


Advocate's Responsibility In Defending Clients Based On Islamic Perspective

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Article Info	ABSTRACT
<p>Keywords: Responsibility, Lawyer, Islamic, Justice</p>	<p>Advocates are one of the key pillars in upholding the law, serving as a bridge between society and the judicial system. From an Islamic perspective, justice is a fundamental value that must be upheld in every action, including in the practice of advocacy. This study aims to examine the responsibilities of advocates in defending clients based on the Islamic perspective and to analyze the legal consequences for advocates who fail to defend clients with fairness, honesty, and truthfulness. The method used in this research is normative juridical. The study reveals that advocates in Islam are responsible for upholding justice ('adl) in accordance with Sharia principles. Their defense must be based on the values of truth (haqq), without manipulating facts or defending unjust cases. Advocates who violate these principles are not only at risk of facing legal sanctions under the law but also bear spiritual consequences in the form of grave sins. In Islam, justice is not merely procedural but also substantial, emphasizing balance, honesty, and moral integrity. This study recommends strengthening regulations, raising awareness of Islamic values, and integrating Islamic principles of justice into advocacy practices to ensure that the profession contributes to achieving true justice, both in this world and in the hereafter.</p>
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INTRODUCTION

The advocate profession is one of the pillars of law enforcement that acts as a liaison between the community and the justice system. As someone who is trusted to defend the rights of his clients, advocates have great moral, ethical, and legal responsibilities. In the context of positive law, the responsibilities of advocates are regulated in Law Number 18 of 2003 concerning Advocates. However, in the Islamic legal system, this responsibility is not only limited to worldly aspects but also relates to the afterlife, where every action will be held accountable before Allah SWT. The responsibility of an advocate in Islam is not only related to professionalism and the code of ethics of the profession, but also includes noble moral values (akhlak al-karimah). Islam emphasizes the importance of justice ('adl), truth (haqq), and honesty (sidq) in every action, including in the process of defending clients. In this case, advocates must ensure that the defense provided does not violate sharia principles,

such as not defending unjust cases, not manipulating facts, and not justifying any means to win a case.

In practice, many advocates are trapped in a conflict between professional obligations and moral values. Some advocates sometimes prioritize client victory over truth and justice, so they can ignore sharia principles. The Islamic perspective on the responsibility of advocates is often not a primary concern in academic discussions or practice. Most studies focus more on the formal legal aspects based on positive law. This phenomenon raises the need to review the responsibility of advocates based on an Islamic perspective, especially with a normative legal approach that explores the provisions of the Qur'an, Hadith, and the views of scholars as guidelines in carrying out the advocacy profession. This research is important to provide guidance for Muslim advocates in carrying out their profession in accordance with Islamic values. By adopting a normative legal approach, this research is expected to provide a solid theoretical foundation for advocates to be able to balance professional responsibility and spiritual responsibility in defending clients.

This research can be conducted by looking at previous studies from several titles related to the topic in writing this journal article, including: The Responsibility of Advocates in Corruption Crimes from a Maslahah Perspective, The Role of Advocates in Accompanying Clients from an Islamic Law Perspective, and a Legal Review of the Role of Advocates in Accompanying Clients in Divorce Cases at the Religious Court of Pekanbaru City. From the background above, the following problems can be identified:

1. What is the Responsibility of an Advocate in Defending a Client Based on an Islamic Perspective?
2. What are the legal consequences for advocates who are not responsible for defending clients fairly, honestly and correctly?

The purpose of the research on this problem is to determine the responsibility of advocates in defending clients based on an Islamic perspective and to determine the legal consequences for advocates who are not responsible for defending clients fairly, honestly and correctly.

RESEARCH METHODS

The research method used is normative juridical because it is conceptualized as what is written in the laws and regulations and Islamic law. This is used to find a fact based on human logic, from the side of legal science. In addition, this writing focuses on how to get the facts carefully and clearly. In collecting data used from secondary data sourced from publications including scientific journals, books, websites and newspapers that make this problem discussed in the study. This research is a type of qualitative research that uses a phenomenological approach. While the phenomenological approach characterizes descriptive phenomenology, namely proving with a problem and object discussed as a problem. The data collection technique in this study uses literature studies by solving problems collected from various types of literature such as journal articles, journal proceedings, books and sources from internet sites. The legal materials used are secondary legal materials consisting of textbooks written by influential legal experts, legal journals,

opinions of scholars, jurisprudence, and the results of recent symposiums related to the research topic.

RESULTS AND DISCUSSION

Definition of Advocate

Advocate comes from Latin, namely *Advocatus*, which means able to be traced and helps someone in a case. According to Article 1 paragraph (1) of Law No. 18 of 2003 concerning Advocates, the definition of an Advocate is "a person whose profession is providing legal services, both inside and outside the Court, who fulfills the requirements based on the provisions of this Law".

