



Review Article

Code of Ethics and the Role of Advocates in Providing Legal Aid to the Poor

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Abstract: Law No. 18 of 2003 concerning Advocates emphasizes the status of Advocates as one of the law enforcers who have roles and functions that are equal to the Police, Prosecutor's Office and Judicial Power as law enforcement officers, but there is specialness given by the law to lawyers, namely the independence of advocates in carrying out their duties and profession. The independence of advocates aims to support the implementation of a justice system that is free from power and political intervention in law enforcement, and with that independence the Advocate Profession is said to be a very noble profession (*officium nobile*). As a noble profession, of course, advocates are bound by ethical values that become the guidelines in the implementation of their duties and authorities, where those values are posited as a Professional Code of Ethics. Talking about advocates, of course it cannot be separated from law enforcement, talking about law certainly cannot be separated from the state system or the political colors of certain countries and so on. This article wants to explain how the code of ethics of the advocate profession in upholding the law is how the role of advocates in providing justice to society based on applicable law. In conclusion, this article wants to explain that the code of ethics can compensate for the negative aspects of the profession and with the existence of a code of ethics, community trust in a profession can be strengthened, because every client has the assurance that his interests will be guaranteed, and the implementation of legal aid must be in line with the breath that becomes the goal is protection human rights and ideals of justice.

Keywords: Code of Ethics, Role, Advocate, Legal Aid

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A. Introduction

A new rule of law State is created if there is recognition of democracy and human rights. However, not only that, the state and individuals are on equal footing which means that state power is limited by human rights so as not to violate the rights of these individuals. An example of a country based on law is Indonesia. Indonesia in running its government is based on law (*Rechtsstaat*) not based on mere power (*Machstaat*). This has a constitutional basis which is stated in article 1 paragraph 3 of the 1945 Constitution, which reads: "The State of Indonesia is a state of law". In general, law is a set of rules governing human behavior in society, nation and state that is coercive and strict sanctions so as to create safe, peaceful, just and prosperous human life. However, in reality what has happened up to now is that there are still many people who do not understand the law or in other words are blind to the law (law ignorance), and moreover, considered from the economic point of view, the condition of the average middle to lower class (poor) so that they need legal assistance. Therefore, for every community that requires legal assistance (legal aid) in addition to being a human right it is also the application of article 27 paragraph 1 of the 1945 Constitution, namely: "All citizens are at the same position in law and government and are obliged to uphold the law and government with no exception." is a real way to achieve a fair legal process, with the presence of advocates can prevent unfair treatment by the police, prosecutors or judges in the process of interrogation, investigation, examination, detention, trial, and punishment.¹

History has proven that law and lawyers (law and lawyer) become the most important element for a society, in any part of the world where the community is located. The public is unlikely to be able to live well without the presence of law and lawyer. Advocates are a noble, noble and honorable profession (*officium nobile*), in carrying out their professional duties, advocates must hold fast to the laws and codes of ethics of advocates. Advocates as a profession that is free and independent and responsible, to provide legal justice for justice seekers. Advocates are needed in the implementation of criminal justice because advocates have a special role that is different from other law enforcers, namely for the legal interests of a suspect, defendant and parties seeking justice, in accordance with his profession as a person who provides legal services inside and outside the

¹ Adelita Lubis, Peran Advokad dalam Penegakkan Hukum di Organisasi Asosiasi Advokad Indonesia Cabang Medan, *Jurnal Ilmu Pemerintahan dan Sosial Politik*, Vol. 4 No. 1, 2016, pp. 176-192.

court. Advocates have the right to immunity in carrying out work as stated in Law Number 18 of 2003 concerning Advocates (State Gazette of the Republic of Indonesia of 2003 Number 49, Additional State Gazette Number 4288) then referred to (Advocate Law). Advocates in carrying out their duties and profession have the rights and obligations set out in the law of advocates and the advocate's code of ethics. These rights and obligations are regulated in Article 14 through Article 20 of the Advocate Law. Many cases of lawyers are punished for committing a crime.² The law of advocates makes it clear that advocates have the right to immunity. The right of immunity is that an advocate cannot be convicted or civil in Article 16 of the Advocate Law. Advocates are free to carry out their duties and profession to the extent of defending their clients. Defending his client also advocates must also have a basis of good faith, not only to the client, but also to colleagues and also to the other party.³

