

# **A Discourse of Professionalism of Advocates in Providing Legal Assistance in Indonesia**

**Amelia Putri Rizkyta** ✉

Legal Aid Center, Universitas Negeri Semarang, Indonesia

**Mahmod Umar Dhani**

The Law Society of Brunei Darussalam, Brunei Darussalam

✉ [ameliarizkyta@gmail.com](mailto:ameliarizkyta@gmail.com)

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## **Abstract**

The legal profession of advocacy is a noble pursuit entailing significant responsibility, as it transcends the advocate's personal interests, extending to the welfare of others. Advocates bear the ethical obligation to assist individuals grappling with legal challenges, particularly those who lack the means to navigate complex legal matters independently. This study employs normative legal research methods and adopts a conceptual approach to delve into the intricate facets of advocate

professionalism. The core tenet of advocate professionalism lies in providing legal assistance without charge, guided by a conscientious commitment that transcends any form of discrimination. The efficacy of such pro bono assistance becomes a key metric in evaluating an advocate's professional integrity and societal impact. Despite the commendable nature of this endeavor, various obstacles impede its seamless implementation. By assessing the effectiveness of free legal aid, this study seeks to unveil the true extent of an advocate's contribution to society. It explores the challenges and nuances involved in delivering legal assistance without monetary compensation, shedding light on the delicate balance between professional commitment and practical hindrances. Ultimately, this research aims to provide insights that enhance the understanding of advocate professionalism, emphasizing its crucial role in ensuring equitable access to justice for all segments of society.

### **Keywords**

*Advocate, Professionalism, Legal Profession, Legal Assistance, Pro Bono*

## **I. Introduction**

The exposition of the 1945 Constitution underscores that Indonesia is fundamentally a legal-based state, underscoring the paramount importance accorded to law in the fabric of society, the nation, and the state. As articulated in the Constitution, the Indonesian State elevates the role of law to the highest echelon, positioning it as a cornerstone in the collective existence of the populace. This foundational principle dictates that all citizens of Indonesia are duty-bound to adhere to and comply with the law.

The overarching objective is to ensure justice for every citizen while simultaneously fostering and upholding security and order in the intricate tapestry of people's lives. In essence, this legal framework serves as the bedrock upon which the Indonesian State rests, affirming the commitment to principles that underpin a just, secure, and orderly society.

Based on Article 3 of Law No. 16 of 2011, the basis for the issuance of this Law is that the state is responsible for providing legal assistance to the poor as a manifestation of access to justice, as well as arrangements regarding legal aid organized by the state must be oriented towards realizing change social justice to implement the provisions of Article 15 paragraph (5) of Law No. 16 of 2011 concerning Legal Aid. The government stipulates Government Regulation No. 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds. Article 28h paragraph (2) of the 1945 Constitution also states that everyone has the right to receive convenience and special treatment to obtain equal opportunities and benefits in order to achieve equality and justice, has the right to be defended (access to legal counsel) and the right to obtain justice (access to justice).<sup>1</sup> Apart from that, Article 34 of the 1945 Constitution also states that the poor and neglected children are the responsibility of the State. This shows that the state is obliged to provide legal assistance to the poor.

Advocate profession is an honorable profession (*officium nobile*) because it devotes itself to the interests of society, not only for personal gain. One of the roles of an advocate is as a supervisor and guardian of justice. Indonesia as a rule of law has basic characteristics, including legal protection of human rights, equality before the law, an independent and impartial judiciary and is not influenced by other powers. Article 5 paragraph 1 of

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<sup>1</sup> Rezal Helwin Bramantara, "Equality before the Law Principle in the Implementation of Legal Aid in Indonesia." *The Indonesian Journal of International Clinical Legal Education* 3, no. 2 (2021): 209-222.

Law no. 18 of 2003 concerning Advocates explains "Advocates are law enforcers" referred to as law enforcers who accompany the defense in cases, not only being objects but subjects along with other law enforcers who are equally trying to reach the fairest decision possible. In practice, the position of enforcers is weak considering that other law enforcers such as the police, prosecutors and judges already understand the law, for this reason it is necessary to have an advocate to assist the police so that the judicial process is balanced.

