



Restructuring the Regulation on the Crucial Role of Advocates in Realizing an Integrated Criminal Justice System in Indonesia

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| ABSTRACT <p>The position and role of advocates are crucial in realizing an integrated criminal justice system in Indonesia. Advocates serve as a bridge for ensuring access to justice and protecting the legal rights of individuals, but their role often faces challenges due to a lack of effective coordination among law enforcement agencies. This research aims to analyze the critical role of advocates in improving the criminal justice system's responsiveness and coherence. Using a normative legal research method, the study examines relevant regulations, particularly Law No. 18 of 2003 on Advocates, and explores their practical application through legal literature and secondary data analysis. The findings highlight that advocates play an essential role in fostering coordination among key elements of the justice system, including the police, prosecutor's office, and judiciary. However, the study identifies significant challenges in optimizing their contributions, such as regulatory gaps and insufficient collaboration frameworks. Strengthening the regulation and coordination mechanisms for advocates is imperative for achieving a more integrated and effective criminal justice system. In conclusion, enhancing the advocate's role as a law enforcer will contribute to a fairer and more efficient justice system in Indonesia.</p> Keywords: Access to Justice, Advocates, Criminal Justice, Legal Coordination, Law Enforcement | | | |

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INTRODUCTION

The Code of Ethics is a fundamental element in the organizational structure of the police that serves as a behavioral guideline for members (Becker et al., 2023). This code not only reflects the moral and ethical values that must be upheld by every police officer but also plays a role in shaping a positive image of the institution in the eyes of the public. In their duties, police officers are often faced with complex and high-risk situations, where quick and accurate decisions are required. Without clear guidelines, there is a risk that the actions of police officers may deviate from legal and ethical norms, which can ultimately

undermine public trust in the institution (Martin & Olson, 2024). The existence of a code of ethics is also crucial in ensuring accountability and transparency in police operations. With the existence of a code of ethics, every action taken by police officers can be monitored and evaluated based on established standards. This helps prevent the abuse of power and corrupt actions that can harm the community and undermine the integrity of the institution (Oltmann, 2023). The code of ethics serves as a social control tool that encourages police officers to act in accordance with the principles of justice, respect human rights, and uphold the law with full integrity (Salhab et al., 2021).

The code of ethics has several important objectives within the police force (Henry et al., 2023). One of its aims is to instill values of professionalism among police members. This includes the development of attitudes and behaviors that reflect dedication to duty, responsibility, and the public interest (Bäckström & Schwarz, 2024). With clear guidelines in place, it is expected that police officers will be able to make appropriate decisions in difficult situations, ensuring that their actions align not only with the law but also with the moral norms prevalent in society. In addition, the code of ethics serves to strengthen the relationship between the police and the community. By upholding high ethical standards, the police can demonstrate their commitment to public service and the protection of community rights. This is crucial for building trust and legitimacy in the eyes of the public, which is a key element in the effectiveness of police work. When the community believes that the police act ethically and professionally, they are more likely to cooperate and provide support to law enforcement in maintaining security and order (Katzenstein, 2023).

According to Article 2 of Law No. 2 of 2002 on the Indonesian National Police, the functions of the police include the maintenance of public security and order, law enforcement, as well as the protection, guidance, and service to the community (Ispurwanto et al., 2021). In order to carry out this duty, Article 34 paragraphs (1) and (2) stipulate that the attitudes and behaviors of every police officer must adhere to the Code of Ethics for the Police Profession. This code of ethics serves as a guideline for all police functions in performing their duties in accordance with the prevailing laws and regulations (Wallace & Neptune-Figaro, 2022). This demonstrates the importance of the code of ethics as a moral and legal foundation governing the conduct of police members in carrying out their responsibilities. In carrying out their duties as law enforcement officers, the police are required to comply with various regulations, including the Indonesian National Police Regulation Number 7 of 2022, which governs the code of ethics for the police profession and the Ethics Commission. This code of ethics is expected to meet the increasing public expectations of the police, who are anticipated to provide better, more professional, and responsive services (Karunakaran, 2022). By serving as maintainers of security and order, protectors, and guides for the community, the police are expected to uphold domestic stability, especially in the era of reform that demands transparency and accountability in public services (Yang, 2023).