Furthermore, in the same context, Law Number 12 of 2005 concerning the International Covenant on Civil and Political Rights recognizes the right to legal aid and the right to Advocates and instructs the state to provide lawyers who provide effective legal assistance to the poor when the interests of justice require it.⁴

In order to meet the constitutional demands, Article 22 of Law Number 18 of 2003 concerning Advocates hereinafter referred to as (Advocate Law) has accommodated it, that advocates are “*obliged*” to provide legal assistance free of charge to justice seekers who cannot afford it. The principle is derived from the rule of law (*rechtstaat*) and the principle of equality before the law in the 1945 Constitution, Article 27 paragraph (11) which states that every citizen is equal before the law with no exception, and Article 28D paragraph (1) which reads “Everyone has the right to recognition, guarantees, protection and legal certainty that is fair and equal treatment before the law”.⁵

² Law Number 18 of 2003 concerning Advocates (State Gazette of the Republic of Indonesia of 2003 Number 49, Additional State Gazette Number 4288)

³ Meirza Aulia Chairani, Hak Imunitas Advokat Terkait Melecehkan Ahli, *Justitia Jurnal Hukum*, Vol. 2 No.1, 2018, pp.144-163.

⁴ Angga & Ridwan Arifin, Penerapan Bantuan Hukum Bagi Masyarakat Kurang Mampu di Indonesia, *DIVERSE: Jurnal Hukum*, Vol. 4 No. 2, 2019, p. 220; Ridwan Arifin, Rasdi Rasdi, & Riska Alkadri, Tinjauan Atas Permasalahan Penegakan Hukum dan Pemenuhan Hak dalam Konteks Universalisme dan Relativisme Hak Asasi Manusia di Indonesia, *Jurnal Ilmiah Hukum LEGALITY*, Vol. 26 No. 1, 2018, pp. 17-39; Kania Dewi Andhika Putri & Ridwan Arifin, Tinjauan Teoritis Keadilan dan Kepastian dalam Hukum di Indonesia (The Theoretical Review of Justice and Legal Certainty in Indonesia), *MIMBAR YUSTITIA*, Vol. 2 No. 2, 2019, pp. 142-158.

⁵ Angga & Ridwan Arifin, *Ibid.*, p. 221.

In other words that, legal protection is all efforts to fulfill rights and provide assistance to provide security for witnesses and/or victims, legal protection for victims of crime as part of community protection, can be realized in various forms, such as through the provision of restitution, compensation, services medical and legal assistance. Legal protection is given to legal subjects in the form of instruments both preventive and repressive, both oral and written. In other words it can be said that legal protection as a separate description of the function of the law itself, which has the concept that the law provides for justice, order, certainty, usefulness and peace.⁶

B. Method

The research method used, in the form of normative juridical legal research which is a library research, namely research on primary legal materials and secondary legal materials consisting of legislation and related literature to solve legal issues or issues to be discussed.

C. Result and Discussion

1. Professional Ethics of the Advocate: A Philosophical Review

Ethics comes from the Greek word “*ethos*” which means habit or character, which refers to a special disposition, character or attitude of a person, culture or group of people who are special. In this sense, according to Solomon, ethics has two basic concerns, namely individual character, including what it means to be a “good person”; and social rules or norms that govern and limit our behaviour, especially ultimo regulations relating to “good” and “bad” or “wrong” and “morally right”.

Ethics gives a normative orientation (ie about what should be) for one's decisions and actions so that the person's decisions and actions are called morally good. The profession comes from the Latin *professio* which has two meanings, first, the work carried out based on certain expertise; and second,

⁶ Leni Dwi Nurmala, Perlindungan Hukum Terhadap Tenaga Pendidik, *Gorontalo Law Review*, Vol. 1 No. 1, 2018, pp. 67-76; Nur Moh. Kasim, Sri Nanang Meiske Kamba, Implementation of Assistance for Victims of Domestic Violence, *Indonesian Journal of Advocacy and Legal Services*, Vol. 1 No. 1, 2019, pp. 147-156; Indah Sri Utari, Ridwan Arifin, Law Enforcement and Legal Reform in Indonesia and Global Context: How the Law Responds to Community Development?, *Journal of Law and Legal Reform*, Vol. 1 No. 1, 2019, pp. 1-4.

