

Violation of the Code of Ethics of the Advocate Profession in Criminal Cases

Mochammad Agil Wakanno¹⁾ & Arpangi²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, email: wakanno1796@gmail.com

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, email: arpangi@unissula.ac.id

Abstract. *The advocat profession is greatly needed to balance and even protect against arbitrary power tendencies in both political and economic and social fields. At the same time, their generosity is also prominent when providing legal services called pro-bono. Provisions regarding this have even been regulated in the Advocates Law. However, in practice today, in addition to the positive perception of advocates because of their history and status as officium nobile, legal fighters and so on, it turns out that many negative perceptions have begun to emerge. "Naughty" advocates often deviate, such as using their networks in court institutions to win a case for a certain fee. This study aims to determine and analyze the law regarding the Indonesian Advocates Code of Ethics in criminal cases in Indonesia based on Law Number 18 of 2003 concerning Advocates, analyze the examination procedures for an advocate suspected of violating the advocates' code of ethics in handling criminal cases, find out and analyze the policies of the Indonesian Advocates Association (PERADI) regarding violations of the advocates' code of ethics committed by an advocate in handling criminal cases. This research uses an empirical juridical approach or often called sociological juridical, juridical research is used to analyze regulations related to the code of ethics of the advocate profession, while the empirical approach is used to analyze law which is seen as patterned community behavior in community life which always interacts and relates to social aspects by using primary data in the form of interviews and also secondary data which includes primary legal materials, secondary legal materials and tertiary legal materials, this research uses qualitative data analysis. Based on the research, it is concluded that Complaints are the basis for starting an examination. Complaints can be filed by complainants, namely clients, colleagues, government officials, members of the public, supervisory commissions, the National Leadership Council of Peradi with a trial fee of Rp. 5,000,000 (five million rupiah). Advocates as an honorable profession (officium nobile) who in carrying out their profession are under the protection of law, the Law and the Code of*

Ethics, have freedom based on the honor and personality of Advocates who adhere to Independence, Honesty, Confidentiality and Openness. That the Advocate profession is as a law enforcer who is equal to other law enforcement agencies, therefore each other must respect each other. Every Advocate must maintain the image and dignity of the profession's honor, and be loyal and uphold the Code of Ethics and Professional Oath. The Indonesian Advocates Association (Peradi) as an Advocate Organization that always prioritizes the right to immunity for its members.

Keywords: Advocate; Organization; Professional; Violation.

1. Introduction

In the effort to realize the principles of the rule of law in social and national life, the role and function of Advocates as a free, independent, and responsible profession is crucial, alongside judicial institutions and law enforcement agencies such as the police and prosecutors. Through the legal services they provide, Advocates carry out their professional duties to uphold justice based on law for the benefit of the justice-seeking public, including efforts to empower the public to realize their fundamental rights before the law. Advocates as one element of the judicial system are one of the pillars in upholding the rule of law and human rights. In addition to the judicial process, the role of Advocates is also seen in professional channels outside the courts. The need for Advocates' legal services outside the judicial process is currently increasing, in line with the growing legal needs of society, especially in entering a more open life in international relations. Through the provision of consulting services, negotiations, and in the drafting of commercial contracts, the Advocates profession also makes a significant contribution to community empowerment and national legal reform, especially in the fields of economics and trade, including in the resolution of disputes outside the courts.¹

Law enforcement continues, but the post-reform legal paradigm shift has significantly impacted political and constitutional life in Indonesia. However, the law has not yet fully quenched the thirst for justice and public welfare. Numerous legal cases remain unresolved, impacting public trust in law enforcement. This

¹Setyo Langgeng, "The Role of Advocates as Law Enforcers in Supporting the Realization of an Integrated Criminal Justice System in Criminal Law Enforcement in Indonesia", Jurnal Daulat Hukum Vol 1, No 1 (2018). Pg. 139, url:<https://jurnal.unissula.ac.id/index.php/RH/article/view/2628/1977> accessed December 1, 2025

phenomenon has sparked much debate, particularly regarding the relevance of law enforcement to the values of social justice and public welfare.²