The attitudes, behaviors, and discipline of police members are crucial in fulfilling their roles as protectors, guides, and servants of the community. Police officers are

expected to be role models for the public, thereby enhancing the positive image of the police in the eyes of society. When police officers demonstrate professionalism in performing their duties, it can foster a sympathetic attitude from the community, which in turn encourages public participation in maintaining security and order. Thus, a positive image of the police in society will be easier to achieve (Drew & Martin, 2021). The professionalism of police personnel is reflected in their work results and behavior while serving the community. The code of ethics set forth in the Indonesian National Police Regulation Number 7 of 2022 encompasses various ethical aspects, such as State Ethics, Institutional Ethics, Community Ethics, and Personal Ethics (Fiske et al., 2021). Every police officer is required to adhere to the existing norms, which regulate what is permitted, what is prohibited, and the appropriate conduct to be taken in fulfilling their duties and responsibilities. With the existence of this guideline, it is hoped that every police officer can act consistently with the high ethical values upheld. In addressing violations of the code of ethics, the Indonesian National Police has specific procedures to resolve such issues. The process of resolving code of ethics violations is carried out through hearings conducted by the Police Ethics Committee (Pryce et al., 2021).

The existence of this committee is based on Law Number 2 of 2002 concerning the Indonesian National Police, particularly Article 35, which states that violations of the code of ethics by police officials must be resolved by the Ethics Committee (Irianto & Harkrisnowo, 2021). This article also stipulates that the organizational structure and working procedures of the committee are established through a decree from the Chief of Police. Thus, this committee functions as the body responsible for enforcing the code of ethics within the police environment. According to Police Regulation Number 7 of 2022 concerning the Code of Professional Ethics and the Police Ethics Committee of the Indonesian National Police, the Police Ethics Committee is defined as a body established to ensure the application of the code of ethics within the police force. Despite the existence of mechanisms to address violations of the code of ethics, violations related to criminal acts by police officers are often not handled optimally (Crum & Ramey, 2023). The disciplinary justice mechanism within the police is considered far from the principles of fairness and respect for human rights. There is concern that the hearings of the National Police Ethics Committee may serve as a means for violators to evade legal responsibility, leading to a judicial process that fails to provide effective restitution for victims of misconduct by police officers (Lantz et al., 2022).

Currently, the hearings of the National Police Ethics Committee are seen as unable to resolve existing issues and failing to deliver justice to the victims. One of the main problems lies in the lack of transparency in the hearing mechanism, which has tended to be conducted in a closed manner (Thompson & Morton, 2024). In fact, principles of good justice require hearings to be open to the public, allowing society the right to know about the trial process unless stipulated otherwise by law. Police Regulation Number 19 of 2012 has stated that hearings of the Ethics Committee must be conducted openly. However, with the implementation of Police Regulation Number 7 of 2022, there has been a change in this provision, where Article 40, paragraph (2), letter (a) gives authority to the Ethics

Committee to decide whether the hearing is held openly or closed. The decision to hold closed hearings raises concerns about the accountability of the legal process faced by police officers who violate the code of ethics. Unlike other institutions, such as the Corruption Eradication Commission (KPK), which ensures that all of its hearings are open to the public and can be covered by the media, the procedures at the National Police Ethics Committee do not fully support transparency (McDaniel & Malik, 2023). This generates public doubt about the integrity and fairness of the legal processes undergone by police officers, and it may worsen the image of the police in the eyes of the public (Heaton & Tong, 2023).

