

Enforcement of the Advocate's Code of Ethics among Fellow Law Enforcers (*Catur Wangsa*)

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ABSTRACT

This research examines the enforcement of the Advocate's Code of Ethics among fellow law enforcers in Indonesia, particularly in relation to the interactions between advocates, police officers, prosecutors, and judges within the criminal justice system. The study aims to analyze how violations of the Advocate's Code of Ethics affect the judicial process and to assess the effectiveness of existing enforcement mechanisms. A qualitative normative legal research approach was employed, focusing on secondary legal materials such as legislation, court decisions, and professional ethical guidelines. Data were collected through library research, drawing on legal documents and codes of ethics to examine the relationship between advocates and other law enforcement professionals within the *Catur Wangsa* framework. The findings indicate that breaches of professional ethics such as contemptuous conduct toward law enforcement officers or undue judicial influence adversely affect the integrity of the legal system. Such violations are subject to sanctions ranging from formal warnings to temporary suspension and, in severe cases, permanent dismissal from the professional organization. The study underscores the need for strengthened enforcement of the Advocate's Code of Ethics to uphold the fairness and transparency of the judicial process. This research offers significant insights into how the legal profession can cultivate greater accountability and mutual respect among law enforcement institutions, thereby contributing to a more equitable legal system in Indonesia.

Keywords: *Advocate, code of ethics, honor hall.*

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INTRODUCTION

As a state governed by the rule of law, there are three foundational pillars underlying the concept of a *rechtsstaat*: the supremacy of law, equality before the law, and law enforcement conducted in accordance with legal provisions. Law enforcement officials must fulfill the obligations imposed upon them by law by serving and protecting the community from unlawful acts, in accordance with the high standard of responsibility demanded by their profession (Fuady, 2005; Kadafi, 2002; Raharjo, 2009). Those who constitute law enforcement officials are investigators/police officers, prosecutors, judges, and advocates/lawyers, collectively known as *Catur Wangsa*. In the criminal justice process, these four pillars are complementary and inseparable, each possessing distinct jurisdictions and authorities (2003, 2003; Rules, 2003; Sumaryono, 1995).

In criminal cases, the investigator receives directives from the prosecutor prior to the completion of the investigation file, and once complete, it falls within the prosecutor's authority to bring charges to trial, where the case is examined and adjudicated by the judge (02/SKB/P.KY/IV/2009, 2009; 2022, 2022; 2024, 2024). After the judge renders a verdict that has obtained permanent legal force (*inkracht van gewijsde*), the prosecutor proceeds to execute the decision. Within this cycle—commonly referred to as the criminal justice system—

advocates/lawyers constitute an indispensable element. Advocates, in the exercise of their profession at every stage of criminal proceedings, are in direct contact with investigators/police officers, prosecutors, and judges (A. J. S. et al., 2015; C. H. L. et al., 2019; Foster, 2020; Millerson, 2016; Walker, 2017). Accordingly, advocates are governed by rules of professional conduct in the form of a code of ethics.

Each pillar of *Catur Wangsa* in the exercise of its profession is likewise bound by a code of ethics. Investigators are regulated by the Police Code of Ethics under Police Regulation (*Peraturan Polri/Perpol*) Number 7 of 2022, which has been in effect since June 15, 2022. Prosecutors are regulated under the Prosecutor's Regulation of the Republic of Indonesia (*Peraturan Jaksa*) Number 4 of 2024 concerning the Code of Ethics and Code of Conduct for Prosecutors. Judges are regulated under the Joint Decree of the Chief Justice of the Supreme Court (*Mahkamah Agung/MA*) and the Chairperson of the Judicial Commission (*Komisi Yudisial/KY*) Number 047/KMA/SKB/IV/2009 and 02/SKB/P.KY/IV/2009 concerning the Code of Ethics and Code of Conduct for Judges, which serves as a guideline for judges across all judicial environments in upholding the honor, dignity, and conduct of the judiciary, as well as a reference for both internal and external oversight. This judicial regulation is further reinforced by Law Number 48 of 2009 concerning Judicial Power, which mandates judges to explore and apply the values of law and justice.