Regarding the existence of Advocates, it has been regulated in Article 1 Paragraph (1) of Law No. 18 of 2003 concerning Advocates (Advocates Law), "An Advocate is a person whose profession is to provide legal services, both inside and outside the court who meets the requirements based on the provisions of the Law". Article 1 paragraph (2) of the Advocate Law states, "Legal Services are services provided by Advocates in the form of providing legal consultations, legal assistance, exercising power of attorney, representing, accompanying, defending, and carrying out other legal actions for the legal interests of clients". Article 1 Paragraph (2) of the Advocate Law states "A client is a person, legal entity, or other institution that receives legal services from an Advocate", while Article 5 paragraph (1) of Law No. 18 of 2003 concerning Advocates.

The philosophical basis for the birth of Law Number 18 of 2003 on Advocates is first, to realize a prosperous, safe, peaceful, orderly and just national life. Second, a judicial power that is free from all external interference and influence requires an advocate profession that is free, independent, and responsible, to implement an honest, fair trial and have legal certainty for all justice seekers in upholding the law, truth, justice, and human rights. Third, Advocates as a profession that is free, independent, and responsible in upholding the law, need to be guaranteed and protected by law for the sake of upholding the rule of law.³

The profession of advocate in carrying out law enforcement is indeed very complicated, the Indonesian nation carried out reforms aimed at eradicating injustice, especially rampant corruption, through upholding the rule of law, but it can be seen together that the reality after a long time the reform movement was unable to do much, such as corruption cases continuing to flourish, while the rule of law is like upholding a wet thread.⁴

We need to know in advance that ethics is a set of morals that regulate the behavior of an individual or group in professional life. In the legal profession itself, ethics has a quite important function, namely as a guide to ensure that the advocate has carried out his profession with high morals, so that an advocate does not only comply with applicable legal regulations. The application of the code of ethics in the legal profession is very important because it is used as a form of moral

²Gunarto, Law Enforcement Agenda and Its Relevance for National Development, Journal of Legal Reform Volume I, No. 1, (2014), p. 1.

³Advocates Law Number 18 of 2003, Philosophical Basis, p. 1

⁴Sabian Utsman, Towards Responsive Law Enforcement: The Concept of Philippe Nonet & Philip Selznick: Comparison of Civil Law System & Common Law System: Spiral of Violence & Law Enforcement, Yogyakarta: Pustaka Pelajar, 2008, pp. 7-8

resilience of the legal profession by explaining the function of the code of ethics in society regarding the enforcement and application of the code of ethics.⁵

The position of an Advocate as a law enforcer has been regulated in Article 5 Paragraph (1) of Law No. 18 of 2003 concerning Advocates. The role of Advocates / Legal Advisors as part of the Legal Aid Provider in the Criminal Justice System is regulated in Law No. 16 of 2011 concerning Legal Aid. Violations of the code of ethics of the advocate profession in criminal cases really need to be studied, because studies on this matter are still rare and scarce so that the author feels it is important to research this matter. From the description above, the author maps the problems that will be discussed in this journal as follows:

- 1) How is the law regarding the code of ethics for advocates applied in criminal cases in Indonesia based on Law Number 18 of 2003 concerning Advocates?
- 2) What is the procedure for examining an advocate who is suspected of violating the advocate code of ethics in handling criminal cases?
- 3) What is the policy of the Indonesian Advocates Association (PERADI) regarding violations of the advocate's code of ethics committed by an advocate in handling criminal cases?