promises or pledges (commitments). In general the profession is understood as an activity based on expertise carried out to earn a living. Professions in this general sense, at least in principle, have no purpose in themselves; the goal lies outside the professional action itself, which is to get material rewards. In this sense, any activity that is carried out based on expertise may be called a profession.⁷

However, not all occupations can be said as a profession that is entitled and worthy of having its own code of ethics. There are three criteria that can be used to measure whether an occupation is said to be a profession or not. First, the profession is carried out on the basis of high expertise and can therefore only be entered by those who have undergone very advanced education and technical training. Secondly, the profession requires that the expertise used always develops reason and is developed in an orderly manner in line with the needs of the community who are asked to be served by a profession that masters the professional expertise, or in other words there are certain skill standards that are demanded to be mastered. Third, the profession always develops institutions and institutions to control so that professional skills are used responsibly, starting from sincere and devoted devotion, and all of that is thought to benefit the people.⁸

The term profession in the second sense implies a personal commitment in carrying out certain activities. The profession is seen as a free choice based on the attitude of involvement and total surrender to the activities carried out. The profession is a conscious choice of human beings whose implementation demands expertise and personal commitment. At a higher level, responsible commitment is reflected through the attitude of service and service to the interests of the community, here seen the social dimension of the profession, in other words, the profession is a social role and therefore contains in itself social responsibility.

Profession is a moral community that has shared ideals and values. They also form a profession united because of the same educational background and together have expertise that is closed to others. Thus, the profession becomes a group that has its own power and therefore has special responsibilities. Because of having a monopoly on a particular skill, there is always the danger of the profession closing itself on to people from outside and becoming an impenetrable society.⁹

⁷ Andre Ata Ujan, Profesi: Sebuah Tinjauan Etis, *Studia Philosophica et Theologica*, Vol. 7 No. 2, 2007. pp 140-141.

⁸ Soetandyo Wignyosoebroto, *Hukum: Paradigma, Metode dan Dinamika Masalahnya*, ELSAM and HuMA, Jakarta, 2003, pp.316-317.

⁹ K Bertens, *Etika*, Gramedia Pustaka Utama, Jakarta, 2005, p.180

Professional ethics presupposes a precise distinction between general ethics or general ethics and norms of ethical behavior that typically apply to a profession (applied ethics). Professional ethics presupposes an understanding of general ethics (ie teaching how to live well as humans) as well as clarity about the morality of roles or positions (how to carry out the profession responsibly). Professional ethics is not just a reaffirmation of general moral norms (ie general norms that govern human behavior as human beings), professional ethical norms are related to the social role or function carried out by a professional in society. In its application, professional ethics has a sophisticated face in line with the diversity of the demands of the community's need for professional services, so that in society we are familiar with medical ethics, legal ethics, business ethics, which provide moral orientation for the responsible implementation of these activities.

Professional ethics basically provides moral parameters for various professions. Like general ethics, professional ethics helps a professional to understand and distinguish “good” from “bad”, something “decent” from “indecent”. Professional ethics thus gives a double orientation, namely orientation to the good and the bad; do good and avoid bad in professional activities. As an orientation, professional ethics is related to the praxis of human life that seeks to reflect the situation and its actions within the “good” and “bad” frame of reference.¹⁰

The code of conduct for profession holders is summarized in the Code of Ethics which contains ethical content, both descriptive, normative and metaethical ethics. So the code of ethics is related to certain professions so that each profession has its own code of ethics. The code of ethics can compensate for the negative aspects of the profession and with the existence of a code of ethics, people's trust in a profession can be strengthened, because every client has certainty that his interests will be guaranteed. A code of ethics is like compass that show the moral direction of a profession and at the same time also guarantee the moral quality of the profession in the eyes of the community. For a code of conduct to function properly, it must be a self-regulation of the profession. By making a code of ethics, the profession itself will determine the black and white of its intention to realize moral values that are considered essential, which have never been forced from the outside. Another requirement is that the implementation is monitored continuously.¹¹

¹⁰ Andre Ata Ujan, *Loc.cit*, p. 139-140.

¹¹ K. Bertens, *Loc.cit*, pp. 180-182.

The advocate profession is said to be an honorable profession (*officium nobile*), which means that it contains an obligation to begin carrying out work. The expression noblese obligee means the obligation to do the honorable, generous and responsible, only owned by those who are noble. This demand for the honor of the advocate profession has led to the behavior of an honest and moral moral advocate in order to gain public trust.