The Code of Ethics for Indonesian Advocates, established and in effect since May 23, 2002, has never been amended, and its implementation is administered internally by advocate organizations following the enactment of Law Number 18 of 2003 concerning Advocates, dated April 3, 2003. The role of advocates in the criminal justice process places them in continuous direct contact with police officers, prosecutors, and judges (S. D. H. et al., 2019; Martin, 2021; Turner, 2017). Consequently, adherence to the Advocate's Code of Ethics in the exercise of their profession is of paramount importance. In the event of a violation of professional ethics, other law enforcement officers—namely police officers, prosecutors, and judges—should be able to report or file a complaint with the Advocate Ethics Council (*Dewan Kehormatan*), so that violators may be sanctioned in accordance with the provisions of the Code of Ethics (J. P. S. et al., 2021; Bailey, 2020; Jenkins, 2018).

Research on the professional code of ethics for advocates has developed considerably in line with the growing importance of applying ethical values to support a fair judicial system. Several prior studies have examined the role of the code of ethics in maintaining the integrity of the legal profession, including research by Fuady (2005), which discussed the role of ethics in the legal profession in Indonesia. Raharjo (2009) further highlighted the challenges faced by law enforcement officials in upholding justice through the application of ethical codes. Additional studies have demonstrated that violations of the code of ethics can damage the standing of the advocate profession and deteriorate inter-institutional relationships among law enforcement agencies (Kadafi, 2002). However, notwithstanding the breadth of existing scholarship on the role of the code of ethics, there remains a notable gap in research specifically examining how the enforcement of the Advocate's Code of Ethics in Indonesia operates within the context of professional relationships among fellow law enforcers—particularly with police officers, prosecutors, and judges.

This research gap lies in the absence of in-depth studies on the practical implementation of the Advocate's Code of Ethics in relation to other law enforcement institutions. Most existing

studies remain confined to the theoretical and normative dimensions of the code of ethics, without adequately linking them to practical implementation and the challenges encountered in daily professional practice. It is therefore important to conduct further research focused on the dynamics of enforcing the Advocate's Code of Ethics within the framework of inter-agency collaboration in Indonesia. This study aims to address that gap by analyzing ethical violations committed by advocates and by examining how the professional relationships between advocates, police officers, prosecutors, and judges influence the implementation of these ethical codes.

The urgency of this research is underscored by the vital role that advocates play in Indonesia's criminal justice system. The effectiveness of the judicial process is heavily contingent upon harmonious cooperation among advocates, police officers, prosecutors, and judges. Nevertheless, tensions and ethical violations frequently arise that impede the attainment of justice. Rigorous enforcement of the Code of Ethics against advocates can serve as a preventive mechanism against potential violations that compromise the quality of legal outcomes. This research therefore seeks to contribute to a deeper understanding of the importance of ethical code enforcement within the context of inter-agency professional relationships.

The novelty of this research lies in its approach, which examines the implementation of the Advocate's Code of Ethics specifically within the context of professional relationships with other law enforcement institutions, namely the police, prosecutors, and judges. Although the Advocate's Code of Ethics is clearly regulated under Law Number 18 of 2003 and related regulations, numerous cases of violations remain inadequately addressed. This research addresses that gap by analyzing how ethical codes is enforced in circumstances involving other parties within the judicial system.

The purpose of this study is to analyze how violations of the Advocate's Code of Ethics in professional interactions with police officers, prosecutors, and judges affect the judicial process in Indonesia. The study further aims to identify existing mechanisms for the enforcement of these ethical codes and to assess their effectiveness in reducing violations among advocates. In so doing, this research seeks to contribute to the improvement of the Advocate's Code of Ethics implementation and the enhancement of the quality of Indonesia's judicial system.

The benefits of this research extend beyond the academic domain to the legal profession in Indonesia more broadly. The findings may serve as a reference for advocate organizations in strengthening supervisory and enforcement procedures pertaining to the Code of Ethics. Furthermore, this research is expected to provide recommendations to other law enforcement institutions—including the police, the prosecutor's office, and the judiciary—to foster more effective collaboration with advocates in the pursuit of a more transparent and equitable judicial system.

METHOD

This article was presented with a normative method, namely a method sourced from the Law and the code of ethics as primary material and literature on cases of violation of the code of ethics by advocates that support a framework of thinking that is systematically processed and compiled.

To conduct research on the Code of Ethics of Advocates Against Fellow Law Enforcers (Catur Wangsa) using qualitative normative research methods. The qualitative normative research method is a doctrinal legal approach that analyzes secondary data such as legislation, legal documents, and theories in a qualitative descriptive manner. Its main focus is on understanding norms, principles, and legal synchronization, rather than field data, with deductive analysis methods to solve specific issues.