2. Research Methods

The approach method in this writing uses the Empirical Juridical method (Sociological Juridical), the research specifications use descriptive analysis, the data collection method in this writing is a literature study and interviews as well as the types and sources of data as follows: the first is primary data using interviews with the Semarang branch of the Peradi honorary council, the second uses secondary data in the form of Laws, Code of Ethics, Books and Journals

3. Results and Discussion

3.1. Implementation of the Law Concerning the Advocate Code of Ethics in Criminal Cases in Indonesia Based on Law Number 18 of 2003 Concerning Advocates

Peradi (Indonesian Advocates Association) is a professional organization for advocates in the form of an association established by the founding organization on December 21, 2004, then the deed of establishment was made on Thursday, September 8, 2005 before a notary in Jakarta, Buntario Tigris Darmawang, the founders are advocates who are members of Ikadin (Indonesian Advocates Association), Aai (Indonesian Advocates Association), Iphi (Indonesian Legal Advisors Association), Hapi (Indonesian Advocates and Lawyers Association), Spi

⁵Fauziah Lubis, "Implementation and Challenges of the Advocate Professional Code of Ethics in Realizing Professional Ethics with Integrity", *Judge: Jurnal Hukum* Vol 6, No 1 (2025). Pg. 263

(Indonesian Lawyers Association), Akhi (Indonesian Legal Consultant Association), Hkhpm (Capital Market Legal Consultant Association), and Apsi (Indonesian Sharia Lawyers Association).

In addition to aiming and intending to improve the quality of the advocate profession by organizing activities such as education and training, Peradi also has the authority to appoint advocates, organize a register of advocate members, organize special advocate education, organize advocate professional exams, determine advocate offices that are obliged to accept prospective advocates for internships, determine and implement a code of ethics for Peradi members, supervise advocates to always uphold the code of ethics.

The Semarang Peradi Regional Honorary Council has received 21 complaints of code of ethics violations from approximately 900 advocates in Semarang during the 2023-2025 period. Sanctions for advocates who violate the code of ethics by the Semarang Peradi Honorary Council range from warnings to temporary dismissal for 2 (two) years. The most common code of ethics violation committed by advocates is fraud by asking clients for fees without fulfilling their obligations as advocates.

That in 2023-2025 the Regional Honorary Council of Peradi Semarang has conducted 31 (thirty-one) code of ethics hearings which resulted in decisions of ordinary warnings, severe warnings, temporary suspensions and has never issued a decision of permanent dismissal/dismissal during that period. Specifically for permanent dismissal or dismissal carried out by advocates in violation of the code of ethics with the intent and purpose of damaging the image and dignity of the honor of the Advocate profession which must be upheld as a noble and honorable profession. As a regulation, the sentence used to provide the purpose of imposing sanctions of permanent dismissal is a winged sentence but can also be interpreted that the person concerned has been given a stern warning for a violation of the code of ethics and does not heed and does not respect the provisions of the code of ethics and repeats it again in other words the nature of the violation is very serious (because it has been given a stern warning) and if no action is taken it will potentially damage the entire honor of the advocate profession.

Given the current state of advocate organizations, advocate organizations must also strictly monitor the behavior and ethics of advocates. It is in this context that the advocate code of ethics comes to the fore and becomes a tool for monitoring advocate behavior to ensure quality service, integrity, and defending the public interest in the legal and judicial fields. Furthermore, to maintain the quality of its members, an advocate organization must pay attention to their intellectual competence to further improve the quality of its services to the public. With strict supervision, a non-corrupt recruitment system, and consistent training programs, it is hoped that advocates will produce advocates who not only possess extensive knowledge but also possess good morals. This will enable them to understand

their duties, functions, and roles as professional advocates, who are committed to fearlessly defending truth and justice, who have a firm stance on justice and truth, and who are not always concerned only with their own personal gain. Therefore, it is imperative for every advocate to always maintain their position as a noble profession and to have good standing and dignity in the eyes of society.

The obstacles to implementing sanctions for advocates who violate the code of ethics are inseparable from the history of the Indonesian Advocates Association (Peradi). Since the Indonesian Advocates Association (Peradi) was founded, the issue of merging eight advocate organizations has always been a hot topic of debate among advocates. In the context of enforcing the advocate code of ethics, the eight advocate organizations have entrusted the enforcement mechanism to Peradi.

