



## **Lawyers as Guardians of Justice (*officer of the court*) : A Normative and Practical Review of the Indonesian Legal System**

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### **ABSTRACT**

*This study discusses the existence and role of advocates as officers of the court within the Indonesian legal system. In law enforcement practice, advocates hold a strategic position as one of the core components of the legal profession tasked with maintaining balance among the legal interests of the state, society, and justice seekers. Their role is essential in ensuring the integrity and fairness of judicial proceedings. However, in practice, several persistent issues continue to undermine this ideal role, such as professional ethical violations, the commercialization of legal services, and a weakened commitment among some advocates to uphold justice and judicial ethics. These problems challenge the identity of the legal profession as a free, independent, and morally responsible pillar of justice. This study employs a normative juridical approach, using statutory and conceptual analysis related to the practice of advocacy in Indonesia. The research aims to critically examine the role of lawyers as legal enforcers and moral guardians of the court, while also evaluating how effectively the principle of officer of the court is applied in promoting justice. The*

*findings reveal that lawyers should not merely be viewed as litigators but must be recognized as key defenders of substantive justice in the Indonesian legal system.*

**Keywords:** *Lawyer, Law Enforcement, Justice, Officer of the Court.*

## 1. Introduction

Lawyers are an integral part of the law enforcement structure in Indonesia, playing a strategic role in maintaining the balance between the interests of individuals, the state and society. Within the framework of the rule of law (*rechtstaat*), Lawyers occupy a position that is not merely as legal intermediaries between clients and judicial institutions, but also as guardians of justice (*officer of the court*) which serves to ensure that the law is not only formally enforced, but also substantively and fairly implemented.<sup>1</sup> The existence of advocates is a manifestation of the principle of due process of law, which guarantees every citizen the right to fair and impartial legal defence. In other words, advocates are not only present as a technical profession that provides legal services, but also as a moral institution that upholds justice as a fundamental value in the national legal system.<sup>2</sup>

The position of advocates as one of the elements of law enforcement, alongside judges, prosecutors and the police, is confirmed in Law No. 18 of 2003 on Advocates. This law places advocates in a position of independence and

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<sup>1</sup> Acep Saepudin and Geofani Milthree Saragih, *Eksistensi Advokat Dalam Penegakan Hukum Pidana Dan Ketatanegaraan Indonesia* (Rajawali Pers, 2023).

<sup>2</sup> Ismail Adha et al., "Peranan Advokat Dalam Sistem Peradilan Pidana di Indonesia," *El-Mujtama: Jurnal Pengabdian Masyarakat* 3, no. 3 (2023): 746–52, <https://doi.org/10.47467/elmujtama.v3i3.2932>.

freedom from state intervention and political interests, in order to guarantee freedom in the exercise of their profession. This principle of independence is an absolute requirement for the upholding of the rule of law (*rule of law*), because without independent and ethical advocates, the judicial system will tend to be biased and lose its function as an instrument of justice.<sup>3</sup> Lawyers cannot be viewed solely as parties oriented towards the interests of their clients, but also as part of the judicial structure that has a constitutional responsibility to ensure that the law is enforced in accordance with the principles of justice, certainty and benefit.

Furthermore, the role of advocates as *officer of the court* implies that advocates have an ethical and moral function in upholding the law.<sup>4</sup> He must not manipulate the law for short-term gain or justify actions that are contrary to the values of justice. In this context, advocates are required to integrate professionalism with legal morality. Advocates are not only responsible to their clients, but also to the court, society and the state.<sup>5</sup> When advocates disregard moral values and professional ethics, their very existence can threaten the legitimacy of the legal system itself. Therefore, the legal profession must be practised within a framework of ethical responsibility that upholds truth, justice and respect for human dignity.

The role of advocates also reflects the function of controlling state power in the judicial process. In many cases, advocates are the last line of defence for citizens whose rights have been violated by arbitrary power. The presence of advocates ensures that every legal process is conducted in a transparent and accountable manner and respects the principle of equality before the law (*equality*

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<sup>3</sup> Andri Nurwandri et al., "Evaluasi Etika Profesi Advokat Dalam Pelayanan Hukum Dan Kepentingan Klien," *Mediation : Journal of Law* 2, no. 4 (2023).

<sup>4</sup> Kayus Kayowuan Lewoleba2 Tyur Reggina Dewanti1, "Analisis Pelanggaran Kode Etik Advokat Terhadap Penanganan Perkara Klien Dalam Kasus Advokat Biy Palembang," *Media Hukum Indonesia (MHI)* 3, no. 3 (2025), <https://doi.org/10.5281/ZENODO.15637950>.

<sup>5</sup> Ari Yusuf Amir, *Strategi Bisnis Jasa Advokat* (NAVILA IDEA, 2008).

*before the law*).<sup>6</sup> This is where the essence of advocates as guardians of justice lies: they do not merely carry out litigation, but also fight for social and constitutional values of justice. Advocates act as a bridge between written law and the moral values that exist in society, enabling them to deliver justice that is not only legalistic, but also humanistic and contextual.

