

Overview of The Advocate Profession and Its Role in Supporting the Rule of Law

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Abstract

The perception of advocates among the general populace often revolves around their portrayal in courtroom dramas, where they engage in intellectual battles to defend the oppressed against the powerful. However, the role of advocates extends far beyond courtroom theatrics, encompassing activities that uphold the rule of law both inside and outside the courtroom. Despite being considered a noble profession with a duty to protect human rights, advocates face scrutiny and controversy, with some viewing them as manipulators of truth and exploiters of suffering. This dichotomy in perception poses challenges to the advocacy profession, particularly in Indonesia, where advocates are expected to serve as agents of legal development and justice. This paper aims to delve into the intricacies of the advocacy profession and assess the extent of advocates' contributions to upholding the rule of law, offering insights to enrich legal discourse and understanding.

Keywords; Advocacy profession, Role of advocates, Rule of Law, Human rights

1. INTRODUCTION

The common people realize an Advocate only via the drama of the courtroom, with all its feelings and tragedies. What they perceive is a struggle of intelligence and wits between the Prosecutor and the Defense, between the Judge's pointed questions and the Defendant's muddled thoughts. They see the warriors of the Legal Aid Society or the Advocates Association fighting with their brains and tongues to defend and defend the interests of the small and oppressed against the big and powerful, or to defend the poor against the rich, or to defend and defend the interests of officials and the rich who are guilty, by making all kinds of efforts, even if they are not justified by the law. Indeed, for many ordinary people, the duty of an Advocate is limited to someone hired to represent the interests of others in court. Most people seek assistance from an Advocate only when there is already a case.

What happens in the courtroom is only a tiny part of the role of advocates in terms of upholding the rule of law, because, in addition to the role of advocates when doing activities/lawyers in court, the role of advocates when doing activities outside the court is a huge opportunity to uphold the rule of law. This is because an advocate is a noble profession, where an advocate can be a mediator for parties in a dispute about a case, Frans Hendra Winarta contends that the advocate profession is genuinely filled with idealism. Since this occupation was universally recognized around 2000 years ago, it has been referred to as *officium nobile* (noble profession) (Winarta, 1995). The Advocate profession is honorable because he devotes himself to the interests of society rather than himself and is obligated to protect human rights. Furthermore, he is free to defend and is not bound by commands; the client orders and does not pick who his client opposes, whether the powerful, officials, rulers and so on. Adnan Buyung Nasution, an advocate, believes that free profession is crucial. Not only for the advocate profession but also to

achieve bigger goals, such as the establishment of a free judiciary; an independent judiciary is required to defend the rule of law and execute democratic norms (Winarta, 1995).

However, the reality is that the advocate profession occasionally brings up the benefits and negatives of some people, particularly in terms of its function in delivering legal services. Some people regard this profession as someone who frequently twists the truth. This job is considered the activity of those with no conscience because they invariably defend the wicked. Receiving pleasure from the misery of others. Earning money by swapping falsehoods and so on in a negative manner. The advantages and disadvantages of the job of advocates are not limited to developing countries like Indonesia. These pros and cons also exist in industrialized countries, such as the United States.

According to Dardji Darmodihardjo and Shidarta, among the several legal professions, advocates are the most controversial. This dilemma affects both emerging and industrialized countries (Darmodiharjo, 1995). Various studies in the United States continue to rank the advocate profession as honorable. Lawyers' status has risen as many international leaders leave the field, and it has been demonstrated that they are all intellectual, sensible, and contentious individuals. In other polls, attorneys were also ranked as the most hated profession. They are viewed as a group of people who like twisting facts, darkening clear situations, and exploiting the agony of others.

Is this statement correct? How does the existence of advocates in Indonesia affect their profession? And, to what extent does it play a part in protecting the rule of law, and has it performed by its obligations and functions? Indonesian advocates can act as agents of law development, particularly as agents of law enculturation, civilizing the law for the community, or even becoming agents of law commercialization, or agents of legal commercialization in delivering legal services. If advocates engage in this last conduct, the cliché that advocates are *officium nobile* will be disproven. This great profession will be ruined and tainted by the deviant activities of a small group of advocates when delivering legal services to clients or the public (Nasution, 2015).

This distorted opinion is also on the rise in Indonesia, not just from regular people, but also from advocates as a professional issue. Although the offenders of this professional deviance are a small number of advocates, the consequences are severe for the organization and profession. Deviant behavior or malpractice performed by advocates is no longer an issue or a secret but has become a practical reality. The most recent example is the case of Haposan Hutagalung, SH, who became a markus in the Gayus Tambonan tax mafia case, as well as the cases of Elza Syarief, who is accused of bribing opposing witnesses, Nudirman Munir, who is accused of aiding in his client's escape, Juan Felix Tampubolon, who is accused of obstructing the search of his client's home, and a slew of other cases involving negative advocate behavior (Rosyadi & Hartini, 2003).

