

The Role Of Advocates In Realizing Justice In Indonesia

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Article Info	ABSTRACT
Keywords: Role of advocates, justice, Indonesia	This study aims to analyze the role of advocates in realizing distributive justice and commutative justice, especially in the context of defending client rights in the legal system. The problem of this research focus on how advocates play a role in both types of justice, both in the fair distribution of resources (distributive justice) and in ensuring a balance of rights and Obligations in relationships between individuals (commutative justice). This research is motivated by the strategic role of advocates in the justice system that can support the achievement of justice through defending the rights of individual and groups. Distributive justice is related to the fair distribution of resources, while commutative justice emphasizes the fulfillment of equal obligations in legal relationships between parties. This study uses a normative research method, namely by analyzing legal norms that regulate the role of advocates in realizing both types of justice, as well as various relevant legal literature. The roles of advocates shows that advocates have an important role in supporting distributive justice by helping marginalized or disadvantaged clients get their rights, and play a role in creating commutative justice by ensuring the exchange of rights and obligations between parties involved in the dispute. This study provides insight into the importance of the role of advocates in realizing more equitable and balanced justice in society.
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INTRODUCTION

The Indonesian legal system, as the foundation of a state of law, is designed to protect human rights and create justice for all people. However, although there are various regulations and rules that support the implementation of justice, in practice, there are still many challenges faced by the community in accessing this justice. Procedural complexity, legal information gaps, and resource constraints often become barriers for individuals, especially those from poor communities, to obtain adequate legal protection. In this context, the role of advocates becomes very important, as they act as the main link between clients and the justice system.

Advocates, as regulated in Law No. 18 of 2003 concerning Advocates, have a very strategic role in the Indonesian legal system. As an independent profession, advocates have an obligation to defend the rights of their clients regardless of the social, economic, or political background of the client. In this case, advocates not only function as defenders in court, but also as legal advisors who can provide legal understanding to the public so that they can know the rights and obligations they have in every legal situation.

Thus, advocates play an important role in providing access to justice, especially for those who do not have the knowledge or resources to engage in the legal process. In addition, the position of advocates in the Indonesian legal system is very relevant in efforts to realize substantive justice. The existence of advocates ensures that basic principles such as equality before the law and the right to legal defense can be realized in practice. Advocates are at the forefront of bringing justice to those who may not have the power to fight for their rights independently. In this case, advocates are not only professionals, but also actors who fight for a fair, transparent, and just legal system.

On the other hand, the role of advocates is not limited to the function of defending individual cases. Advocates also have a significant role in encouraging legal reform in Indonesia. Through their involvement in legal policy and advocacy for changes to laws, advocates can help create a legal system that is more responsive to the needs of society. Especially in the era of globalization and ever-evolving social dynamics, the role of advocates in encouraging improvements in judicial procedures and legal policies is very necessary so that the Indonesian legal system can adapt to the challenges of the times and better reflect the true principles of justice.

This article aims to explore in depth the role of advocates in the Indonesian legal system, by examining their position in creating justice, their contribution in providing access to justice, and the active role of advocates in encouraging legal reform. Through this discussion, it is hoped that it can be clearly seen that advocates are not only a profession that serves clients, but also an important element in realizing a more just and equitable legal system for all levels of Indonesian society.

RESEARCH METHODS

The normative legal research method used in this study aims to analyze the role of advocates as a liaison between clients and justice in the Indonesian legal system. This study will focus on the study of legal norms related to the advocate profession, such as laws and regulations governing the rights and obligations of advocates, as well as the code of ethics of the advocate profession.

The data used in this study come from secondary sources, such as Law Number 18 of 2003 concerning Advocates, relevant laws and regulations, court decisions, and legal doctrines relating to the relationship between advocates and clients in the context of achieving justice. This normative approach will explore how advocates carry out their functions in accordance with applicable legal provisions and the extent to which the role of advocates can guarantee access to justice for clients in the Indonesian legal system. This method aims to provide a deeper understanding of the position and responsibilities of advocates in providing fair and professional legal services.

