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The Role of the Advocate Profession as Officium Nobile

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ABSTRACT

This study examines the role of advocates in legal practice and its relationship with the protection of human rights in Indonesia. The issues addressed include how advocates perform their function of defending clients' legal interests and the obstacles that may affect the fulfillment of individual rights in the law enforcement process. The study starts from the position of advocates in the judicial system, particularly in ensuring that everyone obtains legal defense and fair treatment. It employs a normative legal method with statute and conceptual approaches, using legal materials consisting of statutes, books, and scholarly articles on the advocate profession and human rights protection. The findings show that advocates uphold individuals' legal rights through legal aid, assistance, and defense. However, the performance of this role depends not only on the authority advocates hold but also on their independence, integrity, and compliance with the professional code of ethics. The responsible practice of the advocate profession is therefore necessary to support fair law enforcement and respect for human rights in Indonesia.

Keywords: advocates, legal practice, human rights.

INTRODUCTION

The advocate profession holds an important position in Indonesia's legal system because it provides legal aid and advances the interests of society. In carrying out their duties, advocates not only accompany clients in judicial proceedings but also help ensure that individuals' legal rights are protected in accordance with applicable provisions. This responsibility requires adequate legal understanding, integrity, and professionalism. The presence of advocates is thus one of the essential elements in supporting law enforcement and achieving justice for society (Irfan et al., 2026).

The role of advocates is also closely related to the protection of human rights. Every individual has the right to fair treatment when facing legal problems, including assistance and defense in accordance with statutory provisions. In this context, advocates help clients understand their rights, provide legal advice, and advance clients' legal interests in resolving cases. The presence of an advocate is important so that a person can exercise their rights properly and does not lose the opportunity to obtain justice because of limited legal knowledge. The duties of advocates are therefore related not only to the private interests of clients but also to efforts to safeguard individual rights within the judicial system (F. Lubis et al., 2025).

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Normatively, the advocate profession in Indonesia is regulated by Law Number 18 of 2003 on Advocates, which serves as the basis for providing legal services to the public. In exercising their authority, advocates must observe their professional rights and obligations and comply with the applicable code of ethics. The relationship between advocate and client requires responsibility, trust, and professionalism so that legal services are delivered properly without disregarding the principle of justice. Compliance with professional rules is important for maintaining the quality of legal services and public trust in the advocate profession (F. Lubis et al., 2025).

Despite their important position, the performance of advocates' role in legal practice requires further study, particularly regarding professional responsibility and contribution to human rights protection. The existence of regulations governing the profession must be followed by the performance of duties consistent with the objectives of law enforcement. A discussion of the role of advocates should therefore not be limited to their position and authority in normative terms but should also consider how they carry out their responsibility to advance individual rights.

Beyond their defense function, advocates are responsible for supporting access to justice for people with limited economic means, one form of which is the provision of free legal aid (pro bono). This is grounded in Law Number 18 of 2003 on Advocates and Law Number 16 of 2011 on Legal Aid. These provisions show that the advocate profession concerns not only clients who can pay for legal services but also the fulfillment of the rights of people who need legal aid.

Independence and professional ethics are also important aspects of an advocate's work. Independence is needed so that advocates can provide defense based on facts and legal provisions without pressure from other parties. At the same time, the freedom to practice must be accompanied by responsibility and compliance with the code of ethics, including in providing legal aid to the poor. Professional integrity is thus an element that must be considered in building public trust in legal services.

Based on the above, this study examines the role of the advocate profession in legal practice and human rights protection in Indonesia. The research problem focuses on how advocates perform their role in providing legal defense and how they contribute to the protection of individual rights. The study aims to analyze this role based on statutes and the concept of the advocate profession. The results are expected to provide an understanding of the importance of

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legal aid, independence, and professional integrity in supporting law enforcement and human rights protection in Indonesia.

METHODS

This study uses a normative legal research method, namely research that focuses on legal norms related to the role of the advocate profession in legal practice and human rights protection in Indonesia. This method was chosen because the study examines the legal provisions, concepts, and principles that govern the practice of the advocate profession within the law enforcement system.