This situation has the potential to trigger public dissatisfaction with police performance, especially when violations of the code of ethics by police officers are not adjudicated fairly and transparently (Pepito et al., 2022). The existence of a judicial mechanism that does not guarantee justice for victims will create a sense of distrust towards the police institution as a protector and guardian of the community (Janvrin et al., 2023). As an institution expected to set an example in law enforcement and the protection of human rights, the police must demonstrate their commitment to creating a fair and effective judicial mechanism. This effort will not only improve the image of the police but also enhance public trust in law enforcement institutions. One significant issue is the absence of clear rules or procedures regarding access to information transparency in the ethics hearings of the National Police. The transparency intended includes access provided for the public to follow the process of the hearings, which should be easily accessible. However, to date, information regarding the decisions of ethical hearings has also been difficult to obtain, even though the implementation of hearings by the National Police Ethics Committee should prioritize the principle of transparency. This process must be conducted clearly and openly, following established procedures, so that the public can understand and monitor the course of the hearings (Fink et al., 2024).

Another critical issue is the lack of clarity regarding the access mechanisms for victims to obtain restitution for violations of ethics committed by police officers (Ali & Nicholson-Crotty, 2021). Violations that occur not only cause material losses but can also lead to immaterial damages for victims, such as feelings of trauma, loss of trust, or negative stigma. Therefore, it is essential to provide a clear pathway for victims to access appropriate forms of restitution. The current mechanisms within the National Police Ethics Committee do not fully reflect the rights of victims, creating injustice in handling ethical violations. Moreover, problems in the working mechanisms of the National Police Ethics Committee also indicate deviations from the principles of the rule of law. In the context of the rule of law (*rechtstaat*), legal certainty is a critical element. Legal certainty serves as the foundation for all legal products relating to the rights and obligations of society. Without legal certainty, the public will have difficulty understanding their rights and seeking justice when violations occur. This leads to dissatisfaction with the police institution and can diminish public trust in the legal system as a whole (Manyame & Muranda, 2023).

In the procedures for ethical hearings for police officers involved in criminal acts, several aspects are not clearly regulated in Police Regulation Number 7 of 2022. One of these ambiguities lies in Article 40, paragraph (2), letter (a), which grants the Ethics Committee the authority to decide whether the hearing is conducted openly or closed. This provision has the potential to create legal gaps, as there are no clear guidelines regarding when the hearing should be held openly. For instance, when a police officer is involved in a criminal act that is being adjudicated in a public court, the public should have the right to follow that process. However, the ambiguity in this regulation opens the possibility for hearings to be conducted behind closed doors, without considering the principle of transparency, which is essential to a fair judicial system. This could lead to uncertainty regarding the public's rights to access information related to the conduct of the hearings and neglect the principle of openness, which should be an integral part of law enforcement.

The legal gaps in this ethics hearing procedure have serious implications for the integrity and professionalism of police officers. When the hearing process is not conducted transparently, it may create the perception that police officers enjoy legal immunity, which in turn tarnishes the image of the police as a responsible law enforcement institution. Additionally, the lack of transparency in handling violations of the code of ethics will negatively impact public trust in the police institution. The public has the right to know the outcome of hearings and the restitution mechanisms applied to officers who commit violations. Uncertainty in this process will diminish public trust and create skepticism regarding the National Police's commitment to maintaining the integrity and professionalism of its personnel. Therefore, to rectify this situation, there is a need for clear and firm regulatory affirmations regarding the ethics hearing procedures, prioritizing transparency and accountability in every step taken by the National Police Ethics Committee.

RESEARCH METHODOLOGY

The normative legal research method is a method used in legal studies that focuses on the examination of documents and legal norms (Siliquini Cinelli et al., 2024). This method aims to analyze the applicable legal rules and how those rules are applied or interpreted within a specific regulation. In normative legal research, the primary sources utilized are statutory regulations and other legal literature (Grünberger, 2022). This approach is highly relevant for investigating legal issues that are theoretical and conceptual in nature, such as advocates and their crucial role in achieving an integrated criminal justice system in Indonesia (Townsend & Reiss, 2022). One of the approaches used in this method is the statutory approach and the conceptual approach (Bernasconi et al., 2022). The statutory approach involves examining and analyzing various regulations that govern specific issues, such as the Law of the Republic of Indonesia No. 18 of 2003 concerning Advocates and related regulations (Astor et al., 2021). Through this approach, researchers can discuss the status and role of advocates as law enforcers within the criminal justice system in Indonesia.

