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REVITALIZING THE ROLE OF SHARIA ADVOCATES IN REALIZED JUSTICE AND STRENGTHENING THE ENFORCEMENT OF ISLAMIC LAW IN INDONESIA

REVITALISASI PERAN ADVOKAT SYARIAH DALAM MEWUJUDKAN KEADILAN DAN MEMPERKUAT PENEGAKAN HUKUM ISLAM DI INDONESIA

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Abstract

Sharia advocates play an important role in providing legal services to society, particularly in cases related to Islamic law and the needs of justice seekers. However, the implementation of this role continues to face several challenges, including the limited recognition of specialized Sharia legal competence, restricted public access to legal aid, and the need to strengthen advocates' professionalism and ethical standards. This study aims to analyze the position of Sharia advocates within the Indonesian legal system, examine the urgency of revitalizing their role in realizing justice, and formulate strategies to strengthen their contribution to the enforcement of Islamic law in Indonesia. This research employs a normative juridical method using statutory and conceptual approaches through a literature review of relevant legislation, books, and scholarly journal articles. The findings indicate that revitalizing the role of Sharia advocates requires strengthening their competence in both Islamic and positive law, expanding access to legal aid, improving professional ethics, and reinforcing institutional and regulatory frameworks. Such revitalization is not intended to separate Sharia advocates from the national legal system, but rather to strengthen their professionalism and contribution to fair, ethical, and accountable legal services in accordance with the rule of law and Islamic legal values.

Keywords : Sharia Advocate, Revitalization, Justice, Legal Aid, Enforcement of Islamic Law.

Abstrak

Advokat syariah memiliki peran penting dalam memberikan pelayanan hukum kepada masyarakat, khususnya dalam perkara yang berkaitan dengan hukum Islam dan kebutuhan pencari keadilan. Namun, pelaksanaan peran tersebut masih menghadapi sejumlah tantangan, antara lain belum

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optimalnya pengakuan terhadap kekhususan kompetensi advokat syariah, keterbatasan akses masyarakat terhadap bantuan hukum, serta perlunya penguatan profesionalitas dan kode etik advokat. Penelitian ini bertujuan untuk menganalisis kedudukan advokat syariah dalam sistem hukum Indonesia, mengkaji urgensi revitalisasi perannya dalam mewujudkan keadilan, serta merumuskan strategi penguatan peran advokat syariah dalam penegakan hukum Islam di Indonesia. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual melalui studi kepustakaan terhadap peraturan perundang-undangan, buku, dan artikel jurnal ilmiah yang relevan. Hasil penelitian menunjukkan bahwa revitalisasi advokat syariah perlu dilakukan melalui penguatan kompetensi hukum Islam dan hukum positif, peningkatan akses terhadap bantuan hukum, pembinaan kode etik, serta penguatan kelembagaan dan regulasi profesi. Revitalisasi tersebut bukan dimaksudkan untuk memisahkan advokat syariah dari sistem hukum nasional, melainkan untuk memperkuat profesionalitas dan kontribusinya dalam memberikan pelayanan hukum yang adil, berintegritas, serta sesuai dengan prinsip negara hukum dan nilai-nilai hukum Islam.

Kata Kunci : Advokat Syariah, Revitalisasi, Keadilan, Bantuan Hukum, Penegakan Hukum Islam.

1. INTRODUCTION

Indonesia is a rule of law country that places law as the basis for organizing state and social life. In a rule of law, everyone has the right to obtain legal protection, legal certainty and fair treatment without discrimination. Fulfilling these rights is not enough just to provide legal regulations and judicial institutions, but also requires the existence of a legal profession that is able to help people understand and fight for their rights. One profession that has an important position in realizing this goal is a lawyer. Advocates play a role in providing consultation, assistance, defense and other legal services to people who face legal problems. The existence of advocates is also closely related to efforts to expand access to justice, especially for people who experience limited legal knowledge and economic capabilities.

In the Indonesian legal system, the position of an advocate is regulated through Law Number 18 of 2003 concerning Advocates. This regulation emphasizes the importance of lawyers as a profession that is free, independent and responsible in providing legal services. Professional freedom is needed so that advocates can defend clients' legal interests without unlawful pressure. However, this freedom must still be exercised based on the law, professional oath and the advocate's code of ethics. Thus, the position of an advocate is not only related to the individual interests of clients, but also has a relationship with the protection of human rights, the administration of fair justice, and public trust in the legal system.