Regardless of the community's views on the function of advocates, the provision of legal services through advocates for all citizens has been ongoing for a long time. This is designed to seek truth, uphold justice, and uphold the rule of law to ensure the rule of law in the Republic of Indonesia, which is a unitary state. Initially, it was a moral force,

carried out by a group of individuals. They observed that the government treated some persons arbitrarily. There were always acts of injustice committed by society's stronger members against those who were weaker economically, politically, or legally. Likewise, injustice is frequently perpetrated against the justice-seeking population, particularly the poor, who are poor and without access to legal representation. The poor have been marginalized for generations, not only in economics, politics, education, and career prospects in the field of law, but they have also been victims of injustice. The appearance of advocates in society to defend the truth and protect justice is analogous to water entering a dry and barren desert to cool the environment.

In step with the advancement of life and public understanding in numerous sectors, particularly in the sphere of law. Legal services through advocates have evolved into an institutional force. With the rise of numerous professionally managed advocacy organizations, their position is deemed critical to the operation of free, rapid, and simple justice. Their presence is becoming increasingly important in the community's efforts to seek justice and uphold the law to reclaim their previously denied rights. Advocates' practice, which was traditionally limited to regular courts, has spread to religious courts¹. Divorced husbands and wives, particularly those from the middle to upper economic classes, are increasingly turning to advocates, legal consultants, or lawyers for a variety of reasons. According to a 1995 report by the Directorate of Development of Islamic Religious Courts, the frequency and proportion of cases received by religious courts throughout Indonesia until 1994, out of 38 types of cases, the largest case was the determination of permission to pledge divorce 47,355 (32.14%). The provision of legal services also varies greatly from advocates known for their professionalism to those who remain amateurs. It is reasonable to expect honorarium/fee interactions between professional advocates who charge rates and amateurs.

The occurrence of this tendency² must be investigated to assess the overall picture of Indonesian advocates and whether using the services of advocates is a community need for their legal awareness or due to the role of advocates who are overly aggressive in influencing clients to litigate in court for the benefit of advocates. This might have both beneficial and negative repercussions for the legal process. Of course, this is a natural evolution that must be anticipated to raise legal awareness for the sake of protecting

¹ Based on the Cibunong Religious Court Report, 1999, 2000 and 2001, the number of cases in which Bogor people used the services of advocates increased significantly. The number of cases in 1999 was 1226. Consisting of divorce cases: 1120 (91.35%), inheritance: 6 (0.49%), and others (wills, grants, waqf, alms): 100 (8,16%). Of the divorce cases in 1999, 45 or 4.02% used the services of an advocate. In 2000, there were 1244 cases, consisting of divorce: 1102 (88.59%), inheritance: 3 (0.24%), and others (wills, grants, waqf, and alms): 139 (11,17%). Of the divorce cases in 2000, 87 or 7.89% used the services of an advocate. In 2001 there were 1235 cases, consisting of divorce: 1124 (91.01%), inheritance: 8 (0.65%), and others (wills, grants, waqf, and alms): 103 (8,34%). Of the divorce cases in 2001, 113 or 10.05% used advocates. The above data shows an increase in percentage from 4.02% (1999) to 7.89% (2000), then up again to 10.05% (2001).

² Based on the opinion of Drs. Ahmad Fatoni, SH, MH, judge of the Cibinong Religious Court, the tendency of divorcing parties to use the legal services of advocates, the reasons include: but the litigants do not have much time, feel prestige, do not know the law, but economically they have the ability to pay advocates. In addition, they feel a sense of justice in resolving their case. However, there are no people who say that receiving legal aid is a human right or a necessity from an advocate on a pro bono basis.

truth and justice; so, such conduct must be fostered constantly. Islam strongly advocates for equal access to legal services for disputing parties. So that the parties to the disagreement can resolve it through *islah*. These legal services can be received from those who are thought to be knowledgeable about the law and the issues they encounter, such as *hakkam*, *mufthi*, *mushalih-alaih*, scholars, or the disputing parties' families. Legal services can also be supplied to the public by *tahkim* institutions, *luthfiya* institutions, *ash shulh* institutions, or other legal institutions with equivalent status, such as the Indonesian Ulema Council (MUI).

