

Is it Possible? The Improvements of Indonesian Advocate Code of Ethics (KEAI) during the Multi Organizational

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ABSTRACT

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The advocate profession as an officium nobile is required to carry out their duties professionally in the real terms of the implementation for the community. However, various professional advocacy organizations currently influence the effect of professionalism ethical values. In this regard, it is necessary to conduct a study on how advocates' professionalism in Indonesia in accordance with the value of Pancasila as contained in Law No. 18 of 2003 on Advocate (Advocate Law 2003) and Indonesian Advocates' Code of Ethics (KEAI). The research aims to harmonize KEAI and Advocate Law 2003 and create a Professional Committee for the advocate in Indonesia. This research used normative legal research with comparative and historical approaches. The result showed that the improvement of current KEAI as mandated by Advocate Law 2003 by confirming the position of the Supervisory Commission and the Honorary Council and further involving external elements, as well as elements of the state as controllers will avoid the advocate profession from the involvement of unethical behavior, slaves by the client and its involvement to the criminal offences.

1. INTRODUCTION

Providing the legal assistance which begins from the investigation process until the decision handed down by the judge in court involves the role of advocate. ¹ It means, the need for Advocate services in Indonesia urgently needed to solve legal problems occurs in society. Etymologically, the term of advocate derived from Latin "advocatus", which means to defend, call to one's aid to voucher or warrant, or speak in favor of or depend by argument, to support, indicate, or recommended publicly.² Advocates as law

¹ Agus Raharjo and Sunarno, "Penilaian Profesionalisme Advokat Dalam Penegakan Hukum Melalui Pengukuran Indikator Kinerja Etisnya," *Jurnal Media Hukum* 21, no. 2 (2014): 182–96.

² Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Raja Grafindo Persada, 2002).

enforcers are part of the four pillars of the criminal justice system or commonly referred to as *Catur Wangsa*.³

Then as *officium nobile*, advocate responsible for providing defense to all people without discrimination.⁴ The advocate requires to work professionally, bound by professional ethics and responsibility for scientific standards. It aims to uphold justice as counterweight to other law enforcers, guarantee the operation of a judicial system, and respect the recognition of human dignity, for example, criminal justice, which seeks to realize the due process of law through unfair and inhumane treatment of suspects or defendants.⁵

The position of advocates in the judicial system are free and independent.⁶ Therefore, advocates have almost the same position as judges, independent and free role in maintaining clients' rights to the maximum without being able to be intervened by any party.⁷ To ensure the position of advocate as a noble profession, a code of ethics was established namely, the KEAI, which was compiled by seven Advocate Organizations and ratified on 23 May 2002.

The professionalism of advocates in Indonesia is currently facing various challenges. As recorded from 48,930 advocates in Indonesia during one period, there were about 203 ethical violations examined by the Honorary Council, seventeen Advocates was permanently dismissed (fired), sixty-six advocates were given witness to temporary dismissal, twenty-nine advocates were given a witness of written reprimand, ten advocates were given a verbal reprimand (minor reprimand), and as many as eighty-one advocates were not proven to have committed ethical violations.⁸

Furthermore, the number of cases has increased from year to year, especially since *Perhimpunan Advokat Indonesia* or Indonesian Advocates Association (hereinafter PERADI), was divided into three managements.⁹ The data shows that twenty-two advocates were involved in corruption, sixteen people were caught in bribery cases, two people were charged with giving false information, and four were charged with obstructing the investigation. Based on a study conducted by Indonesian Corruption

³ Ari Yusuf Amir, *Strategi Jasa Advokat* (Yogyakarta: Navila Idea, 2008).

⁴ Frans Hendra Winarta, "Pembahasan RUU Advokat Dan Agenda Perbaikan Profesi Advokat Dalam Makalah Seminar" (2003).

⁵ Frans Hendra Winarta, *Bantuan Hukum Suatu Hak Asasi Manusia Bukan Belas Kasihan* (Jakarta: Elex Media Komputindo, 2000).