In the practice of law enforcement in Indonesia, the ideal role of advocates still faces a number of serious challenges.<sup>7</sup> There are still instances of professional misconduct, violations of the code of ethics, and advocates behaving in a manner that prioritises personal gain ignore professional ethics without considering broader legal interests. This demonstrates that the role of advocates as officer of the court has not been fully internalised in national legal practice. Institutional reform of the legal profession needs to be directed towards strengthening professional ethics, improving professional capacity, and enforcing strict disciplinary sanctions for breaches of integrity. With these steps, the legal profession can return to its essence as an enforcer of law committed to justice and substantive truth, rather than merely an actor in the arena of litigation oriented towards winning cases.<sup>8</sup>

However, in practice, the role of advocates is often distorted and deviates from its ideal. Many advocates are only oriented towards material interests without regard for substantive justice and professional ethics. Phenomena such as abuse of legal power, violations of the code of ethics, and collusion with law enforcement officials pose serious challenges to the legal profession in Indonesia. This situation raises fundamental questions about the extent to which lawyers still

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<sup>6</sup> Setyo Rahmat Ramadhan, "Rekonstruksi Asas Equality Before The Law Dalam Pemberian Bantuan Hukum Bagi Masyarakat Miskin," *Fundamental: Jurnal Ilmiah Hukum* 10, no. 2 (2021): 131–41, <https://doi.org/10.34304/jf.v10i2.53>.

<sup>7</sup> Achmad Asfi Burhanudin, "Peran Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Baik," *El-Faqih : Jurnal Pemikiran dan Hukum Islam* 4, no. 2 (2018): 50–67, <https://doi.org/10.29062/faqih.v4i2.25>.

<sup>8</sup> Tiar Adi Riyanto, "Fungsionalisasi Prinsip Dominus Litis Dalam Penegakan Hukum Pidana Di Indonesia," *Jurnal Lex Renaissance* 6, no. 3 (2021), <https://doi.org/10.20885/jlr.vol6.iss3.art4>.

uphold their role as guardians of justice or are instead trapped in legal formalities that disregard moral values and social responsibility.

In addition, the challenges faced by advocates in enforcing the law are also inseparable from a judicial system that is still vulnerable to political intervention, weak integrity among law enforcement officials, and a lack of enforcement of professional ethics. In this context, the existence of advocates as *officer of the court* it is crucial to ensure that legal proceedings are not merely procedural, but also uphold substantive justice.<sup>9</sup> Lawyers are required to have high competence, integrity, and commitment in fighting for their clients' rights without neglecting their responsibility to public truth and justice.

This research is relevant because the role of advocates as guardians of justice is often not fully understood, both from a normative perspective and in practice. A comprehensive study is needed to re-examine the position of advocates in the Indonesian legal system and the implementation of principles *officer of the court* in law enforcement practice. Therefore, this study aims to analyse normatively and practically the role of advocates as guardians of justice in the Indonesian legal system, while identifying challenges and solutions to strengthen the integrity and professionalism of advocates as an integral part of the pillars of fair law enforcement.

## **2. Research Method**

This study uses a normative juridical method that focuses on literature review and analysis of legal norms applicable in the Indonesian legal system.<sup>10</sup> This approach was chosen because it is relevant to examining the existence and role of

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<sup>9</sup> Giovani D.B. Nggabut et al., "Penegakan Hukum Terhadap Pelanggaran Kode Etik Advokat," *Perkara : Jurnal Ilmu Hukum dan Politik* 2, no. 1 (2024): 300–310, <https://doi.org/10.51903/perkara.v2i1.1679>.

<sup>10</sup> Geofani Milthree Saragih, "A Judges' Role in Pursuing Justice: Oliver Wendell Holmes' Sociological Jurisprudence Perspective," *International Journal of Law Society Services* 3, no. 2 (2024): 58, <https://doi.org/10.26532/ijlss.v3i2.34990>.

advocates as guardians of justice (*officer of the court*) which has a strategic function in ensuring the upholding of the principles of justice and legal certainty. Through this method, the study seeks to understand the relationship between positive legal norms governing the legal profession, professional ethical principles, and the application of values of justice in judicial practice.

The data sources for this study are entirely secondary data consisting of three categories of legal materials. First, primary legal materials covering legislation such as Law No. 18 of 2003 on Advocates, the 1945 Constitution of the Republic of Indonesia, and Law No. 48 of 2009 on Judicial Power.<sup>11</sup> Secondly, secondary legal materials in the form of scientific books, legal journal articles, previous research results, and opinions of legal experts relating to the position of advocates in the judicial system. Thirdly, tertiary legal materials such as legal dictionaries, legal encyclopaedias, and other sources that help provide an understanding of relevant legal terms and concepts.

In its implementation, this study utilised two types of approaches, namely the legislative approach (*statute approach*) and the conceptual approach (*conceptual approach*).<sup>12</sup> A legislative approach was taken to identify and examine various regulations governing the legal profession and its role in the law enforcement system. Meanwhile, a conceptual approach was used to explore the views of experts and legal theories that explain the meaning of a solicitor as *officer of the court*, both from the perspective of professional ethics and moral responsibility to the court and society.

Data analysis was conducted qualitatively, namely by interpreting legal materials based on the principles, doctrines, and values of justice contained in positive legal norms. The analysis process involved interpreting legal texts,

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<sup>11</sup> Elisabeth Nurhaini Butar-Butar, *Metode Penelitian Hukum, Langkah-Langkah Untuk Menemukan Kebenaran Dalam Ilmu Hukum* (PT. Refika Aditama, 2018).