The role of an advocate as a free and independent law enforcer guaranteed by laws and regulations is very important in the law enforcement process. Through the legal services provided, advocates carry out the duties of justice, including efforts to empower the community in aware of fundamental rights before the law. Advocates are one of the elements of the justice system which is one of the pillars in upholding rule of law and human rights. Based on the Advocate Law, one form of legal services provided by advocates is legal aid (Article 1 point 2 of the Advocate Law). Legal aid is the basic right of every citizen, both for citizens who are able and those who are classified as unable. When a person who is able has a legal problem, he can appoint one or more advocates to defend his interests. Likewise, a person who is classified as incapacitated (the have not) may request a defense from one or more public defenders from a legal aid institution to defend his interests in a legal case. It is not fair if only people who can afford to pay are able to be defended by an advocate in facing legal problems, while the poor do not get defense because they cannot afford to pay an advocate's fee.<sup>2</sup>

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<sup>2</sup> Frans Hendra Winata, *Pro Bono Publico Hak Konstitusional Fakir Miskin Untuk Memperoleh Bantuan Hukum* (Jakarta: Penerbit PT Gramedia Pustaka Utama, 2009). See also Ridwan Arifin, "Legal Services and Advocacy in the Industrial Revolution 4.0: Challenges and Problems in Indonesia." *Indonesian Journal of Advocacy and Legal Services* 1, no. 2 (2020): 159-162.

One of the obligations of advocates to the community is to provide legal assistance to those who are economically disadvantaged (poor). Article 7 point 8 of the Indonesian Advocate Code of Ethics states, "*Advocates have an obligation to provide free legal assistance (prodeo) for people who can't afford it.*"<sup>3</sup> This is confirmed in Article 22 of Law Number 18 of 2003 concerning Advocates which reads as follows:<sup>4</sup>

- 1) Advocates are obliged to provide legal assistance free of charge to justice seekers who cannot afford it.
- 2) Provisions regarding the requirements and procedures for providing free assistance as referred to in paragraph (1) shall be further regulated by a Government Regulation.

Provisions regarding this matter are further regulated in Government Regulation Number 83 of 2008 concerning Requirements and Procedures for Providing Free Legal Aid. Article 11 paragraph (1) PP No. 83 of 2008 states that the provision of free legal aid is carried out in accordance with statutory provisions, the Advocate Code of Ethics, and Advocate Organization regulations. The implementation of the provision of free legal aid carried out by advocates must be reported to advocate organizations or legal aid institutions. This is regulated in Article 11 paragraph (2) PP No. 83 of 2008. Peradi regulates this obligation in Article 31 of Peradi Regulation No. 1 of 2010 which states that every advocate who provides free legal aid and/or provides free legal aid unilaterally must report its implementation

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<sup>3</sup> Dewan Pimpinan Pusat Kongres Advokat Indonesia (KAI), *Kode Etik Advokat Indonesia* (Jakarta, 2013).

<sup>4</sup> Undang-Undang Republik Indonesia No.18 Tahun 2003 Tentang Advokat. Lembaran Negara Republik Indonesia Tahun 2003 Nomor 49, Tambahan Lembaran Negara Nomor 4288.

to PBH Peradi no later than 14 (fourteen) days after the date of completion of free legal aid for recorded in the legal aid register.<sup>5</sup>

The right to legal aid is a manifestation of equality before the law which is guaranteed in the constitution. Chapter 27 paragraph (1) of the 1945 Constitution states that all citizens have the same position before law and government and are obliged to uphold this law and government without exception. Article 28D paragraph (1) of the 1945 Constitution emphasizes that everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law. Guarantees for the right to legal aid are also provided in international legal instruments, namely the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Every citizen has the right to obtain legal aid to protect economic, social, cultural, civil and political rights. The right to legal aid applies to every individual regardless of background. Based on Article 34 paragraph (1) of the 1945 Constitution, it is emphasized that the poor and neglected children are cared for by the state. Based on this provision, the state recognizes the economic, cultural, civil and political rights of the poor. The implication is that legal assistance for the poor is also the duty and responsibility of the state.<sup>6</sup>

In implementing the provision of free legal assistance by advocates who are members of the Indonesian Advocates

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<sup>5</sup> Muhammad Akbar Maulana Gustaf, "Legal Aid in Indonesia: Problems and Challenges." *The Indonesian Journal of International Clinical Legal Education* 3, no. 2 (2021): 163-172.