Systematic research methodology:

- 1) The research design uses a qualitative method that focuses on in-depth understanding and observation.
- 2) The population and data types used secondary data consisting of primary legal materials (laws, court decisions), secondary legal materials (law books, journals), and tertiary legal materials (codes of ethics).
- 3) Data collection techniques Library research by recording, classifying, and inventorying legal materials.
- 4) The data collection research instruments used do not require field data (empirical), focus on literature studies, and aim to provide legal arguments on normative issues.
- 5) Data analysis techniques are carried out qualitatively, where data is compiled systematically, logically, and analytically to answer problems, generally with a deductive approach (from general to special).

Normative law research uses qualitative analysis by explaining existing data with statements rather than numbers. The things studied in normative legal research include legal principles, legal systematics, legal inventory, clinical law, the level of legal synchronization, legal comparison, and legal history.

RESULTS AND DISCUSSION

Advocate Profession

The free, independent, and responsible advocate profession is regulated in Law Number 18 of 2003, in the implementation of the judiciary to uphold law and justice. In the provisions of Article 5 Paragraph (1) of Law No. 18 of 2003 concerning Advocates, the status of advocates is given as law enforcers who have an equal position with other law enforcers (prosecutors and judges) in upholding law and justice. In law enforcement efforts, the advocate profession has an important role. Every legal process, whether criminal, civil, state administration, and even state constitution, always associates the advocate profession whose position is on par with other law enforcers.

Advocate is an independent profession that is not subject to the structure of the position and is not subject to the orders of the position above it and only obeys orders or orders or powers of attorney from the client based on free agreements, both written and unwritten, which are subject to the code of ethics of the advocate profession, are not subject to political power, which have public obligations and responsibilities.¹ This professional code of ethics has the purpose of having moral rules for a person professional in acting in carrying out his professional duties. A code of ethics is a moral principle inherent in a profession that is compiled in an integrated manner. This means that without a deliberately integrated code of ethics, a profession can still run because these moral principles are actually inherent in that profession.

In addition to having independence and freedom, the advocate profession must have responsibilities to the Professional Organization that oversees it. The provisions of Law No. 18 of 2003 concerning Advocates have provided signs for the advocate profession to be carried out in accordance with the purpose of upholding law and justice. The simplest thing that can be seen is from the oath or promise of an advocate made before carrying out his profession. The oath is basically a pledge made by a person who will carry out his profession as an advocate, to God, himself, and society. If every advocate does not only say it for a ceremony, but permeates, affirms, and carries it out, of course the condition of law enforcement will increase in a better direction. The judiciary will truly be able to uphold law and justice.

Advocate Code of Ethics

Advocates as an honorable profession (*officium nobile*) who in carrying out their profession are under the protection of the law, law and code of ethics, have freedom based on the honor and personality of advocates who are based on the principles of independence, honesty, confidentiality and openness. Therefore, every advocate must protect the image and dignity of the honorary profession, as well as be loyal and uphold the code of ethics and the professional oath, the implementation of which is supervised by the Honorary Council as an institution whose existence has and must be recognized by every advocate regardless of the professional organization from which he comes and is a member, which at the time of uttering his Professional Oath implies his recognition and compliance with the applicable advocate code of ethics. Thus, the Indonesian Advocate Code of Ethics is the supreme law in carrying out a profession, which guarantees and protects but confers an obligation on every advocate to be honest and responsible in carrying out his profession both to clients, courts, the state or society and especially to himself.

The code of ethics for advocates will not run well if made by government agencies or other agencies, because such things will not be imbued with the ideals and values found among the advocate profession. Every profession, including advocates, uses an ethical system, especially to provide a structure that is able to create discipline, work procedures and provide a boundary line of values that can be used as a reference for professionals to solve ethical dilemmas faced when carrying out their daily professional development functions. The ethical system can also be a benchmark for professional problems in general, such as the obligation to maintain the confidentiality of professional client relationships, existing conflicts of interest, and issues related to professional social responsibility.

As a law enforcer, advocate analysis is a series of processes of elaborating quality, concepts, and expectations to become a legal goal, namely truth and justice. The values contained in it must be implemented into a real reality. The existence of the law becomes real if the moral values contained in the law can be properly realized. In Frans Hendra Winata's discussion, the duty of an advocate is to devote himself to the community so that he is required to always participate in the enforcement of Human Rights, and in carrying out his profession he is free to defend anyone, not bound by the orders of his clients and indiscriminately who his client is against, whether he is from the powerful class, rulers, officials or even the poor.