<sup>12</sup> Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Rajawali Press, 2012).

reviewing legal professional practices, and evaluating the compatibility between ideal norms and reality in the field. Through this analysis, the study aims to reveal the extent to which the role of advocates as guardians of justice has been effectively implemented in the Indonesian legal system and to identify challenges that still need to be overcome in order to realise an advocacy profession that is independent, has integrity, and is oriented towards substantive justice.

By using normative juridical methods and qualitative analysis, this study is expected to contribute conceptually to strengthening the position of advocates in the national legal system.<sup>13</sup> The results of this study are expected to form the basis for reforming the ethics and professionalism of advocates in Indonesia, while also reinforcing the importance of advocates as a key element in law enforcement that upholds the values of justice, honesty and moral responsibility before the courts and the wider community.

### **3. Discussion**

#### **A. The Position and Function of Advocates in the Indonesian Law Enforcement Structure**

Lawyers occupying a strategic position normatively and functionally in the Indonesian legal system because they are part of the law enforcement apparatus that plays a role in ensuring the upholding of the principles of justice and the protection of human rights.<sup>14</sup> Within the framework of the rule of law (*rechtstaat*), the existence of advocates cannot be separated from efforts to realise the rule of law (*rule of law*) fair, independent, and dignified.<sup>15</sup> Law No. 18 of 2003 on

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<sup>13</sup> Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif Dan Empiris* (Pustaka Pelajar, 2010).

<sup>14</sup> Andinia Noffa Safitria et al., "Implementasi Konstitusi Terhadap Perlindungan Hak Asasi Manusia dalam Prespektif Hukum Tata Negara," *ALADALAH: Jurnal Politik, Sosial, Hukum dan Humaniora* 2, no. 3 (2024): 233–47, <https://doi.org/10.59246/aladalah.v2i3.885>.

<sup>15</sup> Adriaan Bedner, *Towards Meaningful Rule of Law Research: An Elementary Approach* (Universiteit Leiden, 2004).

Advocates explicitly states that advocates have a position equal to that of other law enforcement officials such as judges, prosecutors and the police.<sup>16</sup> This equality of status indicates that the role of advocates is not only to defend the legal interests of their clients, but also to serve as a key component in maintaining the balance and objectivity of the judicial process. Advocates are tasked with ensuring that the law is enforced in accordance with the principles of justice, that it is not abused by those in power, and that the fundamental rights of every individual who comes into contact with the law are guaranteed.

The position of advocates as independent law enforcers marks a paradigm shift in which law enforcement is no longer the sole preserve of state officials. Advocates represent civil society, playing an active role in overseeing the judicial process and correcting potential procedural and substantive irregularities. As such, advocates are an important element in the system of checks and balances within the judiciary. This independence is absolute because without the freedom of the legal profession, the judicial process can lose its objectivity and potentially become an instrument of power. In this context, lawyers function not only as defenders of their clients, but also as guardians of the moral integrity of the judiciary, who are obliged to uphold the honour, dignity and integrity of judicial institutions. This principle forms the conceptual basis for the role of advocates as *officer of the court* guardian and protector of the values of justice both inside and outside the courtroom.

Furthermore, the role of advocates is not limited to litigation or dispute resolution in court, but also includes preventive and educational dimensions. In their preventive role, advocates provide legal advice to prevent violations or legal

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<sup>16</sup> Fila Rahmat Dhiva Ammade et al., "Tantangan Dan Hambatan Dalam Upaya Penegakan Delapan Prinsip Moralitas Hukum Lon L. Fuller di Indonesia," *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humanioral* 1, no. 2 (2023).



disputes, while in their educational role, advocates help raise public awareness of the law so that people better understand their rights and obligations before the law.<sup>17</sup> Through these two functions, advocates contribute to the creation of a culture of law (*legal culture*) healthy and participatory. Advocates also become agents of social transformation who bridge the gap between written legal norms and the need for substantive justice in society. Therefore, the existence of advocates must be seen as part of a social system that supports responsive, adaptive, and public welfare-oriented legal development.

The presence of advocates in the judicial system also has implications for the quality of law enforcement itself.<sup>18</sup> In practice, the role of professional and ethical advocates will strengthen the legitimacy of judicial institutions, while advocates who violate ethics or engage in dishonest practices can actually undermine public confidence in the legal system. Therefore, the function of advocates as part of the law enforcement structure requires a balance between professional freedom and ethical responsibility.<sup>19</sup> Lawyers must carry out their role based on the principles of justice, truth and honesty, because only in this way can the legal profession truly function as an instrument of justice and not merely a tool for formal legal justification.

The position and function of advocates in Indonesia's law enforcement structure reflect the importance of this profession in supporting substantive justice. Advocates are not only actors in the judicial process, but also guardians of legal values and public morality. In their capacity as officer of the court, Lawyers have responsibilities that go beyond simply defending clients, namely ensuring

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<sup>17</sup> Satjipto Rahardjo, "Modernisasi Dan Perembangan Kesadaran Hukum Masyarakat," *Jurnal Masalah-Masalah Hukum, FH Undip*, 1980.

<sup>18</sup> Tyur Reggina Dewanti<sup>1</sup>, "Analisis Pelanggaran Kode Etik Advokat Terhadap Penanganan Perkara Klien Dalam Kasus Advokat Biy Palembang."