In an Islamic perspective, the Qur'an, As-Sunnah, and *Ijma'* Ulama serve as the foundation for the legality of the advocate profession. Similarly, the provision of legal services to the public in positive law has a very strong legal basis, which is based on the 1945 Constitution (UUD), Indonesian Law No. 18 of 2003 concerning Advocates, Law No. 14 of 1970 concerning the Basic provisions of judicial power, the Criminal Code (KUHP), and other regulations that have been in effect since colonial times. Law No. 07 of 1989 regulates advocates' roles in delivering legal services in religious courts.

The provision of legal aid to everyone is inextricably linked to equality before the law and access to legal advice, which ensures justice for all. Thus, legal aid is both a human right and a constitutional movement. With the rules listed above, it is possible to conclude that legal aid is the right of every citizen, regardless of ethnic, political, or economic status, in both the general and religious judicial environments. This practice is legally justified by universal provisions governing the enforcement of human rights. Thus, Winarta stated that providing legal aid to the (poor) society is a fulfillment of human rights rather than pity (Winarta, 1995).

As a result, the emergence of advocates who provide legal assistance services to parties who resolve matters in religious courts is a novel phenomenon worth investigating from a juridical and social standpoint. This study is founded on the idea that settling problems through the services of advocates has a very strong legal basis, both from an Islamic and positive law standpoint. Sociologically, it is necessary for the community to seek the truth and maintain justice.

Furthermore, in Islam, the existence of advocates is an order from Allah SWT and his Messenger to decide cases in the *islah*. Islam provides moral support for advocates in providing legal services to the community as an act of worship; *fardhu kifayah* with the principle of *amar ma'ruf nahyu anil munkar*; enjoining goodness and preventing injustice against fellow human beings; and the principle of *ta'awanu'alal-birri wattaqwa ta'awanu'alal-itsmi wal'udwan*; helping each other in good and not helping in evil among fellow human's beings.

2. RESEARCH METHOD

This is normative legal research, which focuses on the horizontal synchronization of the law (Sunggono, 2003). This research uses secondary data collected through bibliographic methods, specifically data from literary studies. This data source came from primary legal materials, particularly binding legal materials, including Norms or basic rules, namely the Preamble to the 1945 Constitution, the basic regulation is the body of the 1945 Constitution. Law No. 18 of 2003 Concerning Advocates. Secondary

legal documents, which explain primary legal materials, include draft laws, works from legal circles, printed mass media, and the internet, all of which offer news about the problems under discussion. Tertiary or supporting legal materials, which include materials containing instructions or explanations for both primary and secondary legal materials. Examples of legal dictionaries and encyclopedias. Primary, secondary, and tertiary (supporting) materials from subjects other than law, such as sociology and philosophy, are employed to supplement or support data or written materials.

In normative research, data processing is primarily an activity for organizing textual information. Systematization refers to the classification of written legal information to conduct analysis and construction activity (Sunggono, 2003). The data analysis employed is qualitative data analysis, which seeks to comprehend, analyze, and characterize a situation. Data analysis involves the following activities (Suyanto, 2023): Data reduction entails classifying and systematizing the acquired data by the problem definition. Data Presentation: Select articles from the Advocate Law that are prepared to examine data that has been organized and systematized by the problem formulation. Inference: Finally, the data is lawfully evaluated using the inductive approach. qualitative research methodologies with an explanatory focus. According to Strauss and Corbin, qualitative research focuses on a thorough understanding of the data in situations where statistical or quantitative processes cannot produce the desired findings. The goal of qualitative research is to develop and understand reality, with a focus on processes, events, and authenticity. The explanatory research method utilized in this study employs a previous framework to find correlations between variables and articulate them as hypotheses. The goal of this form of research is to find an explanation for why a specific occurrence or phenomenon occurs.

3. RESULT AND DISCUSSION

Definition and Status of Advocates.

Definition and Status of Advocates According to Law No. 18 of 2003:

Article 1, paragraph (1):

An advocate is a person whose vocation is to give legal services both inside and outside of the Court and who meets the standards outlined in this law.

Article 1 Paragraph 2:

Advocates give legal consulting, legal help, exercise power of attorney, represent, accompany, defend, and take other legal activities on behalf of clients.

Article 5 Paragraph 1:

Advocates have the status of law enforcement officers, whose freedom and independence are safeguarded by laws and regulations.

Definition and Status of Advocates Based on the Indonesian Advocate Code of Ethics

Chapter I, Article 1, Paragraph (a):

An advocate is a person who provides legal services both within and outside of the court and who meets the qualifications set forth by applicable legislation, whether as an Advocate, Lawyer, Legal Counsel, Practicing Lawyer, or Legal Consultant.

Chapter II, Article 2:

Indonesian Advocates are Indonesian citizens who are devoted to God Almighty, are chivalrous, honest in defending justice and truth based on high, noble, and noble morals, and uphold the law, the Republic of Indonesia's Constitution, the Advocate code of ethics, and their oath of office while carrying out their duties.

