

## Enforcement of Advocates' Code of Ethics

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### Article Info

#### Article history:

Received February 5, 2024  
Revised March 16, 2024  
Accepted April 10, 2024

#### Keywords:

Advocate  
Code of Ethics  
Enforcement

### ABSTRACT

Implementing a code of ethics in the legal profession is very important to maintain the moral integrity of an advocate. The code of ethics not only provides guidance in carrying out duties but also defines the role of advocates in society. As regulated in Law Number 18 of 2003 concerning Advocates, advocates are law enforcers who are free, independent and guaranteed by law to provide legal assistance both inside and outside the court. The aim of this research is to determine the enforcement of the advocate's code of ethics. The type of legal research used is normative juridical legal research and the data technique used in this research is library study techniques. The results of this research are that enforcement of the Advocate Code of Ethics in Indonesia is a fundamental aspect in maintaining the integrity and professionalism of the legal profession. The Indonesian Advocate Code of Ethics, which was ratified on May 23 2002, functions as a behavioral guideline for advocates in carrying out their duties honestly and responsibly. This code of ethics emphasizes values such as independence, honesty, confidentiality and openness, which are essential in building public trust in the advocate profession.

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## INTRODUCTION

In a legal state (rechtsstaat) the state recognizes and protects the human rights of every individual. The state's recognition of individual rights is implied in equality of standing before the law for all people. In a legal state, everyone must be treated equally before the law (equality before the law). Equality before the law must be balanced with equality of treatment.

If a capable person has a legal problem, he can appoint one or more advocates to defend his interests. On the other hand, someone who is classified as incapacitated (the have not) can also request a defense from one or more public defenders (public defenders) as workers at a legal aid institute (legal aid institute) to defend their interests in a legal case. It is unfair if only well-off people are defended by advocates when facing legal problems, while the poor do not receive defense because they cannot afford the services of an advocate.

Obtaining defense from an advocate or public defender (access to legal counsel) is everyone's human right and is an element of obtaining justice (access to justice) for everyone (justice for all). No one in a legal state may be denied the right to obtain defense from an advocate or public defender regardless of their background, such as religious background, descent, race, ethnicity, political beliefs, socio-economic strata, skin color and gender.

Advocates are one of the many professions that are very popular with many people, not only those involved in the legal world but also other professionals who want to become advocates. Advocates as a profession that is free, independent and responsible in enforcing the law, are guaranteed and protected by law for the sake of efforts to uphold the supremacy of the law.

It should be noted that Advocates are part of enforcers who are on a par with other law enforcement agencies, however the Advocates Law was only passed on April 5 2003 and was recorded in the State Gazette of the Republic of Indonesia of 2003 Number 49.

Before the law was passed, it was very ironic that the law enforcement department had no legal basis and there were also no legal provisions regulating legal protection for the lawyer profession.

Implementing a code of ethics in the legal profession is very important to maintain the moral integrity of an advocate. The code of ethics not only provides guidance in carrying out duties but also defines the role of advocates in society. As regulated in Law Number 18 of 2003 concerning Advocates, advocates are law enforcers who are free, independent, and guaranteed by law to provide legal assistance both inside and outside the court (Advocate Law, Article 3).

In the reform era, with all the struggle and will of the Advocates, the Indonesian Advocate Profession was regulated by law, then with the Grace of God Almighty, Law on Advocates Number 18 of 2003 was born which was passed into the Law of the Republic of Indonesia.

## **METHOD**

Research method The legal research used is normative juridical legal research, where this research is studied using library data in the form of books, documents, journals, or other literature. as the source.

The data collection technique uses library research, which examines written information regarding ethics and profession, law from various sources and is widely published and is needed in the normative legal research that will be studied.

## **DISCUSSION**

### **Implementation and Challenges of Enforcement of the Advocate Code of Ethics in Legal Profession Practice**

A professional code of ethics is a product of ethical thinking applied in a particular profession. This code of ethics is dynamic, it can change according to developments in science and technology, thus ensuring that its members remain relevant to changing times. This code of ethics also reflects the self-regulation of the professional community itself, which embodies the moral values firmly held by the profession. In addition, the code of ethics is a benchmark for members' morality, as well as functioning as a prevention mechanism against unethical actions.

In the advocate profession, the code of ethics has a juridical basis that guarantees protection for advocates from deviant actions. However, the code of ethics also carries a large moral responsibility for advocates in carrying out their duties.

