

## Advocate Role Against Clients in Handling Follow-Up Cases Corruption Crime

Vicki Dwi Purnomo<sup>1\*</sup>, Aida Dewi<sup>2</sup>  
Widya Mataram University, Yogyakarta

**Corresponding Author:** Vicki Dwi Purnomo [Vickydepe@gmail.com](mailto:Vickydepe@gmail.com)

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### ABSTRACT

Advocates must have high human character, be honest, fair and responsible. In the code of ethics for the Advocate profession and Law Number 18 of 2003 concerning Advocates there is a section which states that advocates must keep everything known from their clients, both good and bad. So it's up to the individual advocate to determine the attitude of his conscience. This research is included in the category of library research or library research with data obtained from literature study activities. refers to normative studies. This study refers to literature research using descriptive-comparative-analytic. So to present the results of this study will be described which is then focused on the issues raised

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## **INTRODUCTION**

Sake realize profession advocate Which function as enforcer Law and justice are also determined by the role of Advocate Organizations. the law Law Number 18 of 2003 concerning Advocates has provided rules regarding supervision, actions to violation, and termination advocate whose implementation is carried out by an Advocate Organization. Provision Chapter 6 Constitution Number 18 Year 2003 about advocate that is determine that advocate can be imposed action for the following reasons:

1. Ignore or abandoned interest the client;
2. Act or behave inappropriately towards opponents or partners by profession;
3. Behave, behave, speak, or issue a statement Which show attitude No respect to law, regulation legislation, or court;
4. Do things Which contrary with obligation, honor, ordignity and the dignity of the profession;
5. Do violation to regulation legislation And ordeed despicable
6. Violate oath/promise advocate and/or code ethics profession advocate.

The application of the code of ethics in the legal profession is very important because it is used as a form of moral resilience in the Advocate profession by explaining about the function of the code of ethics in society about enforcement and implementation of the code of ethics. Advocates are part of law enforcement Which parallel with enforcement agencies other laws.

In Constitution Number 18 Year 2003 about advocate it is emphasized that an Advocate has the status of a law enforcer, free and independent Which guaranteed by law and regulation legislation. The authority of an Advocate as Law Enforcement is to provide assistance law to clients concerned with legal issues at hand and as an institution enforcer law outside government.

The role of an Advocate in the framework of the criminal justice system integration is needed to achieve the protection of human rights man. Based on profession advocate Which free, independent And responsible answer make profession advocate can play role significant in enforcement of justice, human rights (HAM) and democracy. Advocate Profession is at in line front in fight for life Which fair, perspective HAM And democracy Which generally in country Indonesia is problem fundamental especially in circles clan poor And Which belong unable.

Advocates as one of the elements of the justice system is one pillar in enforce supremacy law and right basic man. advocate is a profession that provides legal services, where when carrying out duties andfunction can act as companion, legal opinion giver or become power law for and on behalf of the client.

A advocate must hold on firm to code ethics advocate, but in reality, the implementation of law in the field there are still advocates who violates the advocate's code of ethics. Application of the code of ethics in the legal profession is very important because it is used as a form the moral resilience of the Advocate profession by explaining the function of the code of ethics the in society about code implementation the ethics.

However, in fact the behavior of some lawyers often far from the impression of "noble and noble". Like a lawyer being arrested by officers commission eradication corruption (KPK) Because together five person employee The Supreme Court is trying to bribe a "Chief of the Supreme Court". lawyer caught on side of the road after hand over bribes to a judge at the State Administrative High Court, or a senior Advocate OC Kaligis caught Because do bribery. Events like Thismake people wonder, where lies the nature of "noble and honorable" and K ode Advocate ethics.

advocate when viewed from the viewpoint of Islamic law is, that in Islam does not recognize the word Advocate, but we also see its function then jurists equate the position of Advocates in Islam with givers legal aid services such as hakam, mufti, mushalih. Three helpers The function of the law is almost the same as that of an Advocate, namely an institution enforcer law outside government Which task members service law to public.

### **Formula Problem**

Based on problem Which There is on, composer formulateproblem as follows:

1. How position advocate to client in handlecase follow criminal corruption?
2. How Accountability advocate in handle processinvestigation Criminal act Corruption?

## **LITERATURE REVIEW**

### **A. Study Previously Which Relevant**

Based on results search can identified a number of study ever done before and considered similar with problem Which will be studied but has differences in the problems that will be studied in study This. From a number of study What is meant is is:

1. Study Which done by whika yuda shanty with title *Advocate performance purification accommodates the value of justice in enforcement law*. Study This state that a advocate, is Wrong Onecomponents of law enforcement in Indonesia who have duties and responsibilities responsible for enforcing the law in accordance with the values of justice in public. advocate in operate profession relate direct with inhabitant public should can become example figure a law enforcers who adhere to the principles of law and justice without regardless of social status, religion, ethnicity, and class.