<sup>6</sup> Winata, *Pro Bono Publico Hak Konstitusional Fakir Miskin Untuk Memperoleh Bantuan Hukum*. See also Cahya Wulandari, Sonny Saptioajie Wicaksono, and Umi Faridatul Khikmah. "Paralegal Existence in Providing Access to Justice for the Poor in Central Java." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4, no. 2 (2019): 199-206; Nofrizal Nofrizal. "Legal Assistance for the Poor in Rokan Hulu District of Riau Province." *The Indonesian Journal of International Clinical Legal Education* 1, no. 4 (2019).

Association (Peradi), Executive Director of the Peradi Legal Aid Center (PBH), Anggara Suwahyu, said that the interest of Peradi member advocates is still minimal in providing free legal assistance or free. This is evidenced by the approximately 15,000 members of Peradi, it is recorded that only 100 people have been recorded as providing legal assistance to the poor. The obligation to provide free legal aid has been regulated in the Indonesian Advocate Code of Ethics and Peradi Regulation Number 1 of 2010 concerning Guidelines for Implementing Free Legal Aid. Article 11 Peradi Regulation No. 1 of 2010 stipulates that each lawyer member of Peradi is encouraged to provide free legal assistance to the poor at least 50 hours of work each year.<sup>7</sup>

Several big cities in Indonesia whose residents come from various social layers have the potential to be involved in various legal problems, especially criminal acts, both as criminals and victims of crime. The average criminal has a low economic and educational background. The demands of today's increasingly high cost of living force them to justify any means to be able to get money instantly in order to survive, such as becoming drug dealers, thieves or robbers. Those who are involved in criminal acts will later face the law and if demanded a sentence of five years or more, a suspect or defendant must be accompanied by an advocate in undergoing a series of legal processes. Over time, the advocate profession is felt to be increasingly commercial, this is related to changes in the level of professionalism and the demand for advocate specialization. Advocate profession is increasingly becoming a place to seek profit and no longer as a means of struggle to defend the rights of the poor.<sup>8</sup>

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<sup>7</sup> Hukumonline.com, *Bantuan Hukum Diusulkan Masuk Kurikulum PKPA*, n.d., <https://www.hukumonline.com/berita/a/bantuan-hukum-kurikulum-pkpa-lt4dde06a45051f>.

<sup>8</sup> Nur Firman, "Peran Advokat dalam Memberikan Pelayanan Hukum Secara Cuma-Cuma Terhadap Masyarakat Yang Tidak Mampu Di Kota Makassar," *Thesis* (Makassar: UIN Alauddin Makassar, 2018). *Also see*

Every citizen is entitled to legal aid, a right explicitly guaranteed in both the constitution and international legal instruments. Advocates, designated as *officium nobile*, bear the responsibility of furnishing free legal assistance, a mandate stipulated by the Advocate Law. Despite the legal framework in place, a significant issue arises in the form of challenges to the professionalism of advocates when providing free legal aid to indigent defendants, as outlined by Indonesian Regulation.

The problem at the crux of this study revolves around assessing the efficacy and professionalism of advocates in delivering *pro bono* legal assistance, particularly to individuals who lack the financial means to secure such services. The tension lies in the potential disparities between the legal obligations outlined in the Advocate Law and the practical challenges encountered during the provision of free legal aid.<sup>9</sup> This incongruence raises questions about the accessibility and quality of legal assistance available to those in need.