⁶ Monika Suhayati, "Pengaturan Sistem Organisasi Advokat Dalam Rancangan Undang-Undang," *Journal Kajian* 20, no. 4 (2015): 317–28.

⁷ Al Wisnubroto, "Upaya Mengembalikan Kemandirian Hakim Melalui Pemahaman Realitas Sosialnya," *Jurnal Hukum Pro Justitia* 20, no. 1 (2003): 9–23.

⁸ The General Secretariat of the National Leadership Council (DPN), "The Data Was Officially Obtained from the General Secretariat of the National Leadership Council (DPN) of the Indonesian Advocates Association (PERADI), Grand Slipi Tower, 11th Floor. JL. S. Parman Kav. 22-24 Jakarta 11480-Indonesia on 02 September 2020" (Jakarta, 2020).

⁹ Rivki, "Peradi Pecat 12 Advokat Nakal" (<https://news.detik.com>, 2017), <https://news.detik.com/berita/d-3527304/peradi-pecat-12-advokat-nakal>.

Watch (ICW), these cases can ensnare advocates because it is part of an effort to save their clients from being released or not being criminally ensnared in various ways.¹⁰

As a profession, advocate has been bound by the code of ethics since 2002. Whereas, the KEAI was founded prior to Advocate Law 2003. Based on these conditions, we consider that there is currently a need to update and improve KEAI to comply with the importance of philosophical guidelines, noble values of Pancasila as contained in the advocate law 2003. Moreover, advocates supervision in Indonesia is still carried out by the ethics committee, which has not been maximal in supervising advocates and has seen the committee only as ethical violations examiners. Meanwhile, learning from America, there are two committees related to ethics and professionalism to oversee and ensure the performance of advocates, namely the ethics and professional committee. For this reason, it is necessary to side with the existence of ethics committee and create the professional committee, which is formulated into KEAI.

2. RESEARCH METHOD

As normative research, this research uses a historical approach and a comparative approach. The historical approach used refers to the history of advocates in Indonesia and the provisions of the legislation. The comparative approach used compares the profession of advocates in the United States of America. This study uses primary and secondary legal materials, namely, primary legal materials obtained from laws and regulations, including: Law Number 1 of 1946 concerning Criminal Law (KUHP), Law Number 08 of 1981 concerning Criminal Procedure Code (KUHAP), Law no. 18 of 2003 on Advocate, and Indonesian Advocates' Code of Ethics (KEAI). Secondary legal materials are obtained from legal publications which including books, national and international journals. The data was analyzed and presented in descriptive and qualitative methods.

3. RESULT AND DISCUSSION

3.1. Professionalism of Advocates in Indonesia

3.1.1. Code of Ethics and Professionalism of Advocates in Indonesia

Professionalism is essential for a profession since it recognizes a job that is categorized as a profession. The term profession refers to a particular skill obtained from a formal academic process. Furthermore, according to Ignas Kleden, as quoted by Bernard Arief Shidarta, It is said to be professional if a person has been able to formally

¹⁰ Kuswandi, "ICW: Selain Fredrich, Sudah Ada 22 Advokat Yang Terjerat Kasus Hukum" (www.jawapos.com, 2018), <https://www.jawapos.com/nasional/hukum-kriminal/14/01/2018/icw-selain-fredrich-sudah-ada-22-advokat-yang-terjerat-kasus-hukum/>.

transform the knowledge obtained from the academic bench into services with bargaining value.¹¹

The advocate profession is specifically regulated in Advocate Law 2003 and covers various aspects of the advocate profession. For instance, the education of the advocate profession, the appointment of advocates to the swearing-in advocates, the status of advocates as law enforcers, the rights and obligations of advocates, determination of the honorarium, code of ethics for advocates, supervision of advocates, immunity of advocates, as an honorary council supervisor, prosecution, and dismissal of advocates in Indonesia.