The advocate's professional code of ethics aims to maintain the dignity of the profession, improve the quality of services, and build a strong and organized organization.

Implementation of the advocate's code of ethics in the practice of the legal profession is a crucial aspect that guarantees the integrity and professionalism of advocates as law enforcers. This code of ethics functions as a moral guideline that directs the behavior of advocates in carrying out their duties, ensuring that they act in accordance with established professional standards. According to Sumaryono, a code of ethics has three main functions: as a tool of social control, preventing interference from other parties, and preventing conflict and misunderstanding. Apart from that, according to Abdulkadir Muhammad, he emphasized that the code of ethics is a benchmark for professional obligations, helps prevent conflicts of interest, and provides control over the implementation of professional members' duties in accordance with established standards.

However, in practice, enforcing the code of ethics for advocates faces various challenges. One of the main challenges is the lack of internalization of professional ethical values in advocates, which can lead to unprofessional behavior and violations of the law. In addition, economic pressure and the urge to win cases often encourage advocates to ignore the code of ethics for personal or client interests.

In addition, the lack of supervision and enforcement of sanctions for violations of the code of ethics is also a significant problem. Even though a code of ethics has been established, without an effective monitoring mechanism and strict enforcement of sanctions, advocates who violate the code of ethics may not receive appropriate consequences, thereby reducing public trust in the advocacy profession.

Another challenge is the existence of conflicts of interest which can affect the independence and objectivity of advocates. In some cases, advocates may face a dilemma between the client's interests and the moral or ethical obligations of the profession, which may affect the quality of legal services provided.

To overcome these challenges, efforts are needed to increase advocates' awareness and understanding of the importance of a code of ethics in carrying out their profession. In addition, strengthening monitoring mechanisms and enforcing sanctions for violations of the code of ethics must also be carried out to ensure that advocates carry out their duties with high integrity and professionalism.

Thus, the implementation of the advocate's code of ethics in the practice of the legal profession requires commitment from all advocates to uphold professional ethical values, as well as support from professional organizations and the community in monitoring and enforcing the code of ethics. Only in this way can the advocacy profession maintain its dignity as a noble profession and gain the trust of society.

### **The Influence of Code of Ethics Enforcement on the Integrity of the Advocate Profession in Indonesia**

The code of ethics has the role of protecting the profession from inferior or inappropriate actions. In the context of advocates, the code of ethics aims to maintain the dignity of the profession, improve the welfare of members, encourage dedication, improve the quality of the profession, and maintain the quality of the organization. In addition, the code of ethics helps advocates to provide services to the community by prioritizing the public interest above personal gain. The existence of a code of ethics also gives professional organizations close and independent power.

The reputation of the advocate profession in society is not only for the benefit of the advocate itself but must also reflect the noble aims of the profession. The code of ethics is a forum for rules of behavior that have been agreed upon by the professional community, where professional rights and obligations are regulated in detail. As a product of applied ethics, codes of ethics are designed based on ethical thinking that is in accordance with social values. These values aim to create a balance of interests in society.

The implementation of sanctions for violating the code of ethics for advocates in Indonesia is very important to maintain the integrity, professionalism and quality of services provided by advocates to their clients and the justice system. The code of ethics for advocates in Indonesia is regulated in the regulations on the code of ethics for advocates issued by the Indonesian Advocates Association (PERADI) and the Indonesian Advocates Association (AAI).

Enforcement of the code of ethics for advocates in Indonesia has a significant impact on the integrity of the legal profession. This code of ethics functions as a moral guideline that directs advocates in carrying out their duties with integrity, professionalism and obedience to law. Violations of the code of ethics can damage the reputation of the profession, harm clients, and reduce public trust in the justice system.

The integrity of an advocate must be maintained in all aspects of his work. Article 7 of the Advocate Code of Ethics regulates that advocates must not have personal contact with judges. All interactions must be carried out jointly with the opposing party's advocate or Public Prosecutor. Advocates are also prohibited from influencing or teaching witnesses presented by the opposing party.

