



Legal Protection for Advocates in Carrying Out the Legal Profession in Indonesia

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Abstract: Advocates are a profession that has an important role in the law enforcement process in society. Advocates are part of the legal structure that cannot be separated from other law enforcement apparatus, such as: police, prosecutors and courts. The profession of an advocate in society is always equated with that of his clients, so that violations committed by clients are always linked to violations committed by an advocate. This can be interpreted causally as: a client's violation is the same as an advocate's violation, even though the actions carried out by the advocate are solely to carry out the client's trust and the mandate of the law. The problem raised in this research is the concept of legal immunity that can be given to advocates in carrying out the duties of the legal profession in Indonesia. The research was carried out in a normative juridical manner based on secondary data as research material so that it focused on theoretical speculative steps, normative analysis and qualitative analysis. Research results Qualification of legal immunity which can free advocates from legal sanctions in assisting clients can be carried out as long as the advocate carries out actions in the context of carrying out professional duties and functions. The good faith possessed by advocates as a basis for protection must be guaranteed in the statutory regulatory system. The binding legal relationship between advocates and clients can be used as a basis for providing legal protection to advocates while carrying out professional duties and functions. The Advocates Law substantively does not provide optimal protection against every form of legal risk that threatens the existence of the advocate profession.

Keywords: Advocate, Good faith, immunity

INTRODUCTION

Advocates are a profession that has an important role in the law enforcement process in society. Advocates are part of the legal structure that cannot be separated from other law enforcement apparatus, such as: police, prosecutors and courts. In terms of terminology, an advocate in the Big Indonesian Dictionary is defined as a legal expert who has the authority to act as an advisor or defender in court, while an advocate in Black's Law Dictionary's is

referred to as "Lawyer" and "Attorney". Lawyer in Black's Law Dictionary's is defined as someone who has a license (permit) to carry out legal practice duties "one who is licensed to practice law",¹ while attorney is defined in Black's Law Dictionary's as someone who practices in the field of law "a person who practices law".² Advocate comes from the word "Advocaat" which comes from the Latin word "advocatus" which means expert defender inside or outside the court. An advocate is a legal expert who provides assistance or assistance in legal matters. The definition of an advocate based on Law no. 18 of 2003, an advocate is a person whose profession is to provide legal services inside and outside the court who is given court permission to provide requirements based on legal advice or comply with the provisions of this law.³

Advocates, who are one of the forming elements in law enforcement in society, have in fact faced great personal risks towards the advocates themselves, because advocates are the only profession that acts and represents on behalf of clients to accompany the ongoing legal process, so advocates as a profession are often faced with role conflicts that are humanly very difficult to separate. Harry Witjaksono explained that the profession of advocate in handling legal cases is vulnerable to causing legal problems. An advocate is a profession that provides legal services to help people experiencing legal problems, although the risk of a legal case trapping an advocate could be due to a request or offer for a criminal act (in this case a bribery case, a criminal act of corruption).⁴ The Code of Ethics for Advocates in Indonesia is one of the juridical bases used in assessing the behavior of advocates in Indonesia, in particular the code of ethics for advocates can be used as one of the juridical bases in assessing the existence of good faith as a basis for granting advocates immunity rights in Indonesia. The existence of an Advocate Code of Ethics can be used as a juridical basis for assessing good faith as a basis for granting advocates immunity rights in Indonesia. This can be seen from the existence of Chapter IX concerning the Code of Ethics and the Advocate Honorary Council in the Advocate Law.⁵

Chapter IX concerning the Code of Ethics and the Advocate Honorary Council in the Advocates Law is used as the initial basis for research on the Code of Ethics for Advocates which is used as one of the juridical bases for assessing good faith as the basis for granting advocates immunity rights in Indonesia. Research on Chapter IX concerning the Code of Ethics and the Advocate's Honor Council in the Advocate Law will be carried out descriptively to be able to describe the binding power of an Advocate's Code of Ethics for each member of the advocate organization which can further help carry out an analysis of the issue of good faith as a basis for granting Advocate immunity rights in Indonesia.

Article 26 paragraph (1) of the Advocate Law explains that the existence of the Advocate Code of Ethics aims to maintain the dignity and honor of the advocate profession. The Code of Ethics for Advocates which can maintain the dignity and honor of the advocate profession was formed by the advocate organization, so that the advocate organization has been given the authority by the Law on Advocates to compile and establish a Code of Ethics for Advocates which applies to every member of the advocate organization.

