

The Role Of Advocates In Upholding The Principles Of Justice In Judicial Institutions

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ABSTRACT

The aim of this research is to examine the role of advocates in upholding the principles of justice in the judiciary , and the challenges they face . How important is the existence of advocates in the justice system in Indonesia, because advocates in carrying out their professions are free to enter all stages of the investigation process , police investigations , prosecutors and courts (civil , criminal , administrative , labor , business competition , and so on). An advocate can even provide legal advice and assistance to people who have legal problems outside the judicial process (non- litigation) resolution). Thus , advocates as law enforcement officer play an important role in creating certainty , justice and legal benefits in the Indonesian justice system . The role of advocates is very important in upholding the principles of justice in Indonesian courts , especially in the adversarial justice system . Their main task is to protect clients ' rights and ensure that the legal process takes place fairly and transparently . What are the roles of advocates in upholding the principles of justice in the judiciary ? And what challenges do advocates face in carrying out their function to uphold justice ? This research uses a normative method that combined literature reviews to explore these dynamics . It is hope that the research results will provide a better understanding of how advocates can increase their effectiveness in upholding justice , as well as support the reforms needed to create a legal system that is fairer and more responsive to the needs of society . Thus , this research will contribute to a deeper understanding of the challenges and opportunities face by advocates in carrying out their profession in the modern era .

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INTRODUCTION

The principle of justice is one of the pillars of a just legal system, functioning to protect individual rights and maintain public order. In the context of the judiciary, advocates play a vital role in upholding justice based on law, for the benefit of the community seeking justice. In addition, advocates act as mediators between the community and the judicial system, helping clients understand their rights, and ensuring they receive fair treatment before the law. This role is very crucial, especially in a society that often faces various legal and social challenges.

However, in carrying out their duties, advocates are often faced with various obstacles. Pressure from certain parties, lack of access to information, and the negative stigma surrounding the legal profession are some of the challenges that can hinder the effectiveness of the advocate's role. In addition, the ever-changing social and political dynamics also affect the independence of advocates in providing quality legal services.

Thus, it is important to conduct an in-depth study of the role of advocates in upholding the principle of justice in the judiciary. This study aims to explore the contribution of advocates in ensuring justice, as well as explore the challenges they face and the strategies that can be applied to overcome them. With a deeper understanding of these roles and challenges, it is hoped that solutions can be found to improve the effectiveness of advocacy in the judicial system, as well as strengthen the principle of justice in society.

RESEARCH METHODS

The method used in this study is the normative research method. This normative approach aims to analyze legal norms and basic principles underlying a legal system. In the context of this study, the normative method is applied to understand the role of advocates in upholding the principle of justice in the judiciary.

DISCUSSION

The Role of Advocates in Upholding the Principles of Justice in the Judicial Institution

According to Article 1 paragraph (1) of Law No. 18 of 2003 concerning Advocates, an Advocate is defined as someone whose profession is providing legal services, both in and outside the court, by fulfilling the requirements stipulated in this law. Advocates are one of the law enforcers who have a strategic role in the justice system in Indonesia. In the adversarial justice system, advocates function as guardians of law and justice, helping clients understand the legal process while protecting their rights. Given their crucial role, an advocate must have professional analytical, communication, strategy, and management skills to provide the best defense for their clients. In carrying out their duties, advocates must consider the greater truth and public interest, not only as guardians of the constitution, but also as defenders of the people before the law. Advocates are required to defend their clients' rights carefully, comply with applicable legal regulations, and uphold the law, the Constitution of the Republic of Indonesia, the Advocate Code of Ethics, and their professional oath. In the context of the criminal justice system, advocates help suspects and defendants understand complex legal processes, reduce the risk of legal errors, and contribute to the realization of justice.

The role of advocates in upholding the principles of justice in the Judicial Institution has great significance, because they are one of the main pillars of the justice system. The duties of advocates are not only limited to representing the interests of clients, but also include moral and professional responsibilities to ensure that the principles of justice can be realized. Here are some of the main roles of advocates in fighting for justice in the Judicial Institution:

1. Protection of Client Rights

Advocates act as legal advisors who accompany clients, including suspects and defendants, to understand the legal process while ensuring that their rights are protected.

They actively ensure that the legal process is fair and transparent. Without the role of advocates, many people, especially those who are less knowledgeable about the law, would be vulnerable to abuse of power or unfair legal procedures. Therefore, advocates ensure that every individual receives equal legal protection in the eyes of the law.

2. Balancing in the Legal Process

In the justice system, advocates play an important role as a counterweight to the power of law enforcement institutions, such as the police and the prosecutor's office. They serve to balance the coercive actions taken by law enforcement officers by ensuring that clients' rights remain protected during the investigation and trial process. In this position, advocates play a crucial role in maintaining the integrity of the justice system and supporting the enforcement of the rule of law.

