

Judicial Review of Article 27 (3) and (4) Law of the Republic of Indonesia Number 11 of 2008 (19 of 2016) Against the Criminalization of Advocates' Immunity Rights (Case Study: Advocate Alvin Lim, Advocate Kamaruddin Simanjutak and Advocate Prayitno)

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ABSTRACT

This research aims to study the degradation of advocates' immunity rights in Indonesia with special emphasis on Article 27 Paragraph (3) and Paragraph (4). This research is normative juridical in nature by using secondary data such as laws and regulations, court decisions, and other references to see the requirements of immunity rights, types of degradation caused by the Information and Transactions Electronic (ITE) Law, and factors that hinder and support immunity rights. The results of this research analysis are: *First* of all, the terms of advocates' immunity rights, which include the presence or absence of criminal and civil legal actions. If advocates carry out their work in an ethical manner, they will be protected, but ethical violations will be submitted to the Advocates Organization Code Council. *Second*, the cause of the reduction of advocates' immunity rights caused by Article 27 Paragraph (3) dan Paragraph (4) of the ITE Law identified that the effect of criminal and civil penalties can reduce the immunity rights of advocates in performing their professional duties. *Third*, the elements that hinder and support advocates' immunity rights are the functions of investigators, public prosecutors, judges, and public opinion.

INTRODUCTION

The need and demand for legal services in Indonesia is growing with the increasing complexity of problems at various levels of society, both public and private, contributing to the increase in demand for legal services. Legal disputes sometimes cannot be resolved through consultation, so the solution is litigation or non-litigation.

Dispute resolution through legal channels requires a legal expert (Advocates are also referred to as advocates or advocates). According to UU No. 18 Tahun 2003 regarding Advocates, specifically article 16, advocates cannot be prosecuted civilly or criminally for defending their clients. This is the immunity right of advocates as law enforcers in Indonesia. This immunity right is very important to uphold to maintain the independence of advocates in carrying out their duties.

Advocates play an important role in the country's law enforcement and justice system. They are an important pillar in the protection of justice and human rights, but they also provide legal assistance to individuals and groups. In their work, advocates have the right to immunity to protect their freedom. In general, the methods used to criminalise or punish advocates are almost identical, especially in relation to the right to express one's opinion in public. Criminalisation measures such as urine tests and confiscation of mobile phones are also carried out arbitrarily by investigators (unless they are caught red-handed or OTT); as they have no legal basis, investigators often use the excuse of discretion.

In Indonesia, the law has not become the commander (*rechtsstaat*) but money is the commander and Indonesia has become a hotbed of legal mafia because of the practice that runs at least that is what is felt at this time where the law is in the control of power (*machstaat*) because it has always been in Indonesia in the history of independence and maybe not only Indonesia, in several other countries this practice runs where the law is controlled by the authorities, so that there are selective cases there are groups that are then protected even though legally guilty but on the other hand there are groups that are a little wrong already in question.