The Code of Ethics for Advocates formed by an advocate organization must not conflict with the laws and regulations in force in Indonesia (especially the Law on Advocates), so that the Code of Ethics for Advocates formed by an advocate organization must have a technical nature that reflects every right and obligation owned by the advocate.

¹ Garner, *Black's Law Dictionary*, Ninth Edition , West Publishing CO, USA, 2009, Pp. 968.

² Garner, *Black's Law Dictionary*, *Ibid* , Pp. 147 .

³ Eleanora, F.N. (2016). Advocate Code of Ethics as a Guide to Law Enforcement. *SCIENTIFIC JOURNAL OF LAW AND SOCIETY DYNAMICS* , 12 (1). Pg 102.

⁴RFQ, *Case of OC Kaligis Coreng Dunia* -advokat-lt55a5ff140e71a, Accessed 05 January 2022 19:23 WIB.

⁵ Chapter IX concerning the Code of Ethics and Honorary Council for Advocates in the Advocate Law consists of two (2) articles, namely: Article 26 and Article 27 of the Advocate Law.

Advocates, apart from the Advocate Code of Ethics, must also be able to maintain the dignity and honor of the advocate profession.

Article 26 paragraph (2) of the Advocate Law requires that every advocate must comply with the Code of Ethics for Advocates that has been established by the advocate organization. Apart from that, advocates must also comply with every provision that has been established by the advocate organization and the advocate's honorary council. Therefore, every advocate has the obligation to comply with each Advocate's Code of Ethics as well as the obligation of advocates to comply with the Advocate Law and the laws and regulations in force in Indonesia.

The Advocate Code of Ethics aims to maintain the dignity and honor of the advocate profession. Its implementation is carried out by advocate organizations and the advocate honorary council. Enforcement of the Advocate Code of Ethics carried out by advocate members by advocate organizations and the advocate honorary council can be further researched and explained as follows:

1. Enforcement of the Advocate Code of Ethics by Advocate Organizations.

Enforcement of the advocate code of ethics by advocate organizations means that advocate organizations are given the authority by the Advocate Law to supervise every applicable provision of the Advocate Code of Ethics, so that advocate organizations have an obligation to provide supervision over every deviant attitude and behavior carried out by a person. advocate in carrying out professional duties and functions.

Advocate organizations descriptively have the following duties and functions regarding the existence of the Advocate Code of Ethics:

- a. Advocate organizations have the task of formulating, compiling and enforcing an Advocate Code of Ethics.
- b. Advocate organizations have the duty to provide supervision over the implementation of the Advocate Code of Ethics in practice.

Based on research conducted, advocate organizations have a very large role in formulating an Advocate Code of Ethics which can provide a descriptive picture of firm and clear boundaries regarding the good faith possessed by an advocate in carrying out professional duties and functions. An Advocate Code of Ethics which can provide clear boundaries regarding the good faith possessed by the advocate profession will have a huge impact on the criteria and conditions for granting legal immunity to advocates who carry out professional duties and functions as stated in Article 16 of the Advocate Law.

2. Enforcement of the Advocate Code of Ethics by the Advocate Honorary Council.

Enforcement of the advocate code of ethics by the advocate honorary council means that the advocate honorary council is given the authority by the Advocate Law to assess every form of implementation of the professional code of ethics applied to members of the advocate organization.

The advocate's honorary council has the authority in the Advocates Law to examine, adjudicate and decide on violations of the Advocate's Code of Ethics committed by members of the advocate organization (in this case advocates), so that the advocate's honorary council has the authority to impose sanctions on advocates who have proven to have violated the Advocate Code of Ethics.

The honorary board of advocates descriptively has the following duties and functions in implementing the Advocate Code of Ethics:

- a. The advocate's honorary board has the duty to examine violations of the Advocate Code of Ethics.
- b. The advocate's honorary board has the task of adjudicating violations of the Advocate Code of Ethics.
- c. The advocate's honorary council has the duty to impose sanctions on advocates who are proven to have violated the Advocate Code of Ethics.