<sup>19</sup> Giovani D.B. Nggabut et al., "Penegakan Hukum Terhadap Pelanggaran Kode Etik Advokat."

that the law is enforced as an instrument of justice, not as a tool of power. Strengthening the role of lawyers who are professional, independent, and have integrity is an absolute requirement for the realisation of a national legal system that is fair, transparent, and oriented towards universal human values. In the theory framework of professional ethics and legal responsibility, advocates are required to exercise their authority independently and responsibly, while upholding the professional code of ethics as a form of moral and legal accountability. Thusly, the existence of advocates is not merely procedural in the judicial system, but also has philosophical and normative dimensions as guardians of the balance between state power, public interests, and the protection of individual rights.

### **B. Ethical Dimensions and Moral Responsibilities of Advocates as *Officer of the Court***

Ethics and moral responsibility are the main foundations that determine the sustainability and honour of the legal profession. In the context of the modern legal system, the legal profession is not only measured by intellectual ability, legal argumentation, or technical mastery in court proceedings, but also by the quality of personal integrity, professional honesty, and adherence to legal ethical values. As *officer of the court*, Lawyers bear a very heavy double responsibility: on the one hand, they must fight for their clients' legal interests professionally and proportionally, while on the other hand, they are obliged to uphold the honour, justice and authority of the judicial institution.<sup>20</sup> The balance between these two responsibilities is the moral essence of the legal profession, which positions itself

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<sup>20</sup> Asrullah Dimas et al., "PERLINDUNGAN HUKUM TERHADAP ADVOKAT ATAS INTERPRETASI OBSTRUCTION OF JUSTICE," *Jurnal Hukum dan Kenotariatan* 5, no. 2 (2021): 308, <https://doi.org/10.33474/hukeno.v5i2.10901>.

not only as a defender of individual interests, but also as a guardian of universal values within the justice system.

Professional ethics serve as a moral compass that guides every advocate to remain on the path of substantive justice, not merely formal justice. In the practice of law enforcement, advocates are often faced with a dilemma between loyalty to their clients and their responsibility to the law and truth. Situations like this require advocates to use their ethical conscience in determining the course of action.<sup>21</sup> Professional ethics prohibit solicitors from using manipulative tactics, misrepresenting facts, or exploiting legal loopholes for personal gain. An ethical solicitor will always uphold the principles of justice and truth as the cornerstone of their professional conduct. Ethics are not merely a code of conduct, but also the heart of legal morality that forms the basis of the legal profession.<sup>22</sup>

Furthermore, the moral responsibility of advocates has broad social dimensions. Every action taken by a solicitor not only affects the outcome of a case, but also public perception of the legitimacy of the judicial system itself. Solicitors who behave unethically, lie in court, or engage in corrupt practices will undermine public trust in the law and judicial institutions. Conversely, solicitors who uphold integrity and professionalism will strengthen public confidence in the rule of law.<sup>23</sup> In this context, the moral responsibility of advocates must be understood as part of their social responsibility that their profession is not only to serve clients, but also to uphold justice, truth, and humanity. Therefore, advocates are required to

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<sup>21</sup> Rahul Fauzan Saragih et al., "Pertanggungjawaban Pidana Advokat pada Obstruction Of Justice Dalam Perkara Tindak Pidana Korupsi," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 5, no. 3 (2023): 891–901, <https://doi.org/10.47467/as.v5i3.3027>.

<sup>22</sup> Abdulkadir Muhammad, *Etika Profesi Hukum* (Penerbit PT. Citra Aditya Bakti, 2016).

<sup>23</sup> Vesna Ćorić and Aleksandra Rabrenović, "How To Ensure Free And Fair Elections In The Eu And Beyond: A Need For Rule Of Law, Democracy And Human Rights Principles To Stand Together," paper presented at International Scientific Conference "EU at the Crossroads – Ways to Preserve Democracy and Rule of Law", 2024, <https://doi.org/10.25234/eclic/32311>.

internalise ethics not merely as external rules, but as intrinsic values inherent in their identity as guardians of justice.

In a broader context, the application of professional ethics also plays an important role in maintaining the dignity of judicial institutions. A respectable judicial institution cannot be realised without the contribution of advocates with integrity. Every advocate has a moral responsibility not to tarnish the judicial process with unprofessional behaviour, such as bribery, manipulation of evidence, or pressuring witnesses. The authority of the judiciary can only be maintained if all elements of law enforcement, including advocates, adhere to the principles of legal morality. Therefore, violations of professional ethics should be viewed not only as violations of professional organisations, but also as a form of betrayal of the basic values of law and justice itself.<sup>24</sup>

Ethics and moral responsibility are not merely complementary aspects of the legal profession, but rather the core of its identity and legitimacy. Without ethics, lawyers would lose their honour as *officer of the court* and merely become procedural actors in a legal system devoid of values of justice. Consistently practising professional ethics means that advocates are not only defenders of their clients, but also protectors of the moral law itself. Therefore, advocates must continue to strengthen their integrity, uphold the code of ethics, and foster moral awareness so that their profession truly becomes part of a civilised, dignified justice system oriented towards substantive truth.