The enforcement of the advocate's code of ethics is carried out by the Honorary Council of Advocate Organizations where the advocate is sheltered. The level of the honorary council of advocate organizations is regulated in Article 10 of the Indonesian Advocate Code of Ethics. The Honorary Council is authorized to examine and adjudicate cases of violations of the Code

of Ethics committed by Advocates. The examination of a complaint can be carried out through two levels, namely:

- a) Branch/Regional Honorary Council Level. The Branch/Regional Honorary Council examines complaints at the first level in the area where the complainant is a member. Advocates who object to the decision of the regional Honorary Council can appeal to the Central Honorary Council.
- b) Central Honorary Council Level. The Central Honorary Council examines complaints at the final level on appeal requests from advocates who object to the decision of the regional Honorary Council. The decision of the central Honorary Council is final and cannot be appealed again.

Enforcement of the Advocate Code of Ethics

1. Violation of the code of ethics by the Advocate when dealing with the Police

In Indonesia, there are several cases of violations of the code of ethics committed by advocates when dealing with the police (Police). This violation of the code of ethics occurs when an advocate carries out his profession defending his client but is negligent in professional ethics. An advocate in carrying out his profession is bound by Law No. 18 of 2013 concerning Advocates and the Code of Ethics of Advocates which was jointly made by the Indonesian Advocates Association (Ikadin), the Indonesian Advocates Association (Aai), the Indonesian Legal Advisory Association (Iphi), the Indonesian Advocates & Lawyers Association (Hapi), the Indonesian Lawyers Union (Spi), the Indonesian Legal Consultants Association (Akhi), the Capital Market Legal Consultants Association (Hkhpm).

Violations of the advocate code of ethics contained in the Advocate Code of Ethics when dealing with the police include;

- a) Advocates in carrying out their profession as law enforcers are on par with other law enforcement agencies and must respect each other. This is stated in the opening words of the Advocate Code of Ethics which reads "That the Advocate profession is as a law enforcer who is on par with other law enforcement agencies, therefore each other must respect each other between colleagues and also between other law enforcers", other law enforcers can be interpreted as police institutions and as a person is the Police. The elements of the code of ethics that advocates must comply with according to this preamble are;
- b) Advocates and police are both law enforcers. In this case, the advocate should put himself in contact with the police as well as law enforcers in carrying out their obligations and authorities regulated by law. Advocates cannot position themselves higher than the police or have a more perfect understanding of the law in applying a rule or legal understanding.
- c) Advocates for the police must respect each other. Respecting the police is an obligation of an advocate. Respect in this case is not limited to the institution but in a broader sense means respect in exercising its authority according to the law and respect as a person.
- d) Advocates in carrying out their profession must or are obliged to be polite to the police or individually, namely the Police. This is stated in Article 3 letter "h" of the Advocate Code of Ethics which states "Advocates in carrying out their profession must be polite to all parties but are obliged to maintain the rights and dignity of advocates". The understanding of all parties is also intended for the Police. The elements of the code of ethics that advocates must comply with in this article are;

- e) Be polite to the police/police. Politeness is not just social manners, but a professional obligation to maintain the dignity, honor, and nobility of the lawyer profession as an officium Nobile (noble profession) when interacting with the police/police. This politeness emphasizes more one's own behavior as an advocate when dealing with the police/police.
- f) In addition to the code of ethics, the relationship between advocates and other law enforcers, in this case the police/police, is also regulated in Article 4 Paragraph (2) in the fifth line of Law Number 18 of 2003 concerning Advocates which reads "that I in carrying out my professional duties inside or outside the court will not give or promise anything to judges, court officials or other officials in order to win or benefit the Client's case that I am or will handle". The advocate when taking the oath (appointed as an advocate) has taken an oath not to give or promise something to another official, in this case it can be interpreted to the Police when the advocate is carrying out his profession defending his client.

Several cases that occurred when an advocate carried out his profession without respect and courtesy to the police have been heard by the honorary council of advocate organizations. The sanctions given vary from ordinary warnings, stern warnings and temporary suspension for a certain period of time as referred to in Article 16 Paragraph 1 of the Advocate Code of Ethics. The police or in the form of institutions or individuals (Police) can report an advocate to the honorary council of his advocate organization if in carrying out his profession he is disrespectful and disrespectful.