The approaches used are the statute approach and the conceptual approach. The statute approach is carried out by examining relevant regulations, particularly Law Number 18 of 2003 on Advocates, Law Number 39 of 1999 on Human Rights, and Law Number 16 of 2011 on Legal Aid. The conceptual approach is used to understand the concepts of advocate independence, legal aid, professional responsibility, and human rights protection.

The legal materials consist of primary and secondary materials. Primary materials are statutes related to the object of the study, while secondary materials include legal textbooks, scholarly journal articles, and relevant previous research. The materials were collected through library research by searching and reviewing accountable sources.

The collected legal materials were analyzed qualitatively by interpreting legal provisions and relating them to relevant concepts. The results are presented descriptively and analytically to explain the role of advocates in legal practice and their contribution to human rights protection in Indonesia.

RESULTS

The study finds that advocates act as providers of legal services inside and outside the court through consultation, drafting of legal documents, assistance, defense, and representation of clients. This position is affirmed in Article 1 point 1 of Law Number 18 of 2003 on Advocates.

In relation to human rights protection, the role of advocates appears in three respects: (1) helping clients understand and advance their rights on the basis of facts and legal provisions; (2) upholding the principles of equality before the law and the presumption of innocence throughout legal proceedings; and (3) expanding access to justice through free legal aid for justice seekers who cannot afford it, as regulated in Article 22 paragraph (1) of the Advocates Law.

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The performance of this role is influenced by independence, integrity, and compliance with the code of ethics. The freedom of advocates to defend cases is regulated in Articles 14 and 15 of the Advocates Law but must be exercised responsibly. The challenges identified include limited time, energy, and funds; regulatory change and technological development; the unclear standing of *amicus curiae*; the public's limited understanding of the advocate's function; and the demand to maintain competence and integrity amid professional competition.

DISCUSSION

The advocate profession plays an important role in supporting the implementation of fair law and protecting the rights of society. This role is evident not only when advocates accompany clients in judicial proceedings but also through legal consultation, legal aid, and efforts to resolve legal problems outside the court. The discussion below therefore focuses on four matters: the position and role of advocates in Indonesia's law enforcement system; human rights protection and the fulfillment of clients' rights; integrity, independence, and professional responsibility; and the challenges facing the advocate profession in realizing fair law enforcement.

1) The Position and Role of Advocates in Indonesia's Law Enforcement System

The advocate profession is an important part of the law enforcement system because it provides legal services and advances the legal interests of society. Etymologically, the term advocate derives from the Latin *advocatus*, related to *advocare*, meaning to call or ask someone to be present and give help. The advocate has come to be understood as a legal profession that provides defense, advice, and assistance to those who need legal aid. According to Subekti, an advocate is a defender and adviser, whereas a lawyer (pengacara) is one who provides services in handling cases and represents litigants in court (Kurniawan Tri Wibowo, 2021).

Normatively, the position of advocates in Indonesia is affirmed in Article 1 point 1 of Law Number 18 of 2003 on Advocates, which defines an advocate as a person whose profession is to provide legal services, inside or outside the court, and who meets the requirements set by the law. This formulation shows that the scope of an advocate's work is not limited to trials. Advocates can provide consultation, prepare legal documents, assist clients, and help resolve legal problems through available mechanisms. The role of advocates is thus related to providing access to legal aid and helping people understand and advance their rights.

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The terminology for this profession has also evolved. Before Law Number 18 of 2003 took effect, various regulations used terms such as legal adviser (penasihat hukum), lawyer (pengacara), and legal aid, so that the naming of legal service providers was not yet uniform. The advocates law gave the profession a specific definition, including its requirements and responsibilities. Sunarno Edy Wibowo (2016) likewise describes an advocate as a party who provides legal assistance or advice, either through a professional partnership or independently.