Based on the Advocates Law, an honorary advocate council is formed by advocate organizations. Advocate organizations form honorary advocate councils at the central and regional levels. The regional honorary council has the authority to examine and adjudicate at the first level, while the honorary council at the central level has the authority to examine and adjudicate at the appeal level, in addition to the advocate's honorary council at the central level having the authority to examine and adjudicate at the final level.

Based on the research conducted, it is clear that the honorary council has a very large role in helping to examine and adjudicate the existence of elements of good faith which can be used as a basis for granting legal immunity as stated in Article 16 of the Advocates Law.

METHOD

The research was conducted in a descriptive analytical manner which describes the problem objectively and systematically regarding various facts that occur regarding the concept of legal immunity which can be given to advocates in carrying out professional duties in Indonesia, both in the philosophical aspect and in the regulatory aspect regarding the regulation of professional criminal acts that apply in Indonesia. Indonesia.⁶ The research approach is carried out in a normative juridical manner which is based on secondary data as research material,⁷ So focus on the steps speculative theoretical, normative analysis and qualitative analysis.⁸

RESULTS AND DISCUSSION

The Concept of Legal Immunity That Can Be Granted to Advocates in Carrying Out Legal Professional Duties in Indonesia

The concept of legal immunity that can be given to advocates in carrying out the duties of the legal profession in Indonesia should ideally be based on the principles of protection given to the advocate profession, so that the immunity given to advocates in carrying out the duties and functions of the profession can be in accordance with the legal needs of advocates.

The broad application of general principles that apply to the advocate profession can not only make a positive contribution to the legal need for the protection of advocates in carrying out professional duties and functions, but the general principles that provide protection to the advocate profession can also directly make a positive contribution. towards the legal needs of society, especially the legal needs of society in the law enforcement process in Indonesia.

Law enforcement will be created ideally in Indonesia as long as the elements of law enforcement (especially in this case the legal structure elements) can be in harmony with each other and harmonious in carrying out their joint duties and functions to realize ideal law enforcement in Indonesia.

The joint function to realize ideal law enforcement is linked to the issue of good faith as the basis for granting advocates immunity rights in Indonesia. Advocates and the applicable Code of Ethics for Advocates cannot be easily politicized or replaced by the existence of other laws which are used subjectively by other law enforcement officials to prevent and hinder advocates in carrying out their professional duties and functions.

Other law enforcement officials who try to utilize the substance of other laws to hinder and obstruct an advocate in carrying out professional duties and functions, one of which can

⁶ Sumadi, *Research Methods*, Rajawali, Jakarta, 1988, Pp. 19.

⁷ Soerjono Soekanto, *Normative Legal Research: A Brief Overview*, Raja Grafindo Persada, Jakarta, 1995, Pg. 10.

⁸ J. Supranto, *Legal and Statistical Research Methods*, Rineka Cipta, Jakarta, 2000, H lm. 3.

be reviewed from the articles containing acts that obstruct the process of inquiry, inquiry and/or case examination. being carried out by other law enforcement officials.

Other law enforcement officials have a paradigm that advocates are a profession that always hinders their law enforcement duties and functions, so that advocates are often hampered (sue) on the grounds that advocates have obstructed the law enforcement process that is being carried out. This illustrates that the paradigm formed by other law enforcement officials regarding the advocate profession is not based on the principles of duties and functions of advocates that apply internationally, where advocates have duties and functions in two (2) aspects, namely:

1. Advocates as a profession have the duty and function to protect clients' interests; And
2. Advocates who have duties and functions in carrying out the law enforcement process (advocates as part of the enforcement apparatus/legal structure).

The existence of an advocate who tries to protect the client's interests based on international principles cannot be interpreted as a form of obstructing the examination process of a case, but an advocate who tries to protect the client's legal interests must be considered as a form of professionalism that is being carried out by an advocate based on the basic principles of advocacy, Advocate Law and Advocate Code of Ethics.

The existence of advocates in protecting clients' legal interests and the existence of advocates in a law enforcement process must be reviewed philosophically, juridically and sociologically. The existence of advocates in philosophical, juridical and sociological aspects when carrying out professional duties and functions is linked to good faith as the basis for granting advocates immunity rights in Indonesia. Further analysis can be carried out as follows:

1. The existence of advocates is connected with good faith as the basis for granting advocates immunity rights in a philosophical aspect.