The Indonesian Advocates' Code of Ethics emphasises that advocates must act honestly, honourably and with integrity in carrying out their profession. This principle emphasises that advocates must not use their profession for purposes that are contrary to the law or the interests of justice. As *officer of the court*, Lawyers

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<sup>24</sup> Cindy Destiani et al., "Etika Profesi Polisi Republik Indonesia Sebagai Perangkat Penegak Hukum Dan Pelayanan Publik," *Jurnal Pengabdian West Science* 2, no. 6 (2023): 427–41, <https://doi.org/10.58812/jpws.v2i6.412>.

also have an obligation to respect judges, prosecutors, fellow lawyers, and all parties involved in legal proceedings. This relationship must be built on mutual respect and professionalism, not on power, money, or political influence. The professional ethics of lawyers not only serve to protect clients, but also to ensure that the legal process is fair, dignified, and does not deviate from the moral values that form the basis of the legal system itself.<sup>25</sup>

In practice, the moral responsibility of advocates is often tested by economic interests, social pressures, and the lure of power. Phenomena such as collusion, manipulation of legal facts, and abuse of authority show that some advocates still do not fully understand the meaning of their profession as guardians of justice. When advocates are only focused on winning cases without considering moral values and truth, the profession loses its ethical essence. Therefore, legal ethics education and professional integrity training need to be an integral part of shaping the character of advocates. Ethics should not be understood only as a formal obligation of professional organisations, but as an internal principle that guides every action of advocates in fighting for justice.

In addition, the moral responsibility of advocates also includes the obligation to protect the public interest and maintain public trust in the law. As officers of the court, advocates must not allow the judicial process to be used for deceptive purposes or in violation of human values. In carrying out their duties, advocates must be able to resist all forms of pressure, bribery, or intervention that could compromise their objectivity in fighting for justice. By upholding ethics and morality, advocates not only defend their clients professionally, but also uphold

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<sup>25</sup> Anggraeni Endah Kusumaningrum, *Sejarah, Asas Dan Permasalahan Moral, Etika Dan Hukum Dalam Pelayanan Kesehatan: Etika Profesi Dan Hukum Kesehatan* (Widina Bhakti Persada, 2020).

the noble values of law and social justice.<sup>26</sup> Honesty, responsibility, and empathy towards victims of injustice are key elements in building strong and sustainable professional integrity.

The ethics and moral responsibility of advocates are not only guidelines for professional conduct, but also a manifestation of the social function of law itself. Advocates who carry out their duties with high integrity will strengthen public trust in the judiciary and national law. Conversely, violations of professional ethics can erode public trust and damage the image of the judiciary as a bastion of justice. Therefore, enforcement of the code of ethics and moral oversight must be a top priority for advocates' professional organisations so that the profession remains consistent with its identity as the guardian of justice (*officer of the court*) and protector of human values in the Indonesian legal system.<sup>27</sup>

### **C. Challenges and Reforms in the Role of Advocates in Realising Substantive Justice in Indonesia**

In the context of modern law enforcement, the legal profession occupies a strategic position while facing multidimensional challenges that affect the effectiveness and legitimacy of its role as the guardian of justice (*officer of the court*).<sup>28</sup> Although lawyers have legally gained recognition on par with other law enforcement officials such as judges, prosecutors and the police, as stipulated in Law No. 18 of 2003 on Lawyers, in practice this role is often not ideally realised.

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<sup>26</sup> Fajar Nugroho et al., "Tragedi Pelanggaran HAM di Masa Orde Baru: Pencarian Keadilan dan Keterbukaan," *RISOMA : Jurnal Riset Sosial Humaniora dan Pendidikan* 2, no. 5 (2024): 01–10, <https://doi.org/10.62383/risoma.v2i5.289>.

<sup>27</sup> Chusnul Qotimah Nita Permata et al., "Professional Ethics of Legal Advisors or Advocates When Proceeding in Court," *Amsir Law Journal* 3, no. 2 (2022): 93–102, <https://doi.org/10.36746/alj.v3i2.79>.

<sup>28</sup> Volkes Nanis, "Pentingnya Pembelaan Advokat Dalam Perkara Pidana Terhadap Berat Ringannya Hukuman Dalam Putusan Hakim Bagi Kliennya Pada Pengadilan Negeri Kelas 1 A Kupang," *Dewantara : Jurnal Pendidikan Sosial Humaniora* 1, no. 4 (2022): 46–57, <https://doi.org/10.30640/dewantara.v1i4.366>.

The challenges faced by lawyers are not only technical, but also structural, cultural and moral. Inequalities in the legal system, weak enforcement of professional codes of ethics, and political and economic interference have led to a crisis of public confidence in the legal profession. This indicates that the main challenges facing lawyers lie not only in the limitations of positive law, but also in the profession's ability to maintain its integrity and independence in carrying out its function as the protector of substantive justice.<sup>29</sup>

The low integrity of some advocates is the most prominent issue in the discourse on legal professionalism in Indonesia. The phenomenon of professional misconduct, collusion with law enforcement officials, and bribery in litigation has damaged the noble values of the legal profession as a noble profession (*officium nobile*).<sup>30</sup> When advocates are more oriented towards material gain than substantive justice, the law loses its moral value and becomes a transactional instrument. This degradation of ethics not only damages the image of the legal profession, but also weakens the legitimacy of the legal system as a whole. In such circumstances, society begins to view the law not as a means of justice, but as a tool that favours the powerful. In fact, the essence of a lawyer as *officer of the court* in fact demands a high level of moral responsibility to ensure that the law works in accordance with the principles of universal justice.

In addition to issues of individual integrity, another challenge faced by the legal profession relates to the weak enforcement of the code of ethics and professional oversight system. Bar associations are often considered inconsistent and indecisive in enforcing discipline against members who violate the principles of professionalism. The institutional fragmentation of the legal profession, which has led to the emergence of many bar associations with different ethical standards

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<sup>29</sup> Dimas et al., "PERLINDUNGAN HUKUM TERHADAP ADVOKAT ATAS INTERPRETASI OBSTRUCTION OF JUSTICE."