Practicing as an advocate depends not only on mastery of legal knowledge but also demands integrity and responsibility. The professional characteristics of advocates include freedom in practicing the profession, orientation toward the public interest, a relationship of trust with clients, and the duty to maintain confidentiality. The profession is also related to legal protection for defense conducted in accordance with the rules, compliance with the code of ethics, supervision through the profession's honor mechanisms, and the provision of free legal aid to those who cannot afford it. Fees should likewise not be the only measure of the quality of an advocate's work (Kurniawan Tri Wibowo, 2021).

The position of advocates in law enforcement therefore needs to be understood not merely as client representatives but also as a profession responsible for upholding the law and protecting individual rights. Advocates' freedom to defend clients must be exercised in line with professional ethics and statutory provisions. The balance among competence, independence, confidentiality, and responsibility is the basis on which advocates perform their role professionally and support fair law enforcement.

2) *The Role of Advocates in Human Rights Protection and the Fulfillment of Clients' Rights*

Human rights protection is an important aspect of the advocate profession. Advocates help individuals obtain legal protection when facing problems that may affect their rights and freedoms, through consultation, assistance, defense, and legal representation according to clients' needs. Setyowati and Muchiningtias (2018) explain that legal aid is closely related to the fulfillment of a person's rights and the pursuit of a just life. Legal aid is thus oriented not only toward resolving cases but also serves as a means of safeguarding individual rights in the law enforcement process.

In practice, advocates perform several functions, including explaining the client's legal position, preparing defense strategies, presenting arguments at trial, and representing the client before judicial institutions. This assistance is needed so that clients understand their rights and

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obligations and can make decisions on the basis of adequate legal information. In cases involving alleged criminal acts, advocates also ensure that the rights of the person being examined are respected and that legal proceedings follow the applicable provisions. Professional defense helps present relevant legal considerations to judges without taking over the court's authority to decide.

This role is related to the principles of equality before the law and the presumption of innocence. Equality before the law requires that everyone receive equal legal treatment without discrimination, while the presumption of innocence affirms that a person must not be treated as guilty before guilt is established through legal proceedings. In this context, advocates advance clients' rights on the basis of facts and legal provisions rather than justifying every client action without regard to evidence. These guarantees of equal treatment and legal certainty are also reflected in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

As an example, Farid et al. (2025), in *Legal Reconstruction of Hadhanah Rights Due to Divorce in Indonesia from a Maqashid Syari'ah Perspective*, discuss the protection of child custody rights after divorce, emphasizing welfare and the best interests of the child. The study shows that applying the law in custody cases must consider justice and the child's circumstances, so that decisions are oriented not only toward formal application of rules but also toward protecting children's rights. This is relevant to human rights protection because it shows the importance of ensuring that individual rights remain protected in resolving cases. For the advocate profession, it relates to the responsibility to advance clients' legal interests on the basis of applicable provisions, including when a case concerns the rights and interests of children.

Another example is given by Prastio and Lubis (2023) in *The Differences in the Application of the Right of Ijbar Based on Fiqh and Law No. 39 of 1999 on Human Rights*, which discusses differences in applying the right of ijbar in fiqh and human rights protection under Law Number 39 of 1999 on Human Rights. The study explains that applying the right of ijbar in disregard of a woman's consent can undermine her right to choose a spouse and marry of her own will. It shows that applying the law must take account of the protection of individual rights so that the authority of certain parties does not override human freedom and dignity. For the advocate profession, this shows the importance of assistance and legal defense for those whose rights are threatened or violated, so that individual rights can be advanced on the basis of applicable legal provisions.

Access to legal aid is an important issue because not everyone has the same economic capacity to use an advocate's services. Article 22 paragraph (1) of Law Number 18 of 2003 on Advocates therefore obliges advocates to provide free legal aid to justice seekers who cannot afford it. This provision affirms that professional responsibility concerns not only paid services but also care for people with limited means of obtaining legal assistance. Its implementation must be supported by advocates' commitment and by legal aid programs run in accordance with statutory provisions.

The contribution of advocates to human rights protection lies in their efforts to safeguard clients' rights, expand access to justice, and promote non-discriminatory legal processes. The effectiveness of this role cannot be measured only by winning cases but also by the quality of assistance, compliance with the law, and respect for human dignity. Advocates therefore need to conduct defense independently and responsibly so that legal aid truly serves as a means of protecting rights, not merely a service for settling disputes.