RESULT AND DISCUSSION

The Position of Advocates as Law Enforcers in the Criminal Justice System in Indonesia

An advocate comes from the term “advocate,” which refers to someone who has a profession as a legal expert in court (Rood, 2021). This term can also be translated as “advice,” highlighting the role of advocates as legal advisors in the judicial process (Linville & Pentón Herrera, 2022). Thus, advocates do not only function as defenders but also as companions for suspects or defendants, as well as plaintiffs or defendants. The distinction between the terms legal advisor and advocate is essential to understand. The term legal advisor or legal aid more accurately reflects the role of advocates in providing legal support to their clients, both inside and outside of court. Meanwhile, the term “defender” often implies someone who seeks to assist the judge in finding the material truth, even though this approach can be subjective, given that the defense is aligned with the interests of the client being represented.

In the justice system, the role of advocates as legal advisors is crucial. They not only provide advice on legal matters but also accompany their clients through complex legal processes (Pincock et al., 2024). With a deep understanding of the law and procedures, advocates contribute to ensuring that their clients receive fair treatment and that their rights are respected. According to Article 1, paragraph (1) of the Law of the Republic of Indonesia No. 18 of 2003 concerning Advocates, an advocate is defined as an individual who holds a profession in providing legal services, both in and out of court, under the conditions specified by law. The requirements to become an advocate are explained in Article 2, paragraph (1) of the Advocate Law, which states that a person who can be appointed as an advocate is a law graduate who has completed higher education in law and has attended specialized legal profession training organized by advocacy organizations. Lawyers function to organize and manage all stages of the legal process, from the beginning of the case to the execution of the court’s decision that follows. In other words, lawyers are responsible for ensuring that each legal step is taken correctly and in accordance with the applicable procedures (McBee-Black, 2024). Meanwhile, legal consultants are individuals who are not required to have a practicing license as advocates or lawyers, but must possess sufficient knowledge to resolve disputes in the legal field (Beck et al., 2022).

Society, as legal subjects, greatly needs the presence of advocates to help realize justice. The role of advocates becomes crucial in providing legal assistance to defendants and contributing to the judicial process by helping judges find the truth. Therefore, advocates are considered one of the integral law enforcement entities in the judicial system. The term “advocate” itself has existed since Roman times, where this profession was known as *officium nobile*, meaning “noble profession.” This title reflects the advocate’s commitment to serving the interests of society and upholding human rights. In addition, lawyers have a moral responsibility to provide assistance to individuals in need, even without financial compensation. The presence of advocates within the judicial system is crucial because they not only function as defenders of their clients but also as

guardians of the integrity of the legal process. By providing quality legal assistance, advocates help ensure that every individual receives fair treatment before the law, which in turn strengthens public trust in the judicial system (Winkler et al., 2022).

During the Dutch East Indies era, there were provisions requiring the parties involved in a case to be represented by a procureur, or legal expert, according to decisions from the *Hooggerechshof* and *Raad van Justitie*. However, there were differences in the application of this rule. For the European class, the *Landraad*—serving as a court for indigenous people—did not require legal representation at hearings. This indicates a lack of equality in the legal system at that time, where Europeans enjoyed broader rights in court proceedings. Furthermore, during the Japanese occupation period, the previous legal system, including the *Raad van Justitie* and *Residentiegerecht*, was abolished. During this time, new rules known as *Tihoo Hooi* and *Kotoo Hooi* were applied to both indigenous people and Europeans. These rules allowed individuals to appear in court without needing to use the services of legal experts, lawyers, or advocates (White et al., 2023). These changes indicate a shift in the approach to access to justice, where during the Japanese occupation, everyone, regardless of their background, could represent themselves in court.