Advocates are honored because they carry out their knowledge-based profession and always adhere to the code of ethics in serving justice seekers professionally and independently. This basis gives advocates distinct compared to other professions in general, which are oriented to businesses in obtaining income. The real difference is that a professional will carry out his work with high expertise, upholding the nobility and values of truth, fortified with a code of ethics.

The ethics code is linked to the situation in which advocates carry out their duties, especially in the litigation process, where they are confronted with ethical dilemmas while representing their clients. On the one hand, they must adhere to the code of ethics, but must also attempt to win over the client, which may include using methods that violate the code of ethics.¹² This case occurred to Fredrich Yunadi as a Legal Advisor to Setya Novanto (Former Chair of the Indonesian House of Representatives 2014-2019) in the Electronic Identity Card corruption case. On February 2018, it was decided that Fredrich had violated the code of ethics by the Advocates Supervision Commission of the PERADI and was given a sanction in the form of temporary suspension from PERADI membership. Fredrich was proven to have abandoned the client after receiving an honorarium of IDR. 450 million. Apparently, Fredrich's clients were consumers of the Kemanggisian Residence Apartment in West Jakarta who used his services as advocates in pre-trial and criminal reports against apartment developers.

While serving as legal advisor to Setya Novanto, Fredrich was also found guilty and violated the law by the Panel of Judges for Obstruction of Justice to Corruption Eradication Commission (KPK) investigators in processing legal actions on alleged corruption of electronic ID cards by Setya Novanto. Although, Fredrich has not been investigated by the Supervisory Commission or the PERADI Honorary Council. Fredrich was sentenced to seven years in prison and paid a fine of IDR. 500 million subsidiary five

¹¹ B. Arief Sidharta, "Etika Dan Kode Etik Profesi Hukum," *Veritas et Justitia* 1, no. 1 (2015): 220–49, <https://doi.org/10.25123/vej.1423>.

¹² Tri Astuti Handayani, "Kedudukan Dan Peranan Advokat Dalam Penegakan Hukum Di Indonesia (Study Di Dewan Pimpinan Cabang Peradi Kabupaten Bojonegoro)," *JUSTITIABLE - Jurnal Hukum* 1, no. 1 (2018): 13–24.

months confinement. As a legal advisor, Fredrich manipulated Setya Novanto in order to be hospitalized at Medika Permata Hijau Hospital. Fredrich had reserved a room for the patient in advance, prior to Setya Novanto's accident. Additionally, Fredrich asked the doctor at Permata Hijau Hospital to manipulate Setya Novanto's medical records. This effort was made to avoid interrogation by KPK investigators.

Furthermore, during the examination at trial, Fredrich also showed an impolite attitude, such as not admitting his actions and not supporting the state's efforts to eradicate corruption. The Panel of Judges also considered that Fredrich showed impolite attitudes and words in the trial and found fault with the other party. So that makes Fredrich get a severe punishment.¹³

The most recent case that shocked the public was Djoko Tjandra, who filed for a Judicial Review (PK) with the help of an advocate named Anita Kolopaking, despite the fact that Djoko Tjandra was a convicted convict in the Bank Bali case and a fugitive from justice. This attitude is against article 3 point b, which states, "an advocate in carrying out his duties does not aim solely to obtain material rewards but prioritizes the enforcement of law, truth, and justice." Several other cases also show that advocates do not follow the code of ethics for the benefit of clients. These two cases prove that Indonesian advocates currently have ethical problems in their profession.

Based on the aforementioned cases, it is important to have a professional ethics code in order to maintain an advocate's behavior and actions. At least with an advocate's understanding of the professional code of ethics, they can strengthen his heart towards the principles and values they believe in to maintain his personal honor and the honor of the advocate profession attached to him.

