Vol. 3 No. 4 Edisi Agustus - Oktober 2026 E. ISSN. 3032-2472
Multidisciplinary Indonesian Center Journal (MICJO)
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THE ROLE AND CODE OF ETHICS OF ADVOCATES AS LAW ENFORCEMENT OFFICERS IN REALIZED ACCESS TO JUSTICE

PERAN DAN KODE ETIK ADVOKAT SEBAGAI PENEGAK HUKUM DALAM MEWUJUDKAN AKSES TERHADAP KEADILAN

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DOI: https://doi.org/10.62567/micjo.v3i4.3481

Abstract

Advocates have an important position in the legal enforcement system because they provide legal assistance, representation, and defense to members of society. The implementation of this role requires not only legal competence but also compliance with professional ethics and responsibility. This study aims to analyze the role and professional code of ethics of advocates as law enforcers in realizing access to justice. This research employs a normative juridical method using a statutory and conceptual approach. The research materials were obtained through a literature study of laws and regulations, books, and scholarly journals concerning advocates, professional ethics, legal aid, and access to justice. The results indicate that advocates contribute to improving access to justice through legal consultation, assistance, representation, and legal aid, particularly for individuals with limited economic resources. The professional code of ethics serves as an important foundation to ensure that the freedom and independence of advocates are exercised responsibly. Strengthening advocates' professionalism requires continuous improvement of legal competence, ethical development, effective supervision, and consistent enforcement of professional ethical standards. Through professionalism and integrity, advocates can perform their role in law enforcement while contributing to broader and more equitable access to justice for society.

Keywords : Advocates, Professional Code of Ethics, Professionalism, Access to Justice, Law Enforcement.

Abstrak

Advokat memiliki kedudukan penting dalam sistem penegakan hukum karena berperan dalam memberikan bantuan, pendampingan, dan pembelaan hukum kepada masyarakat. Pelaksanaan peran tersebut tidak hanya membutuhkan kemampuan hukum, tetapi juga kepatuhan terhadap kode etik dan tanggung jawab profesional. Penelitian ini bertujuan untuk menganalisis peran dan kode etik advokat

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sebagai penegak hukum dalam mewujudkan akses terhadap keadilan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Data penelitian diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, buku, dan jurnal yang berkaitan dengan advokat, kode etik profesi, bantuan hukum, dan akses terhadap keadilan. Hasil penelitian menunjukkan bahwa advokat memiliki peran dalam membantu masyarakat memperoleh akses terhadap keadilan melalui konsultasi, pendampingan, pembelaan, dan pemberian bantuan hukum, termasuk bagi masyarakat yang memiliki keterbatasan ekonomi. Kode etik menjadi dasar dalam menjaga agar kebebasan dan independensi advokat tetap dijalankan secara bertanggung jawab. Penguatan profesionalitas advokat perlu dilakukan melalui peningkatan kompetensi, pembinaan etika, pengawasan, serta penegakan kode etik secara konsisten. Dengan profesionalitas dan integritas yang baik, advokat dapat menjalankan fungsi penegakan hukum sekaligus memberikan kontribusi dalam memperluas akses masyarakat terhadap keadilan.

Kata Kunci : Advokat, Kode Etik, Profesionalitas, Akses terhadap Keadilan, Penegakan Hukum.

1. INTRODUCTION

Access to justice is a crucial component of fulfilling people's rights in a state governed by the rule of law. The existence of law is not only related to the availability of regulations and judicial institutions, but also to the ability of each individual to obtain legal protection and services when facing legal issues. In reality, not everyone has the knowledge, economic capacity, or understanding to navigate the legal process independently. This situation makes the presence of advocates crucial, as they can help people understand their rights, provide legal advice, and assist them in resolving cases.

In the Indonesian legal system, advocates are not merely positioned as parties working for the personal interests of clients. This profession holds a position as a member of law enforcement, carrying out their duties independently and freely in providing legal services. This position provides advocates with the opportunity to defend their clients' legal interests, but at the same time carries with it the responsibility to respect the law, justice, and the public interest. Therefore, the freedom of advocates in practicing their profession cannot be separated from the professional and ethical responsibilities inherent in the profession.