As is known, each of the eight advocate organizations structurally has an organ tasked with enforcing the advocate code of ethics. This has been emphasized in Law Number 18 of 2003 concerning Advocates. Article 26 paragraph (4) of the Advocates Law states that supervision of the implementation of the Advocate professional code of ethics is carried out by the Advocate Organization. Meanwhile, the advocate organization in question is the only advocate professional body established in accordance with the Advocate Law, namely Peradi.

The Honorary Council can act when there is a report, in handling violations of the code of ethics by advocates, the honorary council can only act if there is a report or complaint. Therefore, the Honorary Council cannot be proactive in picking up a case, but there must be a report or complaint first. Once there is a report, the Honorary Council only has the authority, because the honorary council is passive. Therefore, the honorary council cannot act alone. The costs charged to the Complainant for the code of ethics trial as regulated in the Decree of the National Leadership Council of the Indonesian Advocates Association at the First Level and Appellate Level Number: KEP.131/PERADI/DPN/XI/2016 in Article 2 Paragraph 3 of the National Leadership Council of PERADI "the amount of court costs as referred to in paragraph (1) for the trial of violations of the Indonesian Advocates code of ethics at each level (first level and or appeal level), each amounting to IDR 5,000,000 (five million rupiah) per case. This is an obstacle to objections for the Complainants the code of ethics would be more effective if it were handed over to the Indonesian Advocates Association (Peradi) or if a single Honorary Council were established, given its greater authority than other advocate organizations. The Honorary Council of an advocate organization can only impose the most severe sanction in the form of revocation of membership in that advocate organization, while Peradi can revoke the advocate's license. This does not rule out the possibility that advocates subject to ethical sanctions at the Peradi DKD could move to other advocate organizations. In the context of enforcing the

advocate code of ethics, the idea of merging, or more precisely, centralizing, and also for the eight advocate organizations to entrust the mechanism for enforcing the code of ethics to Peradi. As is known, each of the eight advocate organizations structurally has an organ tasked with enforcing the advocate code of ethics.

3.2. Procedures for Examination of an Advocate Suspected of Violating the Advocate Code of Ethics in Handling Criminal Cases

To maintain the dignity and honor of the legal profession, the legal organization has established a code of ethics for the legal profession. Advocates are required to comply with and obey the code of ethics for the legal profession and the provisions of the legal organization's honorary council. The code of ethics for the legal profession must not conflict with laws and regulations. Supervision over the implementation of the code of ethics for the legal profession is carried out by the legal organization. The legal organization's honorary council examines and adjudicates violations of the code of ethics for the legal profession based on the procedures of the legal organization's honorary council. The decision of the legal organization's honorary council does not eliminate criminal liability if the violation of the code of ethics for the legal profession contains criminal elements. Provisions regarding the procedures for examining and adjudicating violations of the code of ethics for the legal profession are further regulated by the decision of the legal organization's honorary council.⁶

Although some advocates violate the professional code of ethics, violations vary and have different consequences. Every professional must possess strong moral values that drive and underpin moral actions. According to Franz Magnis Suseno, the legal professional's personality consists of five strong moral principles. These five criteria can be described as follows:⁷

- 1) Honesty: Honesty is a very important foundation. Legal professionals become hypocritical, cunning, and deceitful if they are dishonest, denying the purpose of their profession. Two perspectives of honesty are as follows: (a) Being open. This relates to service to customers, including the ability to serve free of charge or for a fee; (b) the perspective of fairness. This shows that the actions are not excessive, not authoritarian, not rude, not oppressive, and not extortionate.
- 2) Authentic: Authentic means living and showing oneself according to one's true personality. (a) not abusing authority; (b) not committing acts that demean dignity (reprehensible acts); (c) prioritizing the interests of clients; (d) daring to take the

⁶Muhammad Hafiz Fajar Hidayah, "The Role of the Advocate Code of Ethics in Ensuring the Upholding of Justice in Indonesia," Indonesian Legal Media (MHI), Vol. 2 No. 4. (2024). P. 746

⁷ Fauziah Lubis, "The Role of the Code of Ethics in Improving the Quality of Advocates' Work Techniques", Innovative Multidisciplinary Journal, Vol 9 No 1, (2025) P. 188

initiative and acting wisely rather than just waiting for orders from superiors; and (e) not being isolated from society.