3. Professional Legal Defense

Advocates bear a great responsibility to provide the best defense for their clients. In addition to providing legal advice, they also act as protectors of human rights, including ensuring the client's right to be assisted by legal counsel throughout all stages of the judicial process. In carrying out their duties, advocates are required to comply with the code of professional ethics by upholding the values of honesty, integrity, and respect for the law. This professionalism ensures that the defense provided not only protects the interests of clients, but also strengthens public trust in the legal system. Therefore, advocates must have good analytical and strategic skills in order to effectively defend the interests of clients .

4. Realizing Restorative Justice

Advocates also have a role in bridging the dialogue between perpetrators, victims, and the community in order to achieve sustainable reconciliation. This shows that the role of advocates is not only limited to defense in court, but also includes the social aspects of justice. The traditional settlement approach is now considered less relevant to the development of the times because it only focuses on the deterrent effect for the perpetrator without giving adequate attention to the losses experienced by the victim. Therefore, a new theory of punishment has emerged that focuses more on compensating the victim's losses. This approach, known as restorative justice, prioritizes restoring the victim's condition to its original state rather than simply punishing the perpetrator of the crime.

5. Facing Challenges in the Legal Process

Although advocates have equal standing with other law enforcement officers, they often face various obstacles, such as limited access to case files and intervention from law enforcement officers. Nevertheless, the existence of advocates still has a very important role in maintaining the continuity and quality of the criminal justice system in Indonesia.

Advocates play an important role as guardians of justice in the legal system. They are recognized as one of the law enforcers with equal standing with other officers such as the police, prosecutors, and judges. This role carries a great responsibility for advocates to protect the rights of their clients, both in criminal, civil, and administrative legal processes. By ensuring that their clients are treated fairly and in accordance with applicable laws, advocates contribute to maintaining the balance of power in the justice system. In addition, advocates also act as supervisors against possible abuse of authority by parties involved in the law

enforcement process, so that human rights remain protected and justice can be upheld fairly and evenly .

The advocate code of ethics aims to support the principle of justice by providing guidelines that emphasize the importance of integrity, objectivity, and honesty in every aspect of legal practice. Advocates are required to carry out their duties fairly, maintain a neutral attitude, and always prioritize the truth in defending the interests of their clients. By complying with this code of ethics, advocates play an active role in creating a trustworthy justice system, maintaining public trust, and preventing abuse of authority in legal practice.

The code of ethics also establishes obligations to maintain client confidentiality, protect information obtained during the professional relationship, and prevent conflicts of interest. Confidentiality in communications between advocates and clients aims to build an honest and trusting relationship, which is the basis for effective legal advocacy. This confidentiality includes information about the client or his/her case provided throughout the professional relationship, even after the relationship ends. Conflicts of interest require lawyers to avoid situations in which there is a conflict between the interests of a client and their professional obligations, such as the obligation to be loyal to the client and to maintain the confidentiality of information provided by the client .

Challenges Faced by Advocates in Carrying Out Their Function to Uphold Justice

In Indonesia, advocates play an important role in upholding justice, and helping people resolve legal issues through a fair and open judicial process. However, advocates also face various challenges that can hinder their efforts to uphold justice. Advocates are often faced with various problems in the legal world that can hinder them in providing defense to their clients. Limited access to case files is a major problem. Not being able to obtain complete and accurate information from case files can hinder advocates in preparing the best defense for the defendant. This can affect the outcome of the legal process and complicate case preparation.

The challenges faced by advocates in carrying out their duties are an important aspect in influencing the quality of legal services and the effectiveness of the justice system. First of all, limited resources, including time and energy, are the main challenges faced by advocates. The process of research, case preparation, and court appearances require intensive time. This condition often makes advocates hunker down under high time pressure, which can have a negative impact on the quality of legal representation they provide.

Furthermore, financial challenges are also a critical aspect that needs to be considered. The cost of education, bureaucracy to obtain a license, and the operational costs of a law office are significant financial burdens for advocates. Especially for advocates who are just starting their careers, the financial aspect can be a serious obstacle in providing affordable and quality legal services. In the analysis of the findings, the role of technology in legal practice is also a challenge that cannot be ignored. Although technological advances open up new opportunities, there is a gap in access and understanding of technology among advocates. Some advocates may still face obstacles in integrating technology into their legal practice, which can limit the efficiency and availability of relevant information. In addition, the

complexity of regulations and constant legislative changes add to the level of difficulty faced by advocates.

Advocates need to continually update their knowledge to stay current and apply the applicable law. This challenge requires not only a commitment to continuous learning but also requires advocates to have adequate access to educational resources and training. The analysis of the findings also highlights the emotional burden experienced by advocates in handling difficult cases. They often deal with clients who are experiencing emotional distress and complex legal needs. These demands can affect the advocate's mental well-being and require high empathy skills. In the context of the analysis of the findings, effective communication with clients is also a practical challenge. The ability to explain the legal process, client rights, and strategies taken in language that clients can understand is a critical skill that advocates must have. Lack of understanding can lead to misunderstandings and client dissatisfaction. Finally, competition within the legal profession itself also creates its own challenges. The increasing number of advocates makes competition to get clients and build a reputation increasingly fierce. This requires advocates to have effective marketing strategies and business management skills to maintain the sustainability of their legal practice.