The role of advocates becomes even more crucial when the issue of access to justice is linked to communities experiencing limited economic and social conditions. Legal aid is not merely interpreted as assistance in the courtroom, but also as a means to help the public obtain information, determine legal action, and defend their rights. Panjaitan's research on legal aid shows that it is closely linked to equality before the law and the fulfillment of justice. This demonstrates that the legal profession has a social dimension that cannot be separated from its law enforcement function.

In the development of legal practice, access to justice also faces challenges regarding the affordability of legal services. The cost of legal services can be a factor that makes it difficult for some people to obtain legal representation. A study on the regulation of advocate fees in Indonesia shows that the lack of a uniform standard for advocate fees can be a barrier to expanding public access to legal services. This situation suggests that discussions about the role of advocates should not only examine their function in the judicial process but also consider their professional responsibility in providing accessible legal services to the public.

Beyond the issue of legal service affordability, the quality of legal assistance is also closely related to the advocate's attitude and behavior in carrying out their profession. Advocates establish a relationship of trust with their clients, requiring honesty, confidentiality, independence, responsibility, and professionalism. These principles stem not only from the advocate's understanding of the law but are also reflected in adherence to the professional code of ethics. Kurniawan Tri Wibowo, Elza Syarief, and Sugeng explain that professional ethics plays a crucial role in guiding the legal profession's implementation in accordance with its professional responsibilities.

The Indonesian Advocates' Code of Ethics essentially serves as a guideline for advocates' behavior in their relationships with clients, fellow advocates, the courts, and the public. A code of

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ethics is necessary because legal competence alone is insufficient to ensure that professional authority is exercised responsibly. In practice, issues related to violations of the code of ethics persist, such as issues between advocates and clients, actions inconsistent with professional obligations, and issues with the implementation and enforcement of ethical sanctions. Research on proving violations of the advocates' code of ethics indicates that the professional honor mechanism plays a role in determining whether an advocate has committed an ethical violation.

This issue is crucial because violations of the code of ethics relate not only to internal professional relationships but can also impact public trust in institutions and the law enforcement process. Research on the accountability of the advocates' code of ethics indicates that a code of ethics is necessary to ensure that advocates do not practice their profession outside the values and obligations inherent in the legal profession. In other words, the existence of a code of ethics is related to efforts to maintain the quality of legal services while upholding the dignity of the profession.
Advocates as a profession have a responsibility to serve the legal interests of the community.

The issue of the role of advocates has also developed in the context of the community's need for legal aid that is more responsive to social conditions and prevailing values. Panjaitan and other authors highlight the need to strengthen the professionalism of Sharia advocates and their relevance in providing legal services related to the Muslim community. The study demonstrates that strengthening the competence and professionalism of advocates is a crucial part of improving the quality of legal services and expanding access to justice. This perspective is further developed through a study of Sharia advocates in the context of contemporary legal aid, which emphasizes the importance of improving competence, institutional support, and the ability to integrate Sharia values with human rights principles.

Furthermore, efforts to achieve access to justice should not be limited to individual advocates. Legal aid institutions at universities, particularly Islamic universities, can be part of the ecosystem providing legal aid to those in need. Recent research indicates that legal aid institutions at Islamic universities have the basis and responsibility to provide legal aid, although there are still limitations in their implementation and utilization of services. This shows that access to justice requires the involvement of various elements, while advocates still have an important position as professionals who provide direct legal assistance.

2. RESEARCH METHOD

This research employs a normative juridical method with a statutory and conceptual approach. The statutory and conceptual approach is used to examine provisions relating to the status of advocates, the practice of the profession, legal aid, and the obligations of advocates in carrying out their duties. Meanwhile, the conceptual approach is used to understand the concepts of the advocate profession, code of ethics, professionalism, legal aid, and access to justice based on expert perspectives and previous research findings. The selection of these methods is based on the research focus, which emphasizes the analysis of legal norms and concepts regarding the role of advocates as an element of law enforcement.