3) Responsible: In carrying out their functions, legal professionals must be responsible: (a) to carry out the work that falls within the scope of their work to the best of their ability; (b) to act proportionately, without distinguishing between paid and unpaid work (prodeo).

4) Moral Independence: Moral independence means not being easily influenced or following the moral views of others, but forming your own judgment. This means being unaffected by majority opinion, unaffected by considerations of profit and loss (self-interest), and conforming to religious moral values.

5) Moral Courage: Moral courage is loyalty demonstrated by a conscience that is willing to take the risk of conflict. This courage includes: (a) opposing corruption, collusion, bribery, and extortion; (b) refusing to negotiate on the spot over traffic violation tickets; and (c) opposing all forms of illegitimate settlement.

Based on Law Number 18 of 2003, the Indonesian Advocates Code of Ethics, and the Articles of Association of the Indonesian Advocates Association (Peradi), the Honorary Council functions to examine alleged violations of the code of ethics allegedly committed by an advocate based on complaints from clients, fellow advocates, government officials, members of the public, and the DPN/Korwil/DPC Peradi. The examination of the alleged complaint itself, based on applicable regulations, will be examined by the Central Honorary Council and/or the Regional Honorary Council through a Council that will be formed by the Central Honorary Council and/or the Regional Honorary Council. However, there are differences in the regulations regarding the formation of this Council when traced in Law Number 18 of 2003, the Indonesian Advocates Code of Ethics, and also the Articles of Association of the Indonesian Advocates Association (Peradi).

To examine the alleged violation itself based on Law Number 18 of 2003, the Honorary Council forms a Council whose composition consists of elements of the Honorary Council, legal experts or experts, and community leaders as in Article 27 paragraph 4 of Law Number 18 of 2003. Meanwhile, in the Indonesian Advocate Code of Ethics to examine alleged complaints, the Honorary Council meets with a Council consisting of at least 3 (three) people which can consist of the Honorary Council or additionally people who practice the profession in the legal field and have knowledge and are in the spirit of the Advocate Code of Ethics as in Article 14 paragraph (1), Article 14 paragraph 2 in conjunction with Article 18 paragraph 8, Article 18 paragraph 9 of the Indonesian Advocate Code of Ethics.

In the Peradi articles of association, to examine alleged violations, the Honorary Council forms a Council whose composition consists of elements of the Honorary Council, legal experts or specialists, and community leaders as stated in Article 24 paragraph (4) of the Peradi articles of association. In order for a code of ethics to

be implemented properly, its implementation must be continuously monitored by the Honorary Council. In implementing the code of ethics, several have regulated the mechanism for implementing the provisions of the rules regarding the advocate's code of ethics.

Complaints as a basis for starting an examination. Complaints can be filed by complainants, namely clients, colleagues, government officials, members of the public, supervisory commissions, the National Leadership Council of Peradi. In addition to organizational interests, the National/Regional/Branch Leadership Council of Peradi, can also act as complainants in matters concerning legal interests and public interests as well as other matters that are equated to that. That complaints that can be filed are only those concerning violations of the advocate's code of ethics and must pay a court fee of Rp. 5,000,000 (five million rupiah). That specifically for complaints of alleged violations of the advocate's code of ethics that are declared complete, within a maximum of 7 (seven) working days the Regional Honorary Council will form a Regional Honorary Council which will examine and decide on the Complaint, consisting of 3 (three) members from the Advocates element who are Members of the Regional Honorary Council and 2 (two) people from the Non-Advocates element consisting of experts or experts in the field of law and 1 (one) community leader. One of the members of the Regional Honorary Council, a member of the legal profession, is appointed as Chair of the Regional Honorary Council. Sessions at the Regional Honorary Council are closed, while the verdict is read out in public, with or without the presence of the parties involved.

