or charged with obstruction of justice disproportionately. This creates real fear and psychological pressure, and damages the advocate's independence in defending clients professionally.

Yesin facing the obstacles faced by Advocates in carrying out their role to guarantee the rights of suspects at the investigation stage. Based on the results of an interview with Mr. Bambang Sakti, SH as Advocate/Legal Companion for one of the suspects in the corruption case of grant funds at the Bawaslu of Seruyan Regency, the solution is:²⁹

1) Enforcement of Principles *Due Process of Law*

Academically, the principle of due process of law is a main pillar in a state of law that guarantees that every individual—including suspects in corruption cases—receives fair, procedural, and substantial legal treatment. In the Indonesian context, this principle is reflected in Article 18 paragraph (1) of the 1945 Constitution, the Criminal Procedure Code, and Law Number 18 of 2003 concerning Advocates. Investigators are required to uphold the principle of the presumption of innocence and guarantee the suspect's right to legal assistance from the start of the examination. In practice, advocates need to actively assert their clients' rights, either through official letters, attendance at examinations, or advocacy against procedural violations. This strategy is not to protect perpetrators of crimes, but rather to ensure that the legal process runs according to criminal procedure law, prevent abuse of authority, and guarantee the integrity of the judicial process.

2) Strengthening the Role of Advocates through Professional Organizations

In the professional narrative, advocate organizations such as DPC PERADI play a crucial role in fostering, protecting, and fighting for the interests of their members, especially when they face pressure from investigators, the media, or the public. Academically, this is in line with the concept of legal solidarity in legal professional organizations, where collective protection strengthens individual freedom in carrying out professional functions. PERADI needs to provide an internal legal aid team, a complaint hotline, and an advocacy mechanism for its members who experience structural obstacles or intimidation when accompanying suspects. This step is important to ensure that advocates can continue to carry out their roles freely, independently, and professionally.

3) Building Synergy between Advocates and Law Enforcement Officers

Conflicts between law enforcers often occur due to a lack of understanding of each other's roles in the criminal justice system. Therefore, joint training or an open dialogue forum is needed between investigators (police or KPK) and advocates to build a culture of mutual respect. In an academic context, this approach is in accordance with the principle of restorative justice in the management of the justice system, which emphasizes the importance of

²⁹Results of an Interview with Bambang Sakti, S..H as Advocate/Legal Companion for one of the suspects in the Seruyan Regency Bawaslu grant fund corruption case, on May 19, 2025.

collaboration for the effectiveness of the legal process. This persuasive approach not only improves communication, but also reduces the negative stigma against the advocate profession and increases trust between law enforcement institutions.

4) External Supervision of the Investigation Process

When there are human rights violations or unprofessionalism in investigations, external supervision from independent institutions such as Komnas HAM, the Judicial Commission, and the Ombudsman becomes a strategic solution. The involvement of these institutions ensures that there is a check and balance on the performance of law enforcement. Normatively, this is based on the principle of accountability in law enforcement, namely that law enforcement institutions must be open to external evaluation and correction. This step also fosters a culture of accountability in the investigation process so that it does not deviate from the corridor of law and human rights.

5) Legal Education for the Community

The low level of legal literacy in society often causes advocates to be negatively labeled, especially when assisting suspects in corruption cases. Therefore, there needs to be an educational campaign through the media, citizen forums, and educational institutions, which emphasizes that advocates are not defenders of crime, but rather guardians of human rights and the principles of justice. In the view of responsive legal theory (Philippe Nonet and Philip Selznick), an effective legal system must be sensitive to social dynamics and able to shape public legal awareness. With increasing public understanding, advocates will receive moral support in carrying out their duties, so that the judicial process runs fairly and **proportionally without social pressure that damages objectivity.**

4. Conclusion

The role of advocates in guaranteeing the rights of suspects at the stage of investigating criminal acts of corruption of grant funds at the Bawaslu of Seruyan Regency is an integral part of efforts to enforce fair law and uphold human rights. Advocates play an active role from the early stages of the investigation by ensuring that the suspect receives adequate legal assistance, is not examined unilaterally without the presence of legal counsel, and is given legal advice before, during, and after the examination. In addition, advocates also file objections to any actions of investigators that are considered to deviate from legal procedures, including by preparing a written objection note. He ensures that the suspect is examined without physical or psychological pressure, and tries to obtain access to important documents such as the Examination Report (BAP) in order to guarantee the right to effective defense. All of these roles are carried out based on the provisions of the Criminal Procedure Code, the Advocates Law, and the principles of human rights. Thus, the existence of

advocates is not only as legal assistance, but also as a balance in the criminal justice system, whose task is to oversee the course of the investigation so that it continues to run according to the principles of legality, accountability, and respect for the constitutional rights of suspects.

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