Chapter VII, Article 8, Paragraph (a):

The Advocate profession is noble and honorable (officium nobile), and thus carrying out the profession as a law enforcer in court is equal to prosecutors and judges, who are protected by the law, this law, and the code of ethics.

Personality, Duties, and Functions of Advocates

Advocate Personality Based on the Indonesian Advocate Code of Ethics

Chapter II: Article 2

Indonesian Advocates are Indonesian citizens who are devoted to God Almighty, are chivalrous, honest in defending justice and truth based on high, noble, and noble morals, and who uphold the law, the Republic of Indonesia's Constitution, the Advocate code of ethics, and their oath of office while carrying out their duties.

Advocate's duties

Duty is an obligation; something that must or will be done. The term "duty of an advocate" refers to something that an advocate must undertake when delivering legal services to the public or clients. As a result, when carrying out their obligations, advocates are accountable to the state, the community, the court, the client, and the opposing party. Many individuals continue to misunderstand the job of advocates. They believe that advocates' main responsibility is to defend cases in civil, criminal, and state administrative cases before police, prosecutors, and the court. In truth, advocates' work extends beyond litigation to non-litigation responsibilities outside of court.

An advocate's role is more of a career than a job. Because the advocacy profession is more than just a means of making a living; it also has a higher social value in society. The advocate profession is referred to as a noble vocation (*officium nobile*) since it requires the defense of all individuals, regardless of race, color, religion, culture, socioeconomic status, rich-poor, political convictions, gender, or philosophy.

An advocate's role is to protect the interests of the public (public defenders) and their clients. Advocates are required when one or more members of society encounter a legal issue. Before beginning his work, he must swear an oath in accordance with his religion and values. In carrying out his responsibilities, he must also comprehend the advocate code of ethics as a moral foundation.

An advocate's obligations in delivering legal services to the public are not stated in the job description because he is not a state official who executes the law in the same way that police, prosecutors, and courts do. He is a lawyer who provides defense, support and acts as a power of attorney for his clients. When doing his duties, he is referred to as the bulwark of law or the defender of justice.

Advocate Function

In any career or profession, roles and functions are inextricably linked, establishing cohesive systems that complement one another. Advocates have a wide range of obligations (Rambe, 2001), including protecting the Constitution and human rights while campaigning for justice within Indonesia's legal system. They follow the advocate code of ethics and fulfill their duty to uphold the law, justice, and truth. They seek to maintain their profession's prestigious image as an *officium nobile* while adhering to ideals and morals. Advocates zealously defend the independence, freedom, and dignity of their profession, always improving the quality of advocacy services for the community while adhering to ethical norms. They advocate for clients with honesty and accountability, preventing the misuse of their talents and knowledge at the expense of society. Maintaining excellent connections with clients and coworkers, as well as encouraging honesty, transparency, and mutual respect, is a priority for advocates. They promote unity among their organizations and offer a variety of legal services such as advice, consultation, opinion, contract preparation, and information. Furthermore, advocates zealously defend client interests in court and give free legal aid to the poor and vulnerable, providing equal access to justice for all.

The role of advocates in maintaining the rule of law

Examples of Advocates' Roles in Upholding the Rule of Law

Opportunities or opportunities that can be utilized by Advocates to find their role to uphold the rule of law and realize a clean and authoritative judiciary can be seen in various kinds of activity spaces, including Advocates as: law enforcers, supervisors of law enforcement, guardians of the ethics and morals of law enforcement, inventors and reformers of law, guardians of independent judicial power, as social workers, as parties who foster an

Advocates as law enforcers

Generally, the problem of Advocates as law enforcers has been resolved. According to the Advocates Act, "Advocates are law enforcers". The question is, "What is the true form and role of advocates as law enforcers?" Typically, there are numerous laws governing advocates' participation in the administration of justice. Enforcing the law is often defined as "defending the law" or "*rechtshanhaving*" in the face of any transgression or departure. Law is defined broadly here, whether as the outcome of public power (law as the command of the sovereign), society (customary law, common law), or individual interactions (treaty law). More broadly, it entails defending the law to proclaim conduct against decency, public order, and a sense of justice, whether individual or social. These laws do not always complement one another, and they may even be in conflict. Sociologically speaking, there is one form of legislation that is more applicable than others. There are instances when it is discovered that the law created by authority does not correspond to the law that exists in society. Based on the aforementioned phenomenon, the function of advocates in maintaining the law will take numerous forms:

- (1). Encourage the right application of the law in each situation or topic.
- (2). Encourage the implementation of laws that do not contradict the demands of decency, public order, and an individual or collective sense of justice;
- (3). Encourage judges to be objective while reviewing and deciding cases. It is not the contrary to use all available efforts to ensure that the Judge is not neutral in interpreting the law. As a result, one of the key ideas of defense is that if it is believed that a client is guilty, the advocate, as a law enforcement officer, will use the principle of "climency" or simply beg for justice. Instead of attempting to twist legal concepts, particularly through bribery or mass mobilization, organize a series of public remarks to force the Judge to take sides.