The existence of advocates is connected with good faith as the basis for granting advocates immunity rights. In the philosophical aspect, this means that the protection given to advocates in carrying out professional duties and functions must be based on philosophical values which serve as a basis for thinking and acting to provide immunity to advocates in carry out professional duties and functions.

The philosophical value of providing immunity to advocates in carrying out their duties and functions of profession can be viewed from the philosophical objectives themselves, namely: justice, legal certainty and legal benefits, each of which can be explained as follows:

a. Justice as a philosophical value to provide legal immunity to advocates in carrying out professional duties and functions.

Justice as a philosophical value to provide legal immunity to advocates in carrying out professional duties and functions means that the existence of advocates in the law enforcement system is aimed at creating a balance point between clients and other law enforcement officers (in this case law enforcement officers other than advocates), because Philosophically, the existence of advocates is aimed at providing assistance to clients regarding legal cases (problems) that occur, so that clients can defend and fight for the rights they still have from any irregularities or actions by other law enforcement officials who are not objective. Justice as a noble ideal of society cannot be separated from the existence of law in society. Law is considered a means of realizing the ideals of justice. Therefore, if a law is contrary to the value of justice, the law does not have a normative nature, so that justice is part of every element of the constitutive understanding of law.⁹

⁹ Theo Huijbers, *Legal Philosophy in Historical Trajectories* , Kanisius, Yogyakarta, 1995, Pp. 70.

Huijbers explained that law is part of human ethical duties, so that every human being has an obligation to form a good life together by regulating it fairly, so that justice is considered as human consciousness which originates from the conscience of humans.¹⁰

Law and justice are things that cannot be separated, according to the view *Huijbers* law becomes a means for creating a just society.¹¹ Therefore, justice is considered as part of the philosophical goals of law, in addition to legal certainty and usefulness based on the views of legal philosophers.

The existence of the basic functions and duties of advocates which aim to create balance and justice must be seen objectively, namely that advocates only try to protect the legal interests of clients and advocates also do not constitute a threat to other law enforcement officials, so that advocates must be seen as a balancing party for a existing law enforcement system.

Advocates who are seen as balancing parties in a law enforcement system must be given fair protection, so that every advocate who has good faith in carrying out professional duties and functions, each party must respect the duties and functions of the profession which humanly cannot be avoided. One of the ways this can be illustrated is the general principles of advocates that apply internationally in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding Basic Principles on the Role of Lawyers explaining that, advocates must always respect the interests of clients (Lawyers shall always loyally respect the interests of their clients). Advocates who are required to safeguard the interests of clients humanely cannot be avoided from any negative access that is subjective in nature, but advocate subjectivity cannot be interpreted as a form of threats and obstacles experienced by other law enforcement officials, because advocates and other law enforcement officials are objective have the same main role in carrying out law enforcement.

b. Legal certainty as a philosophical value to provide legal immunity to advocates in carrying out professional duties and functions.

Legal certainty as a philosophical value to provide legal immunity to advocates in carrying out professional duties and functions means that the existence of advocates in the law enforcement system has the aim of guaranteeing legal certainty, both legal certainty for clients, society, the state and legal certainty for the advocate. Alone.

Certainty as a philosophical value for advocates can only be realized by providing legal immunity in carrying out the duties and functions of the profession, so that the implementation of the mandated functions and duties of advocates cannot be influenced by other law enforcement officials by politicizing or criminalizing every action of advocates on the grounds of obstructing the enforcement process. the law that is to be realized in a legal system (state).

The immunity given to advocates in carrying out professional duties and functions is a concrete manifestation of legal certainty as a philosophical value, so that cannibalism will no longer occur between legal structures, in this case cannibalism between other law enforcement officials and advocates as part of the law enforcement apparatus itself. . Philosophically, cannibalism should be prohibited when advocates carry out professional duties and functions, unless the advocate can be proven not to have good faith.

c. The benefits of law as a philosophical value to provide legal immunity to advocates in carrying out professional duties and functions.

¹⁰ Abdul Ghofur Anshori, *Legal Philosophy, History, Flow and Meaning*, Gadjah Mada University Press, Yogyakarta, 2006, Pg. 53.

¹¹Theo Huijbers, *Legal Philosophy in Historical Trajectories* , *Op Cit* , Pg. 75.

The benefit of law as a philosophical value to provide legal immunity to advocates in carrying out professional duties and functions means that the immunity given to advocates in carrying out professional duties and functions has legal benefits, because the immunity given to advocates can prevent the spread and birth of problems. new cases caused by mishandling of cases by other law enforcement officials.