The decision of the Central Honorary Council has permanent legal force from the moment it is pronounced in an open session with or without the presence of the parties. The decision of the Central Honorary Council is final and binding and cannot be challenged in any forum, including the PERADI National Conference. Ultimately, the National Leadership Council is obliged to implement and announce the decision of the Central Honorary Council, which has permanent legal force.

3.3. Policy of the Indonesian Advocates Association (Peradi) Regarding Violations of the Advocate Code of Ethics by an Advocate in Handling Criminal Cases

The Advocates Organization as a forum for Advocates is endeavored to be able to maintain the Advocates who participate in it to remain within the corridor of a free, independent and responsible profession. Understanding the meaning of the Advocates Organization grammatically can be interpreted as a cooperative effort or form of every association of Advocates to achieve a common goal where each Advocate has a recognized role to be carried out and obligations or tasks to be carried out to achieve a common goal or group of goals.

The main task of the Advocates Organization is to monitor or supervise its members to ensure the quality of Advocates' services to their clients in accordance with existing regulations, maintain the integrity of the profession in the eyes of the public and participate in defending the interests of the community, especially the underprivileged (prodeo). What is happening now, the Advocates Organization is busy looking for as many members as possible as a legitimacy of the Advocates Organization they lead considering that the current Advocates Organization is no longer a single Advocates organization as stated in the Advocates Law. The impact of this division, the administrators of the Advocates Organization are busy traveling around the region to establish branch offices, carry out Special Education for the Advocate Profession (PKPA) activities and inaugurate new Advocates.

The Indonesian Advocates Association (Peradi), as an advocate organization that always prioritizes the right to immunity for its members, states that an advocate cannot simply undergo an examination or investigation like an ordinary citizen. This relates to their right to immunity as advocates carrying out their duties. If an advocate is questioned by the police, as long as the questioning is related to their work or profession, the police can only act if they have first requested information from the advocate organization regarding the legality of the advocate's work. For example, if an advocate is reported to have defrauded their client so that the client loses. First, before the police can question an advocate, they must ask the advocate organization that oversees the advocate to explain whether the advocate's actions are in accordance with professional standards or not.

If the act in question falls under the category of a violation of professional ethics, the advocate will be investigated by an ethics council or an advocate honorary council and, if proven guilty, may be subject to administrative sanctions and criminal sanctions from law enforcement. However, if insufficient evidence is found in the ethics council's investigation of the complaint filed, then he cannot be prosecuted. Except in cases where the offense is clearly regulated by existing laws, such as robbery, drug use, or embezzlement under the pretext of bribing a judge, or the advocate committing a violation of the law or a crime outside his profession. Another example is if the advocate is involved in theft or illegal transactions, these are clearly not violations of advocate ethics but rather ordinary crimes. However, an advocate who becomes legal counsel for corruptors or terrorists and then has his laptop confiscated because he is considered to be in collusion is clearly an example of harassment against the advocate profession because the client's actions are not the advocate's responsibility.