The research data is sourced from primary and secondary legal materials. Primary legal materials include laws and regulations related to the advocate profession and legal aid, while secondary legal materials are obtained from books, scientific journal articles, and relevant research findings Discussion. Panjaitan's research on the revitalization of sharia advocates, for example, utilizes a review of legal norms, legal documents, regulations, and academic sources to analyze the position and strengthening of advocates' roles. These materials are used to provide a basis for analysis regarding the relationship between advocates' ethical obligations, professionalism in providing legal services, and the fulfillment of the public's right to access justice.

The legal materials were collected through library research, which involved exploring and identifying various legal sources relevant to the research object. The obtained materials were then selected based on their relevance to the research problem, specifically regarding the role of advocates,

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professional codes of ethics, legal aid, and access to justice. Research sources also include Budi Sastra Panjaitan's writings on legal aid as a means of realizing justice, the revitalization of sharia advocates, and the role of sharia advocates in legal aid in the contemporary era. Panjaitan's 2025 article utilizes a combination of juridical-normative and sociological approaches, as well as library research and interviews; in this study, the sections used are adapted to the normative nature of the research.

The legal material analysis was conducted qualitatively and descriptively, outlining the collected legal provisions and academic opinions and then linking them to issues concerning the implementation of the advocate's role and code of ethics. The analysis was conducted systematically to identify the relationship between the advocate's freedom to practice their profession and the obligation to uphold ethics, professionalism, and the interests of those seeking justice. The results of the analysis were then compiled into legal arguments to explain how the implementation of the advocate's role and code of ethics can support the fulfillment of public access to justice.

3. RESULT AND DISCCUSSION

The Position and Role of Advocates as Law Enforcers

Advocates are a legal profession with a crucial role in the Indonesian justice system. Their role is not only related to providing legal services to individuals facing legal issues, but also to the overall law enforcement process. In carrying out their profession, advocates deal directly with the interests of the public who require legal protection and assistance. This position gives advocates a broader function than simply acting as legal counsel in court. Advocates help individuals understand their rights and obligations and have the opportunity to defend their legal interests through the mechanisms available within the legal system.

The position of advocates as law enforcers is normatively based in Law Number 18 of 2003 concerning Advocates. This regulation places advocates as an element of law enforcement, holding an equal standing with other law enforcement elements in carrying out law enforcement functions. This position does not mean that advocates have the same authority as judges, prosecutors, or police. Each has different functions and authorities. Advocates perform the function of defending and providing legal services based on the client's legal interests, while other law enforcement agencies exercise authority according to their respective fields. In this position, advocates are part of the mechanism that enables the legal process to proceed while respecting the rights of those in conflict with the law.

The role of advocates in law enforcement can be seen through the provision of legal services to the public. These legal services can take the form of legal consultations, assistance, advocacy, exercising power of attorney, or other legal actions necessary for the client's interests. Through this function, advocates assist individuals who lack the legal skills or knowledge to address legal issues independently. The presence of an advocate can provide explanations regarding a person's legal position, available resolution options, and appropriate steps to be taken in accordance with legal provisions. Therefore, the role of advocates is directly related to the public's ability to exercise their legal rights.

Advocates also play a role in helping to create balance in the judicial process. Parties in litigation inherently have legal interests that must be conveyed and defended through legal procedures. Not everyone has the ability to formulate legal arguments, present evidence, or understand trial procedures. In such circumstances, advocates serve as the parties who translate the client's legal interests into the applicable legal process. This function is crucial because the judicial process requires not only an institution that adjudicates cases but also a party that can convey and defend the legal interests of those seeking justice professionally.

The growing public demand for legal services also demonstrates that the role of advocates is expanding. Advocates are needed not only in criminal and civil cases, but also in cases related to the environment, economics, family law, state administration, and various other legal issues. In the context of environmental law enforcement, for example, Panjaitan demonstrated that advocates can help injured parties understand the legal process, uncover the facts, and follow the legal mechanisms

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evidence. This demonstrates that the role of advocates can evolve according to the types of legal issues that arise in society.

The role of advocates in the law enforcement system is also related to the profession's ability to provide legal assistance more responsive to societal developments. Panjaitan's study of sharia advocates in the contemporary era shows that the public's need for legal solutions that adhere to Islamic values continues to grow, while the profession faces challenges in the form of limited specific regulations, competency, and institutional support. This situation suggests that the position of advocates as law enforcers requires increased capacity so that the legal services provided can meet the increasingly complex needs of society.