3) Integrity, Independence, and Professional Responsibility of Advocates

Practicing as an advocate requires not only mastery of legal knowledge but must also be grounded in integrity and compliance with the code of ethics. The code of ethics serves as a behavioral guide for advocates, whether handling cases in court or providing legal services outside it. It is also important for preserving the honor of the profession, preventing disputes among advocates, and building public trust in legal services. Atsar (2021) explains that the advocates' code of ethics regulates professional conduct and demands honesty and responsibility in relations with clients, the court, the state, fellow professionals, and society.

A professional code of ethics can be understood as a set of moral principles compiled as a guide for members of a profession, and as a standard for determining proper conduct and the limits of actions inconsistent with professional responsibility. For advocates, ethical guidelines cover relations with clients, standards of competence, the conduct of legal practice, and responsibility in providing services. Compliance with the code of ethics should therefore not be seen as an organizational formality but as part of professional awareness to work honestly, carefully, and responsibly (Sunarno Edy Wibowo, 2016).

Independence is an important element in an advocate's work. In defending clients' interests, advocates need to exercise their legal judgment freely without disregarding statutes and the code of ethics. Articles 14 and 15 of Law Number 18 of 2003 on Advocates regulate advocates' freedom to express opinions and to practice their profession in defending the cases entrusted

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to them. This freedom does not mean that advocates may act without limits; it must be used professionally to advance clients' legal interests on the basis of facts and relevant legal provisions.

Besides defending clients at trial, advocates are tasked with giving consultation and legal opinions so that clients understand the problems they face and can consider appropriate solutions. In judicial proceedings, advocates present facts and legal arguments for the judge to consider in rendering a decision. This task demands analytical ability, honesty in presenting information, and diligence in advancing the client's rights without manipulating facts or abusing legal process.

The importance of integrity in judicial proceedings is also evident in the study of the use of crown witnesses in the Ferdy Sambo case. That study highlights the credibility of witness testimony, fairness in the process of proof, and the protection of the rights of parties facing the law, and thus shows the need for caution in assessing witness statements and evidence so that judicial proceedings continue to respect the principle of justice. In relation to the advocate profession, the issue underscores the importance of building arguments on facts and legal provisions and of professionally testing the relevance and credibility of evidence. An advocate's integrity is thus reflected not only in compliance with the code of ethics but also in responsible defense and respect for the principle of justice (A. H. Lubis et al., 2026).

Professional responsibility is also reflected in the fulfillment of advocates' rights and obligations. Law Number 18 of 2003 grants advocates the right to obtain the information, data, and documents needed to defend clients' interests in accordance with legal provisions. Conversely, advocates must provide services without discrimination and maintain the confidentiality of information obtained through the professional relationship with clients, unless otherwise provided by law. The balance among rights, obligations, independence, and compliance with the code of ethics is an important basis for advocates in practicing their profession. An advocate's integrity therefore determines not only the quality of defense for clients but also public trust and the realization of fair law enforcement.

4) Challenges of the Advocate Profession in Realizing Fair Law Enforcement in Indonesia

The practice of the advocate profession in Indonesia faces various challenges that may affect the quality of legal services and efforts to achieve justice. These challenges arise not only from the complexity of cases but also from limited resources, technological development, regulatory change, and the public's understanding of the advocate's function. Upara and Roem (2023)

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describe a number of practical obstacles faced by advocates in carrying out their role in the criminal justice system. This shows that the advocate profession needs adequate support, improved competence, and stronger professionalism.

One challenge is limited time, energy, and operating costs. Handling a case requires a long process, from studying documents, preparing legal arguments, and communicating with clients to attending trials, while advocates must also bear the costs of professional education and office operations. These limitations may make it difficult for advocates, especially those just starting practice, to provide optimal legal services. The issue becomes more significant in light of the needs of low-income people who require legal aid at no cost.