By delving into this issue, the research aims to shed light on the intricacies and potential shortcomings in the implementation of free legal aid, offering insights that can serve as a valuable guide for the community. The ultimate goal is to rectify legal problems that may arise in society, emphasizing the importance of addressing challenges to advocate professionalism in delivering free legal assistance to ensure a fair and just legal system for all citizens.

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Heru Pratama Adnan Amrullah, "The Existence of Legal Aid Institutions in Providing Legal Aid Amidst COVID-19 Outbreak." *The Indonesian Journal of International Clinical Legal Education* 3, no. 2 (2021): 223-234.

<sup>9</sup> Waspiah Waspiah, et al. "Coffee and Counsel Clinic: Constructing a More Comfortable Place for Legal Aid in the Sub-Urban Community." *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 399-410.



## II. Method

This research was conducted using normative legal research methods, and the approach used was a conceptual approach. Sources of legal materials used as primary legal materials, secondary legal materials consisting of books, articles, and documents, as well as the internet related to problems, as well as tertiary legal materials, namely legal materials that support primary legal materials and secondary legal materials. The technique of collecting legal material is done by studying library books to obtain secondary legal material which is done by studying and quoting from books and related laws and regulations. After the legal material is collected, it is recorded and summarized according to the problem. The results of the data are presented with an informal method in the form of a description.

## III. Assessing the Professionalism of Advocates in Delivering Legal Aid to Indigent Defendants

The role of an advocate is considered noble due to their capacity to act as mediators in various disputes, spanning criminal, civil, and state administrative cases. Beyond this, advocates serve as facilitators in the pursuit of truth, champions of justice, defenders of human rights, and providers of free and impartial legal representation. According to Frans Hendra Winarta, the advocacy profession is inherently idealistic, tracing its universal recognition back over 2000 years. The nobility of advocacy emanates from its practitioners' unwavering commitment to societal interests over personal gain, along with their obligation to uphold human rights. Advocates distinguish themselves by their freedom in defense, remaining unbound by external influences, client instructions, and

without discrimination towards the identity or status of their clients, be they powerful groups, officials, rulers, or otherwise. This noble ethos has been a defining characteristic of the advocacy profession throughout its historical evolution.<sup>10</sup>

In the beginning, the advocate was a moral force, namely a moral force exercised by a group of people. They see that there is often abuse of authority from the authorities towards some people. There are always acts of tyranny between members of society who are stronger against other members of society who are weak from an economic, political or legal perspective. Likewise, injustice often occurs against people who seek justice, especially for poor people who are economically unable and do not have access to legal aid. Marginalization of the poor has been going on for centuries, not only in the economic, political, educational, employment opportunities in the field of law, but poor people have always been victims of injustice. The appearance of advocates in the midst of society to defend the truth and uphold justice is like water that comes in the middle of an arid and barren desert so it can cool the atmosphere.<sup>11</sup>

Legal aid has various definitions according to legal experts. Adnan Buyung Nasution in a 1980 paper said that legal aid is essentially a program that is not only a cultural action but also a structural action aimed at changing an unjust social order towards a society that is better able to provide a comfortable breath for the majority. Therefore, legal aid is not a simple matter, but a series of

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<sup>10</sup> Frans Hendra Winata, *Advokat Indonesia Citra, Idealisme dan Keprihatinan* (Jakarta: Pustaka Sinar Harapan, 1995). See also Riyun Khilmawati Maala, "Getting Justice through Legal Assistance: A Comparing Case of Indonesia and Malaysia." *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 353-366.

<sup>11</sup> Dardji Darmodihardjo and Sidharta, *Pokok-Pokok Filsafat Hukum* (Jakarta: PT Gramedia Utama, 2000).

actions to liberate society from the shackles of political, economic and social structures which are full of oppression.<sup>12</sup>

The provision of free legal assistance includes litigation legal assistance and non-litigation legal assistance. Litigation legal assistance in the form of assistance and/or exercise of power starting from the level of investigation, and prosecution, assistance and/or in the process of examination at trial or assistance and/or exercising power of attorney against Legal Aid Recipients at the State Administrative Court. While non-litigation legal assistance includes legal counseling activities, legal consultations, case investigations, both electronic and non-electronic, legal research, mediation, negotiations, community empowerment, assistance outside the court and/or legal document drafting.