Based on this research, there is difference between study in on with study Which lifted writer which lies in the research title, research location, research objectives, and research results while the similarities are in the research method And focus his research You're welcome discuss problem position advocate.

2. Study Which done by Gloria Damayanti Sidauruk with the title *Advocate's Dilemma in the defense of Corruption accused (follow criminal corruption)* state that attitude Which can taken advocate in respond application defense to Defendant TIPIKOR is ready or refuse. The arguments of advocates who are willing to defend are based on on principle *Presumption of Innocence*, setra right defendant for get legal defense. Even in certain cases, Advocates provide defense to defendant TIPIKOR because own Vision special to thoroughly reveal all the truth from TIPIKOR, for example Advocates encouraging TIPIKOR defendants to become *Justice Collaborators*. Honorarium that big Also become factor supporters for willing give defense law.

Understanding advocate in a manner etymology (Language) originate from Language Latin that is *Advocare*, Which It means *to defend, to call to one's aid to vouch or warrants* the intention is to defend, to call someone for help so that can sue and give guarantees. Meanwhile, in English Advocate means: *to speak in favor of or depend by argument to support, indicate or recommended publicly*. kindly terminology (term), advocate Lots defined by Jurist. Yudha guide argue that advocate is person Which represent the client for do action in accordance power Which given For argue do defense And prosecution And the judge.

The word Advocate has actually been known since the Middle Ages (c to 5-15), Which known as advocate church (*kekelijke advocaten, duivel advocaten*), that is advocate This on duty give objections And give advice moment holy celebration for person Which has die. In Indonesia understanding advocate there is on Constitution Number 18 Years 2003 About advocate, Which beeps as following : *"Advocate is a profession providing legal services both inside and outside court Which fulfil condition based on provision the law Invite"*.

From a number of explanation in on can concluded that understanding advocate is somebody Which profession give help, consultation law Good in in nor in outside trial. So all person Which profession as give consultation or help law form whatever Good in the nor in outside court referred to as advocate.

## **B. Role and Functions advocate**

The role and function of an advocate as a profession that receives an *official degree nobile* that is title Which very glorious, because defend all

person without regardless of racial, religious or other social status background society. advocate must give help law to all client with fairness for help create justice in process enforcement law in Indonesia.

## **METHODOLOGY**

### **A. Type Study**

Refer on background behind and formula problem Which taken, so study This categorized as as study Juridical normative, ie study law library, that characteristic descriptive analysis. With describe tree problem study and analyze use law as a system of norms in question is about the principles, norms, rules of regulation legislation, decision court, agreement as well as doctrine (teaching).

### **B. Approach Study**

The type of approach used in this research is through description tree problem study and analyze use law as a building system of norms. The norm system in question is: about principles, norm, rule from regulation legislation, decision court, agreement as well doctrine (teaching)

1. Approach study Juridical normative, ie approach which is conducted based on the main legal material by examining the theories, concepts, principles law as well as regulation legislation Which relate with this research. This approach is also known as the library approach by studying books, laws and regulations and other documents Which related to this research.
2. The research approach is sociological, namely by understanding the object problem through source or reference Which form interaction social.

## **RESEARCH RESULT**

An advocate is a noble profession, because he can act as a mediator for lawyers disputing parties regarding a case, both related to the case criminal, civil, and state administration. Verdict at the Constitutional Court. Besides In addition, advocates can also become facilitators in seeking the truth and upholding it justice to defend human rights and provide legal defense characteristic free and independent.

Satjipto Rahardjo argued that the role played by a defender is as guard (bodyguard) power court in this case defender on duty For ensure so that officials law No do deviations so that harm right suspect/defendant.

The role and function of an advocate is really needed if there is or has happened deviations of investigators as officers in law enforcement, such as mistakes investigators in carrying out the process of investigation and investigation because it is not appropriate existing procedures. As a result

people who should not be at fault can be suspect, otherwise a person who should be guilty according to law is acquitted the punishment. This is clearly very unfair to the victim of wrong arrest, which is not know What Which happen on self victim, Which Then must undergo punishment which is not done by the victim himself, but intended for him. This is where the role of advocates to uphold human rights is regulated in Constitution Number 38 of 1999 about HAM

The fact mentioned above, related to the importance or position and the function of an advocate, it is clear that in general all suspects/defendants are no exception they Which understand law even absolute must accompanied advocate. Besides That it should also be known and acknowledged that all this time through legal assistance has been much open about the existence of various violations of human rights, especially in settlement of criminal cases. The importance must also be clearly understood, that advocate who defends interest defendant That should can always standing upright, not only at the court stage but since the investigation stage with post court trial.

