



ETHICAL IMPLICATIONS OF THE ADVOCATE PROFESSION IN LAW ENFORCEMENT IN INDONESIA

Rolando Marpaung¹, Micael Jeriko Damanik², Dikki Saputra Saragih³, Sherhan⁴,
Desniar Dachi⁵

Law Study Program, Universitas Sari Mutiara Indonesia^{1,2,3,4,5}

*Correspondence: rolandomarpaung@gmail.com¹, micaeljeriko88@gmail.com², dikkisrg@gmail.com³,
sherhan@gmail.com⁴

Abstract

A code of ethics is the implementation of guidelines or guidelines for behavior that have been outlined by a professional code of ethics. The purpose of this research is to find out the role of legal professional ethics in law enforcement efforts in Indonesia. To find out what the function of the Indonesian Advocate Code of Ethics is for advocates in carrying out their profession. This type of research is normative juridical legal research. Normative juridical legal research is research that conceptualizes law as what is written in statutory regulations or laws as rules or norms which are benchmarks for human behavior that is considered appropriate. Conclusion The code of ethics for the legal profession plays a very important role for Advocates in law enforcement. Ethics is essentially a view of life and guidelines on how people should behave.

Keywords: *Ethics, Advocate Profession, Law Enforcement in Indonesia*

INTRODUCTION

Human life in society is something that cannot be separated from the law, so that in society there is always a legal system, in every society there are legal norms (*ubi societas ibi ius*). The law seeks to maintain and regulate the balance between egoistic individual interests or desires and common interests so that violations of legal norms do not occur. The presence of regulation is necessary to maintain harmony between individual freedom and aggregate privileges. Thus, basically the law must be firm and fair so that it can run as it should. This shows that basically the regulatory authorities (judges, examiners, supporters and police) are the guardians of truth and justice so that the regulators should carry out pure intentions and sincerity, so that the legitimate calling is one that is honorable and noble (*officium nobile*). Because this calling is honorable and just, legal professionals should experience this calling as a decision and furthermore as a life goal to serve others in the legal field.

The 1945 Constitution of the Republic of Indonesia firmly states that the Indonesian Territory is a legitimate state. Law and order standards require a guarantee of balance for everyone who is under the permanent supervision of the law (equity under the stable gaze of the law). In this way, the Constitution also affirms that everyone has the choice to recognize, guarantee, security and just legal punishment and equal treatment under the supervision of the law. With the aim of understanding these standards in the life of friendship and statehood, the duties and capabilities of supporters as free, autonomous and conscious beings are very close to law enforcers and other police forces such as police, examiners and judges. Basically, the fundamental task of legal consultants (Advocates and practicing Lawyers) is to provide legal conclusions and legal advice so that clients do not experience difficulties, although in legal organizations (continuously educating) legal counselors act to represent the client's benefit. The autonomy and opportunity driven by the calling of supporters must be accompanied by the obligations of each promoter and the expert association that manages it. as ordered by Regulation no. 18 of 2003 concerning Supporters, that bar associations are obliged to establish regulations for promoters to maintain the dignity and privilege of calling supporters as an honorable and honorable calling (*versatile position*), so that every supporter is obliged to comply. to and following a set of principles. that ethic.

In its opening, the Indonesian Supporters' Regulations state that this set of principles is the highest regulation in completing supporter summons, which guarantees and secures while enforcing a commitment on each promoter to be honest and reliable in carrying out both callings. to

*Rolando Marpaung, Micael Jeriko Damanik, Dikki Saputra Saragih,
Sherhan, Desniar Dachi*

his clients, the court, the state, or society, and especially to himself. In addition, to regulate the implementation of comprehensive principles, the supporters' association formed a special committee which also has the authority to review and mediate cases of violations of a set of general rules committed by advocates. For this situation, the creator is interested in discussing "Ethical Implications of the Advocate Profession in Law Enforcement in Indonesia".

LITERATURE REVIEW

A comprehensive set of rules for lawful summons is an important part of the Promoter's policing. Morals are basically a way of looking at life and rules for how individuals should act. Moreover, morals start from human cognition which is a guide to which activities are good and which are bad. Morals are also a cursory assessment of a person's activities. Associated with a profession which is a job with special skills, demands knowledge and responsibility, is dedicated to the interests of many people, has a professional organization and has recognition from society, as well as a code of ethics, so that ethics is a tool for self-control for each member of the profession. More emphatically, it can be said that the role of ethics in the profession is as a tool to control conscience or code of ethics or not, therefore ethics here is a scientific reflection of human behavior from the perspective of good and bad norms.

With the importance of a set of rules/morals for a legitimate calling (support) to achieve its goals; maintain pride in the calling, defend and follow government assistance to the individual, increase the individual's commitment to the calling, strive for the nature of the calling, strive for the nature of expert associations, further develop administration above personal gain, structure the field serious power to forge close professional associations, and decide on its own principles.