The law has also provided a definition of legal aid. Article 1 point 9 of the Advocate Law states that legal aid is legal services provided by advocates free of charge to clients who can't afford it. The Legal Aid Law provides a definition of legal aid based on Article 1 point 1 of the Legal Aid Law, namely legal aid is legal services provided by legal aid providers free of charge to legal aid recipients. Legal aid recipients based on the Legal Aid Law are people or groups of poor people, and the definition of Legal Aid Providers is legal aid institutions or community organizations that provide legal aid services based on this Law.<sup>13</sup>

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<sup>12</sup> Todung Mulya Lubis, *Bantuan Hukum Dan Kemiskinan Struktural* (Jakarta: LP3ES, 1986). See also Choerul Amin, "Implementation of Legal Aid for the Poor as a Form of Practicing Pancasila Values." *The Indonesian Journal of International Clinical Legal Education* 3, no. 2 (2021): 235-244; Anita Damayanti, "The Role of Legal Aid Institutions in Providing Legal Aid to Women as Victims of Sexual Violence." *Journal of Law Science* 4, no. 2 (2022): 72-77; Dani Setiawan, "Access to Justice and Fair for the Poor: How Effective the Legal Aid Provided by Government?." *The Indonesian Journal of International Clinical Legal Education* 3, no. 2 (2021): 173-184.

<sup>13</sup> Herning Setyowati, and Nurul Muchiningtias. "The Role of Advocates in Providing Legal Assistance to the Community in the Perspective of Human

Internationally, the right to equality before the law is guaranteed in Article 6 of the Universal Declaration of Human Rights which states that everyone has the right to recognition everywhere as a person before the law. Article 7 of the Universal Declaration of Human Rights guarantees that all are equal before the law and are entitled without any discrimination to equal protection of the law. The guarantees in the Universal Declaration of Human Rights are then set forth in Article 16 of the International Covenant on Civil and Political Rights (ICCPR) which states that everyone has the right to recognition everywhere as a person before the law. Then Article 26 of the ICCPR guarantees that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.<sup>14</sup>

The obligation of advocates to provide free legal assistance is also regulated in the Indonesian Advocates Code of Ethics which was ratified on May 23, 2002. Article 7 letter h of the Indonesian Advocates Code of Ethics states that advocates have the obligation to provide free legal assistance (*prodeo*) for people who can't. The Indonesian Advocate Code of Ethics states that advocates can refuse to provide advice and legal assistance to anyone who needs services and/or legal assistance on the grounds that they are not in accordance with their expertise and are against their conscience but cannot refuse on grounds of differences in religion, belief, ethnicity, heredity, gender, political beliefs and social position.<sup>15</sup>

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Rights [Peran Advokat dalam Memberikan Bantuan Hukum Kepada Masyarakat Dalam Perspektif Hak Asasi Manusia]". *Lex Scientia Law Review* 2, no. 2 (2018): 155-168.

<sup>14</sup> Joshua Turner, *What is Equality?*. (New York: The Rosen Publishing Group, Inc, 2019). See also Niels Petersen, "The implicit taxonomy of the equality jurisprudence of the UN Human Rights Committee." *Leiden Journal of International Law* 34, no. 2 (2021): 421-440.

<sup>15</sup> Savira Nur Azalia, "Peran dan Efektivitas Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan dalam Pendampingan Kasus Kekerasan Terhadap Perempuan." *The Digest: Journal of Jurisprudence and Legisprudence* 1, no. 2 (2020): 79-104; Fadli Nur Wana

In providing legal aid, it should be noted that those who should receive legal assistance are the poor and this assistance is given free of charge.