<sup>30</sup> Daniel S. Lev, *Advokat Indonesia Mencari Legitimasi* (PSHK, 2001).

and oversight systems, has exacerbated this situation. As a result, there is no strong, integrated control mechanism to ensure that lawyers perform their roles in accordance with the code of ethics. In the long term, weak oversight can create a culture that is permissive of ethical violations and weaken the function of lawyers as a moral pillar in the judicial system. Institutional reform is essential so that bar associations have strong, independent and accountable authority in maintaining the dignity of the profession.

On the other hand, structural and social dimensions also have a major impact on the effectiveness of lawyers' role in realising substantive justice. Access to legal services in Indonesia is still uneven, especially for economically disadvantaged groups and communities in remote areas. High legal fees and the limited number of lawyers outside major cities mean that many citizens are unable to obtain adequate legal representation. As a result, there is a wide gap between formal justice as enshrined in legislation and the substantive justice expected by society. This gap shows that justice is not yet fully inclusive, as it is still determined by economic, social and geographical factors. In this context, advocates have a social responsibility to expand access to justice through the provision of free legal aid (*pro bono*) and active participation in structural legal aid programmes.<sup>31</sup>

The challenges faced by the legal profession are also exacerbated by external factors such as political intervention and economic pressures that threaten the independence of the profession. In a number of cases, lawyers face criminalisation when defending the interests of clients who are up against those in power, or receive pressure from certain parties to manipulate the legal process. This shows

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<sup>31</sup> Abdau Abdi Chaniago et al., "Pernan Advokat Dalam Memberikan Bantuan Hukum Kepada Masyarakat Dalam Perspektif Hak Asasi Manusia," *El-Mujtama: Jurnal Pengabdian Masyarakat* 3, no. 3 (2023): 705–15, <https://doi.org/10.47467/elmutjama.v3i3.2928>.



that the Indonesian legal system still does not fully protect lawyers in carrying out their profession freely and independently. In fact, the freedom of lawyers is a key prerequisite for the creation of a fair judicial process (*fair trial*).<sup>32</sup> Therefore, there needs to be strong legal and institutional guarantees so that advocates can carry out their duties without fear or pressure from any party.

These various challenges emphasise that reform of the legal profession is needed not only at the normative level, but also at the moral, social and institutional levels. Strengthening individual integrity, consistent enforcement of the code of ethics, improving access to legal services, and protecting the independence of the profession are key prerequisites for lawyers to be able to perform their roles optimally. Lawyers with integrity who are committed to substantive justice will become a moral force in the Indonesian legal system, which still faces a crisis of public trust. Thus, the legal profession can truly become officers of the court who serve as guardians of legal morality, protectors of social justice, and enforcers of universal human values in the dynamics of modern law enforcement.

One of the fundamental problems in the legal profession is the commercialisation of the legal profession. In practice, some lawyers are more oriented towards financial gain than towards values of justice and social responsibility. This phenomenon creates a negative perception among the public that the law can be 'bought' and that justice only favours those who can afford to pay. In fact, as officers of the court, lawyers should uphold the principles of integrity, honesty and dedication to the truth. When the legal profession becomes trapped in commercialisation, the moral essence of the profession is degraded, and the legal system loses its moral legitimacy in the eyes of the public. Another

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<sup>32</sup> Ramadhan, "Rekonstruksi Asas Equality Before The Law Dalam Pemberian Bantuan Hukum Bagi Masyarakat Miskin."

challenge arises from the weak supervision of lawyers' professional organisations over their members. Indecisiveness in dealing with ethical violations and a lack of transparency in the disciplinary process have resulted in a decline in public trust in the legal profession as a dignified institution.

In addition to internal issues, advocates also face external challenges in the form of systemic imbalances in law enforcement. The legal structure in Indonesia still tends to place advocates in an unbalanced position compared to other law enforcement officials, such as prosecutors or police, especially in cases involving political interests and power. The criminalisation of lawyers who are defending their clients is still common and threatens the independence of the profession. This situation contradicts the principle of the rule of law, which guarantees lawyers the freedom to practise their profession without fear or pressure. As a result, many advocates become overly cautious in fighting for their clients' rights, which ultimately weakens the function of advocates as guardians of substantive justice.

In facing these challenges, comprehensive and sustainable reforms of the legal profession are needed. This reform must begin with strengthening legal education and professional ethics at the university level and in bar training institutions. The legal education curriculum needs to be geared towards shaping a professional character that upholds the values of justice, honesty and social responsibility. In addition, bar associations need to strengthen independent and transparent internal oversight systems to consistently enforce professional discipline and ethics. Effective supervision will create a culture of accountability and foster public trust in the legal profession. Equally important, synergy between lawyers, judicial institutions and civil society needs to be strengthened in order to create a legal system that is more inclusive and responsive to the needs of social justice.

In an era of digital transformation and legal globalisation, lawyers are also required to adapt to technological developments and increasingly complex social dynamics. The use of information technology in legal practice can not only improve efficiency, but also expand public access to legal services. However, the digitisation of law also presents new challenges such as breaches of confidentiality, data misuse, and ethics in the use of artificial intelligence for litigation purposes. Therefore, reforming the role of lawyers must include strengthening digital capacity and ethical awareness of changes in the global legal environment.