In the same context, Alkotsar emphasized that advocates have the task of upholding justice and increasing human dignity so that the work of advocates is said to be *officium nobile*, a noble work. As an elegant profession, advocates are required to be able to work in a professional manner, bound by professional ethics and scientific standard responsibilities. The image of an advocate as an elegant profession will be determined by the professional ethos in the sense of the extent to which the advocate community is able to apply ethical standards and professional technical skills.¹²

As a noble profession bearer, advocates in carrying out their duties are required to comply with professional standards set by the Indonesian Advocates Association (hereinafter Peradi) or the Advocate Association as well as the rights and obligations stipulated in the law. The ethical standard of advocates is divided into 4 (four) sections, namely those relating to the personality of the advocate itself, in relation to clients, in relationships with colleagues, and in relation to case handling. Some ethical standards that are included in relation to ethical standards of advocate personality are being devoted to God Almighty, being noble, honest in maintaining justice and truth based on high moral, noble and noble (Article 2); refusal to provide legal services if it is not in accordance with the expertise; does not aim solely for the acquisition of material and prioritizes the upholding of law, truth and justice; freedom and independence in carrying out his profession; solidarity among colleagues; may not do other work which can harm the freedom, degree and dignity of advocates; uphold the advocate profession as an honorable profession (*officium nobile*); be polite to all parties; willingness not to practice as an advocate if appointed / occupy a state position (Article 3).

The ethical standards of advocates in their relations with clients are found in Article 4. The intended ethical standards are as follows: prioritizing the settlement of a peaceful path; don't mislead the client about the case he is handling; do not guarantee victory; consider the client's ability in terms of honorariums; don't burden the client with unnecessary costs; give equal

¹² Artidjo Alkotsar, *Peran dan Tantangan Advokat dalam Era Globalisasi*, FH UII Press, Yogyakarta, 2010, p.151.

attention to all matters; reject the case according to belief there is no legal basis; keep the position secret from the start and after the end of the relationship with the client; do not relinquish assignments when the client's position is unprofitable; resign when taking care of the mutual interests of two disputing parties; and the presence of retention rights.

The ethical standards of advocates relating to peers are regulated in Article 5. The ethical standards referred to are as follows: mutual respect, respect and trust in relationships with colleagues; use polite words in conversation and in court hearings; raise objections if a colleague's actions are deemed to be contrary to the advocate's code of ethics; don't snatch clients from other advocates; accept clients from other advocates if accompanied by evidence of revocation of power of attorney; and advocates whose attorneys are revoked are required to provide all letters and information relating to cases that have been defended by new advocates.

Other ethical standards that are no less important are those related to ethics in handling cases. Article 7 provides signs for advocates if in handling cases they are not allowed to deal personally (personally) with a judge. Advocates can contact judges together with advocates from opposing parties (in civil cases) or public prosecutors (criminal cases). Advocates are not justified in teaching and or influencing witnesses presented by opposing parties in civil cases or by public prosecutors in criminal cases.

Every advocate is obliged to obey the advocate's code of ethics (Article 9 letter a). This happens because the Indonesian Advocate Code of Ethics is the highest law in carrying out the profession, which guarantees and protects but imposes an obligation on every Advocate to be honest and responsible in carrying out his profession both to the client, court, state or society and especially to himself. Some provisions in this code of conduct are repeated in several laws, such as Law no. 8 of 1981 concerning Criminal Procedure Law, Law No. 18 of 2003 concerning Advocates, and Law No. 16 of 2011 concerning Legal Aid which is categorized as an advocate's rights and obligations.

Although this code of conduct has been taught when advocates take formal education, professional advocacy training and role models from their seniors, there are still violations of the code of ethics that cause harm to clients, colleagues, and more widely the image of the judiciary. The real problem is not only the moral integrity of the advocate himself, but also the lack of maximum internal control from the Advocate Organization. This issue will be discussed in the section below.