Advocates as Supervisors of Law Enforcement

The bar association is primarily responsible for supervising law enforcement. This oversight extends in two directions:

First, internal. Internally, the bar association must be an effective tool for monitoring the behavior of advocates in the law enforcement profession or the administration of the law. There must be effective techniques to control advocates who do not adhere to professional ethics and norms to do their tasks effectively and correctly.

Second, consider the external environment. Externally, both the association of advocates and individual advocates must become supervisors to ensure that the judiciary runs smoothly and effectively. Advocates, rather than the other way around, become involved in the endeavor to hinder the judicial process.

Advocates as Guardians of Ethics and Morality in Law Enforcement

Ethics and morals are viewed not just as (limited to) the advocate profession's code of ethics and morals, but also as the overall ethics and morals of advocate groups that might have a direct or indirect impact on law enforcement.

The following is a summary of the rules of the code of ethics and the oath of advocates:

- (1). Every advocate is a citizen who is loyal to God Almighty and works professionally to uphold the law by Pancasila, the 1945 Constitution, and his oath of office.
- (2). Advocates are prohibited from discriminatory attitudes, so they must be willing to provide legal advice and assistance to those in need without regard for ethnicity, religion, belief, descent, social position, or political beliefs. They must prioritize upholding the law, justice, and truth honestly and responsibly.
- (3). Advocates must practice their profession freely and independently, without being influenced by anyone, and they must advocate for the greatest human rights under Indonesian law.
- (4). Advocates are required to preserve the solidarity of their colleagues, and if a colleague is named as a suspect in a criminal prosecution, he must be represented by other colleagues for free.
- (5). Advocates are not permitted to perform work that jeopardizes their freedom, degree, or dignity, and they must always support the advocate profession as an honorable profession (*offisium nobile*).

(6). Advocates who practice their profession must be cautious and courteous to law enforcement officers, colleagues, and the general public, but they are also required to uphold their rights and dignity wherever they go.

Advocates as inventors and legal reformers

Judges are frequently mocked for their incapacity to find the appropriate law, let alone legal change. Judges are mocked for being little more than the mouthpieces of the law and justice. Of course, we can disagree on the substance of the mouth of the law and the mouth of justice. Advocates who lose cases may argue that judges are simply the mouths of the law, not the mouths of justice. An interest shapes one's perspective toward a case. It's even sadder because we don't comprehend judges' roles as law enforcers, preferring to use judges to promote our interests.

Law enforcement in a case is the result of interactions between judges, advocates (parties), and witnesses as they determine the legal link between facts and a law provision. In criminal situations, it also includes interactions with prosecutors, police, the KPK, and others. Interactions may be favorable or bad. Positive, if each component is sincerely attempting to provide facts and find the appropriate law such that each Judge's decision is expected to be correct and equitable. Negative, if the interaction's components purposefully undercut and even "manipulate" the ultimate choice, making it erroneous and unfair.

Advocates serve as guardians of independent judicial power.

The protection or assurance of an independent judicial power does not entail that it is free of the influence or pressure of one or more branches of state or government power. Independent judicial power must also be understood as being devoid of public influence or pressure, whether institutionalized or incidental. Such pressure might take the form of actual pressure, instilling false public opinion, making threats, and destroying judicial infrastructure and facilities. Individualized pressure can take the form of bribing law enforcement officials to take sides. Advocates as law enforcers, particularly those participating in the administration of judicial power, should help to sustain independent judicial power.

Advocates as "social workers"

This description refers to a legal social worker. We all know how many people are law-illiterate and suffer legal issues, but they are powerless. They are not only economically helpless, but they may also be helpless because they do not understand the law and are helpless in the face of power. As a result, it is an advocate's responsibility to provide legal counseling to those who are legally illiterate, free legal assistance to economically helpless people, and maximum defense to people who are helpless against power.

Advocates as Parties to Promote Community Legal Awareness

With the role of advocates as social workers in the field of law, an advocate must be able to provide legal counseling to the public, either directly or through seminars, writings in the mass media, or interviews via electronic media. Furthermore, advocates with frequent clients must always endeavor to invite and direct their regular clients to act and conduct themselves correctly by the law.