RESULTS AND DISCUSSION

Understanding Distributive Justice

Distributive justice is a concept in moral philosophy and the theory of justice that focuses on the fair distribution of resources, wealth, or benefits in a society. Distributive justice aims to

determine how limited resources (such as money, wealth, access to services, or opportunities) should be distributed among individuals or groups in a society.

This distribution must be done in a way that is considered fair by the members of society, based on various established criteria. Distributive justice gives rise to various different theories regarding what is considered a fair distribution. Below is a more in-depth explanation of the various principles or theories related to distributive justice :

1. *Needs-Based Justice Justice*)

This approach states that the distribution of resources should be based on individual needs. Those with greater or more pressing needs should receive more than others. In this regard, attention is paid to individuals who may be living in poverty or who have unmet basic needs, such as access to health, education, or housing.

For example: In the context of social assistance, people who need more in-depth medical care or are more physically dependent will receive more assistance than those who do not need such assistance. The advantage of this approach is that it focuses on basic equality, providing fairness to those who truly need support.

2. Justice Based on Contribution or Effort (*Merit- Based*) Justice)

This principle emphasizes that resources should be distributed based on the contribution or effort that an individual has made. The greater the contribution or effort, the more a person deserves. This concept is often applied in reward or wage systems, where individuals who work harder or achieve better results receive more.

Example: In the workplace, an employee who works longer hours or achieves higher results (e.g., reaching sales targets) may receive a higher salary or reward compared to another employee who works to a lower standard. This approach encourages individuals to work hard and contribute their best. However, criticism is that this system can ignore structural inequalities or unequal opportunities.

3. *Equality-Based Justice Justice*)

The equity approach argues that resources should be distributed equally or equitably among all members of society. In this case, each individual receives the same amount regardless of their contribution, effort, or need. This idea is often seen as a way to achieve social justice and reduce inequality.

Examples: Equal distribution of the state budget among various sectors, without taking into account the contribution of each sector, or equal distribution of aid funds among all individuals in need. This approach aims to eliminate apparent inequalities in the distribution of wealth or opportunity, but is often criticized for not taking into account individual needs or contributions.

4. Justice Based on Rights (*Rights-Based Justice*)

Distributive justice is based on the idea that each individual has certain rights that must be respected and protected. The distribution of resources must be done according to the rights that individuals have. These rights can be basic rights such as the right to life, liberty, or the right to social protection.

Example: Human rights that guarantee the right of every individual to access basic education and health. In this case, the government is obliged to provide fair access for all its citizens to fulfill these rights. This approach emphasizes the importance of

individual rights in ensuring that the distribution of resources is carried out in a fair and morally legitimate manner.

5. *Ability-Based Justice Justice*)

This approach emphasizes that the distribution of resources or wealth should be based on an individual's ability to produce or contribute to society. This concept is more similar to the theory of meritocracy, where individuals who are more capable or have more skills or expertise will receive more resources. Example: In education, students who have greater abilities in certain subjects may receive awards or scholarships to further their education.

Major Theories of Distributive Justice:

a. John Rawls (Theory of Justice as Social Justice)

John Rawls is a philosopher who developed a theory of justice as social justice in his famous book, *A Theory of Justice*. of Justice (1971). Rawls argues that a just distribution of resources is one that would be acceptable to all people if they did not know their position in society, known as the "original position. " *position*).

In this position, according to Rawls, individuals will choose the principle of justice that benefits the least advantaged (the difference principle), with the aim of reducing inequalities that most harm the most marginalized members of society.

Rawls' principles :

- a. Principle of liberty: Every individual should have the same basic liberties.
- b. Difference principle: Social and economic inequalities should benefit the least advantaged in society.

b. Robert Nozick (Rights-Based Theory of Distributive Justice)

Robert Nozick, in his book *Anarchy, State, and Utopia* (1974), put forward a theory of distributive justice based on individual rights. According to Nozick, distributive justice occurs only if the results of the distribution of resources reflect a fair process (in other words, if the distribution follows the rules of legitimate property rights). He emphasizes the right of individuals to own property that they have acquired through legitimate means.