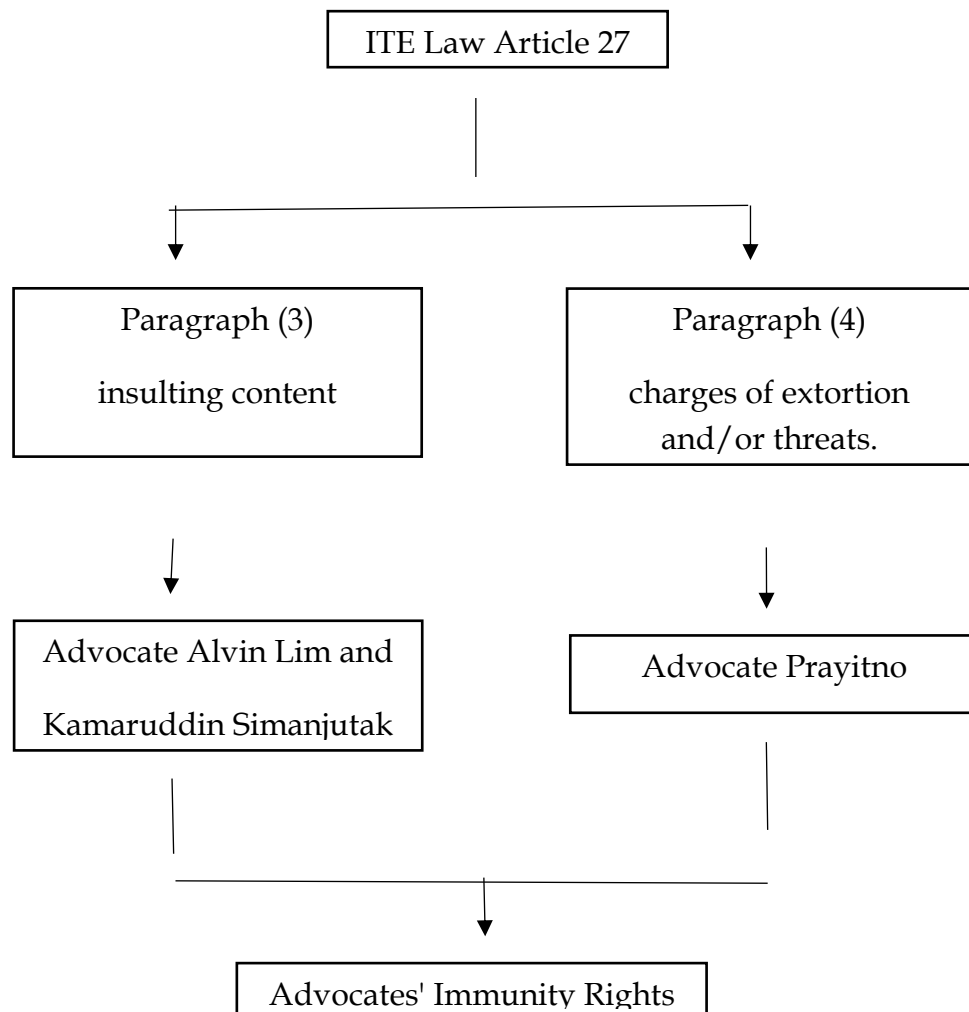
The public's attention was heightened when it was discovered that Advocate Alvin Lim, in addition to having to face 185 police reports, had also been detained for 4.5 Years for a case of ID card forgery related to his former client, with a relatively small loss. Advocate Alvin Lim, who is seriously ill, still has to undergo forced questioning by the police. In Alvin Lim's case, the case has not yet been P21 but has already been detained by the prosecutor's office without a hearing. Alvin Lim was acting on behalf of an advocate based on a power of attorney at the time of the press conference, not a legal observer.

In 185 police reports that were processed separately, the first wave of 10 reports were later after the first wave, This is something that is very different from the Attorney General's motto that criminal charges will be made humanistically and fairly it's just a motto and an image my father was sentenced to four and a half years the charge was participating in providing his

home address to be used in a fake ID while the Attorney General Burhanudin who allegedly has three identities with different years of birth of course there are letters or false statements as well. Why was the public report against the Attorney General not processed, if it is true that Indonesia is a country of law, the Attorney General should have been processed and immediately prosecuted for 6 years in prison for using a fake identity. This is because Indonesia is a hotbed of legal mafia.

Tragically, Alvin Lim, who was seriously ill and in hospital with a tube attached to his body, was forced by the police to submit to interrogation. Advocate Kamarudin Simanjuntak, who is famous for raising the cases of Brigadier Joshua and Freddy Sambo, was also charged under the ITE law, prompting hundreds of advocates from various organisations to intervene in his defence. In the future, these two events will serve as a reminder of similar cases where law enforcement is used to force a person, group or institution to cease its activities.