METHOD

Based on the title and problems studied, this type of research is normative juridical legal research. Normative juridical legal research is research that conceptualizes law as what is written in statutory regulations or laws as rules or norms which are benchmarks for human behavior that is considered appropriate. This type of legal research is carried out by examining library materials or secondary data consisting of primary legal materials and secondary legal materials. These legal materials are arranged systematically. Reviewed and a conclusion drawn according to the problem studied.

RESULTS AND DISCUSSION

The Role of Legal Professional Ethics in Law Enforcement Efforts in Indonesia

A great indication of a set of rules is the implementation of rules or rules of conduct illustrated by a set of expert principles. Apart from that, culture also has components, including science. This is related to the implementation of something desired by professional morals which requires the use of certain information to handle or overcome certain problems in Indonesian culture, so that the use of this information is linked to the social benefits of society. So the use of information in implementing a calling must not conflict with the quality (morals) that exist in the social system of society, so that the calling becomes a reference for the benefits brought to the local area.

In addition, it also has similar social goals, especially so that society can achieve something useful according to local regional standards, and anyone who ignores it will be subject to sanctions. In addition, sanctions in professional morals only apply to individuals from certain useful associations or individuals from a calling. 30 Valid permits apply to everyone in a certain area, all residents or residents in Indonesia. If there is a violation of the expert's morals, it will be handled by the institution within the relevant expert association, for example by the Specialty Body. Moreover, this appears in the Expert Set rules as a necessity and a commitment.

The commitment to maintain mystery is a regulation in law (Article 170 of the Criminal Code) which is called *verschoning ercht*, and releasing this mystery is a criminal offense (Article 322 of the Criminal Code). Good morals can be considered a unique legitimate instrument,

*Rolando Marpaung, Micael Jeriko Damanik, Dikki Saputra Saragih,
Sherhan, Desniar Dachi*

considering several facts, 31 such as 1) due to Adnan Buyung, whose violation of the clinical moral code falls within the duties of the Clinical Moral Code Board. On behalf of the Praise Promoter, SH Thoughts on Mama Reg's Choice. Number 02/K/Rup/1987, apart from other things stated: "at all times a person holds the title of legal advisor, general regulations concerning him, as well as extraordinary unwritten legal norms including his calling" in circulation law, The support of a specialist is felt by the appointed authority in the assessment due to remembering the clinical moral code of the expert's morals which can be separated into a demonstration of bad behavior carried out by the professional holder. The activity of the expert holder as negligence carries consequences for dealing with or taking action based on hierarchical discipline and regulations.

Even though avoidance is the obligation of regulators (Police, Inspectors, Judges), in carrying out their obligations and abilities it is not easy to deal with both perpetrators and victims of violations. The idea of Criminal Regulations in its current refinement continues to foster the nature of a final offer of a mandate when it is constrained, and in the ability of its assistants it is then sought as another last option. 32 The reasons that legitimize a proposal for discipline are related to criminal reasons. As Leo Polak points out, criminal regulations are anomalous and an unfortunate part of the law because they cannot effectively address the problem of offenses and authorities without the help of other information." 33 The need for a method to discover the crime. The right choice in dealing with criminals or positions is not easy because there are challenges in creating criminal regulations that are both stubborn and pragmatic in dealing with criminals and criminals, even though community standards can be achieved through very friendly methods. Legitimate principles are defined in their structure as written legal guidelines and unwritten regulations. 34 Practices are nasbih in nature, develop and multiply according to friendly changes in circumstances, and are formed gradually in accordance with the characterization (typology) created in science. Social responses to violations in complex social orders generally have different social viewpoints conveyed through formal and casual organizations. Unique social responses to violations tend to depend on actual correction of the violations in the public eye. The social response process strategy is carried out by organizations that have errors in social construction which are called criminal legislation problems.

In law enforcement, we still see various problems that distance the law from its noble goals. 35 Criminal politics in the broadest sense includes all efforts carried out through the formation of laws and/or through the actions of materials entrusted with the task of assessing and selecting from among the many alternatives faced to tackle crime. In other words, to what extent does positive criminal law apply effectively in society? Answers from experts have arrived at a conception of thought about the function and nature of criminal law to prevent the problem of crime/criminals, not just in narrow legislative and dogmatic juridical terms. Rather, it prevents criminal law problems related to societal factors including economic, social, political, cultural, national security and others based on both theoretical and practical operational considerations. Job duties in the field of law (criminal law) are easy, require law enforcers who are skilled and sensitive to a sense of justice and at the same time involve themselves in social issues.