The existence of advocates and their regulation in Indonesia has actually been in place for about one and a half centuries. However, official recognition of this profession has not materialized in a clear law, but instead appeared sporadically in various articles of legislation enacted since the Dutch colonial era. Before the enactment of Law Number 18 of 2003 concerning Advocates, various regulations governing the institution of advocates still referred to provisions established during the colonial period. Some of these regulations include the *Reglement op de Rechterlijke Organisatie en het Beleid der Justitie in Indonesie*, which covers Articles 185 to 192, as well as various amendments and additions that may have occurred. Another regulation is the *Bepalingen betreffende het kostuum der Rechterlijke Ambtenaren dat der Advokaten, procureurs en Deuwaarders*, which regulates the costumes or official attire for legal officials, including advocates and procureurs.

Additionally, there are provisions regarding the authority of relevant departments in civil matters, as stated in the *Bepalingen tentang Bevoegdheid departement hoofd in burgerlijke zaken van land*. These provisions refer to the division of authority in civil matters involving advocates. Finally, there is a regulation discussing legal representation established in *Vertegenwoordiging van de land in rechten*. All of these regulations indicate that although the profession of advocate has existed for a long time, formal and comprehensive regulation of advocates only truly materialized with the enactment of Law Number 18 of 2003, which provided a clearer legal foundation for this profession and recognition of its role within the judicial system in Indonesia.

To replace discriminatory legislation that is no longer relevant to the existing constitutional system and to provide a strong foundation for the implementation of advocates' duties in society, Law Number 18 of 2003 concerning Advocates was enacted. The creation of this law is mandated by Article 38 of Law Number 14 of 1970 concerning the Principal Provisions of Judicial Power, which was later amended by Law Number 35

of 1999. After Law No. 18 of 2003 was promulgated and included in the State Gazette of the Republic of Indonesia Year 2003 Number 49, along with the supplement State Gazette of the Republic of Indonesia Number 4228, the term “advocate” has now become an official and standard term.

The status of advocates is recognized as law enforcement officials, in accordance with the acknowledgment of the existence of “*catur wangsa*,” which comprises the police, prosecutors, judges, and advocates. Advocates hold an equal position to other law enforcement entities, emphasizing their important role in the judicial system. Advocates are the only law enforcement officers recognized as independent and autonomous, with strong legal protections. Advocates’ working area covers the entire territory of the Republic of Indonesia, allowing them to provide legal assistance without geographical limitations. Thus, the presence of Law Number 18 of 2003 not only strengthens advocates’ positions within the legal system but also guarantees the basic rights of society to access justice and fair legal protection. This regulation is expected to improve the quality of legal services and uphold the principles of justice within society.

However, advocates’ positions as law enforcement officials within the criminal justice system in Indonesia face significant challenges. As a profession that functions to defend individual rights, advocates often find themselves in difficult situations, especially when confronted with public stigma that views them as defenders of criminals. Additionally, although Law Number 18 of 2003 concerning Advocates has recognized the status of advocates as law enforcement officials, in practice, they are often still perceived as less equal to other elements in the judiciary, such as prosecutors and judges. This situation is exacerbated by obstacles in accessing information and the limitations advocates face in communicating and coordinating with other law enforcement officials. This imbalance sometimes makes it difficult for advocates to perform their roles optimally within the judicial system, thereby undermining their function as pillars of justice. These challenges need to be addressed to enable advocates to more effectively fulfill their roles in ensuring comprehensive justice and protecting clients’ rights in Indonesia’s criminal justice process.

Therefore, to optimize advocates’ positions as law enforcement officials within the criminal justice system in Indonesia, several efforts need to be made. It is crucial for the government and judicial institutions to enhance formal recognition of advocates as an integral part of law enforcement through policy and regulatory revisions that clarify advocates’ rights and obligations in judicial proceedings. Second, there is a need for increased training and continuing education for advocates to ensure competency and professionalism in assisting clients while maintaining the integrity of the profession. Third, the establishment of standard operating procedures (SOP) is needed to enable more effective coordination between advocates and police, prosecutors, and courts, so that advocates can perform their roles without administrative obstacles or discrimination. Lastly, advocate associations can play an active role in advocacy and legal education for the public to eliminate the negative stigma surrounding the profession of advocates, which is often seen as defending criminals. Through these efforts, it is hoped that the position of

advocates in the criminal justice system will become stronger and their contributions to justice will be more optimal.