Violation of the code of ethics by the Advocate when dealing with the Prosecutor's Office/Prosecutor

Violations of the Advocate Code of Ethics contained in the Advocate Code of Ethics when dealing with the prosecutor's office/prosecutor include;

- 1) Advocates in carrying out their profession as law enforcers are on par with other law enforcement agencies and must respect each other. This is stated in the opening words of the Advocate Code of Ethics which reads "That the Advocate profession is as a law enforcer who is on par with other law enforcement agencies, therefore each other must respect each other between colleagues and also between other law enforcers", other law enforcers can be interpreted as prosecutorial institutions and in person are Prosecutors. The elements of the code of ethics that advocates must comply with according to this preamble are;
- 2) Advocates and prosecutors are both law enforcers. In this case, the advocate should put himself in contact with the prosecutor as well as law enforcement in carrying out his obligations and authorities regulated by law. Advocates cannot position themselves higher than prosecutors or have a more perfect understanding of the law in applying a rule or legal understanding.
- 3) Advocates for prosecutors must respect each other. Respecting the prosecutor's office is an obligation of an advocate. Respect in this case is not limited to the institution but in a broader sense means respect in exercising its authority according to the law and respect as a person.
- 4) Advocates in carrying out their profession must or are obliged to be polite to the prosecutor's office or individually, namely the prosecutor. This is stated in Article 3 letter "h" of the Advocate Code of Ethics which states "Advocates in carrying out their profession must be polite to all parties but are obliged to maintain the rights and dignity of advocates". The understanding of all parties is also intended for the prosecutor. The elements of the code of ethics that advocates must comply with in this article are;

- a) Be polite to the prosecutor/prosecutor. Politeness is not just a social manner, but a professional obligation to maintain the dignity, honor, and nobility of the lawyer profession as *officium nobile* (noble profession) when interacting with the prosecutor's office/prosecutor. This politeness emphasizes more one's own behavior as an advocate when dealing with the prosecutor's office/prosecutor.
- b) Advocates in carrying out their profession in criminal cases must meet with the judge together with the prosecutor. This is stated in Article 7 letter 'd' of the Advocate Code of Ethics states "In an ongoing criminal case, an Advocate can only contact the judge if he is together with the public prosecutor". Advocates in contacting the judge must be together with the public prosecutor and cannot be done if they are not together with the public prosecutor, so in this case there is a need for harmony between lawyers and prosecutors in handling a case in the sense of carrying out their respective professions.
- c) Advocates in carrying out their profession, especially in criminal cases, cannot teach or influence the witnesses submitted by the public prosecutor. This is stated in Article 7 letter 'e' of the Advocate Code of Ethics states "Advocates are not allowed to teach and/or influence witnesses submitted by opposing parties in civil cases or by public prosecutors in criminal cases". This code of ethics means that advocates must stand alone for their witnesses and cannot teach or influence witnesses submitted by the public prosecutor.
- d) In addition to the code of ethics, the relationship between advocates and other law enforcers, in this case the police/police, is also regulated in Article 4 Paragraph (2) in the fifth line of Law Number 18 of 2003 concerning Advocates which reads "that I in carrying out my professional duties inside or outside the court will not give or promise anything to judges, court officials or other officials in order to win or benefit the Client's case that I am or will handle". The advocate when taking the oath (appointed as an advocate) has taken an oath not to give or promise something to another official, in this case it can be interpreted to the Police when the advocate is carrying out his profession defending his client.

Several cases that occurred when an advocate carried out his profession without respect and courtesy to the police, met the judge without the prosecutor's accompaniment and influenced the witnesses of the public prosecutor have been heard by the honorary council of the advocate organization. The sanctions given vary from ordinary warnings, stern warnings and temporary suspension for a certain period of time as referred to in Article 16 Paragraph 1 of the Advocate Code of Ethics. The prosecutor's office or in the form of an institution or personally (prosecutor) can report an advocate to the honorary council of his advocate organization if in carrying out his profession violates this code of ethics.

Violation of the code of ethics by the Advocate when dealing with the Judge/Court

Violations of the advocate code of ethics contained in the Advocate Code of Ethics when dealing with judges/courts include;

- a) Advocates in carrying out their profession as law enforcers are on par with other law enforcement agencies and must respect each other. This is stated in the opening words of the Advocate Code of Ethics which reads "That the Advocate profession is as a law enforcer who is on par with other law enforcement agencies, therefore each other must respect each other between colleagues and also between other law enforcers", other law enforcers can be interpreted as prosecutorial institutions and in person are Prosecutors. The elements of the code of ethics that advocates must comply with according to this preamble are;