The potential growth of crime which is quite high must be controlled by the tendency to increase social reactions, because without efforts to control the goals of a just, prosperous and prosperous society by maintaining social order, it will be disrupted. Order in people's lives needs to be maintained with legal order, and the support of various orders in the fields of economics, politics, defense and security, culture and others. Formal and casual responses are also expected to be coordinated according to existing progress, but this error must be eradicated until it shows the way for the individual who has lost himself and loves humanity. The use of criminal law knowledge, a few notes on the weaknesses of law enforcement, and changes in the eyes of society must certainly be prominent enough for all of us to pay attention to, resulting in various kinds of mistakes and reflections on the limited capacity of criminals. law, so that to protect society against this matter must also involve different methods in accordance with current demands for improvement.

*Rolando Marpaung, Micael Jeriko Damanik, Dikki Saputra Saragih,
Sherhan, Desniar Dach*

The Function of the Indonesian Advocate Code of Ethics for Advocates in Carrying Out Their Profession

Promoters should be aware of the set of rules governing Support Calls that govern obligations, employment and support work. However, the issue is whether all proponents correctly understand the set of principles implied. A common set of rules for promoter vocations is a moral record that describes the qualities and rules that individuals of promoter vocations should adhere to to compensate for their exceptional skill and honesty. This comprehensive set of rules is a guideline intended to safeguard legitimate calls, and provides direction on how advocates should act with respect for their clients, each other, and society as a whole.

The advocate's professional code of ethics regulates what advocates must do when representing their clients in a dispute or legal case. These professionals have an obligation to be honest with their clients and not mislead them about any details. They also need to prioritize justice and respect all parties involved in the dispute or legal problem they handle. Apart from that, the advocate profession has an obligation to maintain the confidentiality of client information. This means that no one else is permitted to access this information without the client's explicit permission or without a court order. Advocates must be honest with their clients at all times, including about their limited abilities. Advocates may not knowingly take on cases they are not qualified to handle, nor may they state or imply that they can provide services that are not permitted, and that violate applicable regulations.

Not only that, advocates are also required to be honest with themselves and other professionals involved in the case, especially if they have a conflict of interest that could affect their work. Why? This is to realize justice and respect for all parties involved in a dispute or legal problem. In this case, the advocate must take reasonable steps to avoid conflicts of interest, and must not represent a client when there is a substantial risk that such representation will be materially limited by the advocate's own interests or by the advocate's responsibilities to other clients. Unless the advocate is reasonably confident that he can provide competent representation and is able to avoid such risks.

CLOSING

Conclusion

The code of ethics for the legal profession plays a very important role for Advocates in law enforcement. Ethics is essentially a view of life and guidelines on how people should behave. And ethics comes from human consciousness which is a guide to which actions are good and which are bad. Ethics is also a qualifying assessment of someone's actions. The advocate's professional code of ethics regulates what advocates must do when representing their clients in a dispute or legal case. These professionals have an obligation to be honest with their clients and not mislead them about any details. They also need to prioritize justice and respect all parties involved in the dispute or legal problem they handle.

Suggestions

The suggestion that the author wants to convey is the need for socialization about the role of advocates in the community so that the public can know more about the role of advocates in providing legal assistance and the public can know better if the public experiences losses due to the attitude of advocates and can make complaints against the honorary council.

*Rolando Marpaung, Micael Jeriko Damanik, Dikki Saputra Saragih,
Sherhan, Desniar Dachi*

REFERENCES

- Amirudin dan Zainal Asikin, Pengantar Metode Penelitian Hukum, PT.Raja Grafindo Persada, Jakarta, 2004.
- E Sumaryono, Etika Profesi Hukum, Normanorma Bagi Penegak Hukum, Kanisius, Yogyakarta, 1995.
- Fajar Muchti dan Yulianto Achmad, Dualisme Penelitian Hukum Normatif & Empiris, Pustaka Pelajar, Yogyakarta, 2009.
- Ibrahim Johnny, Teori dan Metodologi Penelitian Hukum Normatif, Bayu Media Publishing, Malang, 2006.
- K. Lubis Suhrawardi, Etika Profesi Hukum, Sinar Grafika, Jakarta, 2006 Kansil C.S.T. dan Cristine S.T. Kansil, Pokok-pokok Etika Profesi Hukum, cetakan kedua, PT.Pradnya Paramita, Jakarta, 2003.
- Abdul Hakim G.Nusantara, 1981, Beberapa Pemikiran Mengenai Bantuan Hukum: Ke arah Bantuan Hukum Struktural, Alumni, Bandung.
- Ari Yusuf Amir, 2008, Strategi Bisnis Jasa Advokat, Navila Ide, Yogyakarta.
- Artijo Alkostar (Dr) S.H, LLM, 2010, Peran Dan Tantangan Advokat Dalam Era Globalisasi, UII Press, Yogyakarta.
- Undang-undang no.18 tahun 2003 tentang Advokat Kode Etik Profesi Advokat Indonesia
<https://pkpajakarta.com/mengenal-kembali-pentingnya-kode-etik-profesi-bagi-seorang-advokat/#:~:text=Kode%20etik%20ini%20adalah%20sebuah,lain%2C%20dan%20masyarakat%20pada%20umumnya.>