Based on the description above, it can be understood that the definition of an Advocate is a person who carries out his work both inside and outside the Court.

Rights and Obligations of Advocates

There are 5 Advocate Rights based on Law No. 18 of 2003 concerning Advocates, namely as follows:

1. Based on Article 14 of the Advocates Law No. 18 of 2003, Advocates have the freedom to express opinions/arguments or statements in defending/handling cases that are their responsibility in court proceedings while adhering to the code of professional ethics and applicable laws.
2. Based on Article 15 of the Advocates Law No. 18 of 2003, Advocates are free to carry out their professional duties to defend/handle cases that are their responsibility while adhering to the professional code of ethics and laws and regulations.
3. Based on Article 17 of Law No. 18 of 2003 on Advocates, Advocates have the right to obtain data, information and other documents, both from government agencies and parties related to the interests required to defend the interests of their clients in accordance with statutory regulations.
4. Based on Article 16 of Law No. 18 of 2003 on Advocates, Advocates have the right to immunity, namely the right not to be sued either criminally or civilly in carrying out their professional duties in good faith and with full responsibility for the interests of defending clients in court hearings.
5. Advocates have the right to receive compensation for services or honorariums or fees.

The obligations of an advocate are as follows:

1. Based on article 18 of Law No. 18 of 2003 concerning advocates, it is prohibited to differentiate treatment of clients based on gender, religion, politics, descent, race, or social and cultural background. This shows that an advocate must be professional in working.
2. Based on Article 19 of Law No. 18 of 2003 concerning Advocates, it states that advocates are required to keep confidential everything they know or obtain from their clients due to professional relationships, unless otherwise determined by law. Then advocates also have the right to keep confidential their relationships with clients, including protection of their files and documents against confiscation or inspection and protection against wiretapping of the advocate's electronic communications.

3. While carrying out his profession, an advocate is not permitted to hold another position which is contrary to the interests of his duties and the dignity of his profession (vide Article 20 of Law No. 18 of 2003 concerning advocates).
4. Based on Article 22 of Law No. 18 of 2003 concerning Advocates, advocates are required to provide free legal aid to justice seekers who cannot afford it. Provisions regarding the requirements and procedures for providing free legal aid are regulated in the Government Regulation of the Republic of Indonesia Number 83 of 2008 concerning the requirements and procedures for providing free legal aid.

Based on the Indonesian Advocate Code of Ethics and the Advocate Law, in carrying out their work, advocates have obligations to fellow advocates, the community and clients. These obligations should be carried out by advocates so that the honor of advocates is maintained in society. If this obligation is not carried out, advocates so that the honor of advocates is maintained in society. If this obligation is not carried out, the advocate concerned can be punished in accordance with the provisions of the Indonesian advocate code of ethics. Of course, violations of these obligations will be subject to sanctions with reference to the type of punishment. Based on the Indonesian Advocates Code of Ethics, the obligations of advocates include:

1. Maintaining a sense of solidarity among colleagues (in the 3 letters d of the Indonesian Advocates Code of Ethics).
2. Providing legal assistance to colleagues who are suspected or charged with a criminal case, either at their own request or because of appointment by a professional organization (in 3 letter e of the Indonesian advocate code of ethics).
3. Be polite to all colleagues and maintain the dignity of an advocate (article 4 letter d of the advocate's code of ethics).
4. In determining the amount of the honorarium, it is mandatory to consider the client's capabilities (article 4 letter d of the Indonesian advocate code of ethics).
5. Maintaining professional secrets regarding matters that are informed by the client in a trustworthy manner and maintaining these secrets even after the relationship with the client ends (Article 4 letter h of the Indonesian Advocates' Code of Ethics).
6. Provide letters and information if the case will be handled by a new advocate taking into account Retention rights (article 5 letter F of the Indonesian advocate code of ethics).
7. Obligated to provide free legal aid to those who cannot afford it (Article 7 letter h of the Indonesian Advocates' Code of Ethics).
8. Delivering notification of court decisions regarding cases handled to clients (Article 7 letter l of the Indonesian advocate code of ethics).

Artidjo Alkostar in his book on the role and challenges of advocates in the era of globalization also conveys the obligations of the advocate profession as follows:

- 1) Performing a profession of the highest standard:
As a profession that holds the predicate of professional, there is a moral obligation to meet the standards of professionalism that have minimum parameters that must be met and always try to meet the highest scale in serving their clients. In carrying out

their professional work to fight for the rights of their clients, advocates are required to make maximum efforts, not carelessly and in passing, the weight of attention to efficient processes and effective work results will show the personality traits and skills in managing legal cases of advocates in the eyes of their clients. For that, it is the obligation of advocates to provide excellent quality legal services for their clients.