One issue that needs attention is how to strengthen the role of sharia advocates in the Indonesian legal system. Sharia advocates have special relevance when people face cases related to Islamic family law, sharia economics, waqf, inheritance, as well as various other legal issues that require an understanding of the principles of Islamic law. Competence in Islamic law can help advocates understand the characteristics of cases and provide legal services that are more in line with community needs. However, strengthening sharia advocates does not mean limiting people from using advocate services based on a certain educational background or identity. The more basic thing is to ensure that every advocate has the appropriate competencies for the cases they handle and is able to carry out their profession based on applicable law. Panjaitan and other authors highlight the need to reform the regulation of the advocate profession so that strengthening the competence of sharia advocates can go hand in hand with the needs of the national legal system.

Revitalizing the role of sharia advocates is crucial because societal developments demand increasingly professional, accessible, and responsive legal services to address the challenges faced by justice seekers. Revitalization cannot simply be achieved by introducing the term "sharia advocate" but must be realized through competency enhancement, professional development, institutional support, and enhanced access to legal aid. Panjaitan, in his study of sharia advocates and legal aid in

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the contemporary era, emphasized the importance of enhancing competency and institutional support, as well as the ability to integrate sharia values with human rights principles. Therefore, strengthening sharia advocates needs to be placed within the framework of protecting community rights and developing a responsible legal profession.

Access to justice is also related to the community's ability to obtain legal assistance when facing legal issues. Not everyone has the financial means to use the services of an advocate, while unfamiliarity with legal procedures can hinder individuals from pursuing their rights. Therefore, legal aid plays a crucial role in achieving equality before the law. Panjaitan explains legal aid as a means to achieve justice, particularly by providing opportunities for the community to obtain adequate legal protection. This thinking demonstrates that sharia advocates not only need to strengthen their competence in handling cases but also need to pay attention to their professional social responsibility in assisting those in need.

In addition to competence and access to legal assistance, the issue of professional ethics is a crucial element in the revitalization of sharia advocates. Advocates practice their profession based on a relationship of trust with their clients, and therefore are required to possess integrity, honesty, confidentiality, independence, and responsibility. The ability to understand the law does not in itself guarantee that advocates will exercise their authority properly. Therefore, a code of ethics serves as a guideline to ensure that the profession does not deviate from legal obligations and moral responsibilities. Research on the ethics of the advocate profession also demonstrates the importance of ethical development and professional accountability in upholding the honor of the legal profession.

The revitalization of sharia lawyers also needs to be linked to the strengthening of legal aid institutions, including those within universities. These institutions can contribute to providing legal education, consultation, assistance, and legal assistance to communities facing limited access to professional services. Panjaitan's research on Islamic university legal aid organizations discusses the relevance of these institutions in efforts to achieve justice through legal aid. The existence of legal aid institutions can be part of efforts to expand legal services, but their effectiveness still requires competent human resources, institutional support, and collaboration with advocates who practice their profession in accordance with legal provisions.

Based on these issues, revitalizing the role of sharia lawyers requires a comprehensive review, taking into account the legal profession's position within the national legal system, the public's need for access to justice, the implementation of the code of ethics, and the contribution of Islamic legal values to law enforcement practices. The research of Panjaitan and other authors on the revitalization of sharia lawyers provides a foundation for discussing the need for regulatory reform and strengthening the competency of this profession. However, revitalization also needs to be placed within a broader framework, namely how sharia advocates can contribute to professional, fair, and responsible legal services without neglecting the principles of the Indonesian rule of law. Based on this, this study aims to analyze the status of sharia advocates, explain the urgency of revitalizing their role in expanding access to justice, and formulate steps to strengthen the sharia advocate profession in supporting the enforcement of Islamic law in Indonesia.

2. RESEARCH METHOD

This research employs a normative juridical method, namely legal research that focuses on the study of norms, principles, concepts, and legal provisions relating to the position and role of sharia advocates in the Indonesian legal system. The approaches employed include a statutory approach and a conceptual approach. The statutory approach is used to examine provisions relating to the legal profession, legal aid, and the implementation of professional obligations. Meanwhile, the conceptual approach is used to analyze the concept of sharia advocates, professionalism, codes of ethics, access to justice, and the relationship between Islamic legal principles and the national legal system.