Based on all the explanations above, it can be illustrated that the framework is as follows:



This research has the following problem formulation:

- a. What are the requirements related to Advocates' immunity rights in Indonesia?
- b. How does the ITE Law, in particular Article 27 Paragraph (3) and Paragraph (4), affect the immunity rights of advocates?
- c. What are the factors that hinder and support the immunity rights of advocates?

The objectives of this research are:

- a. Review the provisions relating to the immunity rights of advocates in Indonesia.
- b. Examining the method of degradation of Advocates' immunity rights caused by Pasal 27 Ayat (3) dan Ayat (4) of the ITE Law.
- c. Analyze the inhibiting and supporting factors of Advocates' immunity rights.

Based on the literature review conducted by the author in the library and searches on social media, it appears that there is no scientific research that resembles the title of the thesis proposed by the author. The author found the titles of theses, dissertations and doctoral theses on the right to immunity of advocate, namely:

No	Author	Research Title	Research Result	Novelty
1	Asep Ilham Taufiq (2017)	Immunity Rights of Advocates in the Criminal Justice System	Protection is granted to a Advocate while performing their professional duties with good faith and adherence to the code of ethics.	<ol style="list-style-type: none"> 1. Case study on three advocates correlated with the Information and Electronic Transactions Law (ITE Law) Article 27 paragraph (3) and paragraph (4). 2. Data collection with informants. 3. Violations of the code of ethics are linked to National Police Regulation Number 8 of 2021, and an alternative resolution is proposed by updating the Memorandum of Understanding between the existing Organization of

				Advocates' Honor Council and the National Police Chief.
2	Ari Kosasih (2018)	The Immunity Rights of Advocates in the Criminal Justice System in Indonesia	Advocates without good faith does not have immunity and is therefore eligible for legal proceedings	
3	Yun Suryotomo (2013)	The Basis of Immunity Rights for Advocate Based on the Principle of Power of Attorney	"In the execution of the legal profession representing clients is based on a power of attorney agreement, so it is limited to the scope of the power of attorney. If there is a deviation from the power of attorney agreement, then all consequences that occur during the provision of legal services become the responsibility of the Advocate."	
4	<u>Ni Gusti Ayu Made Nia Rahayu (2021)</u>	The Immunity Rights of Advocates as a Form of Legal Protection in the Prevention and	"The reporting obligation by Advocate indirectly prevents money laundering perpetrators from exploiting the immunity rights inherent in their profession to carry	

		Eradication of Money Laundering Crimes.	out their crimes in money laundering. The immunity rights attached to the legal profession are not absolute due to certain limitations, namely professional codes of ethics, regulations, and good faith. Any action beyond these limits may lead to legal proceedings against the Advocate and sanctions in accordance with applicable laws and regulations."
5	Hanggar a, A (2016)	Criminalization of Advocates in Carrying Out Their Profession is Linked to Article 16 of Law Number 8 of 2003	<p>1. Criminalization of Advocates includes:</p> <ul style="list-style-type: none"> a. Revenge from others whose interests are disrupted by the legal profession. b. Misinterpretation of a provision. c. Unprofessionalism of law enforcement in carrying out their profession. <p>2. Legal actions that can be taken by the Advocates' Organization include defending or accompanying advocate from the investigative stage to the judge's verdict.</p>

THEORETICAL REVIEW

Law System Theory

Friedman's legal system theory is an approach to jurisprudence that sees law as central to a more complex social system. According to this theory, law is the result of complex interactions and influences between law, society and social change. The success of law enforcement depends on three factors, namely:

a. Structure of Law.