The Role of Advocates in Achieving an Integrated Criminal Justice System in Indonesia

The word “role,” according to the Indonesian Dictionary, has several meanings, including as a player in a drama or a character in the game of makyong, as well as an attribute that individuals are expected to possess within society. This term refers to the position held by a person, where the individual is expected to perform tasks and responsibilities according to the expectations set by their profession. In this research, “role” refers to the actions or activities undertaken by advocates as law enforcement officials. Advocates are expected not only to perform their professional duties but also to actively contribute to supporting and realizing an integrated criminal justice system in Indonesia. This role involves various aspects, from providing legal assistance to clients, defending their rights, to participating in a fair judicial process. Advocates function as a bridge between society and the legal system, ensuring that justice is accessible to everyone, particularly those who are less fortunate. In an integrated criminal justice system, the role of advocates becomes increasingly important, as they not only focus on their clients’ interests but also contribute to the integrity and overall effectiveness of the legal process.

The presence of several laws, such as Law No. 8 of 1981 concerning the Indonesian Penal Code (KUHP), Law No. 18 of 2003 concerning Advocates, Law No. 48 of 2009 concerning Judicial Power, and Law No. 16 of 2011 concerning Legal Aid, represents crucial steps in strengthening the role of advocates within the criminal justice system in Indonesia. Juridically normative, these four laws are designed to ensure that advocates can perform their functions effectively and consistently. The expectation is that this will meet the need for legal services or legal aid, not only for the parties involved in a case, such as suspects or defendants, but also to support the integrity of the criminal justice system as a whole.

The role of advocates is critical; they are not only responsible for defending their clients but also contribute to the effort to uncover the material truth of a criminal case. The material truth is the primary objective sought in criminal procedural law, and its implementation highly depends on the cooperation of all components within the criminal justice system. In this regard, advocates act as mediators between clients and the legal system, ensuring that clients’ rights are respected while facilitating the quest for justice. Thus, existing laws provide a clear legal framework for the execution of the advocate’s role.

The Criminal Justice System can be understood as a unity of components or sub-systems that are interconnected and interdependent, aimed at addressing crime to a level that is acceptable to society. This understanding highlights the importance of integration between the various sub-systems present within the judicial system. The term “integrated”

encompasses several important aspects: procedural similarities, perceptions, and mutual goals.

Procedural similarity refers to the necessity for all sub-systems within the criminal justice system, including investigators, prosecutors, judges, and advocates, to adhere to the rules set forth in the law. Each component must understand and implement the same procedures to ensure that judicial processes are carried out fairly and transparently. Moreover, having a similar perception among all sub-systems is crucial. This means that all parties involved should share a common understanding of the cases at hand for the judicial process to proceed effectively.

Shared objectives also serve as a key element in an integrated criminal justice system. All components must be committed to addressing crime to a level that is tolerable to society. In this case, advocates play a vital role as connectors to ensure that clients' rights are protected while assisting in the pursuit of justice (Wamuo et al., 2022b). When discussing an "integrated criminal justice system," we also refer to the importance of coordination and collaboration among all components (Katz & Geiger, 2023). Thus, this system does not solely rely on the functions of each sub-system, but also requires strong synergy among them. The involvement of advocates in this system is crucial, as they help balance the interests of clients with the broader goals of justice (Liller & Mehmood, 2021).

To achieve an effective Integrated Criminal Justice System, the presence of a professional advocate is essential. It is not sufficient to have advocates who work carelessly; the quality and competence of these advocates must be guaranteed. Law Number 18 of 2003 concerning Advocates has established clear regulations regarding the qualifications and strict requirements that must be met by individuals who aspire to become advocates. This regulation governs various aspects related to the education and training that prospective advocates must undergo. They are required to have a sufficient legal education background and complete special advocate professional training organized by legal organizations. This ensures that advocates possess adequate knowledge and the necessary skills to perform their duties effectively.