Integrity in the advocate's code of ethics is very important for advocates to adhere to in carrying out their duties. Several principles of integrity contained in the advocate's code of ethics include:

1. Professional activities, namely behaving in accordance with the reputation of the profession
2. Confidentiality, respecting the confidentiality of client information
3. Justice, treating everyone fairly without discrimination
4. Propriety, maintaining good manners and manners in behavior
5. Honesty, behaving honestly and not taking actions that harm other people.
6. Be authoritative, maintain the dignity and authority of the profession

Advocates are expected to have these principles of integrity and adhere to the advocate's code of ethics in carrying out their duties, to maintain moral integrity and professionalism. The advocate's code of ethics also provides guidance on how advocates should act in relation to their clients, fellow advocates, and society in general. In building an advocacy culture with integrity, education and setting a code of ethics are important.

The code of ethics and integrity are related to each other where the code of ethics is a written rule and must be followed by an advocate in carrying out his practice. Advocates must also have integrity to support the implementation of the code of ethics that they carry out. It could be said that a code of ethics is a written rule, while integrity is something that is not written and must be possessed by an advocate to achieve harmony in their duties.

Therefore, more intensive efforts are needed to socialize complaints procedures and increase transparency in enforcing the code of ethics. This is important so that the integrity of the advocate profession can be maintained and public trust in the legal system can be increased.

### **Evaluation of Enforcement of the Advocate Code of Ethics in Indonesia: A Review from a Legal and Ethical Perspective**

The professional code of ethics is a product of applied ethics because it is produced based on the application of ethical thinking to a profession. Ethics is the basis for maintaining moral values in everyday life, especially in professions that are seen as "officium nobile." As public defenders and guardians of justice, advocates have the responsibility to uphold justice and social welfare (utility). An advocate's responsibility includes four main aspects: responsibility to God as a religious individual, responsibility to the law as a legal subject, responsibility to the code of ethics and professional organizations, and responsibility to society as a social creature.

Professional codes of ethics change and are modified along with developments in science and technology, so that members of professional groups will not be left behind. A professional code of ethics is the result of self-regulation that is not imposed from outside. A professional code of ethics is only effective if it is imbued with the ideals and values that live within the professional environment itself. The professional code of ethics is a benchmark for the actions of members of a professional group.

A professional code of ethics is an effort to prevent unethical behavior by its members. Each code of ethics is always written in an orderly, neat, complete, flawless manner, in good language, so that it attracts the attention of and pleases the reader. Everything depicted is good behavior.

If a profession relates to the legal field, then the professional group is called the legal profession group. Legal profession bearers work professionally and functionally. The legal profession has a high level of thoroughness, prudence, perseverance, critical thinking and devotion because the legal profession is responsible to itself and to fellow members of society, even to God Almighty.

The legal profession works according to its professional code of ethics. If deviations or violations of the code of ethics occur, they must be willing to take responsibility for the consequences in accordance with the demands of the code of ethics. Usually in professional organizations, there is an Honorary Board that will correct violations of the code of ethics. The honorary council is a body that exists in every advocate organization, with the authority to examine and adjudicate cases of violations of the code of ethics.

Enforcement of the Advocate Code of Ethics in Indonesia is a fundamental aspect in maintaining the integrity and professionalism of the legal profession. The Indonesian Advocate Code of Ethics, which was ratified on May 23 2002, functions as a behavioral guideline for advocates in carrying out their duties honestly and responsibly. This code of ethics emphasizes values such as independence, honesty, confidentiality and openness, which are essential in building public trust in the advocate profession.

However, in practice, enforcing this code of ethics faces various challenges. There are still advocates who violate the code of ethics, which can harm clients and hurt the image of the profession. These violations include actions such as stealing clients from other advocates without proper procedures, dealing directly with judges without the presence of the opposing party, or influencing witnesses in the interests of their clients.

The current system of monitoring and enforcing the code of ethics is considered not optimal. Several factors that influence this include the low responsiveness of relevant institutions in enforcing codes of ethics, lack of consistency in imposing sanctions, and the closed and exclusive character of legal professional organizations, resulting in low public participation in supervision.

### **The Role of Advocate Organizations in Enforcement of the Code of Ethics: Case Study in Indonesia**

Advocate organizations in Indonesia play a crucial role in enforcing professional codes of ethics, which are essential for maintaining the integrity and professionalism of advocates. The code of ethics for advocates in Indonesia is regulated in the regulations on the code of ethics for advocates issued by the Indonesian Advocates Association (PERADI) and the Indonesian Advocates Association (AAI).