Code of Ethics as a Foundation for Advocate Professionalism

The code of ethics is an inseparable part of the practice of the advocacy profession. The advocate's position as a legal profession that directly deals with the interests of society requires standards of conduct that can serve as guidelines in carrying out their duties. An advocate's ability to understand and apply the law is indeed a crucial element in providing legal services, but this ability must be accompanied by integrity and professional responsibility. The code of ethics exists to set boundaries regarding appropriate behavior and actions that advocates should avoid when carrying out their profession.

The professionalism of an advocate cannot be measured solely by their success in handling cases or their ability to formulate legal arguments. Professionalism is also evident in how they carry out their obligations to clients, the courts, fellow advocates, and the public. Advocates are required to work based on adequate legal knowledge, safeguard the interests of clients, maintain the confidentiality of information obtained in professional relationships, and carry out their duties honestly and responsibly. The code of ethics serves as a guideline for these various obligations so that the profession is not solely oriented towards personal interests or economic gain.

The relationship between the code of ethics and professionalism is increasingly important because advocates hold a relatively independent position in carrying out their profession. This freedom is necessary so that advocates can provide defense without pressure from others. However, professional freedom must go hand in hand with responsibility. Advocates cannot use their professional freedom to engage in actions that violate the law or harm the interests of those seeking legal advice justice. Therefore, the code of ethics serves as an internal control instrument that ensures professional freedom remains within reasonable limits and legal responsibilities.

The code of ethics also serves to maintain a relationship of trust between advocates and clients. When someone uses the services of an advocate, information and legal interests are entrusted to the advocate. This relationship demands a professional attitude, particularly in maintaining confidentiality, avoiding conflicts of interest, and providing legal information honestly to the client. Fulfilling these obligations is a crucial part of building a healthy professional relationship. If an advocate neglects these obligations, not only are the client's interests potentially harmed, but trust in the legal profession as a whole may also be undermined.

Enforcing the code of ethics is crucial because ethical rules will be ineffective without a monitoring and sanctioning mechanism. In the event of suspected violations, an ethics review is necessary to determine whether the advocate's actions truly violate their professional obligations. Studies on law enforcement regarding violations of the advocate code of ethics indicate that ethical mechanisms play a crucial role in maintaining standards of advocate behavior. The existence of this mechanism also serves as a means of holding advocates accountable for their actions when practicing their profession.

The issue of enforcing the code of ethics also demonstrates that the professionalism of advocates is not solely built through written regulations. An understanding of the code of ethics must be instilled from the moment an individual prepares to enter the legal profession. Professional ethics education and development are necessary so that prospective advocates understand that the legal profession has broader responsibilities than simply providing services to clients. Professional ethics counseling

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activities for prospective advocates in 2024, for example, emphasized the importance of understanding basic ethical principles, obligations, prohibitions, and sanctions in carrying out the profession.

In the development of legal practice, the implementation of the code of ethics also faces new challenges, including the use of technology and the increasing use of legal communication through digital media. Advocates can use various digital tools to provide information and communicate with clients, but these media must still maintain confidentiality and professional responsibility. These changes in the legal practice environment demonstrate that the code of ethics needs to be understood not only in terms of conventional violations, but also in relation to the evolving ways in which advocates provide legal services to the public.

Compliance with the code of ethics also relates to efforts to maintain a balance between client interests and law enforcement. Advocates are indeed obliged to defend clients, but this defense does not justify any action taken to achieve the client's interests. Advocates must still use legal and professional methods. In this context, the code of ethics serves as a guideline so that advocates can carry out their defense to the fullest extent without neglecting their obligations to the law and the principles of justice.

The issue of ethical responsibility can also be seen in the provision of legal opinions. A study of advocates' liability for legal opinions containing legal errors shows that professional freedom does not eliminate the possibility of liability when legal services provided raise issues. This research places honesty as a crucial aspect in the practice of the legal profession. This demonstrates that professionalism is not only related to the advocate's courage in providing legal opinions, but also to their prudence, honesty, and responsibility regarding the legal information provided to clients.