Another challenge concerns regulatory change and technological development. Advocates are required to keep updating their knowledge so that they understand the applicable legal provisions and can adjust their case-handling strategies. Technology can help with information searches and document management, but its benefits depend on advocates' ability to operate it and to assess the accuracy of the information obtained. Continuing education and better digital skills are therefore needed so that technology genuinely supports the effectiveness of legal services.

A further challenge relates to the standing and regulation of the *amicus curiae* mechanism in Indonesia's judicial system. F. Lubis et al. (2026) explain that the use of *amicus curiae* still faces problems concerning the clarity of its standing and application in criminal proceedings. The mechanism can offer judges an additional legal perspective, but it does not have the same standing as formal evidence and must not reduce judicial independence in deciding cases. The study also shows that the contribution of *amicus curiae* to public trust is related to openness of information and media coverage, so that presenting a legal view does not necessarily have a social impact if the public does not know or understand the contribution. This points to the need for clarity in how *amicus curiae* is implemented, stronger professionalism among advocate organizations, and responsible dissemination of legal information so that advocates' contributions support transparency and public trust in the judicial process.

Beyond technical problems, the public's limited understanding of the advocate's function can create obstacles in the professional relationship. Some people may judge an advocate only by the final outcome of a case, even though an advocate's duties also include giving advice, explaining legal risks, and protecting the client's rights throughout the process. Ineffective communication can lead to misunderstandings about defense strategy and achievable

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outcomes. Advocates therefore need to explain case developments and legal options in language that is easy to understand, without promising results beyond their authority.

The last challenge is maintaining competence and integrity amid professional competition and pressures in handling cases. Advocates must maintain their independence and avoid acts that violate the law or the code of ethics for the sake of gain. This can be addressed through quality professional education, continuous development, stronger ethical oversight, and broader legal outreach to the public. Ultimately, the realization of fair law enforcement depends not only on the ability of individual advocates but also on a judicial system that is transparent, accountable, and gives everyone equal opportunity to obtain legal protection.

CONCLUSION

Advocates hold an important position in Indonesia's law enforcement system, whether through legal consultation, assistance, defense, or representation of clients inside and outside the court. This role not only advances clients' legal interests but also supports human rights protection and the realization of a fair judicial process. Through legal aid, including free aid for people who cannot afford it, advocates help expand access to justice and ensure that every individual has the opportunity to obtain legal protection.

The performance of the advocate's role must be accompanied by independence, integrity, and compliance with the professional code of ethics. Advocates' freedom is not unlimited authority but must be used responsibly, guided by statutes, legal facts, and the client's legitimate interests. Integrity is also needed in dealing with questions of proof and in conducting defense so that legal processes are not abused and the rights of all parties involved remain respected.

The advocate profession still faces various challenges, such as limited resources, regulatory change, technological development, inadequate public understanding, and the need to maintain independence and professionalism. Strengthening competence, ethical oversight, continuing legal education, and wider access to legal aid is therefore needed. Thus, the contribution of advocates to fair law enforcement and human rights protection is determined not only by the authority they hold but also by the quality of their work, their integrity, and their commitment to respecting the rights and dignity of every individual.

LIMITATION

This study has limitations because it uses a normative legal method with statute and conceptual approaches that focus on statutes, books, and relevant scholarly articles. The discussion of the

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role of advocates in legal practice and human rights protection in Indonesia therefore emphasizes legal provisions and the concept of advocate professionalism rather than how advocates actually perform their duties in the field. The study cannot yet fully describe advocates' experiences in facing obstacles in case handling, delivering legal aid to low-income people, or applying the code of ethics in daily practice. In addition, the discussion of the profession's challenges still depends on the information available in the literature reviewed.

The results provide a normative picture of the position, responsibilities, and challenges of the advocate profession but cannot be used to assess empirically how effectively advocates protect human rights. Future research is advised to complement this normative study with empirical research, such as interviews with advocates or legal aid institutions, to obtain a deeper picture of how the profession is practiced and the obstacles faced in realizing fair law enforcement.

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