The research materials consist of primary and secondary legal materials. Primary legal materials include laws and regulations relating to the legal profession and legal aid, particularly Law Number

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18 of 2003 concerning Advocates and Law Number 16 of 2011 concerning Legal Aid. Secondary legal materials include academic books, scientific journal articles, and research findings relevant to the role of advocates, professional codes of ethics, legal aid, and the strengthening of sharia advocates. Articles by Panjaitan and other authors on the revitalization of sharia advocates were used to examine the need for competency strengthening and reform of professional regulations. Panjaitan's writings on legal aid served as a basis for analyzing the relationship between advocates' responsibilities and ensuring public access to justice.

Legal materials were collected through library research, identifying and reviewing sources related to the research focus. The collected materials were analyzed qualitatively and descriptively, outlining legal provisions, academic concepts, and previous research findings and then linking them to the issue of revitalizing sharia advocates. The analysis was conducted systematically to assess the relationship between competency strengthening, code of ethics implementation, legal aid provision, and the contribution of sharia advocates to the enforcement of Islamic law. The results of the analysis were then compiled into legal arguments to formulate steps to strengthen the sharia advocate profession in line with the principles of justice, professionalism, and the rule of law.

3. RESULT AND DISCUSSION

The Position of Sharia Advocates in the Indonesian Legal System

Advocates are a crucial element in the Indonesian law enforcement system. Their role extends beyond representing clients in court, but also includes providing legal consultations, drafting legal documents, resolving disputes, and providing various other legal services. Advocates are essential to helping the public understand their rights and obligations and utilize available legal mechanisms. In the context of a state based on the rule of law, advocates play a vital role in ensuring that the public's legal interests are conveyed and defended through legal procedures. Therefore, the legal profession is closely linked to the protection of public rights and the fulfillment of access to justice.

The position of advocates in the national legal system is legally based on Law Number 18 of 2003 concerning Advocates. This provision positions advocates as a free, independent, and responsible profession in providing legal services. Professional freedom allows advocates to provide independent defense, while professional responsibility requires advocates to comply with the law and a code of ethics. This position must be understood proportionally. Advocates have a distinct function from judges, prosecutors, and the police, but all of these elements have their respective roles in supporting the law enforcement system.

In this context, a sharia advocate is an advocate who possesses the competence and understanding of Islamic legal principles relevant to the cases they handle. This competence can be an added value in providing legal services related to Islamic family law, sharia economics, inheritance, waqf, and other matters with an Islamic dimension. However, the term sharia advocate should not be understood as a profession completely separate from the national legal system. Advocates handling cases with an Islamic legal dimension must still comply with the legal provisions governing the legal profession and perform their duties based on applicable positive law.

Panjaitan and other authors emphasize the importance of revitalizing sharia advocates through reforming the regulations of the legal profession to ensure adequate attention is paid to the need for Islamic legal competence. This study is relevant because cases with an Islamic legal dimension may require an understanding of both positive legal norms and Islamic legal principles related to the substance of the case. Therefore, strengthening sharia advocates should be directed at improving their competency, not simply labeling the profession.

The position of sharia advocates also needs to be viewed from the perspective of the public's need for appropriate legal services. The public needs advocates who can explain legal issues in understandable language, outline options for case resolution, and provide assistance based on the client's legal interests. In cases related to Islamic law, knowledge of the characteristics of relevant

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legal norms and institutions can help advocates develop more precise arguments. However, this competence must be accompanied by an understanding of national law and case resolution procedures.

Therefore, the position of sharia advocates in the Indonesian legal system needs to be strengthened through recognition of the need for specialized competencies, improving the quality of education and training, and strengthening professionalism. Revitalization should not result in separation that contradicts the principle of equality before the law. Instead, revitalization should be a means to improve the quality of legal services so that the public receives assistance appropriate to the specific problems they face.

Revitalizing Sharia Lawyers to Expand Access to Justice

Access to justice is a crucial element in a state based on the rule of law because everyone must have a fair opportunity to obtain legal protection. In practice, access to justice cannot always be achieved simply by providing courts and laws. The public also needs legal information, professional assistance, and the ability to understand the procedures required. Economic limitations and limited legal knowledge can cause some people to experience difficulties when facing legal issues. In such circumstances, the presence of advocates is crucial as they help people understand and fight for their rights. Legal aid is one means to reduce these obstacles. Panjaitan explained that legal aid is linked to efforts to realize justice and equality before the law. This understanding emphasizes that legal services should not be accessible only to those with economic means. Legal aid should also be understood as part of the responsibility to build a legal system that provides everyone with the opportunity to defend their rights.