According to Friedman's theory, the legal structure is responsible for evaluating the implementation of UU Nomor 8 Tahun 1981 by law enforcement agencies, namely the police, prosecutors, courts, and criminal executing agencies. The authority of law enforcement agencies is protected by law when carrying out their duties and responsibilities. The law will not function or be upheld if there are no credible, experienced and independent law enforcement officers. No matter how good the legislation is, justice is just wishful thinking without a solid legal structure. The importance of the mentality of the legal structure can cause the law enforcement process to falter, such as economic problems, lack of clarity in the recruitment process, and lack of religious understanding. This shows the important role of law enforcement in carrying out the law. If regulations are good but law enforcement is bad, problems will arise. Conversely, if regulations are bad but law enforcement is good, problems will still arise.

b. Substantiation of Law

Friedman also noted that the substantive system plays a role in determining whether or not a law can be applied. Substance can refer to the products made by members of the legal system, including new rules and/or decisions made. Substance also includes laws in force, not just laws on the statute book. Written rules are law, while unwritten rules are not. This applies to countries that still follow the civil or continental European legal system (although there are some countries that still follow the conventional or Anglo-Saxon legal system).

c. Culture Law

Friedman also said that legal culture consists of human attitudes towards law and the legal system, which includes their values, beliefs, thoughts, and expectations. How the law is applied, avoided or abused plays an important role in shaping legal culture. Legal awareness in society is closely related to legal culture. A high level of legal awareness in society can create a positive legal culture that is able to change the way people think about the law. In other words, one indicator of legal performance is the extent to which people obey the law.

Like a machine that operates a certain mechanism, the integration of the three elements in the legal system cannot be ignored. Structure can be likened to a machine, substance to the result of the machine's work, and legal culture to the entity that determines when and how the machine is operated and how it is used. Friedman's theory can be applied to assess the law enforcement process in

Indonesia when compared to the country's legal system. The police, prosecutors, judges and advocates, and correctional institutions are all integral parts of a system. The strength of the legal system depends on the harmonious interaction of its components. The legal system is therefore determined not only by its structure and content, but also by the legal culture of the community.

So far, however, the three components of Friedman's theory have not been fully met, especially in terms of legal structure and culture. For example, members of the police, who are supposed to arrest drug offenders, are themselves involved in drug networks. Similarly, it is still difficult to find prosecutors who are fair in their handling of cases.

Cyber Defamation Crime

Article 310 of the Penal Provisions is an offence of defamation or insult, which must fulfil the following conditions:

- a. Done intentionally
- b. Injury to the honour or good name of any person;
- c. Contains a defamatory statement about a specific act
- d. Broadcasting the allegations with the intention of making them known to the public.

A person cannot be prosecuted for defamation or insult if the insult is communicated only orally. However, if the act of defamation is carried out through the media of letters, pictures, or performances, the perpetrator may be punished in accordance with the penal provisions Article 310 Paragraph (2).

Cannot be charged with criminal defamation if:

- a. Public interest information
- b. Self-defense purposes
- c. Telling the truth

The crime of defamation that meets the requirements of intent and attack on a person's honor or good name is outlined in Pasal 310 KUHP. The ITE Law changes the term to "distributing, transmitting, making accessible electronic information and/or documents", so that it does not require a public event, although the Criminal Code stipulates that the act of defamation must be committed in public.

Cyber Extortion Crime

Legal violations related to the crime of extortion are described through two articles in the Penal Provisions Article 368 and Article 369 with the following explanation:

1. Article 368 Paragraph (1) Penal Provisions:

"Anyone who, with the intention of unlawfully obtaining personal or other benefits, coerces a person, by force or threat of force, to hand over goods or property belonging in whole or in part to that person or to another person, or to create or cancel a debt, shall be liable to a maximum of nine months' imprisonment."

2. Article 369 Paragraph (1) Penal Provisions:

"A person who, with intent to unlawfully obtain personal or other person's benefit, by threat of verbal or written defamation, or by threat to reveal a secret, forces a

person to give goods or property, either wholly or partially belonging to that person or to another person, or to create a debt or to cancel a debt, is liable to a maximum imprisonment of four years."

Based on the above description, the criminal offence of extortion can be divided into two categories, namely: extortion with the element of threat of violence and extortion with the threat of defamation or disclosure of secrets either orally or in writing.