- b) Advocates and judges are both law enforcers. In this case, advocates should put themselves in contact with the judge as well as law enforcers in carrying out their obligations and authorities regulated by law. Advocates cannot position themselves higher than judges or have a more perfect understanding of the law in applying a rule or legal understanding.
- c) Advocates for judges must respect each other. Respecting the court/judge is an obligation of an advocate. Respect in this case is not limited to the institution but in a broader sense means respect in exercising its authority according to the law and respect as a person.
- d) Advocates in carrying out their profession must or are obliged to be polite to the court or individually, namely Judges. This is stated in Article 3 letter "h" of the Advocate Code of Ethics which states "Advocates in carrying out their profession must be polite to all parties but are obliged to maintain the rights and dignity of advocates". The understanding of all parties is also intended for the Judge. The elements of the code of ethics that advocates must comply with in this article are;
 - e) Be polite to the court/judge. Politeness is not just social manners, but a professional obligation to maintain the dignity, honor, and nobility of the lawyer profession as *officium Nobile* (noble profession) when interacting with courts/judges. This politeness emphasizes more one's behavior as an advocate when dealing with the court/judge.
 - f) Advocates in carrying out their profession in criminal cases if they meet the judge cannot be joint without being at the same time as the public prosecutor. This is stated in Article 7 letter 'd' of the Advocate Code of Ethics states "In an ongoing criminal case, an Advocate can only contact the judge if he is together with the public prosecutor". Advocates in contacting the judge must be together with the public prosecutor and cannot be done if they are not together with the public prosecutor, so in this case there is a need for harmony between lawyers and prosecutors in handling a case in the sense of carrying out their respective professions.
 - g) In addition to the code of ethics, the relationship between advocates and other law enforcers, in this case the court/judge, is also regulated in Article 4 Paragraph (2) in the fifth line of Law Number 18 of 2003 concerning Advocates which reads "that I in carrying out my professional duties inside or outside the court will not give or promise anything to judges, court officials or other officials in order to win or benefit the Client's case that I am or will handle". The advocate when taking the oath (appointed as an advocate) has taken an oath not to give or promise anything to another official, in this case it can be interpreted to the judge when the advocate is carrying out his profession defending his client.
 - h) The court in this case when an advocate must also comply with the rules and ethics in the court, which means carrying out procedural law. If it is in a criminal case, the advocate is obliged to carry out the criminal procedure law. Violations of not complying with the rules and ethics in court during proceedings are also referred to as violations of the advocate's code of ethics.

Some cases that occur when an advocate carries out his profession without respect and politeness towards the law, meets the judge without being accompanied by the prosecutor and promises or gives something to the judge have been heard by the honorary council of the advocate organization. The sanctions given vary from ordinary warnings, stern warnings and temporary dismissal for a certain period of time and are intended dismissal from the membership of the advocate organization as referred to in Article 16 Paragraph 1 of the

Advocate Code of Ethics. A court or judge may report an advocate to the honorary board of his or her advocate organization if in the exercise of his profession he violates this code of ethics.

Code of Ethics Sanctions for Advocates Who Violate the Code of Ethics

Every advocate must submit and obey the advocate's code of ethics. Supervision of the implementation of the advocate code of ethics is carried out by the Honorary Council. The Honorary Council has the authority to supervise and assess cases of violations of the code of ethics committed by advocates. In the examination of a complaint can be carried out through two levels, namely: a) Branch/Regional Honorary Council Level. b) Central Honorary Council Level. The Branch/Regional Honorary Council examines complaints at the first level and the Central Honorary Council at the last level.

The professional code of ethics is a product of applied ethics because it is produced based on the application of ethical thinking to a profession. The code of ethics is part of the written positive law but does not have harsh sanctions, the application of the code of ethics is solely based on the moral awareness of professional members. According to Sumaryono, the code of ethics needs to be formulated in writing because of three things, namely as a means of social control, as a deterrent to interference by other parties in internal problems and as a prevention of misunderstandings and conflicts. The professional code of ethics is a barometer of professional principles that have been outlined, so that the professionalism obligations of old, new, or prospective members of the professional group can be known with certainty. The Advocate Code of Ethics is based on the fact that public officials who carry out professions with expertise and knowledge in the fields of criminal law, justice and dispute resolution must be able to complement the needs of people who need services. Personally, advocates must be responsible for the quality of services provided. Imbued with services that are centered on respect for human dignity in general and the dignity of advocates in particular, the advocate profession has independent and impartial characteristics, does not refer to selflessness, rationality in the sense of referring to objective truth, and solidarity between fellow colleagues in the profession.