In Indonesia, advocates only have one professional ethical guideline that can be used as a reference for carrying out every professional responsibility, called KEAI. In general, this guideline can make the level of professionalism of the advocate profession stagnant if the guidelines or concept of an advocate's professionalism only refer to KEAI. KEAI entered into force in 2002, which means that KEAI has existed since before the law on advocates, which has not been amended until now. The absence of these changes is a weakness because of the demands of the times, which always require the profession to continue to evolve, including the code of ethics for advocates. Advocacy organizations (OA) in Indonesia are seen as refractory and indifferent to the urgency of improving the advocate's code of ethics.

Based on the interview with Prof. Dr. Otto Hasibuan, the number of advocates bound by the oath has nothing to do with their quality or capability. OA frequently resolves conflicts among members, as the parties are only concerned with their own

¹³ Dylan Aprialdo Rachman, "Fredrich Yunadi Divonis 7 Tahun Penjara" (kompas.com, 2018), <https://nasional.kompas.com/read/2018/06/28/17040681/fredrich-yunadi-divonis7tahun-penjara?page=all>.

interests and are unwilling to work together to build the organization and the advocate profession. As a result of these phenomena, the concept of establishing a new advocate organization called PERADI was born, with the goal of uniting the current multi-organizational advocate community, as mandated by the Advocate Law 2003.

3.1.2. Learning on the Professionalism of Indonesia Advocates with the United States

The author compares the professionalism of advocates in the United States (as an Anglo Saxon/common law country), which based on the code of ethics for advocates in the United States. As a country that adheres to the Anglo Saxon legal system, American advocates are not only guided by the Code of Professional Ethics and have a professional guideline in carrying out every duty and responsibility of the Advocate profession.¹⁴

The United States of America consists of 50 States, each of which has its own advocate professional association. The American Bar Association (ABA) is not the only advocate professional organization in America. Other advocate professional associations that exist are Oklahoma Bar Association, New York State Bar Association, Minnesota State Bar Association, The Mississippi Bar, The State Bar of California, Kansas Bar Association, to name a few. Each of them has a national universal code of ethics, the Code of Professional Ethics, and a professional guideline, The Model Rules of Professional Conduct, which serves as a guideline for states in America in carrying out their professions in a professional manner. Each state in America has its own set of professional guidelines that are state-specific.

The American Bar Association's (ABA) "Model Rules of Professional Conduct" serve as a guideline and reference for the Advocates Associations in other American states. For example, the State of Oklahoma (Oklahoma Bar Association) uses the term guidelines called "Standards of Professionalism", New York State (New York State Bar Association) uses "Rules of Professional Conduct", State of Mississippi (The Mississippi Bar) term guidelines called "Mississippi Rules of Professional Conduct", in the State of California (The State Bar of California) term "California Rules of Professional Conduct" is used, while in Kansas State (Kansas Bar Association), the term guidelines is called "Rules of Professional Conduct in Kansas".

The Model Rules of Professional Conduct itself contains the responsibilities of advocates and their scope. Namely, the competencies that must be mastered, the scope of representation and authority, communication methods, costs, client confidentiality, conflicts of interest, client legal document storage, Advocates as mediators (*neutral*

¹⁴ Americanbar.org, "Model Rules of Professional Conduct - Table of Contents" (americanbar.org, 2020), https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/.

parties), advertisements/publications, publicity, free legal aid obligations (*pro bono*), and many other scopes that advocates in America must fulfil.

In the United States, an advocate's professional responsibilities are guided by The Model Rules of Professional Conduct.¹⁵ Apart from the concepts of responsibilities for the advocate profession contained in this guidance, there are also scope standards that regulate advocates' professionalism, like in "The rule of professional conduct are rules of reason". They must be interpreted to refer to the legal representation's purpose and the law itself. These professional guidelines define acceptable behavior for professional discipline. They include competence, representation, diligence, communicativeness, confidentiality, and integrity provisions. This advocate's professional guide is used to ensure that advocates are guided and stay true to clear and measurable professional standards. This guide is extremely useful for advocates, justice seekers, and the general public who use legal advocates' services. Thus, any violations or deviations from the advocate's professional standards cause no harm to anyone.