Understanding Commutative Justice

Commutative Justice is one of the important types of justice in the theory of justice. This justice focuses on the relationship between individuals in society, especially regarding fair exchanges or transactions between the parties involved. This concept comes from the thoughts of philosophers and legal experts, especially those who developed in the tradition of moral and legal philosophy.

The following is a complete explanation of commutative justice :

1. commutative justice

Commutative justice refers to the principle of justice that applies to transactions or exchanges between individuals. This justice occurs when two parties (for example, a seller and a buyer, or a provider and a recipient of a service) exchange something of equal value. In this case, both parties give and receive something of equal value, without any fraud, exploitation, or injustice.

2. Characteristics of Commutative Justice

- a. Equal Reciprocity: Each party gets something equal to what they give. For example, in a sale and purchase transaction, the price paid must be in accordance with the goods received.
 - b. No Fraud or Exploitation: Commutative justice demands that no party be harmed or taken advantage of by another party. All transactions must take place with transparency and honesty.
 - c. Achieving Balance: Transactions or exchanges are carried out with the aim of achieving a balance between rights and obligations, without any party feeling disadvantaged or not receiving an appropriate reward.
3. commutative justice
- a. Purchase and Sale Transactions: In the purchase and sale of goods, commutative justice is achieved when the buyer pays a price that corresponds to the goods received, and the seller provides goods that correspond to what was promised.
 - b. Lending: If a person lends money to another person, commutative justice is achieved when the borrower returns the amount borrowed according to the agreement, without any misuse or fraud.
 - c. Exchange of Services: In a service contract, a worker who provides services must receive payment that is commensurate with the value and quality of the work performed.
4. Moral and ethical aspects
- Commutative justice has a strong basis in ethics and morality. In this context, this principle of justice teaches that all parties should treat others with respect and fairness, and not take unfair advantage of existing situations or relationships. In social or economic relationships, commutative justice requires mutual understanding of equal value and equality in giving and receiving.
5. Commutative Justice in Social Life
- In social and economic life, the application of commutative justice is very important to ensure that relations between individuals are fair and transparent. When commutative justice is applied well, it will create mutually beneficial relationships, increase trust between the parties involved, and reduce the potential for conflict or dissatisfaction.
6. Challenges in Realizing Commutative Justice
- Although the principle of commutative justice seems simple, in practice it can be very difficult to implement. Some of the challenges that are often faced include:
- a. *Asymmetry in Knowledge*: When one party knows more or has more information than the other (for example in a buying and selling transaction), this can lead to injustice.
 - b. *Exploitation*: In business or economic relationships, sometimes the stronger or more powerful party can exploit the weaker party by giving them less than the value they receive.
 - c. *Difficulty in Assessing Equivalent Value*: In some cases, it is difficult to assess the equivalent value between what is given and what is received, such as in more abstract services or products.

Overall, commutative justice is a basic principle in social and economic relations that demands justice in every transaction or exchange between individuals. The application of commutative justice is not only important to avoid injustice, but also to maintain harmonious and fair relations between individuals in society.

The Role of Advocates in Realizing Distributive Justice and Commutative Justice

1. The role of advocates in distributive justice

a. Advocacy for the Rights of Marginalized Individuals and Groups

One of the main roles of advocates in distributive justice is to defend the rights of marginalized individuals or groups. In societies with social and economic inequality, certain groups often do not obtain their basic rights, whether in the form of access to education, health, decent work, or legal protection. Advocates function to fight for their rights so that they get a fair share of the resources and opportunities available.