Like the Indonesian Advocates Association (PERADI), it plays an active role in supervising, developing and enforcing the code of ethics for the advocate profession which is the main guideline for its members. This code of ethics includes principles such as independence, honesty, responsibility and protection of clients' interests, all of which aim to maintain professionalism and public trust in the legal profession.

In practice, advocate organizations have the responsibility to provide education and training regarding the code of ethics, resolve internal disputes, and take disciplinary action against members who violate the code of ethics. These things are important to ensure high standards in the practice of law. It was stated that advocate organizations such as PERADI have made great efforts to integrate a code of ethics in every step taken by their members in order to create better legal justice.

However, in practice, enforcing the code of ethics for advocates in Indonesia faces various challenges. Several cases show that sanctions for violations of the code of ethics have not been applied consistently, which can harm clients and harm the image of the advocate profession.

Apart from that, the lack of clarity regarding the single forum for advocate organizations is an obstacle in enforcing the code of ethics. Advocates are expected to maintain their integrity and behave in accordance

with the professional code of ethics. However, without a firm and clear organization, enforcement of the code of ethics is hampered.

Therefore, close coordination between bar organizations, the courts and the community is key in ensuring that the code of ethics can be properly enforced. In this way, it is hoped that efforts to enforce this code of ethics can create fair, transparent and dignified legal practices in Indonesia.

### **Code of Ethics for Advocates in Maintaining Professionalism and Accountability in the Legal World**

The profession, including being a lawyer, cannot be carried out haphazardly; education, training, and compliance with certain operational standards are required. In addition, the advocate profession requires a code of ethics to ensure that each task is carried out professionally in accordance with applicable guidelines.

As court officials, advocates have an obligation to maintain the authority of the judiciary. This includes the obligation to comply with the rules of decency (decorum) and demonstrate a professional attitude towards judges, colleagues and other parties involved in the legal process. Advocates must be honest, open and fair in carrying out their duties. Failure to comply with these guidelines could undermine public confidence in the legal profession.

One of the main requirements to become a professional is to have devotion to God Almighty. This piety includes carrying out His commands and avoiding His prohibitions, which gives the moral strength to remain steadfast in the face of material temptation. According to Sinaga, strong beliefs enable a person to fulfill material needs naturally, creating true happiness.

However, in practice, implementing the code of ethics in the field often faces various obstacles, such as the pressure to always win cases. This pressure is pushing advocates to carry out various methods, including unethical actions such as bribery, gratification, or manipulation of witnesses.

The desire to win a case is often associated with an advocate's maximum efforts to defend his client. However, these efforts can be misinterpreted as justification for unethical actions, such as bribery in the investigation or court process. In addition, the pressure of position and the desire to maintain one's position often become obstacles in implementing a consistent code of ethics.

This code of ethics provides practical direction for members in carrying out their duties, although each profession has different principles and standards. The main objectives of a professional code of ethics include responsibility towards clients, institutions, and society; helps professionals face ethical dilemmas; maintain the reputation of the profession; reflects the moral esteem of the community; and ensure the honesty and integrity of professional staff.

The professional code of ethics, including in the advocate profession, is not only a moral guide but also a tool for maintaining professionalism and the reputation of the profession. By consistently implementing a code of ethics, the advocate profession can maintain public trust and make a real contribution to upholding the values of justice.

The Indonesian Advocate Code of Ethics plays an important role in maintaining professionalism and accountability in the legal world. As a code of conduct, this code of ethics regulates the attitudes and actions of advocates so that they are in accordance with the values of integrity, independence and confidentiality. By complying with the code of ethics, advocates are expected to be able to carry out their duties honestly, responsibly and non-discriminatorily, so that public trust in the legal profession is maintained.

Violations of the code of ethics can damage the image of the advocate profession and reduce public confidence in the justice system. For example, bribery cases involving lawyers show how important it is to enforce a code of ethics in preventing unethical practices that can harm the integrity of the profession.

Therefore, bar organizations have a crucial role in monitoring and enforcing codes of ethics, ensuring that each member behaves in accordance with established professional standards. This not only maintains the reputation of the profession, but also ensures that legal services provided to the public are carried out in a fair, transparent and responsible manner.

### **CONCLUSION**

The code of ethics has the role of protecting the profession from inferior or inappropriate actions. In the context of advocates, the code of ethics aims to maintain the dignity of the profession, improve the welfare of members, encourage dedication, improve the quality of the profession, and maintain the quality of the organization.

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