The immunity given to advocates as a manifestation of the value of legal benefits can be further explained as follows:

- 1). Advocate immunity can prevent the process of cannibalism that occurs between legal structures;
- 2). Advocate immunity can prevent the lack of enthusiasm of advocates to carry out their obligations in assisting clients and the community;
- 3). Advocate immunity can prevent the increase in legal cases being resolved by the state, because one (1) client case will always develop into two (2) legal cases, namely: one (1) client case plus one (1) advocate case.
- 4). Advocate immunity can strengthen law enforcement as a common goal (in this case advocates and other law enforcement officials as a legal structure).

2. The existence of an advocate is connected with good faith as the basis for granting the right to advocate immunity in the juridical aspect.

The existence of advocates is linked to good faith as the basis for granting advocates immunity rights in the juridical aspect, which means that, if immunity is based on a legal substance, the immunity given to advocates must be able to be implemented without exception.

The immunity given to advocates in carrying out their professional duties and functions has been legally regulated, both regulating advocate immunity on an international scale and regulating advocate immunity on a national scale. Regulations regarding the existence of advocate immunity internationally have been stated in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, especially in the Basic Principles on the Role of Lawyers section, while the regulation of immunity given to advocates on a national scale has been regulated in Advocate Law and Advocate Code of Ethics.

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in the Basic Principles on the Role of Lawyers section explains several things about the forms of legal immunity given to advocates, such as:

- a. The government must ensure that every advocate gets guarantees and protection, such as:
 - 1). Advocates can carry out every professional function without intimidation, obstruction, harassment or undue interference. *Are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference .*
 - 2). Advocates can travel and communicate with clients freely both within and outside the country. *Are able to travel and to consult with their clients freely both within their own country and abroad .*
 - 3). Advocates will not suffer or be threatened with prosecution, administrative sanctions, economic or other sanctions for any action taken in accordance with applicable duties, professional standards and ethics. *Shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics .*
- b. If an advocate's security is threatened as a result of carrying out their functions, the advocate must be properly protected by the authorized official (party). *Where the*

- security of lawyers is threatened as a result of discharging their functions, they shall be thoroughly safeguarded by the authorities .*
- c. Advocates cannot be identified or equated with clients or the goals that clients have as a result of carrying out the functions of the advocate profession. *Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions .*
 - d. No court or administrative official will have their authority recognized as a result of refusing to recognize the right of an advocate to appear before a court or authorized official on behalf of a client, unless the advocate has been disqualified in accordance with national law and practice in accordance with the basic principles of advocacy . *No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles (Basic Principles Role of Lawyers) .*
 - e. Advocates have criminal and civil legal immunity for every statement made in good faith in a written or oral defense carried out in the context of carrying out their profession, whether before a court, legal authority or other authorized institution. *Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority .*
 - f. Every authorized official has an obligation to ensure that a lawyer can access the appropriate information, archives and documents they have in sufficient time, quickly and appropriately, so that the advocate can provide effective legal assistance to clients. *It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time .*
 - g. The government must recognize and respect that all communications and consultations between advocates and clients in the context of carrying out professional duties and functions are confidential. *Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationships are confidential .*

The legal immunity given to advocates in carrying out professional duties and functions on a national scale based on the Advocate Law can be reviewed from Article 16 of the Advocate Law which explains that, "Advocates cannot be prosecuted either civilly or criminally for carrying out their professional duties in good faith. for the benefit of the Client's defense in court proceedings", so that the legal immunity given to advocates in carrying out professional duties and functions is not only a paradigm, but the legal immunity given to advocates in carrying out professional duties and functions is part of the implementation of the mandate of statutory regulations in force, especially the Advocate Law.

The legal immunity given to advocates in carrying out their professional duties and functions in Indonesia is also regulated in the Advocate's Code of Ethics, one of which can be seen from the substance of Article 8 letter a of the Advocate's Code of Ethics which explains that the advocate profession is a noble and honorable profession (*officium*) . *nobile*), so that in carrying out their profession as a law enforcer in court, they are equal to prosecutors and judges who, in carrying out their profession, are under the protection of law, statutes and the Code of Ethics for Advocates .