Revitalizing Sharia lawyers can contribute to expanding access to justice by providing legal services that address the needs of the community. Sharia advocates can provide consultation, assistance, and defense in cases requiring an understanding of Islamic law. These services must be conducted professionally and must not disregard positive legal provisions. With adequate competence, advocates can help the public understand the relationship between Islamic legal principles and applicable national legal provisions in the cases they face.

Panjaitan, in his study of Sharia advocates and legal aid in the contemporary era, emphasized the need for increased competence, institutional support, and the ability to integrate Sharia values with human rights principles. This demonstrates that expanding access to justice depends not only on the number of advocates available, but also on the quality of service, the reach of legal aid, and the profession's ability to respond to community needs. Sharia advocates need to be sensitive to the circumstances of justice seekers, including those experiencing economic hardship and difficulty understanding the legal process.

In addition to individual advocate practice, legal aid institutions can also serve as a means to expand public access to legal services. Legal aid institutions at universities, particularly Islamic religious universities, can play a role through community legal education, consultation, assistance, and legal aid activities in accordance with their capabilities and applicable regulations. Panjaitan's study of Islamic university legal aid organizations demonstrates the relevance of these institutions in supporting the fulfillment of justice through legal aid. However, the existence of legal aid institutions requires competent human resources, clear service mechanisms, and collaboration with professional organizations and related institutions. Sharia advocates also need to ensure that the assistance provided is not solely focused on resolving cases but also helps the public understand their rights and obligations. Thus, revitalizing Sharia advocates can contribute to access to justice through easier legal services.

Strengthening the Code of Ethics, Integrity, and Professionalism of Sharia Advocates

Strengthening the role of Sharia advocates is inseparable from fostering ethics and professionalism. Legal competence is a crucial requirement in carrying out the profession, but competence alone is not sufficient to ensure that advocates exercise their authority responsibly. Advocates must also possess integrity, honesty, independence, responsibility, and the ability to

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maintain client confidentiality. These principles are necessary to build a relationship of trust between advocates and the public and to uphold the honor of the legal profession.

The advocate code of ethics serves as a guideline for professional conduct. It establishes standards that advocates must adhere to when dealing with clients, fellow advocates, judicial institutions, and the public. Through the code of ethics, advocates' freedom remains within the framework of professional responsibility. Advocates should not use their position to mislead clients, abuse the legal process, or engage in actions contrary to their professional obligations. Advocates' defense of their clients' interests must be carried out in a lawful and accountable manner.

Strengthening ethics also requires ongoing education and development. The development of legal issues and changes in the way legal services are provided require advocates to continually update their knowledge and skills. Ethical development needs to begin during professional education and continue throughout their practice. Therefore, the code of ethics should not be understood merely as a collection of prohibitions, but as principles that guide advocates when facing complex professional issues.

In addition to development, a consistent mechanism for monitoring and enforcing the code of ethics is necessary. Advocates' organizations and professional honorary bodies have a role in handling alleged violations in accordance with applicable authorities and procedures. Enforcement of the code of ethics must be carried out fairly, proportionally, and transparently to maintain the honor of the profession and protect the rights of advocates being investigated.

Consistent oversight can strengthen public trust in the legal profession.

In the context of sharia advocates, professional integrity also needs to be reflected in an understanding of the values of justice, honesty, trustworthiness, and responsibility. These values can serve as a moral foundation for carrying out the profession, but their implementation must remain in line with positive law and the advocate code of ethics. Therefore, strengthening the professionalism of sharia advocates needs to be comprehensive through competency development, ethical development, supervision, and enforcement of professional responsibility.

The Contribution of Sharia Advocates to Strengthening the Enforcement of Islamic Law

The enforcement of Islamic law in Indonesia takes place within the framework of a national legal system that regulates the application of Islamic legal norms. In certain areas, such as Islamic family law and Islamic economics, an understanding of Islamic legal principles is relevant to case analysis and the development of legal arguments. Sharia advocates can contribute through legal services that address the specifics of these issues, while ensuring that legal action taken complies with applicable laws and procedures.

The contribution of Sharia advocates lies not only in their ability to explain Islamic legal norms, but also in their ability to connect these norms with the legal protection needs of the community. In cases related to family law, for example, advocates need to understand relevant provisions and assist clients in determining responsible legal action. In Islamic economics cases, advocates also need to understand the relationship between Sharia transaction principles, contract documents, and legal provisions governing dispute resolution. With these competencies, advocates can help communities obtain appropriate legal explanations and assistance relevant to the issues they face.