Article 27 Paragraph (4) UU ITE:

" Any Person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Records with contents of extortion and/or threats

The Role of Advocate as Law Enforcers

According to Undang-Undang Nomor 18 Tahun 2003 (UU Advokat) dan Undang-Undang Nomor 48 Tahun 2009 on Judicial Power, advocates are considered one of the four types of judicial officers, along with police prosecutors and judges. As part of the *catur wangsa*, advocates act independently to protect the interests of their clients without being influenced by the state power (judiciary and executive).

The advocate's code of ethics, which adheres to universal principles and aims to create a clean and authoritative justice system, is the basis of the advocate's professional idealism. This is of great significance because, according to American sociologist Lawrence Friedman, judges and advocates play a key role in law enforcement because they determine the character and substance of the law. This statement is made because both institutions have the principle of independence from different powers, giving them the freewill to interpret the law.

Based on this situation, the role of advocates in law enforcement can be explained as follows:

- a. To ensure that the law is applied fairly and correctly in every case.
- b. To ensure that the implementation of the law does not violate ethical values, morality, public order and individual and social justice.
- c. Ensure that judges are neutral in deciding cases.

One of the main principles in defending a client is that an advocate as a law enforcer must uphold the principle of "clemency" or only ask for justice if they believe that their client is guilty. In addition, advocates have responsibilities as social workers, guardians of judicial power, and supervisors of law enforcement.

METHODOLOGY

This research uses a normative legal method, namely collecting field data through case studies that are relevant to the Law of the Republic of Indonesia No. 11 of 2008 (19 of 2016) Concerning Electronic Information And Transaction (ITE Law) and Law Number 18 of 2003 (Advocate Law). Secondary data sources

used are interviews, group discussions and hearings in the WhatsApp group "Grup Perubahan Hukum".

RESULTS

The results of this research indicate a process of criminalization against the three advocates, which the author can present in the table 1 below.

	ADVOCATE		
	ALVIN LIM	KAMARUDDIN SIMANJUTAK	PRAYITNO
OBJECT.	(LP/B/4820/IX/2022/SPKT/POLDA METRO JAYA	LP/B/1966/IX/SPKT/POLRES METROPOLITAN JAKPUS/POLDA METRO JAYA.	Reported to the Community Complaint Center (Dumas) at Sidoarjo Police Resort
LOCUS and TEMPUS	Jakarta, 20 September 2022	Central Jakarta, 5 September 5, 2022	Sidoarjo, August 24, 2023
ACCUSED ARTICLE	Electronic Information and Transactions Law Article 27 Paragraph (3) concerning defamation	Electronic Information and Transactions Law Article 27 Paragraph (3) regarding defamation of character, Article 14 of Law Number 1 of 1946 concerning the Spread of False News (hoax).	Electronic Information and Transactions Law Article 27 Paragraph (4) regarding extortion
MATERIAL CHARGE EXPLANATION	The Indonesian Prosecutor's Union (Persatuan Jaksa Republik Indonesia or Persaja) reported Alvin Lim to the Jakarta Metropolitan Police (Polda Metro Jaya) because Alvin referred to the Attorney General's Office (Kejaksaan Agung or Kejagung) as a mafia nest in a video on the	The Chief Executive Officer of PT. Taspen, namely Kosasih AN, filed a report against three statements made by Kamaruddin Simanjutak, namely: <ul style="list-style-type: none"> a. The existence of the management of three hundred trillion funds for the 2024 	Prayitno was reported by Taufik Hidayat, the legal representative of the Ministry of Religious Affairs, after filing a civil lawsuit with Case Number 250/PDT.G/2023/PN.Sda and