2. The Role of Advocates in Providing Legal Aid to the Poor

Like the profession of judges, prosecutors and police regulated in the Law, the Advocate profession has also been regulated in Law Number 18 of 2003. In article 5 paragraph 1 of Law Number 18 of 2003 it is stated that: "Advocates have the status of law enforcement, free, independent guaranteed by laws and regulations". With the enactment of this Law, lawyers have been given status as law enforcers who have an equal position with other law enforcers in upholding law and justice.¹³ In social life, humans are inseparable from their role as living things. Someone plays a role in doing something has a certain purpose. Soekanto explained that: "Role is a dynamic aspect of a position". If someone has carried out his rights and obligations according to his position, then he can be said to have carried out his role in that position. That position is an obligation for someone who has a position to be in the position they live or the position can be said to be the position of a profession.¹⁴

Poerwardarminta highlighted that a role is a part of or holds a leadership that is mainly in the event of a thing or event.¹⁵ Levi as quoted by Soekanto stated that the role attached to individuals in society is important in several respects: Certain roles must be completed if the entire community is to be sustained. These roles should be attached to individuals who are considered capable of carrying out the community. They must first practice and have the desire to carry it out.¹⁶ In society sometimes found individuals who are unable to carry out their role as expected by the community because the implementation may require too much sacrifice from his personal interests.

Based on the above opinion it can be concluded that the role is a concept of behavior or what can be done by individuals/groups of people or institutions in achieving certain goals according to their position.

Under the Act, it is clear that the work carried out by legal counsel, lawyers and legal consultations is included in the work of an Advocate. According to Winarta that the Advocate's duty is to devote himself to the community, so he is demanded to always participate in the enforcement of Human Rights, and in carrying out his profession he is free to defend anyone, not bound by the client's order and regardless of who his opponent is, whether he is from a strong group, the ruler, officials and even the poor

¹³ Adelita Lubis, *Op.cit.*

¹⁴ Soekanto, *Rangkuman Intisari Ilmu Hukum*, Citra Aditya, Bandung, 1999, p.243.

¹⁵ Poerdarminta, *Kamus Lengkap Bahasa Indonesia*, Rineka Cipta, Jakarta, 2001, p.870.

¹⁶ Soekanto, *Loc.cit.*, p.244.

people. Meanwhile, according to Otto Hasibuan in Silaban also said that in carrying out the Advocate profession there are two main assets that must be owned namely: ability and trustworthiness, and also the responsibility of serving clients as well as possible, thoroughly, and on time as well as carrying out the tasks of advocacy based on law.¹⁷

Based on the opinion above, the duty of an advocate in the legal process is to assist the judge in finding the truth of the law, then the interests of a client in using the services of an Advocate is an effort to protect their rights which must be protected by law. It is in the effort to protect the interests or rights of a client that the client needs an Advocate, because most of the Indonesian people are ordinary or law-blind communities. In reality like that, the existence of an Advocate is very important. This can be seen in the effort to uphold the image of the Advocate profession as an honorable profession (*officium nobile*). Advocates are not just making a living, but also must fight for the value of truth and justice because in it there is an idealism and morality. This means, an Advocate can not just fixate to the positive law (legal certainty) in defending his client.

Therefore, when there is a conflict between positive law (legal certainty) with truth and justice, what must be prioritized is truth and justice because the main purpose of the law is actually for the creation of truth and justice. Some explanations and definitions about legal aid are as follows:

- 1) Roberto Conception stated that legal aid is a common disclosure that is used to refer to any legal service offered or provided. This consists of providing information or opinions about rights, responsibilities in certain situations, disputes, litigation or legal processes which can be in the form of justice, semi-justice or others.¹⁸
- 2) C.A.J Crul explained that legal assistance is assistance given by experts to those who need the realization or realization of their rights and obtain legal protection.¹⁹
- 3) Based on Law Number 16 of 2011 concerning Legal Aid, it is stated that Legal Aid is legal services provided by the Provider of Legal Aid for free to Legal Aid Recipients.²⁰

¹⁷ Adelita Lubis, *Op.cit.*

¹⁸ Abdurrahman, *Aspek-Aspek Bantuan Hukum di Indonesia*, Cendana Press, Jakarta, 1983, p.31.

¹⁹ Soerjono Soekanto, *Bantuan Hukum, Suatu Tinjauan Sosio-Yuridis*, Ghalia Indah, Jakarta, 1983, p.23.

²⁰ Law Number 16 of 2011 concerning Legal Aid

- 4) Law No. 18 of 2003 concerning Advocates emphasized that legal assistance is a service provided by advocates free of charge to clients who cannot afford it.