Strengthening the role of sharia advocates can also support improving the quality of public legal understanding. Advocates can play a role in providing legal counseling, explaining the rights and obligations of the parties, and encouraging legal and proportional resolution of problems. This effort is crucial because law enforcement is not solely related to the court process, but also to the public's understanding of the law and their ability to utilize available legal mechanisms.

However, strengthening the role of sharia advocates should not be interpreted as an attempt to place Islamic law and national law in a conflicting relationship. Advocates must understand the limits of the authority of institutions handling cases and apply relevant provisions in accordance with the Indonesian legal system. Islamic legal values can serve as an ethical and conceptual foundation for

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providing legal services, while legal argumentation and professional actions must remain guided by applicable law.

Therefore, the contribution of sharia advocates to strengthening the enforcement of Islamic law can be realized through mastery of competencies, improving the quality of legal assistance, providing public education, and carrying out the profession with integrity. These contributions will be more effective if supported by adequate professional education, access to accurate legal sources, and collaboration with relevant institutions.

Revitalization Strategy through Regulatory Reform and Institutional Strengthening

Revitalizing sharia advocates requires targeted and sustainable steps. One aspect that needs attention is the regulatory framework for the legal profession. Professional regulations must maintain standards applicable to all advocates while addressing the need for specialized competency development, including competency in Islamic law. Regulatory reforms must be carefully implemented to avoid creating discrimination or unfounded restrictions. The goal is to ensure that advocates handling specific cases have the adequate skills to provide professional legal services.

In addition to regulations, education and training are crucial elements in revitalization. Sharia advocates need to have a sound understanding of positive law, Islamic legal principles, judicial procedures, legal document drafting techniques, and professional ethics. Continuing education can help advocates keep abreast of developments in legal regulations and practices. This competency strengthening also requires the ability to communicate with clients and understand the social conditions of communities requiring legal services.

Institutional strengthening is the next strategy. Advocates' organizations, universities, legal aid institutions, and judicial institutions can collaborate in legal education, competency development, counseling, and the provision of legal aid. University-based legal aid institutions can be a means to expand the reach of services, while professional organizations can support the development and supervision of advocates in accordance with their respective authorities. This collaboration needs to be built with a clear division of roles so that legal services can be provided effectively and responsibly.

Revitalization must also be directed at strengthening integrity and implementing the code of ethics. Competency development will not yield optimal results without professional behavior. Therefore, ethics education, supervision, and accountability mechanisms need to be part of the development of the Sharia advocate profession. Enforcement of the code of ethics must be carried out through fair, transparent, and consistent procedures to maintain the honor of the profession and public trust.

Ultimately, the success of the revitalization of Sharia advocates must be measured by improving the quality of legal services and their benefits to justice seekers. This success cannot be measured solely by the increase in the number of advocates or institutions using Sharia terminology, but also by their ability to provide competent assistance, expand access to legal aid, maintain professional integrity, and assist the public in obtaining legal protection. With this approach, the revitalization of sharia advocates can be part of strengthening the national legal system while supporting the implementation of relevant Islamic legal values in the lives of Indonesian society.

4. CONCLUSION

Revitalizing the role of sharia advocates is a crucial effort to strengthen access to justice and support the enforcement of Islamic law within the Indonesian legal system. Sharia advocates are relevant because cases related to Islamic law require an understanding of sharia norms, positive law, procedural law, and professional ethics. However, the development of specialized competencies must continue to be implemented within the national legal framework for the legal profession.

The revitalization of sharia advocates needs to be directed at improving professional competence and strengthening social responsibility. Advocates are not only tasked with defending clients' interests in court but also provide consultation, assistance, and legal assistance to individuals experiencing obstacles in obtaining legal protection. These services must be carried out professionally

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and consider the needs of vulnerable groups. A code of ethics plays a crucial role in maintaining the integrity of advocates. The values of trustworthiness, justice, honesty, and responsibility from an Islamic perspective can strengthen the profession if implemented in accordance with positive law and the Indonesian Advocates' Code of Ethics. Ethics education, oversight, and accountability mechanisms must be consistently developed to maintain public trust in the legal profession.

From an institutional perspective, revitalization needs to be carried out through regulatory evaluation, improved education and training, development of legal aid, and strengthening of professional organizations and universities. Any reforms must address legal certainty, advocate independence, human rights, and the principle of non-discrimination. Therefore, revitalizing sharia advocates will not only strengthen professional competence but also improve the quality of legal services and contribute to the realization of substantive justice for the community.

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