Advocates are required to always comply with all of the standards established by the advocate organization they belong to, namely, the relationship between lawyers and their clients, advocates and fellow advocates, and advocates and judicial institutions. Each of them contains clear and definite terms and conditions.

Failure to comply with an obligation or prohibition imposed by a rule is a basis for invoking the disciplinary process. The provisions for violations of the code of ethics and guidelines for the professionalism of advocates in the United States are quite firm and clear, that for violations of the Code of Ethics of advocates will be followed up by the Ethics Committee and for violations of the guidelines for professionalism of advocates will be followed up by the Professional Committee.

3.2. The Idea on making of Professionalism for Advocates in Indonesia

With regard to many professions in Indonesia, it can be related to their own code of ethics, which includes advocates, judges, prosecutors, notaries, pharmacists, doctors, psychologists, teachers, and others. The existence of a code of ethics is to avoid the potential harm to society, as argued by Rosecou Pond, a legal philosopher, with the flow of sociological jurisprudence if the profession is related to public services. KEAI was initiated as social control and maintained the profession's dignity and honour, and protected the public from deviation or abuse of expertise.

Furthermore, KEAI is designed to maintain the professionalism of advocates. According to Dietrich Rueschemeyer, the profession as a public servant creates problems related to public oversight. While the advocate profession is close to the judicial mafia.

¹⁵American Bar Association (ABA). The Model Rules of Professional Conduct. Available in https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope/ [accessed, 12 January 2020].

The strengthening of KEAI gave a potential advocate profession a good reputation in the public's view and affirmed advocates as a respectable profession.

Otto Hasibuan argued that an advocate holds the title of *officium nobile*. Therefore, advocates are given the task of protecting justice seekers. It is said that the prosecutors who represent the state against people who are suspected of violating the law are financed by the state. The defendants then get their rights from the advocate. It is shown that the advocate is independent and must be free from any intervention, including the state. In addition, advocates are also required to maintain the *officium nobile* and are expected to meet the qualities that are at least equal to or greater than the Prosecutor (*Primus Interparis*).

A person must be born from *Primus Interparis* and independently included in the condition of "*condicio sine qua non*" in order to run as *officium nobile*. Therefore, advocacy professionals should avoid becoming enslaved to their clients. Just because the client compensates for them, does not mean that the advocate must obey all the client's wishes and force the advocate to work against the law. Considering several incidents of advocates taking inappropriate actions, KEAI needs to be strengthened in various sectors. For instance, advocates are involved in bribery because of the client's will.¹⁶

An advocate must act to embody the values of divinity, humanity, unity, democracy, and justice as an Indonesian philosophical system. The author believes that an advocate is very capable of realizing these five values because in principle an advocate has an independent position. However, in practice, sometimes lawyers are involved in the judicial mafia and considered a disgraceful act.¹⁷

Commercialism and consumerism applied by advocates tend to reduce the professionalism of advocates in carrying out their duties and functions.¹⁸ An advocate will try to win over his client, even in an illegitimate way, in order to be able to please his client. The integrity problem that becomes complicated and disintegrated will let the client's power to take over. If it turns out that a client has controlled an advocate, his professionalism and "noble profession" will be tarnished, and he will break his own Advocate's oath.

Then, how to build integrity? The author views that integrity building needs to involve a series of massive and structured efforts. In KEAI, the Honorary Council, a component body of advocates, ensures that supervision over the implementation of KEAI can run according to the proper rules. Additionally, the ethics code's implementation and

¹⁶ Agus Pramono, "Etika Profesi Advokat Sebagai Upaya Pengawasan Dalam Menjalankan Fungsi Advokat Sebagai Penegak Hukum," *DiH: Jurnal Ilmu Hukum* 12, no. 24 (2016): 136–48, <https://doi.org/10.30996/dih.v12i24.2242>.