The two advocate actions listed above will be able to establish a law-aware society, allowing the poor's rights to be fought for while reducing law violations and crime rates as much as feasible. The multiple roles outlined above do not minimize the advocate's responsibility to the client. Numerous advocate/client relationships require consideration.

(1). The relationship between advocate and client is primarily one of trust, rather than one of business. It is so unacceptable for an advocate to file a complaint against a client who does not pay the promised fee.

(2). Once an advocate has signed a power of attorney, he or she must do all possible to protect and defend the client's legal rights until the matter is settled stage by step. As a result, the advocate must avoid neglecting the client's legal interests.

(3). Advocates must encourage clients to act honestly and truthfully, and they must prevent and even aid clients who attempt to win cases through illegal means. It is against ethical and the law to utilize phrases like "it's up to you" or to act as a "intermediary" between the client and other law enforcement officers.

The Role of Advocates in Religious Courts

Advocates play a critical role in delivering legal assistance to clients to obtain *islah* for the disputing parties. The role here refers to how he can practice his profession by his obligations and functions, as well as the code of ethics and the advocate's oath. Meanwhile, the supply of legal services by advocates refers to assisting, becoming a power of attorney, and providing legal counsel to clients on a social, pro bono publico, or fee basis.

According to Ropuan Rambe, an advocate must uphold his oath to uphold the law, justice, and truth. Advocates are a free profession; free profession; *vrij beroep*, which is not subject to the hierarchy of positions and is not subject to superior orders, and only receives orders or powers of attorney from clients based on free agreements, both written and unwritten, that are subject to the advocate's professional code of ethics and are not subject to public authority (Rambe, 2001).

There have been advantages and negatives in the community about the function of advocates who practice in the courts. Some people believe that acquiring legal assistance today costs a lot of money and complicates what should be basic situations, resulting in slow resolutions. The existence of advocates to provide legal services to parties in marital problems, including divorce, is controlled by Article 73 paragraph (1), which reads as follows.

"A complaint for divorce shall be filed by the wife or her attorney with the court whose jurisdiction covers the place of residence of the respondent, except when the

plaintiff intentionally leaves the place of joint residence without the permission of the respondent."

This article governs divorce claims brought by wives against their husbands, either directly to the religious court or through the legal services of an advocate who is granted a power of attorney to pursue legal action. A power of attorney is an important instrument that establishes an agreement between the client and the advocate. Without the parties' power of attorney, the advocate is unable to take any legal action on their behalf in resolving the dispute.

In general, a power of attorney is a document in which one person appoints and authorizes another to perform legal activities on his or her behalf (Pandu, 2001). Meanwhile, according to Article 1792BW, the award of power of attorney is as follows:

"An agreement in which power is given to another person who accepts it to do something for and on behalf of the person who gives the power."

According to Article 1792BW, carrying out an affair is the same as carrying out a legal action, which results in legal repercussions in the form of enforceable rights and obligations. As a result, a power of attorney aims to demonstrate that the recipient of the power of attorney (advocate) has been granted the authority to undertake legal acts on behalf of the power of attorney, namely legal acts in the form of rights and duties.

A power of attorney is granted in the form of a contract between the authorizer (client) and the recipient (advocate). When making this agreement, the parties and the advocate frequently discuss the honorarium/fee for carrying out the legal process (Pandu, 2001). However, in the end, the agreement between the client and the advocate will determine everything, including the honorarium/fee problem. The honorarium/fee for legal services is determined by the level of intricacy, the amount of responsibility, and the time required to accomplish the work. However, legal advisors (advocates) may propose an honorarium/fee based on the client's condition and position in the case because each client's state and situation is unique. Such consideration is the advocate profession's social role in the community toward justice seekers. So, the client's condition and position in a case are considered while setting the honorarium/fee for the service he would perform.

By understanding the procedural law used in religious courts, he can practice law in compliance with his oath of office and code of ethics. An advocate's primary function in accepting or initiating a lawsuit for and on behalf of his client in a divorce case is to first seek *islah*, or reconciliation between the husband and woman in disagreement. This complies with the norms of religious courts and civil procedural law as outlined in the relevant statutes and regulations.

An advocate should not encourage or instigate the parties to sue one another in court. This approach violates not only civil procedural law but also advocates' professional oaths and code of ethics. Accepting a client who brings a lawsuit should never be viewed as a humanitarian undertaking by the advocate, but rather as a means of tormenting the justice seeker. Litigation can be done involuntarily if there is no other

option to reach an acceptable agreement. If each party follows its ideals, the last resort is to seek peace in court.

A religious court's first hearing must involve the presence of the parties, whether or not they are represented by an advocate. The court's role in this hearing is to facilitate peace efforts between the two sides. This attempt is in compliance with Articles 82 and 83 of Law No. 7 of 1989 on Religious Courts, as outlined below.