Criminal law expert from Trisakti University, Abdul Fickar Hajar, also said the same thing. According to him, the right to advocate immunity is only given to lawyers who defend their clients in good faith, not obstructing the legal process. This is in accordance with the Constitutional Court's decision which stated that Article 16 of Law Number 18 of 2003 concerning Advocates is contrary to the 1945 Constitution

and has no binding legal force unless interpreted as follows: "Advocates cannot be sued either civilly or criminally in carrying out their professional duties in good faith for the benefit of defending clients inside or outside the court." Meanwhile, the Explanation of Article 16 of Law Number 18 of 2003 concerning Advocates states that what is meant by "good faith" is carrying out professional duties for the sake of upholding justice based on law to defend the interests of their clients. The phrase "court hearing" is interpreted as a court hearing at every level of court in all judicial environments.⁸

In terms of immunity, advocates are always limited by good faith, which is defined in the Explanation of Article 16 of Law Number 18 of 2003 concerning Advocates, namely, what is meant by good faith is carrying out professional duties for the sake of upholding justice based on law to defend the interests of clients. Objective good faith in this case is an action that must be guided by the norms of propriety, namely on what is considered appropriate in society. From a subjective perspective, it means the honesty and inner attitude of an advocate when carrying out their duties. If referring to this understanding, actually between obstruction of justice and the right to advocate immunity have the same elements in their intersection, namely that both are guided by and uphold the upholding of the law and the function of justice, both formal and material. Logically, if two things have the same elements but are contradictory, it means that one of them is wrong.

The most recent phenomenon is the shift from immunity to impunity. According to the dictionary, impunity itself is exemption from punishment. One instrument to prevent the shift from immunity to impunity is memory politics, which uses a recording and remembering approach as a collective strategy for obtaining objective truth by upholding justice. Impunity is not a right held by advocates as law enforcers. Rather, it is immunity. The right to immunity is granted to support the optimal role and duties of advocates in law enforcement. The right to immunity is granted to advocates in connection with their role and duties as law enforcers. Furthermore, obstruction of justice is an unlawful act that is clearly not in good faith. If obstruction of justice occurs and the right to immunity is functioning, impunity occurs.⁹

The position of Advocates as a non-governmental law enforcement agency, which is also emphasized in Article 5 Paragraph (1) of the Advocates Law, is one of the legal protection instruments for Advocates, especially to strengthen the position of Advocates' immunity rights in their practice in court. Article 5 Paragraph (1) of the Advocates Law also emphasizes the position of Advocates as part of the legal

⁸Andi Nurhidayah, "Advocates' Immunity Rights in Carrying Out the Legal Profession" *Constitutum Scientific Journal of Law* Vol. 1 No. 2 (2023) P. 84

⁹Dita Tania Pratiwi and Manertiur Meilina Lubis, "Analysis of the Legal Immunity Rights of the Advocates Profession in Handling Criminal Cases", *Adil: Jurnal Hukum*, Vol. 10 No. 2, 2019, pp. 155-156.

structure, as explained by Friedman, of the law enforcement system. The Advocates Law regulates the rights of Advocates, such as the right to immunity. However, the Criminal Code (KUHP) also implicitly regulates the immunity of the legal profession, namely in Article 50 which reads, "Anyone who commits an act to implement the provisions of the law, shall not be punished." This article determines in principle that a person who commits an act, even if it can be categorized as a criminal act, cannot be punished as long as the act is based on a statutory order. As long as the act is indeed carried out for the benefit of the people and the state, not for the personal interests of the perpetrator.¹⁰

The position of advocates as regulated in the Advocates Law and the rights of suspects in the Criminal Procedure Code (KUHAP) are closely related to the handling of criminal cases against suspects/defendants. Advocates can no longer be seen as complements to trials, as objects of suffering in trials and sometimes considered to slow down and complicate the course of trials, such a view is a mistaken and rigid view because it does not know or does not want to know what and how the position of Indonesian advocates now after the existence of the Advocates Law. However, the legal culture that has grown in society ironically still seems antipathetic to advocates and negative prejudices against suspects/defendants are already very negative. The game of opinion in society often justifies defense lawyers as people who are as evil as the accused/defendant clients they defend. The Criminal Procedure Code itself has guaranteed the rights of suspects, defendants, that from the time of arrest, detention and investigation they must be accompanied by legal counsel who works as an advocate, in line with the development of the current legal system where every legal case has a reason to be defended.