¹⁷ Ibnu Hadjar, "Pengawasan Advokat: Upaya Menuju Profesionalisme," *Al-Mawarid* 12 (2004): 61–78, <https://doi.org/10.20885/almawarid.vol12.art5>.

¹⁸ Ade Irawan Taufik, "Sinergitas Peran Dan Tanggung Jawab Advokat Dan Negara Dalam Pemberian Bantuan Hukum Cuma-Cuma," *Jurnal Reckvinding* 2, no. 1 (2013): 47–58.

enforcement must be aligned with the Advocates Law in order to implement KEAI in accordance with Pancasila.

The author previously stated that a code of ethics serves as a watchdog for a profession, ensuring that it does not stray from the profession's glory. In general, the code of ethics evolves along with the development of human life, allowing it to later adapt to the society needs. In the context of preventing potential fraud, if no changes are made, it may result in professional fraud. Moreover, advocates as a noble profession always need to pay attention to professional ethics, as law enforcers are in contact and intertwined with justice issues.

The existence of a supervisor is critical for any profession that is tied to a code of ethics. Typically, supervisors ensure that members of a profession carry out their profession in accordance with the code of ethics. For instance, the notary as mandate by Law Number 2 of 2014 on Amendments to Law Number 30 of 2004 concerning the Position of Notary, proves that the notary profession is sincere in its desire to improve professionally. This significant step was also taken in 2015, when the code of ethics was revised in response to changes in the law governing the notary position.

According to Friedman, every legal system consists of several sub-systems, namely legal substance, legal structure, and legal culture. Furthermore, Lutfil Ansori argued that the structural sub-system needs special attention because it will affect the legal culture.¹⁹ It requires a thorough understanding of integrity for law enforcement, especially subsystem structure, as law enforcers who lack integrity are more likely to deviate from enforcing the proper Law. Meanwhile, integrity is a way of acting to be authoritative and honest. If a person has integrity, he can resist and control temptations that will destroy his dignity and self-respect.

In the advocate profession context, the preamble of the Law on Advocates has included Pancasila as the primary consideration of their Law. Then, it is followed by the basis for determining which consider whether the judicial power requires advocates who are honest, fair, and provide legal certainty for all justice seekers in upholding the Law, truth, justice, and human rights. The considerations for the advocate law illustrate that advocate's role is born and aims to create a prosperous, safe, peaceful and justice nation's life, according to Pancasila. In addition, advocates' role is to balance judicial authority to create an open, fair, and consistent legal system, which reflects, in principle, that advocates are a respectable profession.

Awareness of the professional code of ethics for every member of the profession is obligated. KEAI, which is already in harmony with Pancasila, should be followed because Pancasila originates from the Indonesian people. It has also been emphasized in

¹⁹ Lutfil Ansori, "Reformasi Penegakan Hukum Perspektif Hukum Progresif," *Jurnal Yuridis* 4, no. 2 (2017): 148–63.

KEAI that Indonesian advocates are Indonesian citizens who fear God Almighty, are valiant, honest, and uphold and defend justice and truth in a morally upright, noble, and law-abiding manner.

Pancasila values embedded in both the 2013 Advocate Law and KEAI demonstrate the existence of legal ideals, considering Pancasila as the source of national law. According to Rudolf Stamler, a legal positivist, the ideal of law is a construction of thought that must direct the law toward the ideal that society desires.²⁰ Legal ideals are like guiding stars who provide guidance, and it guides all activities, giving substance to every statutory regulation as stated by Maria Farida Indrati S.²¹ Therefore, National law formation must be based on or adhere to Pancasila, with a consistent content and a mechanism for enacting the law's ideals.