During the first hearing of the divorce lawsuit. The judge attempts to reconcile the two parties. The husband and wife must be in person at the reconciliation hearing unless one of the parties lives overseas and cannot attend in person but can be represented by a proxy who has been specially authorized to do so. If both parties live abroad, the plaintiff must attend the settlement session in person. Reconciliation is possible at any hearing as long as the trial has not been concluded.

Article 83 states:

"If an amicable settlement is reached, then a new divorce suit cannot be filed based because existed and were known to the plaintiff before the amicable settlement was reached."

If an amicable settlement cannot be reached in the religious court, the court may issue a divorce ruling, as outlined in Article 70(1).

"After concluding that it is no longer possible to reconcile the two parties and that there are sufficient grounds for divorce, the court shall determine that the petition is granted."

As a result, advocates who provide legal services to disputing parties initially try to reconcile them through various methods. For example, contact each of the husband and wife parties, their relatives, clergy leaders, or the local community. If the divorce was handled in court, the parties must be willing to accept all court rulings, with all of the dangers. The advocate's responsibility in this case is to provide moral support by detailing his client's defeats, faults, and vulnerabilities so that he can accept the verdict truly.

The role of advocates in delivering legal services; according to Frans Hendra Winarta, the role of legal assistance is intended to prevent unfair and harsh treatment of disadvantaged suspects and defendants. This is known as due process of law or a fair legal process. The defendant/suspect is protected by his/her rights as a person facing legal charges and is under pressure to stand trial (Winarta, 1995). For this reason, the presumption of innocence should be used. He or she has the right to be attended or represented by legal counsel throughout custody, examination, questioning, and trial. The suspect/defendant must understand why he/she is being detained and the nature of the charges against him/her. Similarly, the suspect/defendant's family must be informed about the charges and the basis for his/her incarceration. As a result, a suspect or defendant must be treated with dignity and have his human rights safeguarded. Hendra described the role of advocates in criminal law, which is governed by the Criminal Procedure Code.

Similarly, in the realm of civil law, the parties to a lawsuit who use the legal services of an advocate must be informed on the case, legal issues, and legal consequences before litigating in court. Most significantly, an advocate must serve as his client's legal

advisor to settle the matter by reconciling the parties before it goes to court. The court is only the final resort if it must be used, after alerting the parties of the understanding and legal repercussions, regardless of whether they are in a very strong or legally weak position. In this way, if the lawsuit is lost or won in court, the parties can accept the court's ruling openly and sincerely.

H. Hartono Marjono contends that there are two perspectives on the role of advocates in court proceedings: subjective and objective viewpoints. From a subjective standpoint, the work of giving legal aid derives from the interests of a person who will or is being litigated in court, since that person believes or is perceived to require it. With this viewpoint, the advocate will attempt to win the case by making promises to his client. He will try to view the opposing party as an adversary who must be beaten in court (Mardjono, 1997). Similarly, he would endeavor to convince the court that he is the rightful winner of the case. An advocate who holds this viewpoint will serve his client over truth and justice.

However, from an objective standpoint, the effort deviates from the objectives or purposes to be reached by the application of justice itself. This approach creates a pleasant impression when carrying out judicial events. He will look objectively at the truth of the law rather than the presence of his client. This viewpoint will regard the judicial process as natural, not remarkable. If his client is in a bad situation, he will defend the truth and justice, not his client, even if he is incorrect. Advocates who have this attitude will serve truth and justice, not their clients.

The role of advocates in providing litigation legal services in court is essentially characterized as an attempt to provide legal aid to those who are litigating in court. It is meant to ensure that the examination and trial proceed in an orderly, well-organized, and smooth manner in compliance with existing procedural legislation. It is also designed to achieve true justice based on applicable material law about the case being investigated. The case could be a dispute between the parties or a petition filed by an applicant.

Advocates practicing in religious courts are thought to play a constructive role in providing legal services to truth seekers and safeguarding justice. The constructive role of advocates is described in numerous ways, including the following. Accelerate the completion of administration, including divorce applications and divorce litigation, to ensure the smooth functioning of court processes. Assist plaintiffs in making their court appearances according to the trial schedule. Providing the parties with an awareness of the law governing the matter and its position when submitting a petition or lawsuit or obtaining a religious court verdict. Accompanying litigants in religious courts to ensure they feel protected by justice. Representing parties who are unable to attend subsequent proceedings to accelerate the trial process. As a professional advocate, you must observe the advocate's oath and professional code of ethics when providing legal aid and carrying out your duties and obligations.