The right to obtain legal assistance from an Advocate is closely related to achieving a fair legal process ( *due process of law*) and to avoid the occurrence of arbitrary legal processes based only on the power of the apparatus law enforcement ( *arbitrary process* ). even though the right to be accompanied by this Advocaterelated tightly with achievement something process law Which fair and to use avoid happening process Which arbitrary in process Justice criminal.

Article 54 of the Criminal Procedure Code stipulates that for the sake of the interests of the defense of a suspect or defendant are entitled to legal assistance from one or more legal advisers (advocates) during and on every inspection level.

In criminal cases, an advocate is a legal aid provider in a book The Criminal Procedure Code is called a legal adviser, he can be one advocates, lawyers or people who incidentally can provide legal aid, while in civil and state administrative cases, the giver help law too called power law.

The importance of advocates in the criminal justice system is inseparable from their role Which run by a advocate or adviser law. In matter This, the difference between the two lies in the ways of working, the intensity of the relationship with court as well as type case Which handled. According to satjipto Rahardjo, only advocate professional which each accompany client, own high intelligence, skill And specialization, connection personal Which wide with various agency, adhere to professional code of ethics, credibility and reputation, work optimally with A little loss as well as ability

litigation Which Good. In relation with meaning important or role advocate, so clear in a manner general all suspects/defendants, including those who understand the law, absolutely must accompanied by an attorney. No less important it must also be firmly understood, that defending attorney The interests of the accused should always stand upright, not only at the stage of investigation with the post-trial court for ensure upright rights, suspect and the accused.

Suspect And defendant Which suspected has do follow criminal, have various right at least There is 7 (seven) group rights suspects and defendants who are expressly regulated in the Book of Laws Program Criminal, as follows:

1. Right For checked
2. Right For do defense, arranged between other in chapter 51 until with chapter 57 Book Constitution Law Program Criminal.
3. Right suspect And defendant during is at in detention
4. Right defendant dive period the judge
5. Right defendant For do effort law
6. Normal like appeal and cassation, also effort law outside normal for review return.
7. Right suspect or defendant for demanded change make a loss loss and rehabilitation.
8. Right defendant after decision court be spoken in the judge.

In carry out right the, is held or There is deviation in every process Justice criminal or in system Justice criminal, needed a Which know law For fight for discovery of the rights of suspects and defendants. This is the position and function of the advocate in criminal justice system.

## DISCUSSION

### **A. Responsibilities of Advocates in Handling the Criminal Investigation Process Criminal Corruption.**

An Advocate who abuses the code of morals does not essentially damage the rules enactment, but on the off chance that a advocate damage control enactment such as criminal law certainly incorporates infringement Advocate proficient code of morals. So that Advocates who damage the laws and controls invitees may be subject to code of morals sanctions based on the moral trial given down by the organization. In association with a infringement of the code of morals, in truth, a Advocates in carrying out their calling can too commit a wrongdoing directed within the Criminal Code and the Act Number 20 of 2001 concerning the annihilation of criminal acts of debasement, advocate

who has committed the wrongdoing will be subject to activity on the grounds that The advocate abused the laws and controls in understanding with article 6 of the code of morals for the Advocate calling, letter e commits a infringement of direction enactment And or deed despicable.

In spite of the fact that as of now There's Structure advocate and code morals advocate as signs so advocate walk straight in understanding with passage calling both lawfully and morally, but in reality there are numerous advocate Which succeed win the client but behind be a bribe, included mafia law, counting Work The same with broker case, surrendered the client deed the counting Moreover in category negligence advocate. For the criminal obligation of advocates in discouraging or ruin examination take after criminal debasement, so can appeared arrangement law that invalidates the presence of the component of said botch or said activity in work proficient obligations Which ensured by Structure advocate. In work errand proficient, advocate as calling Which free, free, and capable in uphold law, ensured and ensured by law for the purpose of the usage of efforts to maintain matchless quality law.

Law Number 18 of 2003 concerning Advocates can be found that the work of an advocate performed by an advocate in carrying out the errand as Off-base One from four column master law counting interior it that's execute the Act. Article 16 Advocates cannot be arraigned either legitimately gracious and criminal law in carrying out their proficient obligations in good faith intrigued defense client in hearing court. Chapter 50 book The Criminal Law Act affirms that "whoever commits an act for carry out statutory arrangements, No punished".

Based on these arrangements, an advocate in giving help law for the client indeed in spite of the fact that the client may be a suspect/defendant of a wrongdoing debasement is reason defense activity advocate Which concerned. Presence reason legitimization This Really As of now Sufficient For transmit calling advocate from component prevent examination criminal act debasement. The presence of an component of the advocate's error can be said to ruin the method examination in case advocate, stow away client, make reasons so that his client seem not be inspected, affecting witnesses to say no Redress, or all deed Which related with mafia handle Equity.