	<p>Quotient TV channel.</p>	<p>presidential election.</p> <p>b. Cashback investments of three hundred trillion funds through women whom he married.</p> <p>c. Neglect of biological children by not paying school tuition fees (SPP)</p>	<p>seeking compensation of 1.1 billion against the Head of the Ministry of Religious Affairs Office in Sidoarjo Regency, the Head of the East Java Provincial Ministry of Religious Affairs, and the Minister of Religious Affairs of the Republic of Indonesia.</p> <p>This is related to compensation claims due to alleged neglect and not being provided meals eleven times for himself and 11 groups (around 900 people) during the 2023 Hajj pilgrimage. Because news coverage of Prayitno's case was broadcasted by TV stations and on social media, Prayitno is considered to have engaged in extortion through social media.</p>
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STEPS TAKEN	Currently, Alvin Lim is detained in an ailing condition, facing an extended case of falsification of an ID card that has a legally binding verdict (Inkracht)	When about to be designated as a suspect, Kamarduddin was accompanied by three hundred advocates to the Criminal Investigation Agency (Bareskrim) of the Indonesian National Police (POLRI). As of the completion of this thesis, no detention has been carried out. Kamarduddin has the support of a mass following to exert social and psychological pressure on the investigators	Prayitno, accompanied by the Surabaya Peradi Regional Board and the East Java Advocates Brotherhood (PPJT), finally withdrew his lawsuit against the Ministry of Religious Affairs (Kemenag) and apologized during the trial at the Sidoarjo District Court on October 14, 2023. Prayitno decided not to seek compensation from the Ministry; instead, he stated that he would seek compensation from God. 'Yes, that's correct. I seek compensation only from Allah SWT,' explained Prayitno.
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Table 1: Criminalization Against Three Advocates (Writer, 2023)

DISCUSSION

Conditions Related to Advocate Immunity in Indonesia

According to the explanation of Article 16 of the Advocates Law, the immunity of advocates is limited by "good faith," defined as carrying out professional duties to uphold justice based on the law to defend the interests of clients. This is done to avoid the postulate that someone's security makes them

more likely to commit arbitrary crimes, or "impunitas continuum affectum tribuunt delinquendi."

According to Constitutional Court Decision Number 7/PUU-XVI/2018, the principle of "good faith" is more important than the interests of client defense in this regulation. From a subjective perspective, the honesty and integrity of an advocate while functioning as a law enforcement officer are more crucial because advocate immunity can be defined as objective or subjective. Therefore, actions considered good and objective must be based on positive legal norms, sociology, or what is deemed appropriate by society.

The essence of advocate immunity is that advocates must have good faith when performing their professional duties. This means that every legal action outside the courtroom, such as providing criticism, advice, input, and/or opinions for and on behalf of clients, especially in the context of broadcasting, must be done with good faith as an advocate.

Forms of Degradation Against Advocate Immunity Resulting From Article 27 Paragraphs (3) and (4) of The ITE Law

To fulfill Article 27 paragraph (3) of the ITE Law, there must be intentional elements, specifically the deliberate distribution, transmission, or making accessible of electronic information or electronic documents. The form of defamation cannot be in ordinary writing or speech but must be in electronic documents, for example, through platforms such as YouTube, Instagram, Facebook, or other social media, including email and TikTok.

Article 27 is often referred to as a flexible or discretionary article as it can affect anyone. However, if individuals from the lower class, for instance, wish to report individuals from the upper class under this law, it may be challenging to pursue or implement. Many police reports may go unanswered unless accompanied by bribery or the use of influence.

What Alvin Lim, Kamaruddin Simanjutak, and Prayitno (Arief Edison) did as advocates (with a power of attorney from clients) is considered legal truth and education for the public. Investigators should have immediately filed an A1 police report given the suspicion of criminal acts.

In the case of Alvin Lim, it can be categorized as him being a whistleblower. Abroad, whistleblowers are generally appreciated and protected, which is in stark contrast to Indonesia where whistleblowers are often criminalized, silenced, and persecuted. This is evidenced by the fact that certain members of the Indonesian National Police persecuted Alvin Lim, despite the Public Prosecutor previously filing 185 police reports of defamation and insult against Alvin Lim by members of the police force.