b. Fair Settlement of Property and Asset Disputes

Advocates also play a key role in ensuring that the distribution of resources relating to property or assets is carried out fairly, especially in the context of inheritance disputes, division of joint property (common property) in divorce, or land disputes. The principle of distributive justice requires that the distribution of resources, whether assets or wealth, be carried out by taking into account the rights, contributions, and needs of each party.

c. The Struggle for Just Social Policies

Advocates also play a role in advocating for social policies that support a more equitable distribution of resources. Public policies, such as those related to taxes, social assistance, education, and health, have a significant impact on how equitably resources are distributed in society. Advocates serve to monitor and encourage the implementation of policies that favor the less fortunate.

d. Community Empowerment through Legal Education

Advocates have a very important role in providing legal education to the community regarding their rights related to resource distribution. This legal education can help individuals or groups understand the legitimate ways to fight for their rights and access resources fairly.

e. Mediation and Dispute Resolution with the Principle of Distributive Justice

Advocates also play a role in mediation or alternative dispute resolution processes. In resolving disputes involving the distribution of resources, advocates must ensure that the solution reached leads to a fair distribution, taking into account the needs and contributions of each party.

f. The Role of Advocates in Addressing Social Inequality

Advocates also play a vital role in addressing social inequalities rooted in discrimination based on race, gender, social status, or other factors. They can advocate for the rights of frequently discriminated groups to receive a fair share of society's resources.

2. The role of advocates in commutative justice

a. Representing Parties in Legal Transactions

Advocates play an important role in assisting their clients in every type of legal transaction they undertake, whether in civil agreements, sales, employment contracts, or other agreements. The primary role of an advocate is to ensure that the agreement or transaction is carried out in accordance with the principle of commutative justice, namely by providing appropriate rights to each party.

b. Resolving Disputes in Contracts or Agreements

One of the main functions of advocates in the context of commutative justice is to resolve disputes arising from breaches of contracts or agreements. When one party feels aggrieved because the other party does not fulfill its obligations in accordance with the agreement, advocates are responsible for representing their clients in court or through alternative dispute resolution processes (mediation, arbitration).

c. Fair Contract Drafting and Negotiation

One of the preventive roles carried out by advocates is to assist their clients in drafting contracts or agreements that are fair and beneficial to both parties. Experienced advocates will ensure that the clauses in the contract do not harm either party, so that justice is achieved in the legal relationship being undertaken. This negotiation process aims to ensure that their clients' rights are guaranteed and that the agreement reflects the principle of commutative justice.

d. Prevent Exploitation in Transactions

In many transactions, there is the potential for one party to exploit the weaker party, especially in relationships between employers and employees, or between large companies and consumers. Lawyers have a major role to play in ensuring that this kind of exploitation does not occur, by protecting their clients so that transactions remain within fair boundaries.

e. The Role of Advocates in Mediation and Dispute Resolution

Advocates are not only involved in the litigation process (trial), but also in dispute resolution through mediation or arbitration. In cases of disputes involving transactions or agreements, mediation can be an effective way to find a fair solution without going through a lengthy court process. Advocates act as facilitators in this process, with the aim that both parties reach a balanced agreement and no party feels disadvantaged.

f. The Role of Advocates in Upholding the Principles of Justice in Business Law

Advocates play a role in the business world and commercial transactions to ensure that business activities are carried out by prioritizing the principles of commutative justice. In this case, advocates will ensure that agreements made between companies and customers or other business partners do not harm either party and still pay attention to the balance of rights and obligations of each party.

CONCLUSION

Distributive Justice focuses on the fair distribution of resources or wealth in society, taking into account the needs, contributions, or rights of each individual. The goal is to ensure that everyone receives what they are entitled to based on their circumstances or role in society. Distributive justice is more collective and is concerned with social welfare while Commutative

Justice is concerned with transactions or exchanges between individuals. The principle is that each party in an exchange should receive something equivalent to what they give, maintaining fairness, balance, and impartiality. Commutative justice places more emphasis on the direct and reciprocal relationships between individuals in various types of economic or social interactions.

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