Advocates who commit wrongdoings in specific deter or discouraging the examination of corruption, then he must too be prepared in like manner criminal in spite of the fact that He may be a master law Which right now operate his job. In association with the over, the Preeminent Court of the Structure within the choice Number 26/PPU-XI/2013 within the decision, court state; chapter 16 Structure advocate must translated that advocate No can requested in a way criminal or respectful law whereas carrying out their



obligations and calling in great confidence in nor exterior the judge.

Based on the choice of the Sacred Court Number 26/PPU-XI/2013, at that point article 16b of the Advocate Law that advocates are given assurance in carry out their calling both interior and exterior the court, and cannot indicted respectful and criminal, but in carrying out their proficient obligations in great confidence for the advantage of client defense, both interior and outside hearing. Great confidence here is within the setting of carrying out a profession that's not conflicting tune in enactment Which apply.

### **B. Perspective Constitution RI No. 18 Year 2003 in Handle Case follow Criminal Corruption**

Law as a social designing apparatus may be a wonder that stands out in display time. In conventional times, law is more an exemplification of the rules social rules that have been composed in society. In advance to minute This, law has ended up implies Which stacked with choice political (Satjipto Rahardjo, 2002:81). The rise of RI Law Number 18 of 2003 concerning advocate is usage of control equity.

Lawful control that's free from any impedances from impacts outside, requires the calling of an advocate. Regularly a outline of agreeable vitality inside the advocate calling free, free and careful for the utilization of a trial true blue, sensible and have authentic certainty for all value searchers in maintain law of truth, value, and right fundamental man.

Chapter 15 Structure Number 18 Year 2003 around advocate clarify, that advocate free in work errand calling For watch the case which is his obligation by remaining to it code ethics calling And heading sanctioning. Result from chapter Ordinarily that, in carrying out their commitments, advocates must keep up the code ethics calling and the rules sanctioning Which apply.

Essentially the complete substance of the code of morals attorney must honored tall and complied, since when no so advocate the has do infringement against code advocate morals.

The advocate's code of morals too clearly directs sanctions can be dropped, in the event that there's a infringement of the advocate's code of morals, to be exact in Article 16:

Discipline Which given in choice can shape:

- a. Caution typical
- b. Caution difficult
- c. End brief for time sure.
- d. Understanding from participation organization calling.

2. With thought of the severity or gentility of the infringement of the code of morals advocate can be worn punishment:

- a. Caution typical when characteristic the offense No overwhelming.

b. A strict caution when the offense is genuine or for rehashing return damage code morals And or No regard punishment caution Which ever given.

c. End transitory For time certain when characteristic the offense overwhelming, No regard And No regard arrangement code morals or when after get punishment form warning difficult still rehashing do infringement code morals.

d. Expulsion from participation organization calling when done infringement code morals with Meaning And objective harm picture as well as the privileged respect of the advocate calling which must be maintained as calling Which wonderful and honorable.

3. The arrangement of sanctions for brief suspension for a certain time must be taken after denial for operate calling advocate exterior nor in development court.

4. Against those who are endorsed brief suspension for a whereas certain and expulsion from enrollment organization calling be conveyed to Court awesome for is known and famous in list advocate.

A advocate No can requested Great in a way respectful nor criminal in work assignment calling with confidence Great For intrigued client defense in court hearings, this is often controlled in article 16 of the Law Invite Number 18 A long time 2003 concerning Advocates. This is often in line with the arrangements of article 7 letter g of the Code of Morals for the Advocate Calling, that's that a advocate free transmit explanations or supposition Which put forward in hearing court in system defense in a case which is his duty either in open court nor in hearing closed Which put forward in a way corresponding And No overabundance and for that has lawful resistance both respectful and criminal. Moment chapter on of course provide right insusceptibility to advocate in carry out their proficient obligations, but still inside certain limits, to be specific must still based on on direction enactment And Code morals advocate.

## CONCLUSIONS AND RECOMMENDATIONS

1. The position and function of an Advocate is on a par with law enforcers other, so that advocate follow enforce law in a manner professional based on justice and truth, the Advocate function assists clients from the process at the initial level, providing legal advice, and all related with the interests of clients in order to get opportunities and equal rights in advance law, task And not quite enough answer advocate that is relate between represent clients, uphold fairness, honesty and human rights, as well as help judge in the process enforcement truth and justice.
2. Advocate accountability in law enforcement has four urgency, namely being responsible to God Almighty, to the code of ethics advocate, to Constitution advocate, and to public. Based on conclusion results study so need put forward suggestionas following:
3. The community must take an active role in eradicating acts of corruption, which in 2023 the corruption index is already very high.

## ADVANCED RESEARCH

We hope that further research will be useful for the world of Indonesian law and justice.

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