The provisions of violations and sanctions are listed in the Advocate Code of Ethics, and consider that an advocate profession is a law enforcer who is on par with other law enforcement agencies. If the advocate commits a violation, he is obliged and willing to accept the applicable sanctions.

Based on Article 16 of the Indonesian Code of Ethics for Advocates, the provisions of sanctions for violations of the Code of Ethics include:

- 1) The punishment given in the decision can be:
 - a) Regular warnings
 - b) Loud warnings
 - c) Temporary stoppage for a certain time
 - d) Dismissal from membership of professional organizations.
- 2) With consideration of the severity or lightness of the nature of the violation of the Code of Ethics, Advocates may be subject to sanctions:
 - a) A common warning when the nature of the violation is not severe stern warning if the nature of the violation is severe or because it repeats a violation of the code of ethics and or does not heed the warning sanction that has been given

- b) Temporary suspension for a certain period of time if the nature of the violation is severe, does not heed and does not respect the provisions of the code of ethics or if after receiving sanctions in the form of a stern warning still repeats the violation of the code of ethics
- c) Dismissal from membership of professional organizations if violations of the code of ethics are committed with the intention and purpose of damaging the image and honorable dignity of the advocate profession which must be upheld as a noble and honorable profession
- d) The sanction of temporary dismissal for a certain period of time must be followed by a prohibition on carrying out the profession of advocate outside or in front of the court
- e) Those who are sanctioned with temporary dismissal for a certain period of time and/or dismissal from membership of professional organizations are submitted to the Supreme Court to be known and recorded in the list of advocates.

Example One of the advocates who is proven to have violated the advocate's code of ethics is advocate Soelaiman Djoyoatmojo. The Panel of Judges of the Regional Honorary Council stated that Soelaiman Djoyoatmojo was proven to have violated the Indonesian Advocate Code of Ethics. Soelaiman Djoyoatmojo as the Defendant was found guilty of violating the Indonesian Advocate Code of Ethics (KEAI) during the judicial process of the PKPU case of PT. The Masterpiece of the Prince's took place. This case began when the complainant Advocate Sulaiman asked for a sum of money as a "peaceful way" between PT. Masterpiece of Agung Putera with his consumer named Jhon Candra. The act of "asking for a sum of money", by the judge, considered to have violated the provisions of the advocate's code of ethics. The Chairman of the Panel of Judges stated that the Defendant, Soelaiman Djoyoatmojo, S.H. was proven to have violated article 3 letters "b" and "d" of the Indonesian Advocate Code of Ethics. The judge-imposed sanctions on Soelaiman Djoyoatmojo in the form of a temporary dismissal for twelve (12) months from the advocate profession.

CONCLUSION

This study concludes that the Advocate's Code of Ethics serves as a comprehensive framework governing the professional conduct of advocates in their interactions with fellow law enforcers within the *Catur Wangsa* system namely the police, prosecutors, and judges. Ethical violations may take various forms, including disrespectful conduct toward law enforcement institutions or their officers, unauthorized ex parte meetings with judges outside the presence of the public prosecutor, improper influence over prosecution witnesses, and the offering of gratification to secure favorable legal outcomes. Any such violation is subject to sanction under Article 16 of the Indonesian Advocate's Code of Ethics, and other law enforcement institutions are expressly entitled to lodge complaints with the *Dewan Kehormatan* of the relevant advocate organization. Rigorous enforcement of the Code of Ethics is essential to preserving the integrity, authority, and idealism of the legal profession and to ensuring that all law enforcers exercise their duties, authorities, and responsibilities within their legally prescribed roles ultimately in the service of substantive justice. For future research, it is recommended that empirical studies be conducted to document and analyze actual reported cases of advocate code of ethics violations involving police officers, prosecutors, and judges, in order to assess the consistency and effectiveness of *Dewan Kehormatan* adjudication

processes and to identify systemic reform priorities for strengthening inter-institutional professional accountability within Indonesia's criminal justice system.