The problem now is how do advocates as law enforcers act according to the code of ethics? Regarding the code of ethics, it is necessary to make improvements as follows:

a. Affirming the position of the Supervisory Commission and the Honorary Council in KEAI

KEAI was created in 2002, and there is only an Honorary Council that decides and imposes moral sanctions on Advocates who violate the code of ethics. Meanwhile, the Advocates Law requires honorary councils to have external aspects in the code of ethics because they contribute to the balance of monitoring and objective ethical enforcement. It would be extremely dangerous if the supervisor of a professional organization were responsible for enforcing ethics. Then the issue of ethical enforcement is related to the courage to expose evil with full courage and guts. Suppose it is only an internal element, in this case, according to the Author, the supervisor and the honorary assembly will find it difficult to fight and dismantle it because of the solidarity of the profession.

b. Involving elements of the state as controller

The High Court appoints advocates for the swearing-in process. This procedure demonstrates whether the advocate involves the state as a factor in determining legality. Therefore, this is the right time for state elements to be involved in the development and supervision, and advocates should involve elements of the Supreme Court as legal providers and supervisors. The Supreme Court and the Government supervise advocates. Article 36 of Law No. 14 of 1985 concerning the Supreme Court stated that Supreme Court has remained in power even though the Supreme Court Law has been amended twice, empowering the Supreme Court with authority to supervise Advocates.

²⁰ Darji Darmodiharjo, "Cinta Negara Integralistik Indonesia Dalam Undang-Undang Dasar 1945," *Era Hukum* 3, no. 1 (1995): 1–11.

²¹ A. Hamid Attamini, *Ilmu Perundang-Undangan: Jenis, Fungsi Dan Materi Muatan* (Jakarta: Kanisius, 2007).

c. Follows the Law on Advocates as a guidance

Following the advocacy profession development, it is interesting to note that the current Advocate Organization no longer adheres to a Single Bar, as mandated by the Advocates Law, due to the Supervisory Commission and Honorary Council of each Organization being ineffective. These developments must be accompanied by the Supervisory Commission establishment and the Advocate Professional Honor Council occurrence to avoid problems with the authority in enforcing the code of ethics. Thus, it is necessary to form a National Supervisory Commission and a National Honorary Council for Advocates to keep pace with the current Advocates Organization's extraordinary development. KEAI for advocates carries out their profession in order to remain noble, and it is hoped that advocates will be aware of their obligation to adhere to the oath of office and code of ethics. It all comes down to protecting those seeking justice.

4. CONCLUSION

Professionalism is essential for advocates as its purpose is to recognize truly noble professions. Furthermore, the code of ethics serves as a safeguard for a profession, and all members of the advocate profession are obligated to be aware of the professional code of ethics. The Law on Advocates, which is in line with Pancasila, should be followed in order to behave in a professional and noble manner. Therefore, it is necessary to improve the code of ethics, which can be accomplished by reaffirming the Supervisory Commission and Honorary Council's positions in the Indonesian Advocates' Code of Ethics (KEAI). By involving external elements, involving state elements as controllers, and returning to the Advocate Law as a guide for Advocates, we can form a National Advocates Supervisory Commission and a National Advocates Honorary Council that will keep pace with the Advocates Organization's (Multi Bars) current extraordinary development.

REFERENCES

- A. Hamit d Attamini. *Ilmu Perundang-Undangan : Jenis, Fungsi Dan Materi Muatan*. Jakarta: Kanisius, 2007.
- Ade Irawan Taufik. "Sinergitas Peran Dan Tanggung Jawab Advokat Dan Negara Dalam Pemberian Bantuan Hukum Cuma-Cuma." *Jurnal Rechvinding* 2, no. 1 (2013): 47–58.
- Agus Wahyudi. "Ideologi Pancasila: Doktrin Yang Komprehensif Atau Konsepsi Politis?" *Jurnal Filsafat* 39, no. 1 (2006): 95–115.
- Americanbar.org. "Model Rules of Professional Conduct - Table of Contents." americanbar.org, 2020. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/.
- Ansori, Lutfil. "Reformasi Penegakan Hukum Perspektif Hukum Progresif." *Jurnal*