Furthermore, advocates are also expected to understand and apply various relevant legal regulations in legal practice. Thus, they can provide quality legal assistance to clients and contribute significantly to the judicial process. A strong grasp of the law enables advocates to protect clients' rights and pursue justice effectively, which ultimately supports the objectives of the integrated criminal justice system. The existence of professional advocates also plays a role in increasing public trust in the legal system. When the public sees that advocates perform their roles with integrity and professionalism, it strengthens their belief that justice can be upheld.

The profession of advocacy falls into the category of non-governmental law enforcement institutions that do not affiliate with the government, but still hold a significant role in the enforcement and face of law in Indonesia. Although advocates have not yet fully become a sub-system within the criminal justice system, the legal services they offer are closely related to the pursuit of justice. The right to legal assistance is one of

the fundamental human rights sought by every individual involved in a legal case. Within the framework of positive law in Indonesia, provisions regarding legal services and legal aid can be found in several laws, including Law Number 16 of 2011 concerning Legal Aid, Law Number 48 of 2009 concerning Judicial Power, and Law Number 18 of 2003 concerning Advocates.

Additionally, the Indonesian Penal Code (KUHP) contains articles regulating legal aid, including those in Chapter VI concerning suspects or defendants, Chapter VII concerning legal aid, and Chapter XIV concerning investigations. These provisions function as implementations and further elaborations of the principle of equality before the law, which is explicitly regulated in Article 27, paragraph 1 of the 1945 Constitution. This signifies that every person, without exception, is entitled to the same legal protection and the same opportunity to receive legal assistance.

Legal aid can be understood as a form of professional representation provided for free by appointed advocates in court, serving as an effort to rectify the imbalance in the distribution of legal resources between financially capable individuals and those who are less fortunate. In particular, in criminal cases, legal aid plays a minimal responsive role to the idea that all individuals are treated equally before the law. Conceptually, legal aid can be explained through several points. Legal aid is a right that can be claimed by any legal subject when they need it, and fulfilling that right becomes an obligation for the state or the providers of legal aid. This demonstrates that every individual, regardless of their economic status, has the right to access justice.

Legal aid is a professional activity that requires specialized education and skills. Advocates who provide legal aid must possess a deep understanding of the legal system as well as the ability to apply that knowledge in practice to provide effective and quality assistance to clients in need. Furthermore, legal aid is the process of providing legal services by a legal expert to those who require it. This emphasizes the role of advocates not only as legal advisors but also as the frontline defenders in ensuring that the rights of disadvantaged individuals are protected and guaranteed within the justice system.

However, alongside social changes that occur, various factors influencing the application of law in society do not only stem from internal factors within the legal system itself, such as laws, officials, organizations, and facilities, but also from external factors outside the legal system, including social, political, economic, and cultural systems. In the current era of globalization, the influence of international interactions has also become a significant factor. Therefore, the idea of optimizing the role of advocates in the criminal justice process becomes highly relevant. In practice, the provision of legal services or legal aid often faces various political, social, economic, and psychological obstacles.

Legal professionals, such as advocates, exhibit diverse behaviors in court. Marc Galanter categorizes advocates into two types: “one-shooters” and “repeat players.” The former tend to behave more like amateurs, while the latter are more professional. This difference is related to their working methods, the intensity of their relationships with the court, and the types of cases they handle. Only professional advocates can support clients with high intelligence, expertise and specialization, as well as extensive relationships with

various agencies. They also adhere to professional ethical codes, possess good credibility and reputation, and work optimally with minimal risks and reliable litigation skills. The negative stigma that may attach to the advocacy profession, often caused by individuals violating ethical codes or a cultural skepticism towards legal service providers, can be addressed by demonstrating the professionalism of advocates and raising public legal awareness, as well as understanding their role in upholding truth and justice.