Alvin Lim was forcibly taken to the Criminal Investigation Agency (Bareskrim) on October 18, 2022, and detained without a detention warrant, even though the previous trial process had already become legally binding (inkrach). The detention warrant is crucial (as it is not an arrest event) because it indicates which institution is detaining him, the date of detention commencement, and the duration of the detention.

In the previous case that had become legally binding, there was no evidence during the trial process that could prove Alvin Lim's guilt. The

detention warrant copy was only provided to the family and legal team five weeks after Alvin Lim's detention, on November 22, 2022. It was revealed that the detention warrant was issued on October 26, 2022. This indicates a process of criminalization and legal flaws, with both the Public Prosecutor and investigators violating criminal procedural rules, legal misconduct, and also infringing on human rights under Law Number 39 of 1999 concerning human rights, specifically Article 1, point 6.

There is a similar case to what Alvin Lim experienced, involving Kamaruddin Simanjuntak, Arif Edison, and Prayitno who work as advocates (Table 2). They are currently performing duties outside of their trial by presenting the legal issues faced by their clients through a video podcast on a YouTube channel.

Article 27 of the ITE Law covers complaint offenses, as mentioned in the Criminal Code, stating that anyone can report ordinary offenses, but complaint offenses cannot be reported. In the above joint regulation, it is explicitly stated that individual victims are victims of complaint offenses.

Factors Inhibiting and Supporting the Existence of Advocate Immunity

Currently, there are hundreds of advocate organizations (multi-bars), leading to several issues. Firstly, there is a lack of ethical courts due to the absence of clear ethical standards. Secondly, it results in the emergence of advocates who do not meet professional standards and lack the knowledge, integrity, and usefulness expected of a qualified advocate. Thirdly, it becomes challenging to supervise and protect its members, especially junior advocates. Fourthly, clients seeking justice may face confusion in choosing which organization to turn to. The fragmentation of organizations into multi-bars is a result of political factors in leadership, such as disagreements over leadership positions leading to the formation of new organizations. There are also allegations of misusing organizational funds for personal gain, including fees for the advocate's appointment process, oath fees, membership card renewal fees, and mandatory membership dues. These financial aspects have become lucrative, leading to a race to establish new organizations.

The author argues that to strengthen advocate immunity, advocate organizations should be a single entity (single bar) to have a larger mass base. Additionally, they would have the capacity to oversee the behavior of advocates, protect their rights, and collaborate with other legal authorities (investigators, prosecutors, judges) in maintaining the Indonesian judicial system.

Alvin Lim and Arief Edison were immediately detained by investigators after being declared suspects, unlike Kamaruddin Simanjuntak who, up to this moment, has not been detained despite being declared a suspect. Table 2 indicates that, aside from being a minority, Alvin Lim and Arief Edison do not have a strong mass base. Alvin Lim is a member of PERADIN (Indonesian Advocates Association), Arief Edison is affiliated with the Indonesian Advocates Congress (KAI), Kamaruddin Simanjuntak is associated with the Indonesian Advocates Association, and Prayitno is a member of the Indonesian

Advocates Association (Peradi). When Kamaruddin Simanjutak was declared a suspect, he was accompanied by 300 advocates from the Batak ethnic group.

Similarly, Prayitno was accompanied by 150 advocates who are members of the Advocates Brotherhood of East Java (PPJT). The table below illustrates the mass base and organization of advocates Alvin Lim, Kamaruddin Simanjutak, Prayitno, and Arief Edison.