4. Conclusion

Complaints regarding the Advocate Professional Code of Ethics can be filed by complainants, namely clients, colleagues, government officials, members of the public, supervisory commissions, the National Leadership Council of Peradi. That complaints that can be filed are only those regarding violations of the advocate code of ethics and must pay court costs of Rp. 5,000,000 (five million rupiah). Advocates as an honorable profession (*officium nobile*) who in carrying out their profession are under the protection of law, the Law and the Code of Ethics, have freedom based on the honor and personality of Advocates who adhere to Independence, Honesty, Confidentiality and Openness. That the Advocate profession is as a law enforcer who is equal to other law enforcement agencies, therefore one another must respect each other. Every Advocate must maintain the image and dignity of the profession's honor, as well as be loyal and uphold the Code of Ethics and Professional Oath. Thus the Indonesian Advocate Code of Ethics is the highest law in carrying out the profession. The Indonesian Advocates

¹⁰V. Harlen Sinaga, (2011) Basics of the Advocacy Profession Jakarta: Erlangga, p. 102

Association (Peradi) as an Advocates Organization that always prioritizes the immunity rights of its members, Peradi's role as an Advocates Organization is to provide education and development for Advocates, Peradi also has an obligation to develop and educate prospective Advocates to become competent, honest, qualified and professional Advocates. The main task of the Advocates Organization is to monitor or supervise its members to ensure the quality of Advocates' services to their clients in accordance with existing regulations, maintain the integrity of the profession in the eyes of the public and participate in defending the interests of the community, especially the less fortunate (prodeo).

2. References

Journals:

- Andi Nurhidayah, "Hak Imunitas Advokat Dalam Menjalankan Profesi Hukum". *Constitutum Jurnal Ilmiah Hukum*, Vol. 1 No. 2 (2023);
- Dita Tania Pratiwi dan Manertiur Meilina Lubis, "Analisis Tentang Hak Imunitas Hukum Profesi Advokat Dalam Penanganan Kasus Pidana". *Adil: Jurnal Hukum*, Vol. 10 No. 2, (2019);
- Fauziah Lubis, "Peran Kode Etik Dalam Meningkatkan Kualitas Teknik Kerja Advokat". *Jurnal Multidisiplin Inovatif*, Vol 9 No 1, (2025);
- Fauziah Lubis, "Implementasi Dan Tantangan Kode Etik Profesi Advokat Dalam Mewujudkan Etika Profesi Yang Berintegritas". *Judge: Jurnal Hukum* Vol 6, No 1 (2025);
- Gunarto, "Agenda Penegakan Hukum dan Relevansinya Bagi Pembangunan Bangsa". *Jurnal Pembaharuan Hukum*, Vol 1, No.1, (2014)
- Muhammad Hafiz Fajar Hidayah, "Peran Kode Etik Advokat Dalam Menjamin Penegakan Keadilan di Indonesia". *Media Hukum Indonesia (MHI)*, Vol. 2 No 4. (2024);
- Setyo Langgeng, "Peran Advokat Sebagai Penegak Hukum Dalam Mendukung Terwujudnya Sistem Peradilan Pidana Terpadu Dalam Penegakan Hukum Pidana di Indonesia". *Jurnal Daulat Hukum*, Vol 1, No 1 (2018). url: <https://jurnal.unissula.ac.id/index.php/RH/article/view/2628/1977>
Accessed on 1 December 2025;

Books:

- Sabian Utsman, 2008, *Menuju Penegakan Hukum Responsif Konsep Philippe Nonet & Philip Selznick Perbandingan Civil law System & Common Law System Spiral Kekerasan & Penegakan Hukum*, Pustaka Pelajar, Yogyakarta;
- V. Harlen Sinaga, 2011, *Dasar-Dasar Profesi Advokat*, Erlangga, Jakarta;

Regulation:

Advocates Law Number 18 of 2003, Philosophical Basis