The implementation of legal aid must be in line with the breath of the goal is the protection of human rights and the ideals of justice should not be a meaningless activity, this is like what criticism of Todung Mulya Lubis who criticized traditional and individual forms of legal aid by stating a number of weaknesses, namely:²¹

- 1) Legal assistance that is traditional and individual in nature is only a “cure” but does not seek and cure the cause of the disease in which the community has previously been exiled from their own rights.
- 2) The existing legal system still supports traditional and individual forms of legal assistance, where the legal settlement process is still revolving around the court and the proceedings that are in it.
- 3) Urban, because legal experts providing legal aid services are in urban areas and are not easily accessible to rural communities and hard-to-reach areas.
- 4) It is passive, waiting for the poor to realize their rights and claim them.
- 5) Too attached to legal approaches, not how to help resolve quickly or resolve conflicts.
- 6) Still operating on it own, not cooperating with legal aid organizations, even though legal aid organizations are considered the most quickly resolve conflicts.
- 7) It has not yet led to the creation of a social movement, in which the legal aid movement is associated with power resources so that the position of the community will be stronger and accelerate the resolution of conflicts at the periphery center.

Based on the description above, it can be concluded that legal assistance is a legal service both litigation and non-litigation that is provided free of charge to the community carried out by professionals such as advocates or lawyers to assist the rights of the people who need legal aid services.

The poor are exceptions to the law which, according to them, are often unfair and close their opportunities to improve their standard of living and this happens in almost all developing and poor countries in the world. They work not in the corridors of law but outside the law itself, workers who work without contracts, unregistered businesses and inhabit land without legal documents. For this reason, they are the most vulnerable to be categorized

²¹ Todung Mulya Lubis, *Bantuan Hukum dan Kemiskinan Struktural*, Cendana Press, Jakarta, 1983, pp.1-3.

as violators of the law and at the same time do not get any assistance from the state when their rights are violated.

Literally, Poerdarminta explained that poverty comes from the basic word poor which means not having assets. In a broader sense, poverty can be connoted as a condition of disability either individually, family, or group so that this condition is vulnerable to the emergence of other social problems. Poverty is seen as a condition of a person or group of people, men and women whose basic rights are not properly fulfilled to lead and develop a dignified life. Thus, poverty is no longer understood only to the extent of economic incapacity, but also the failure of the fulfillment of basic rights and differences in treatment for a person or group of people, in living life with dignity. Poor life does not only mean living in conditions of lack of food and clothing and shelter.²²

However, poverty also means low access to productive resources and assets to obtain the necessities of life, including: science, information, technology, and capital. Therefore with reality like that will makes powerless and the range of getting good treatment in all respects. So, there is a need for a social security system including the law in order to protect its rights and interests economically, legally, culturally and so on.²³

D. Conclusion

Based on the discussion, it can be concluded that the code of ethics can compensate for the negative aspects of the profession and with the existence of a code of ethics, community trust in a profession can be strengthened, because each client has the certainty that his interests will be guaranteed, and the implementation of legal aid must be in line with the breath that is the goal is protection of human rights and the ideals of justice, while legal assistance is a legal service both litigation and non-litigation provided free of charge to the community carried out by professionals such as advocates or

²² In the further context, poverty is a situation of complete deprivation of the population that is manifested in and caused by limited capital, low knowledge and skills, low productivity, low income, weak exchange rates of poor people's products, and limited opportunities to participate in development. The low income of the poor results in low education and health which affects their already low productivity and increases the burden of dependence on society. The population that is still below the poverty line includes those who have very low incomes, do not have a fixed income, or have no income at all. See Roy Marthen Moonti, Regional Autonomy in Realizing Good Governance, *Substantive Justice International Journal of Law*, Vol. 2 No. 1, pp.43-53.

²³ Diding Rahmat, Implementasi Kebijakan Program Bantuan Hukum Bagi Masyarakat Tidak Mampu di Kabupaten Kuningan, *Jurnal Unifikasi*, Vol. 4 No. 1, 2017, pp.35-42.

lawyers to assist the rights of the people who need legal aid services. The authors suggest that in order to protect the interests or rights of a client, the client needs an Advocate, because most of the Indonesian people are ordinary or law-blind communities. Therefore, when there is a conflict between positive law (legal certainty) with truth and justice, what must be prioritized is truth and justice because the main purpose of the law is actually for the creation of truth and justice.

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QUOTE

Justice in the life and
conduct of the State is
possible only as first it
resides in the hearts and
souls of the citizens.

Plato, *Philosopher*

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