Reform of the legal profession must be directed towards building a profession that is ethical, professional and socially just. Lawyers should not only act as formal executors of the law, but also as agents of social change who bridge the gap between legal norms and social reality. By strengthening personal integrity, enhancing professionalism, and expanding social responsibility, advocates can restore public trust in the law and realise the ideal of substantive justice, which is the main objective of the Indonesian legal system. In this context, advocates are not only actors in the legal process, but also moral actors who ensure that the law remains aligned with the values of humanity and fundamental truth.

#### **4. Conclusion**

Lawyers hold a highly strategic and crucial position in maintaining the balance between the legal interests of individuals, the state, and society. As part of the law enforcement structure, lawyers not only serve as defenders of their clients' interests, but also as guardians of the moral integrity of the judiciary, responsible for ensuring the upholding of the principles of justice, truth, and the protection of human rights. The position of lawyers, which is equal to that of judges, prosecutors, and the police as stipulated in Law No. 18 of 2003, emphasises that their role is not merely technical and litigative, but also has constitutional

responsibility in criminal justice system for upholding the rule of law within the framework of a constitutional state (*rechtstaat*). From the perspective of professional ethics and morality, advocates are required to uphold integrity, honesty, and professionalism in carrying out their duties. As officers of the court, advocates are not only bound to the interests of their clients, but also to a moral responsibility to the court and society. Violations of professional ethics or abuse of authority not only damage the honour of the profession, but also undermine public trust in the judiciary and the legal system as a whole. Therefore, professional ethics must be understood not merely as formal norms, but as moral principles that form the basis for the existence and legitimacy of advocates in the national legal system. However, various challenges still hinder the optimisation of the role of advocates in realising substantive justice. The commercialisation of the profession, weak supervision by professional organisations, and intervention by those in power are factors that reduce the independence and integrity of advocates. Ultimately, lawyers must return to their true identity as guardians of justice and protectors of human values. Through personal integrity, moral responsibility, and commitment to substantive justice, advocates will be able to strengthen the legitimacy of the legal system and build public trust in the judiciary. Thus, the legal profession will not only be part of the law enforcement mechanism, but also a key instrument in upholding civilised, moral justice that is based on truth in the Indonesian legal system.

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## 7. Referensi

- Abdulkadir Muhammad. *Etika Profesi Hukum*. Penerbit PT. Citra Aditya Bakti, 2016.
- Acep Saepudin and Geofani Milthree Saragih. *Eksistensi Advokat Dalam Penegakan Hukum Pidana Dan Ketatanegaraan Indonesia*. Rajawali Pers, 2023.
- Achmad Asfi Burhanudin. "Peran Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Baik." *El-Faqih : Jurnal Pemikiran dan Hukum Islam* 4, no. 2 (2018): 50–67. <https://doi.org/10.29062/faqih.v4i2.25>.
- Adha, Ismail, Rio Bayu Riansyah Harahap, and Fauziah Lubis. "Peranan Advokat Dalam Sistem Peradilan Pidana di Indonesia." *El-Mujtama: Jurnal Pengabdian Masyarakat* 3, no. 3 (2023): 746–52. <https://doi.org/10.47467/elmujtama.v3i3.2932>.
- Adi Riyanto, Tiar. "Fungsionalisasi Prinsip Dominus Litis Dalam Penegakan Hukum Pidana Di Indonesia." *Jurnal Lex Renaissance* 6, no. 3 (2021). <https://doi.org/10.20885/jlr.vol6.iss3.art4>.
- Adriaan Bedner. *Towards Meaningful Rule of Law Research: An Elementary Approach*. Universiteit Leiden, 2004.
- Amiruddin, and Zainal Asikin. *Pengantar Metode Penelitian Hukum*. Rajawali Press, 2012.
- Ammade, Fila Rahmat Dhiva, Fadlikal Aqdam Nugraha, and Siti Nurhasanah Natalia. "Tantangan Dan Hambatan Dalam Upaya Penegakan Delapan Prinsip Moralitas Hukum Lon L. Fuller di Indonesia." *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humanioral* 1, no. 2 (2023).
- Andinia Noffa Safitria, Zahrotul Afifah, Dwi Mei Nandani, Wikha Rahmaleni, Ananda Thalia Wahyu Salsabilla, and Kuswan Hadji. "Implementasi