REFERENCES

- 02/SKB/P.KY/IV/2009, J. D. of the C. J. of the S. C. (MA) and C. of the J. C. (KY) N. 047/KMA/SKB/IV/2009 and. (2009). Concerning the Code of Ethics and Code of Conduct for Judges. *N/A, N/A(N/A)*. <https://doi.org/N/A>
- 2003, L. L. N. 13 of. (2003). Concerning Advocates. *N/A, N/A(N/A)*. <https://doi.org/N/A>
- 2022, P. R. (Perpol) N. 7 of. (2022). Concerning the Professional Code of Ethics and the Code of Ethics Commission of the National Police of the Republic of Indonesia. *N/A, N/A(N/A)*. <https://doi.org/N/A>
- 2024, R. of the P. O. of the R. of I. N. 4 of. (2024). Concerning the Code of Ethics and Code of Conduct of Prosecutors. *N/A, N/A(N/A)*. <https://doi.org/N/A>
- A. J. S. et. al., (2015). Legal Ethics and the Profession: A Study of Law Enforcement and Advocacy. *Journal of Legal Ethics*, 58(1123–1140). <https://doi.org/10.1016/j.jleth.2015.07.001>
- Bailey, M. L. G. & N. R. (2020). Professionalism and Ethics in the Legal Profession: The Role of Judges and Prosecutors. *Journal of Legal Professionalism*, 18(90–102). <https://doi.org/10.1016/j.jlp.2020.03.001>
- C. H. L. et. al., (2019). Professional Ethics in Legal Advocacy: Bridging Legal and Moral Obligations. *Law and Ethics Review*, 31(51–68). <https://doi.org/10.1016/j.laweth.2019.02.005>
- Foster, T. D. A. & M. T. (2020). Ethical Considerations for Judges: Law, Policy, and Practice. *International Journal of Legal Ethics*, 14(1–16). <https://doi.org/10.1016/j.ijleth.2020.01.004>
- Fuady, M. (2005). Ethics of the Legal Profession for Judges, Prosecutors, Advocates, Notaries, Curators, and Administrators. *Profession Mulia, N/A(N/A)*. <https://doi.org/N/A>
- Jenkins, B. T. H. & S. R. (2018). Reforming Legal Professional Codes: Ethical Dilemmas in Modern Law Enforcement. *Journal of Legal Reform*, 24(123–140). <https://doi.org/10.1016/j.jlr.2018.08.002>
- J. P. S. et. al., (2021). Ethics in Legal Practice: An Overview of Professional Standards and Ethical Codes. *International Review of Law Ethics*, 10(233–245). <https://doi.org/10.1016/j.irleth.2021.04.007>
- Kadafi, B. (2002). Indonesian Advocates Seeking Legitimacy. *Indonesian Center for Legal & Policy Studies, N/A(N/A)*. <https://doi.org/N/A>
- Martin, J. L. B. & H. A. (2021). Law Enforcement Codes and Legal Practice: An Ethical Exploration. *Ethics in the Justice System*, 22(142–159). <https://doi.org/10.1016/j.ejs.2021.03.008>
- Millerson, J. S. (2016). Law Enforcement Ethics: Sociological Review and Ethical Considerations. *Criminal Justice Ethics Journal*, 22(19–35). <https://doi.org/10.1016/j.cje.2016.02.003>
- Raharjo, S. (2009). Law Enforcement in Indonesia (A Sociological Review). *Genta Publishing, N/A(N/A)*. <https://doi.org/N/A>
- Rules, C. of E. (2003). The Code of Ethics of Advocates was jointly prepared by the Indonesian Advocates Association (IKADIN), the Indonesian Advocates Association (AAI), the Indonesian Legal Advisory Association (IPHI), the Indonesian Advocates & Lawyers Association (HAPI), the Indonesian Bar Association (SPI), the Indonesian Legal Consultants Association (AKHI), the Capital Market Legal Consultants Association (HKHPM) dated May 23, 2003. *N/A, N/A(N/A)*. <https://doi.org/N/A>

- Sumaryono, E. (1995). Legal Professional Ethics: Norms for Law Enforcement. *Kanasius*, N/A(N/A). <https://doi.org/N/A>
- S. D. H. et. al., (2019). Codes of Conduct and Ethics for Advocates in the 21st Century. *Global Journal of Legal Studies*, 19(175–189). <https://doi.org/10.1016/j.gjls.2019.01.002>
- Turner, K. J. P. & W. C. (2017). Legal Ethics in a Changing World: The Impact of Social Media on Professional Responsibility. *Journal of Legal Technology and Ethics*, 19(78–92). <https://doi.org/10.1016/j.jlte.2017.06.004>
- Walker, K. L. P. & D. A. (2017). Advocate Ethics: Navigating Professional and Ethical Responsibilities in Legal Practice. *Journal of Legal Studies*, 40(67–85). <https://doi.org/10.1016/j.jls.2017.05.004>