Injustice in the criminal justice system is another serious challenge. Lack of human resources, lack of transparency, and the influence of corruption and collusion are contributing factors. Reform of the criminal justice system, through increased transparency, accountability, and efforts to eradicate corruption, is needed to address this injustice. Overall, the analysis of the findings reveals that the practical challenges faced by advocates involve a number of factors, ranging from limited resources to emotional demands and competition within the profession. A deeper understanding of these obstacles is needed to create an environment that supports the development and well-being of advocates and to ensure that the legal services they provide remain relevant and of high quality amidst the dynamics of change in the justice system. In conclusion, advocates have a vital role in realizing justice in the criminal justice system. However, challenges such as lack of public understanding, scarcity of competent advocates, and injustice in the criminal justice system need to be addressed so that advocates can carry out their role optimally. Through educational efforts, improving the quality of education, and reforming the criminal justice system, it is hoped that advocates can continue to make a positive contribution to achieving justice and public welfare.

Another challenge that often occurs is the interference of law enforcement officers, such as the police and prosecutors. This intervention can interfere with the independence of advocates, who should be able to function without external pressure. The influence of law enforcement officers often has a significant impact on the outcome of a case, which can ultimately be detrimental to the client being represented. In addition, administrative obstacles are also a problem that cannot be ignored. Complicated bureaucracy and lengthy administrative processes often slow down the course of law. In situations like this, advocates are forced to spend extra time and energy just to fulfill formalities that sometimes seem unnecessary.

This situation is further exacerbated by the potential for adversariality that arises in the interaction between advocates and law enforcement officers. The conflict that often occurs

between the two parties can create an atmosphere that is not conducive to cooperation, which is very important in finding the truth. Effective partnerships are key to achieving desired legal goals and conflict can hinder this process. Finally, the lack of specific regulations regarding pro-bono practice is a challenge in itself. The ambiguity in these regulations often results in additional costs that were not anticipated in advance, such as transportation or food costs for both advocates and clients. This uncertainty can burden advocates and potentially reduce the amount of time they can dedicate to helping clients in need. And the implementation of sanctions for advocates who do not report or violate the code of ethics is still weak, so that many advocates do not comply with professional standards.

Overall, these challenges demonstrate the complexity faced by advocates in carrying out their duties. By understanding and overcoming these obstacles, it is hoped that advocates can function better in the legal system and provide better defense for their clients. Advocates must maintain the integrity and dignity of the law by following the code of ethics established by the advocate organization. However, the implementation of this code of ethics sometimes still needs to be improved.

As for potential solutions to improve the criminal justice system in Indonesia that can be emphasized, namely to achieve effective justice and in line with legal principles, several potential solutions need to be considered and implemented. These solutions not only prioritize improving the quality of advocates but also lead to broader reforms in the legal system. One of the most crucial solutions is improving the competence and independence of advocates. Strengthening the independence of advocates will not only increase their effectiveness in defending clients but also contribute to the formation of a fairer justice system. This step can involve ongoing training for advocates in legal knowledge and practical skills needed in the judiciary. In addition, adequate resource allocation for advocates, especially those involved in pro-bono practice, can help ensure that they have the tools needed to carry out their duties optimally.

In addition, the establishment and strengthening of legal integrity enforcement institutions, such as the Advocate Honorary Council, are also very important. This institution is tasked with maintaining and improving professionalism among advocates. With the existence of an independent and firm supervisory institution, it is hoped that unethical practices can be minimized and advocates can act with high integrity. Strengthening the enforcement of this integrity will also give the public more trust in the legal profession. Through initiatives to increase legal awareness among the public, we can encourage a better understanding of the legal process. Effective legal education can help the public to better understand their rights and the importance of advocates in upholding justice. Counseling programs and legal education campaigns can be run so that the public feels more involved and supports the important role of advocates in the legal system. Thus, public support for advocates and the justice system will increase. Finally, carrying out a comprehensive reform of the legal system is an absolute necessity. Complicated bureaucracy and less specific regulations often become obstacles to effective law enforcement. By revising existing laws and regulations, we can create a system that is more efficient and responsive to the needs of the community. This process should involve extensive discussions with various stakeholders,

including advocates, law enforcement officials, and the community, to ensure that the reforms undertaken are relevant and well-targeted.

CONCLUSION

The role of an advocate in Upholding the principle of justice in the Judicial Institution has great significance, because they are one of the main pillars in the justice system. The duties of an advocate are not only limited to representing the interests of clients, but also include moral and professional responsibilities to ensure that the principle of justice can be realized. Here are some of the main roles of advocates in fighting for justice in the Judicial Institution: Protection of Client Rights, Balancing in the Legal Process, Professional Legal Defense, Realizing Restorative Justice, Facing Challenges in the Legal Process. The challenges faced by advocates in carrying out their duties are an important aspect in influencing the quality of legal services and the effectiveness of the justice system. Another challenge that often occurs is interference from law enforcement officers, such as the police and prosecutors. This intervention can interfere with the independence of advocates, who should be able to function without external pressure. In situations like this, advocates are forced to spend extra time and energy just to fulfill formalities that sometimes seem unnecessary.

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