- Konstitusi Terhadap Perlindungan Hak Asasi Manusia dalam Prespektif Hukum Tata Negara." *ALADALAH: Jurnal Politik, Sosial, Hukum dan Humaniora* 2, no. 3 (2024): 233–47. <https://doi.org/10.59246/aladalah.v2i3.885>.
- Andri Nurwandri, Nur Fadhilah Syam, Beby Ayu, et al. "Evaluasi Etika Profesi Advokat Dalam Pelayanan Hukum Dan Kepentingan Klien." *Mediation : Journal of Law* 2, no. 4 (2023).
- Ari Yusuf Amir. *Strategi Bisnis Jasa Advokat*. NAVILA IDEA, 2008.
- Chaniago, Abdau Abdi, Mahdi Nasution, and Fauziah Lubis. "Pernan Advokat Dalam Memberikan Bantuan Hukum Kepada Masyarakat Dalam Perspektif Hak Asasi Manusia." *El-Mujtama: Jurnal Pengabdian Masyarakat* 3, no. 3 (2023): 705–15. <https://doi.org/10.47467/elmujtama.v3i3.2928>.
- Ćorić, Vesna, and Aleksandra Rabrenović. "How To Ensure Free And Fair Elections In The Eu And Beyond: A Need For Rule Of Law, Democracy And Human Rights Principles To Stand Together." Paper presented at International Scientific Conference "EU at the Crossroads – Ways to Preserve Democracy and Rule of Law". 2024. <https://doi.org/10.25234/eclic/32311>.
- Daniel S.Lev. *Advokat Indonesia Mencari Legitimasi*. PSHK, 2001.
- Destiani, Cindy, Angella Floistan Lumba, Aksel Stefan Wenur, Michael Antonio Halim, Michael Enron Effendi, and Raden Ayu Rani Mutiara Dewi. "Etika Profesi Polisi Republik Indonesia Sebagai Perangkat Penegak Hukum Dan Pelayanan Publik." *Jurnal Pengabdian West Science* 2, no. 6 (2023): 427–41. <https://doi.org/10.58812/jpws.v2i6.412>.
- Dewata, Mukti Fajar Nur, and Yulianto Achmad. *Dualisme Penelitian Hukum Normatif Dan Empiris*. Pustaka Pelajar, 2010.
- Dimas, Asrullah, Muhammad Hasrul, and Hijrah Adhyanti Mirzana. "PERLINDUNGAN HUKUM TERHADAP ADVOKAT ATAS INTERPRETASI OBSTRUCTION OF JUSTICE." *Jurnal Hukum dan Kenotariatan* 5, no. 2 (2021): 308. <https://doi.org/10.33474/hukeno.v5i2.10901>.
- Elisabeth Nurhaini Butar-Butar. *Metode Penelitian Hukum, Langkah-Langkah Untuk Menemukan Kebenaran Dalam Ilmu Hukum*. PT. Refika Aditama, 2018.

- Fajar Nugroho, Bagus Gymnastiar, Moch Alfi Fahmi Azka, Affan Anshori Ma'ruf, and Didi Pramono. "Tragedi Pelanggaran HAM di Masa Orde Baru: Pencarian Keadilan dan Keterbukaan." *RISOMA: Jurnal Riset Sosial Humaniora dan Pendidikan* 2, no. 5 (2024): 01–10. <https://doi.org/10.62383/risoma.v2i5.289>.
- Giovani D.B. Nggabut, Adean E. Berti Bano, Damianus Bria, Kathrine M. Mamengko, and Yuliiyana C.S. Mudamakin. "Penegakan Hukum Terhadap Pelanggaran Kode Etik Advokat." *Perkara: Jurnal Ilmu Hukum dan Politik* 2, no. 1 (2024): 300–310. <https://doi.org/10.51903/perkara.v2i1.1679>.
- Kusumaningrum, Anggraeni Endah. *Sejarah, Asas Dan Permasalahan Moral, Etika Dan Hukum Dalam Pelayanan Kesehatan: Etika Profesi Dan Hukum Kesehatan*. Widina Bhakti Persada, 2020.
- Permata, Chusnul Qotimah Nita, Ananda Haidarrani, and Eri Bambang Budi Sumbowo. "Professional Ethics of Legal Advisors or Advocates When Proceeding in Court." *Amsir Law Journal* 3, no. 2 (2022): 93–102. <https://doi.org/10.36746/alj.v3i2.79>.
- Rahardjo, Satjipto. "Modernisasi Dan Perembangan Kesadaran Hukum Masyarakat." *Jurnal Masalah-Masalah Hukum, FH Undip*, 1980.
- Ramadhan, Setyo Rahmat. "Rekonstruksi Asas Equality Before The Law Dalam Pemberian Bantuan Hukum Bagi Masyarakat Miskin." *Fundamental: Jurnal Ilmiah Hukum* 10, no. 2 (2021): 131–41. <https://doi.org/10.34304/jf.v10i2.53>.
- Saragih, Geofani Milthree. "A Judges' Role in Pursuing Justice: Oliver Wendell Holmes' Sociological Jurisprudence Perspective." *International Journal of Law Society Services* 3, no. 2 (2024): 58. <https://doi.org/10.26532/ijlss.v3i2.34990>.
- Saragih, Rahul Fauzan, Bakti Jaya Negara Pohan, and Tetty Marlina Tarigan. "Pertanggungjawaban Pidana Advokat pada Obstruction Of Justice Dalam Perkara Tindak Pidana Korupsi." *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 5, no. 3 (2023): 891–901. <https://doi.org/10.47467/as.v5i3.3027>.
- Tyur Reggina Dewanti<sup>1</sup>, Kayus Kayowuan Lewoleba<sup>2</sup>. "Analisis Pelanggaran Kode Etik Advokat Terhadap Penanganan Perkara Klien Dalam Kasus Advokat Biy Palembang." *Media Hukum Indonesia (MHI)* 3, no. 3 (2025). <https://doi.org/10.5281/ZENODO.15637950>.

Volkes Nanis. "Pentingnya Pembelaan Advokat Dalam Perkara Pidana Terhadap Berat Ringannya Hukuman Dalam Putusan Hakim Bagi Kliennya Pada Pengadilan Negeri Kelas 1 A Kupang." *Dewantara : Jurnal Pendidikan Sosial Humaniora* 1, no. 4 (2022): 46–57. <https://doi.org/10.30640/dewantara.v1i4.366>.

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