Thus far, the dispensation of legal aid has disproportionately bypassed numerous impoverished individuals and marginalized groups, resulting in a formidable hindrance to their access to justice and the realization of constitutional rights. The lackluster commitment of advocates to fulfill the obligation of providing free legal aid can be attributed, in part, to various factors.

Primarily, the dearth of substantive sanctions for advocates neglecting this responsibility has contributed to a tepid interest in compliance. The Advocate Law lacks a comprehensive framework for imposing significant penalties on advocates who fail to undertake the mandated duty, thereby diminishing the incentive for adherence. Secondly, the deficiency in disseminating information regarding the obligation to provide free legal aid and the associated reporting mechanisms has exacerbated the issue. A pervasive lack of awareness further impedes the seamless implementation of this crucial obligation. Thirdly, the insufficient political will within Advocate Organizations to enhance the provision of free legal aid by their affiliated advocates exacerbates the problem. The failure to prioritize and actively promote increased assistance further perpetuates the existing barriers to justice for the marginalized. Addressing these multifaceted challenges is imperative to fortify the efficacy of legal aid provision and ensure the realization of constitutional rights for all.<sup>16</sup>

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Kurniawan, "Optimalisasi Bantuan Hukum Demi Terwujudnya Keadilan bagi Rakyat Miskin (Studi Kasus Hak Terdakwa Yang Tidak Mampu dari Segi Ekonomi untuk Memperoleh Bantuan Hukum Terhadap Kejahatan yang Dilakukannya dalam Proses Peradilan Pidana)." *The Digest: Journal of Jurisprudence and Legisprudence* 1, no. 2 (2020): 105-132.

<sup>16</sup> See Dian Novianti, "Discourse on Legal Aid for Children in Rape Crime Cases (Study of Decision Number 138/Pid. Sus/2020/PN. Pti)." *The*

In overcoming problems that cause low interest in advocates in carrying out the obligation to provide free legal assistance and reporting, several efforts need to be made, first, the provision of sanctions for temporary dismissal and sanctions for permanent dismissal from the advocate profession must be followed by a prohibition to carry out the advocate profession outside or before the court. Decisions regarding sanctions for temporary dismissal and sanctions for permanent dismissal from the advocate profession must be submitted to the Supreme Court to be known and recorded in the register of advocates. For advocates who have been permanently dismissed from the advocate profession, they must be dismissed from membership in professional organizations and are not allowed to move to other advocate professional organizations. provision of legal assistance as an obligation. In addition, the obligation to report on the provision of free legal aid needs to be regulated at the statutory level, namely by including this obligation in the Advocate Law. The third effort is to incorporate material regarding the obligation to provide free legal aid into the subjects of Advocate Profession Special Education (PKPA). Fourth, increasing supervision from advocate professional organizations and the state in the context of implementing the obligation to provide free legal assistance by advocates.

The implementation of the provision of legal aid to incapacitated defendants has been carried out procedurally in accordance with the provisions of the guidelines for the provision of legal assistance but has not been said to be effective and to measure the effectiveness of the provision of legal assistance, at

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*Digest: Journal of Jurisprudence and Legisprudence* 3, no. 2 (2022); Saru Arifin, "INTRODUCTION: Clinical Legal Education in the Theory and Practice in the Indonesian Law School." *The Indonesian Journal of International Clinical Legal Education* 1, no. 1 (2019): 1-2; Sofyan Arief, "Law Construction in Modern Society." *The Indonesian Journal of International Clinical Legal Education* 1, no. 1 (2019): 255-260.

least it can be determined from five factors including the legal factor itself, namely the Law and other related regulations in this case have clearly regulated, the factors of law enforcement officials namely Advocates in carrying out their duties and obligations are always tried to be professional, the factor of facilities and facilities which includes PBH with proper and adequate facilities even though all poor people cannot yet access it, community factors whose targets are the people of the city, it turns out that there are still many who lack understanding and awareness about how the process of legal aid is carried out by advocates.