- Yuridis* 4, no. 2 (2017): 148–63.
- Ari Yusuf Amir. *Strategi Jasa Advokat*. Yogyakarta: Navila Idea, 2008.
- Darmodiharjo, Darji. “Cinta Negara Integralistik Indonesia Dalam Undang-Undang Dasar 1945.” *Era Hukum* 3, no. 1 (1995): 1–11.
- Frans Hendra Winarta. *Bantuan Hukum Suatu Hak Asasi Manusia Bukan Belas Kasihan*. Jakarta: Elex Media Komputindo, 2000.
- Frans Hendra Winarta. “Pembahasan RUU Advokat Dan Agenda Perbaikan Profesi Advokat Dalam Makalah Seminar.” 2003.
- Hadjar, Ibnu. “Pengawasan Advokat: Upaya Menuju Profesionalisme.” *Al-Mawarid* 12 (2004): 61–78. <https://doi.org/10.20885/almawarid.vol12.art5>.
- Handayani, Tri Astuti. “Kedudukan Dan Peranan Advokat Dalam Penegakan Hukum Di Indonesia (Study Di Dewan Pimpinan Cabang Peradi Kabupaten Bojonegoro).” *JUSTITABLE - Jurnal Hukum* 1, no. 1 (2018): 13–24.
- Kuswandi. “ICW: Selain Fredrich, Sudah Ada 22 Advokat Yang Terjerat Kasus Hukum.” www.jawapos.com, 2018. <https://www.jawapos.com/nasional/hukum-kriminal/14/01/2018/icw-selain-fredrich-sudah-ada-22-advokat-yang-terjerat-kasus-hukum/>.
- Monika Suhayati. “Pengaturan Sistem Organisasi Advokat Dalam Rancangan Undang-Undang.” *Journal Kajian* 20, no. 4 (2015): 317–28.
- Pramono, Agus. “Etika Profesi Advokat Sebagai Upaya Pengawasan Dalam Menjalankan Fungsi Advokat Sebagai Penegak Hukum.” *DiH: Jurnal Ilmu Hukum* 12, no. 24 (2016): 136–48. <https://doi.org/10.30996/dih.v12i24.2242>.
- Rachman, Dylan Aprialdo. “Fredrich Yunadi Divonis 7 Tahun Penjara.” kompas.com, 2018. <https://nasional.kompas.com/read/2018/06/28/17040681/fredrich-yunadi-divonis7tahun-penjara?page=all>.
- Raharjo, Agus, and Sunarnyo. “Penilaian Profesionalisme Advokat Dalam Penegakan Hukum Melalui Pengukuran Indikator Kinerja Etisnya.” *Jurnal Media Hukum* 21, no. 2 (2014): 182–96.
- Rivki. “Peradi Pecat 12 Advokat Nakal.” <https://news.detik.com>, 2017. <https://news.detik.com/berita/d-3527304/peradi-pecat-12-advokat-nakal>.
- Sidharta, B. Arief. “Etika Dan Kode Etik Profesi Hukum.” *Veritas et Justitia* 1, no. 1 (2015): 220–49. <https://doi.org/10.25123/vej.1423>.
- Soerjono Soekamto. *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta: Raja Grafindo Persada, 2002.
- The General Secretariat of the National Leadership Council (DPN). “The Data Was Officially Obtained from the General Secretariat of the National Leadership Council (DPN) of the Indonesian Advocates Association (PERADI), Grand Slipi Tower, 11th Floor. JL. S. Parman Kav. 22-24 Jakarta 11480-Indonesia on 02 September 2020.” Jakarta, 2020.
- Wisnubroto, Al. “Upaya Mengembalikan Kemandirian Hakim Melalui Pemahaman Realitas Sosialnya.” *Jurnal Hukum Pro Justitia* 20, no. 1 (2003): 9–23.