In the context of sharia advocates, professionalism also has a competency dimension related to the ability to understand positive law as well as relevant Islamic legal values and principles. Panjaitan and other authors emphasize the importance of revitalizing sharia advocates through strengthening competencies and updating the legal framework so that the role of advocates can be aligned with the needs of society. This means that a code of ethics does not stand alone as a set of prohibitions and obligations, but must be supported by adequate professional competence so that advocates can provide legal services responsibly.

Advocates and Fulfilling Access to Justice

Access to justice is a crucial part of a state based on the rule of law because everyone has the right to equal protection and treatment before the law. Access to justice is not only related to the availability of judicial institutions, but also concerns an individual's ability to understand their legal rights, obtain assistance, express their concerns, and obtain a fair resolution to their case. In certain circumstances, people lack sufficient legal knowledge or economic capacity to navigate the legal process independently. In such circumstances, the presence of advocates is crucial because advocates can help the community understand Their legal position and simultaneously advocate for their legal interests.

The role of advocates in ensuring access to justice is inseparable from their role as law enforcers. Advocates are not only tasked with defending clients' interests in court, but also provide legal services ranging from consultations, legal opinions, document preparation, and assistance in dispute resolution. This assistance is increasingly important for those in vulnerable positions, whether due to economic constraints, poor legal understanding, or limited access to information and legal institutions. Therefore, the presence of advocates can serve as a bridge between the public and the legal system, which in practice is often difficult for the general public to understand.

Ensuring access to justice is also closely linked to the provision of free legal aid. Law Number 18 of 2003 concerning Advocates requires advocates to provide free legal aid to justice seekers who cannot afford it. This provision demonstrates that the legal profession is not solely oriented toward a service relationship between advocates and clients who can afford it, but also has a social dimension. Legal assistance is a form of professional responsibility to ensure that economic limitations do not deprive someone of the opportunity to obtain legal representation and protection.

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Fulfilling access to justice also requires advocates to view legal issues more broadly than simply winning a case. While the client's interests are a primary component of the professional relationship between advocate and client, such advocacy must still be conducted in accordance with the law and professional ethics. Advocates must help clients understand available legal options, explain the consequences of each legal action, and provide responsible assistance. In this way, the public not only receives assistance in navigating the legal process but also understands their rights and obligations. This role is crucial because people who understand their legal rights will be better equipped to legally defend their interests.

In the context of Muslim communities, ensuring access to justice can also be linked to the need for advocates who understand Islamic law and the characteristics of cases within the religious courts. Panjaitan and other authors have shown that strengthening the role of sharia advocates is related to the professional needs of cases related to Islamic family law and sharia economics.

and various legal issues with Islamic dimensions. Mastery of a specific legal field can help advocates provide services more tailored to the nature of the case and the needs of those seeking justice. This does not limit public access to advocates based on specific backgrounds, but rather demonstrates the importance of competence and specialization in ensuring appropriate legal services.

Fulfilling access to justice also demonstrates the strong social dimension of the legal profession. Advocates are in a position to enable the public to obtain assistance when facing legal issues they cannot resolve on their own. The implementation of this role must be accompanied by a professional, independent, and responsible attitude, and adherence to a code of ethics. By balancing client interests, professional responsibilities, and the interests of law enforcement, advocates can fulfill their role as law enforcers while making a real contribution to expanding public opportunities for justice.

Strengthening Advocates' Ethics and Professionalism in Achieving Justice

Strengthening advocates' ethics and professionalism is an integral part of efforts to achieve justice in law enforcement. Advocates have freedom and independence in practicing their profession, but this freedom does not mean they can exercise it without limits. Every advocate's action must remain within the legal framework, the professional oath, and the code of ethics that governs their behavior in carrying out their duties. Therefore, an advocate's professionalism is not solely measured by their understanding of laws and regulations or their ability to conduct themselves in court, but also by their honesty, responsibility, integrity, and adherence to professional ethics.