From year to year the public will know the true performance of advocates and they will feel that they are getting justice if it is implemented the provision of legal assistance to indigent defendants has proven to be effective as a reflection of increasing public legal awareness. Law enforcers, namely advocates, although there are some who have not had their conscience touched in defending the underprivileged, some of them have also tried to carry out their duties as well as they can in accordance with professional obligations and consider this part of worship because it helps people who are in trouble without strings attached. They are ready to help underprivileged people who are dealing with the law without expecting anything in return but must remain professional and not discriminate against other clients.

People do not easily come to advocates for help when they have problems with the law. This is due to the level of legal awareness those who are still lacking and they are still unsure about the performance of advocates. They understand so far that advocates are a profession that is synonymous with money. They have not been able to fully understand the nature of the establishment of legal aid institutions to assist them in obtaining justice. This has an impact on cultural factors that develop in the midst of a society that ends up being wrong. It is the duty of an advocate to rectify the wrong culture of society. They need to

continue to convince the public that advocates can fully assist them in resolving their legal problems without asking for anything in return.

In general, it is still difficult for ordinary people to access justice. The reason, among others, is that there is still a negative side in law enforcement that haunts ordinary people. The public's hesitation to come to legal aid institutions is also due to the image of advocates who seem unwilling to provide assistance if they are not paid or the high cost of their services in providing legal aid. The community also feels capable of completing all legal processes that must be undertaken and handling their own cases. That is what made them finally choose to go forward alone to face a series of legal processes.

The investigators have actually conveyed the defendant's right to be accompanied by legal counsel, either by providing it himself or being provided by the investigator according to the mandate stated in the regulation that in the interest of defense a person has the right to receive legal assistance at every level of examination if the threat of a sentence of 5 years or more, but in reality both the public investigators themselves feel capable of solving the problem on their own as well as investigators who think that there is no need for legal advisors, because the presence of an advocate can actually hinder and complicate the course of the investigation process all the way to court. In fact, the function of an advocate is very important in accompanying the accused to undergo any necessary legal process passed. If the suspect agrees to face the problem on his own, the investigator will immediately prepare a report on the refusal to be accompanied by a legal advisor to be attached and signed by the suspect or defendant concerned.

These obstacles must be accompanied by efforts to solve them, such as improving the quality of Human Resources (HR) as early as possible and having a mentality improvement program for advocates. If the mentality of the advocates is good, they will not violate the existing code of ethics. So, the attitude of



professionalism as an advocate is very important. Increasing Advocate HR as a respectable profession, which means that advocates have competence and are highly competitive, so that they can be respected by other law enforcement partners. This is actually also to build good relations with other law enforcers. Efforts that are no less important and continuously carried out are socialization as a form of preventive effort through various print and electronic media, through community leaders, as well as periodically providing counseling materials with themes such as domestic violence, marriage, land issues and migrant worker problem.

## IV. Conclusion

In conclusion, the provision of legal assistance by advocates constitutes a moral imperative devoid of discrimination, encompassing individuals across diverse ethnic, political, and economic strata, both within and outside the courtroom, including cases within the Religious Courts. This moral obligation is not only ethically compelling but also finds support in legal provisions and universal values. From a juridical standpoint, advocates are mandated to offer free legal aid services, a commitment reinforced by existing regulations. Sociologically, the provision of legal services, especially for marginalized individuals seeking truth, upholding justice, and safeguarding human rights, underscores advocates' capacity to extend assistance either without charge or through a mutually agreed-upon honorarium, reflecting fairness and client conditions. Emphasizing the totality in providing legal aid services, advocates are bound by regulations that prohibit the imposition of fees on the public for such services. The act of providing free legal assistance by advocates is not merely a legal requirement but, crucially, a conscientious obligation inherent in the advocacy profession. This conscientious

commitment is integral to fostering equitable law enforcement, particularly for the benefit of the socioeconomically disadvantaged, exemplifying the advocate's pivotal role in contributing to a just and inclusive legal system.

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### **Acknowledgment**

None

### **Funding Information**

None

### **Conflicting Interest Statement**

There is no conflict of interest in the publication of this article.

### **Publishing Ethical and Originality Statement**

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.