Legal immunity is given to advocates in carrying out professional duties and functions as regulated in international principles, the Advocate Law and the Advocate Code of Ethics, so every form of politicization and criminalization carried out against an advocate when

carrying out professional duties and functions can be considered as a form of violation of human rights in carrying out their work (in this case, being an advocate is a profession and a person's job that must receive legal protection and guarantees).

3. The existence of advocates is connected with good faith as the basis for granting advocates immunity rights in a sociological aspect.

The existence of advocates is connected with good faith as the basis for granting advocate immunity rights. In the sociological aspect, it means that advocates are one of the law enforcement officers who are given the task and mandate by law to provide assistance to clients, so that the existence of advocates can help clients (the public) understand and take advantage of the opportunities provided by law to defend existing/remaining rights in the process of examining a case.

Advocates who have the task and function of carrying out assistance to clients (society) can be interpreted to mean that advocates are part of society (clients) who must fight for and defend every right they still have, so that the duties and functions of advocates who try to protect clients must be considered as one form of carrying out professional duties and functions and cannot be considered as forms of action that hinder the examination process carried out in a case.

The philosophical and juridical existence of advocates who provide duties and functions to provide assistance to clients (society) sociologically must be understood that, the existence of advocates in the law enforcement process carried out is considered as a balancing factor between clients (society) and law enforcement officials.

Clients (the public) and other law enforcement officials sociologically have an unequal position. Other law enforcement officers have a position that is accompanied by the power and authority to carry out any necessary actions for clients and the community, while clients and the community are not accompanied by the power or authority to do or not do something in response to every action carried out by other law enforcement officers. .

Differences in position, power and authority between clients (society) and other law enforcement officials have factually resulted in a number of distortions in the law enforcement process, because factually clients (society) do not have any ability to defend or defend themselves, while law enforcement officials others have enormous ability to do so anything to the client (community), including forcing the client (community) to relinquish the rights they still have in the process of examining a case. This can be depicted in an illustration of a scale or a balance that is not balanced or a balance that tilts on one (1) side (in this case it tilts on the side of another law enforcement apparatus).

The unequal position between clients (society) and other law enforcement officials can be balanced (stabilized) by the presence of advocates. The existence of advocates in the law enforcement process can be considered as a balancing factor between clients (the community) and other law enforcement officials. The existence of advocates in the law enforcement process can be used as a weight or balance on the client (community) side, so that the client (community) has an equal position with other law enforcement officials.

The existence of advocates who can function as a balance on the client (society) side is based on the power and authority possessed by advocates based on general principles of advocacy, the Law on Advocates and the Code of Ethics for Advocates, so that clients (society) who previously did not have power and authority (ability) to face other law enforcement officers to have the power and authority (ability) to respond (respond) to every form of action, power and authority of other law enforcement officers through the power, authority and abilities possessed by advocates based on the basic principles, Law -Advocate Law and Advocate Code of Ethics.

The existence of advocates who have a very large role in sociological aspects and law enforcement in Indonesia should not allow criminalization or politicization of every action

carried out by advocates for the reason of obstructing the process of examining a case, because the existence of advocates in the sociological aspect already has a strong legal basis for creating a balance between clients (the public) and other law enforcement officials in the process of examining a case.

Advocates as part of the law enforcement apparatus who have direct relationships with clients in practice have made advocacy a high-risk profession. The risks faced by an advocate in carrying out their profession include an element of subjectivity which cannot be avoided humanly. The subjective element contained in the advocate profession is caused philosophically, sociologically and juridically, it requires advocates to have a legal relationship with clients to be able to participate in the law enforcement process.

CONCLUSION

The concept of legal immunity that can be given to advocates in carrying out the duties of the legal profession in Indonesia is a concept that cannot prove the element of intention of an act that is considered a criminal act. The concept of independence and advocate immunity is a concept that can provide ideal protection to advocates in carrying out professional duties and functions. The concept of Advocate Independence and Immunity requires the existence of material and formal requirements needed to provide advocate protection. Material requirements in legal protection require that every advocate must carry out professional duties and functions in good faith. Formal requirements for legal protection require the existence of a legal document that must be fulfilled to eliminate the element of mens rea from every advocate's actions when carrying out professional duties and functions. There is a need for strict provisions in the Law on Advocates, that to examine an advocate you must obtain permission from the Honorary Advocates Council.

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