The code of ethics essentially serves as a tool to ensure that the freedom of the legal profession does not become an abuse of authority. In carrying out advocacy, advocates have an interest in protecting their clients' legal rights and interests, but this advocacy must be conducted responsibly. Advocates should not use their position to provide misleading information, improperly exploit the legal process, or engage in actions that could damage the honor of the profession. Ethics serve as boundaries that guide advocates in carrying out their advocacy functions in a manner consistent with legal principles and the interests of justice. Research on professional ethics for advocates also positions the code of ethics as a guideline that not only provides Protection for advocates, while simultaneously imposing an obligation to maintain honesty and responsibility in carrying out their profession.

Strengthening professionalism also needs to be done by increasing advocates' knowledge and awareness of the code of ethics. Understanding the code of ethics should not stop when someone completes education or the process of becoming an advocate, but needs to be developed continuously throughout the profession. Changes in legal service patterns, technological developments, and the increasingly complex issues facing society require advocates to continually adapt their competencies. Regular ethics education and training can serve as a means to remind advocates of their professional obligations and develop the ability to address ethical issues that arise in practice. Guidance efforts for prospective advocates also demonstrate that an understanding of ethics needs to be instilled before an individual fully engages in the profession.

In addition to training, strengthening professionalism requires a consistent system of monitoring and enforcement of the code of ethics. A code of ethics will not have a strong impact if violations are

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not seriously dealt with. Oversight of advocate behavior is necessary to ensure that ethical provisions are not merely written rules but are actually implemented in practice. In this context, advocate organizations and the Honorary Council play a crucial role in receiving reports, investigating alleged violations, and imposing sanctions in accordance with applicable regulations. Consistent enforcement of the code of ethics also ensures that all advocates adhere to the same standards of conduct in carrying out their profession.

This issue is increasingly important because violations of the code of ethics can have broader implications than just the relationship between advocates and clients. When an advocate engages in actions that violate professional ethics, the impact can impact public trust in the legal profession and the law enforcement system as a whole. Studies of violations of the advocate code of ethics in Indonesia indicate that issues such as conflicts of interest, breaches of confidentiality, and abuse of professional conduct can impact the integrity and image of the profession. Therefore, strengthening professionalism is not sufficient by providing knowledge of the rules; it also requires building awareness that every advocate's action has consequences for public trust.

Enforcement of the code of ethics must also be implemented proportionally and fairly. Sanctions for violations are necessary to maintain the authority of the code of ethics, but the process of review and sanctioning must still be conducted based on clear procedures and take into account the type and severity of the violation. A transparent mechanism will help create a balance between protecting the honor of the profession and protecting the rights of advocates The study examined the practice of violating the advocate code of ethics. Research on the practice of violating the advocate code of ethics emphasizes the importance of evaluating the mechanisms of professional organizations and the Honorary Council so that supervision and sanctions can be implemented consistently and proportionally.

Strengthening advocate ethics is ultimately not only related to efforts to punish advocates who commit violations. A more fundamental step is building a professional culture that places integrity as part of the advocate's identity. This culture can be formed through ongoing professional education, coaching by advocate organizations, effective supervision, and exemplary behavior from advocates who have previously practiced the profession. Advocates also need to be aware that client interests must be upheld while respecting the law, the courts, the opposing party, and the public.

Strengthening ethics and professionalism is also related to increasing public trust in the legal profession. The public will more easily trust advocates if legal services are provided openly, responsibly, non-discriminatory, and without abuse of professional position. This trust is important because advocates are often the first people the public contacts when facing legal issues. If the relationship is built on integrity and responsibility, advocates can make a greater contribution to fulfilling people's legal rights.

4. CONCLUSION

Advocates play a crucial role as law enforcement officers in assisting the public in obtaining protection and access to justice. This role is realized not only through assisting and defending clients, but also through providing consultations, legal assistance, and helping the public understand their legal rights. In carrying out these duties, advocates have freedom and independence, but remain bound by legal provisions and the professional code of ethics.

The code of ethics is a crucial foundation for maintaining the professionalism of advocates, ensuring that their authority and freedom are not used irresponsibly. Advocates' professionalism needs to be supported by competence, integrity, honesty, responsibility, and adherence to the code of ethics. Furthermore, consistent monitoring and enforcement of the code of ethics are essential to prevent violations and maintain public trust in the legal profession. Strengthening ethics and professionalism is ultimately a crucial part of creating more responsible law enforcement practices and supporting access to justice for all.

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