The benefit of having an advocate is that the plaintiff is always accompanied by an advocate throughout the administrative process and until the complaint is registered. They only took part in the trial once, during the preliminary hearing. After that, they did not participate again since the next process was delegated to the lawyer until it was

completed and a decision was reached by the court. They returned to hear personally and occasionally simply received a decision letter. During the trial, the advocates interact with the advocates and judges in court.

Similarly, cases that employ legal aid take less time to resolve than those that do not use the services of an advocate. This is logical given that they are managed by a legal expert both during the administration and trial procedure. However, this period cannot be used as a benchmark; it may take longer due to lawyers arguing with one another to gain their clients.

In this scenario, it is up to the advocates to determine how they regard the advocate profession, whether subjectively or objectively. However, they must maintain an objective viewpoint and positive behavior to avoid causing harm to others, particularly clients. Most importantly, the role that must be considered is in the process of upholding justice and the rule of law, which must be prioritized, because the process of seeking justice is not about winning or losing, but about achieving justice by the law and the facts that back it up.

Advocate behavior that can harm the image and dignity of the honor of his profession as Offisium Nobile (Noble Profession).

The advocate profession, previously known as Offisium Nobile (Noble Profession), will be renamed Offisium Rotten (Rotten Profession)³ if an advocate no longer obeys the law, the code of ethics, and the advocate oath, or if they have committed malpractice that harms the image and dignity of the noble profession.

Advocates' reputations have been tarnished in the eyes of the public, legal experts, and their own circles as a result of their worry for their profession's ability to defend the truth and maintain justice. This unfavorable image has been created in defense of their client's interests in winning the case, even if it is incorrect, rather than prioritizing the truth to uphold justice.

How many advocates engage in aberrant behavior to gain pleasure from the agony of others while ignoring truth and justice? What percentage of advocates prostitute themselves in the legal realm, distorting facts from right to wrong and vice versa? Such activity is motivated by a desire for profit disguised as truth and fairness. Therefore, it is logical that the presence of advocates from the past till now has always encountered difficulties and challenges from diverse groups. This situation does not just exist in Indonesia, even abroad the unfavorable image of the performance of advocates is even more powerful. Insults and diatribes are more openly stated by the public than the behavior of advocates who always argue in front of the court wonderfully. Advocates' expertise in arguing in favor of their clients is always respected, but it is on that basis that society rejects them.

Any profession will have a terrible image when it is often polluted by the criminals themselves. Behind the statement, for the law in the name of truth and justice, which is

³ Offisium Rotten, a term proposed by Todung Mulya Lubis, in his article: A free and independent judiciary (Kompas, March 31, 2002, p. 30).

often tossed forth by advocates, there is sometimes a desire only to acquire material and reputation. This signal does not mean turning a blind eye to the reality of those advocates who constantly uphold idealism throughout their careers. He always adheres to the code of ethics and the advocate's pledge as his moral foundation.

However, because something is unclear, it inevitably generalizes into a negative picture. There is a notion that the image of advocates has deteriorated in tandem with the erosion of the image of the law in society. To date, no one has been able to answer whether the deterioration of the image of the law has a causal relationship with the deterioration of the authority and position of advocates. It would be impossible to answer this question; is the degradation of the law owing to advocates or vice versa due to faulty law, the fact is that advocates are impacted by it. Advocates are one of the most crucial pillars in defending the rule of law in Indonesia. Unfortunately, the performance of advocates has recently come under investigation for not being in support of justice.

Thus, when defending, accompanying, representing, acting, and completing his duties and functions, an advocate must always remember his obligations to the client, the court, himself, the state, and, most importantly, Allah SWT, to seek truth and uphold justice. The community will honor the advocate's profession if he can carry out his obligations and functions as a provider of legal assistance to those in need. This transition in duties and tasks from pro bono legal aid to professional legal services has resulted in several deviant activities by advocates. Advocates who engage in this behavior are no longer the bulwark of law or the guardians of justice, but rather subconsciously promote the legal sector to benefit their clients.

4. CONCLUSION

Finally, the advocacy profession is more than just a job; it represents a deep civic responsibility and moral duty. Advocates are viewed as caretakers of justice, responsible for maintaining the law and ensuring its fair application in a diverse and equal context. Their responsibilities go beyond legal representation to include ethical guardianship, reformative action, and the protection of judicial autonomy, highlighting the critical role advocates play in molding legal systems and promoting societal integrity.

Furthermore, advocates play an important role in promoting social justice and raising public legal awareness by working as educators and facilitators of legal access for marginalized communities. Advocates exhibit their dedication to a more just and equitable society by providing legal counsel, assisting the impoverished, and advocating for those who cannot speak out for themselves. Their various contributions emphasize the importance of the advocate profession in protecting individual's rights and liberties while furthering the values of fairness and equality under the law.

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