The professional role of advocates is vital in shaping an integrated criminal justice system, where coordination and cooperation among components are essential. To strengthen the position of advocates as an integral part of the justice system, revisions to the legislation related to this system are needed. With these changes, advocates can be positioned on par with other components such as the police, prosecutors, courts, and correctional institutions. Currently, even though advocates are not involved, law enforcement processes continue, suggesting that power in law enforcement is more dominated by governmental apparatus.

The implementation of law in society heavily relies on individual legal awareness, as everyone functions as a legal subject. However, the effectiveness of law enforcement is also determined by the performance of law enforcement officials. Unfortunately, many legal regulations are not well implemented due to a lack of understanding among some law enforcement officials about their duties and responsibilities. Therefore, enhancing the understanding and capacity of law enforcement officials, as well as emphasizing the role of advocates in the criminal justice system, becomes an important step toward achieving a fairer and more effective law enforcement. By recognizing the importance of advocates in this system, it is hoped that a more balanced judicial ecosystem will be created, where each component functions optimally to uphold justice and human rights.

Furthermore, efforts to eliminate the perception that advocates hinder the work of law enforcement officials can be achieved through increasing public and legal apparatus understanding of the functions and obligations of advocates as part of a balanced criminal justice system. Advocates play a crucial role in ensuring that legal processes are conducted fairly and in accordance with the principle of due process of law. Through outreach and education, it can be emphasized that the use of legal strategies by advocates is not intended to obstruct justice but to ensure that clients' constitutional rights are fulfilled and that law enforcement proceeds according to the rules. Additionally, better collaboration and communication mechanisms between advocates and other law enforcement officials are needed to foster a shared understanding of the vital role of advocates in maintaining the integrity of the justice system. With the strengthening of professionalism and ethical codes for advocates, along with an awareness from law enforcement officials of the constructive role of advocates, it is hoped that this negative perception can diminish, and advocates will no longer be seen as obstacles but as partners in fair law enforcement.

CONCLUSION

The position of advocates as a part of the “catur wangsa” (four pillars) of law enforcement, alongside the police, prosecutors, and judges, plays a crucial role in achieving justice within Indonesia’s criminal justice system. Through this profession, advocates not only serve as defenders for suspects or defendants but also act as legal advisors who assist their clients in understanding their legal rights and ensuring fair treatment in court. Under Law Number 18 of 2003 concerning Advocates, the status of advocates as law enforcers is formally recognized, granting them the right to operate freely and independently throughout Indonesia. Nevertheless, advocates often face challenges in performing their duties, including barriers to information access, negative public stigma, and inequality in coordination with other law enforcement officials.

Efforts to strengthen the role of advocates through clearer formal recognition, enhancement of professional competence, development of standard operating procedures (SOPs), and public education to eliminate negative stigma will further solidify the position of advocates within the justice system and ensure that their role in assisting clients’ functions effectively and without hindrance. With these measures, advocates are expected to fulfill their role as pillars of justice that contribute to achieving a fair justice system and protecting human rights comprehensively.

As law enforcers with crucial positions and roles within Indonesia’s integrated criminal justice system, advocates play an important role in protecting clients’ rights while contributing to the enforcement of justice within the legal framework. Advocates’ responsibilities extend beyond merely defending clients; they also encompass participation in the pursuit of material truth and justice for all parties involved in criminal proceedings. With regulations such as the Advocate Law, the Criminal Procedure Code (KUHAP), and provisions regarding legal aid, advocates have a solid legal basis to perform their duties effectively. However, challenges in the execution of these tasks are frequently encountered. Barriers such as societal stigma, disparities in roles during practice, and coordination challenges with other law enforcement officials necessitate improvement efforts and collaboration.

Measures such as enhancing advocates’ professionalism, legal outreach, legal education, and inter-law enforcement coordination mechanisms are expected to address these barriers and strengthen advocates’ role as an integral part of the criminal justice system. An increasing level of public legal awareness, along with strengthened regulations, will aid advocates in fulfilling their roles more effectively and contribute to creating a fair and highly integrative justice system.

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