No	Advocate	Organisation	Mass Base
1	Alvin Lim	PERADIN	Have no
2	Kamaruddin Simanjutak	Perhimpunan Advokat Indonesia	300 Advocate Batak ethnic group
3	Prayitno	PERADI	150 Advocate from PPJT
4	Arief Edison	Kongres Advokat Indonesia	Have no

Table 2: Organization and Advocate Mass Base (Created by the Writer)

The power of mass pressure, whether acknowledged or not, affects the legal structure (in this case, investigators and prosecutors) psychologically and socially. For example, advocate Razman Nasution, who has a fake diploma report, has not been detained until now. However, it is different from the case of Basuki Tjahaya Purnama (Ahok), who was subsequently "thrown into" prison during the DKI Jakarta gubernatorial election in 2019.

The author's analysis correlates with the opinion of legal sociologist Friedman, who states that social power arises from interests, although individuals and groups with those interests do not always turn to legal institutions to fulfill their desires. Punishment does not function as a sole force but as a response to pressure from external sources, as demonstrated by the will and social power behind it.

CONCLUSIONS AND RECOMMENDATIONS

Advocate cannot be criminally or civilly prosecuted if they conduct their profession ethically and do not violate their oath as advocates. If they violate these standards, they must be submitted to the Advocate Code of Ethics Council (DKOA). Conditions related to the immunity rights of advocates in Indonesia may include:

- a. The obligation of advocates to fulfill education and training requirements set by the authorized institution.
- b. Registration and membership in legally recognized professional organizations of advocates.

- c. Compliance with the code of ethics and regulations governing legal practice in Indonesia.
- d. Protection from unauthorized interference or intervention in the execution of the duties and responsibilities of advocates.

Factors hindering the implementation of advocates' immunity rights are divided into two. Internal factors include the behavior of advocates who do not comply with the code of ethics of their profession and their organizations, while external factors involve investigators, public prosecutors, judges, and other members of the public, such as opposing parties or the families of victims. Forms of degradation of advocates' immunity rights resulting from the ITE Law, especially Article 27 Paragraph (3) and Paragraph (4), may include:

- a. Restriction of freedom of expression and the dissemination of information by advocates in carrying out their professional duties.
- b. The potential misuse of Article 27 Paragraph (3) and Paragraph (4) of the ITE Law to suppress the freedom of advocates to express opinions or criticize government policies or actions.

Factors inhibiting advocates' immunity rights include the equating of the legal profession with the general public. Criminalization occurs due to the existence of the legal industry and legal mafia (investigators, public prosecutors, judges) at the district court level up to the Supreme Court, as demonstrated in this case. As seen in the Jesica Wongso case, there is currently an extraordinary voice and power of netizens, making "No Viral No Justice" a form of social control over the legal industry. Other inhibiting factors include:

- a. Lack of understanding by the public, government, or law enforcement regarding the role and importance of advocates' immunity rights in carrying out their duties.
- b. Political pressure or interests limiting the freedom of advocates to express opinions or advocate critically against the government or existing powers.

Supporting factors for advocates' immunity rights include a strong mass base, in this case, the single bar organization, not a multi-bar, which can exert social and psychological pressure according to Friedman's legal system theory. This is referred to as public opinion or control. Other supporting factors include:

- a. Awareness of society and state institutions about the importance of protecting advocates' immunity rights as part of freedom of expression and justice.
- b. The existence of institutions and organizations that advocate and protect advocates' immunity rights and promote professionalism and ethics in legal practice.

The research conducted by the author is qualitative method, thus possessing high subjectivity. In the future, it is hoped that it can be combined with quantitative method using respondents among advocate in the city of Yogyakarta regarding the immunity rights of Advocates.

FURTHER STUDY

No rose without thorn, perhaps this is the best proverb to describe this research. This topic is new nowadays but will be out of date in five or ten years. For this reason, readers can further refine it by conducting a combination technique with qualitative methods using respondents. According to Terrence Johnson (1972) in his book "The Essential Element of the True Professional," it is mentioned that there are 23 characteristics or elements of a professional. These twenty-three variables can be utilized for quantitative research using juridical empirical or socio-legal methods.

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