2) Don't put personal interests first

The relationship between an advocate and his/her client feels like he/she is in a position to provide legal guidance and serve his/her client who is involved in a legal case, so that the interests of his/her client are in first place. Prioritizing the interests of the client is a logical consequence of the position of an advocate who receives legal power to act for his/her client in obtaining justice.

3) It is forbidden to praise yourself

It is inappropriate for an advocate to praise himself because such an attitude shows a mental deficit or lack of self-confidence. Praising oneself is contrary to the demands of fulfilling the personality of a pious and polite advocate.

4) Protecting clients and human rights

Receiving money or fees from clients is a logical consequence that advocates deserve because they have made achievements in providing legal services. However, it will raise questions and be unethical if advocates receive money from opponents or other parties related to the case being handled. Temptations for advocates can come in the form of promises or enticements from the opposing party or other parties who receive the advocate so that they do not need to do their utmost or are not serious about making legal efforts. With the advocate acting casually and not seriously defending his client, the opposing party will benefit in certain ways.

Protecting the rights of clients in the Netherlands is an obligation for advocates as those who are mandated to act for and on behalf of their clients. Client rights can involve rights that are qualified as economic, social, political, and cultural. Basically, upholding law and justice is upholding human rights (HAM). The struggle to uphold individual and collective rights must be carried out through procedures and decisions can be executed by authorized officers.

5) Must be careful in expressing opinions

Advocates are considered unprofessional if they express opinions that are inaccurate and illogical and are often refuted by other parties. Moreover, if it concerns a particular case, it will harm their clients. Therefore, it is necessary to have precision and accuracy of data in conveying opinions to the public and in behaving in the courtroom, because it will invite consequences for the advocate himself, his client or other parties. Professional advocates will have the right and beautiful words, thus facilitating the management of the cases handled and reflecting a beautiful disposition in the eyes of clients and the public. Advocates will not risk their professional reputation by expressing opinions carelessly and without justification.

Responsibilities of the Advocate Profession

An advocate in carrying out his/her duties must always be guided by a responsible attitude. If this is done, it shows that an advocate can be said to have carried out his/her profession professionally. Responsible here means that every advocate in carrying out an act will always be guided by the right reasons so that his/her actions can be accounted for. Thus, every advocate who carries out an act that is not based on a strong reason (not based on a legal or moral basis), then it means that his/her actions are irresponsible and such acts should not be carried out at all by every advocate. In addition to law and morals, the "right basis" that can be a reference for an advocate is the Advocate's Code of Ethics. The responsibilities of an advocate are:

1. Responsibility to society

Advocates are responsible for providing legal services to the community, especially to the less fortunate. In this case, advocates are required to carry out pro bono duties as regulated in Article 22 paragraph (1) of the Advocates Law, which states that advocates must provide free legal assistance to the poor.

2. Responsibility to the court

As part of the justice system, advocates are required to assist in the enforcement of fair and responsible law. Advocates are prohibited from carrying out actions that are contrary to the law, such as manipulating facts or submitting false documents. This is in accordance with Article 3 of the Indonesian Advocate Code of Ethics.

3. Responsibility to colleagues (professional colleagues)

Advocates must maintain the good name and honor of the profession. Unethical or unlawful actions by advocates can tarnish the image of the profession. This principle is stated in Article 2 of the Indonesian Advocate Code of Ethics, which emphasizes the importance of morality and integrity in the practice of advocacy.

4. Responsibility to clients

Advocates are required to provide legal assistance with integrity, loyalty, and professionalism to clients. Advocates must maintain the confidentiality of information obtained during the working relationship with clients, as regulated in Article 19 of Law No. 18 of 2003 concerning Advocates (Advocate Law).

5. Responsibility to God

The advocate's responsibility to God is a moral and spiritual aspect inherent in the implementation of this profession. As a profession that is closely related to justice and truth, advocates have a responsibility to carry out their duties by upholding the values of faith and piety.

6. Responsibility to the state

Advocates as law enforcers have a strategic role in upholding justice, protecting human rights, and maintaining the supremacy of law in this country. Advocates must work in accordance with the mandate of the 1945 Constitution, Article 27 paragraph (1), which guarantees equality before the law.

In addition, advocates also have several other responsibilities, such as:

1. Uphold the professional code of ethics.

Advocates must uphold their professional code of ethics.

2. Enforcing the law

As one of the elements of the justice system recognized in Article 5 paragraph (1) of Law No. 18 of 2003 concerning Advocates, advocates are obliged to assist the state in enforcing law and justice. They are obliged to carry out this function professionally, independently and with integrity.

3. Responsible to the opposing party

Advocates must maintain good relations with the opposing party through the use of polite vocabulary and non-offensive behavior.

Responsibilities of Advocates in Defending Clients Based on Law No. 18 of 2003 Concerning Advocacy

The advocacy profession is known as a noble profession (*officium nobile*), because it requires defending everyone without distinguishing between race, skin color, religion, culture, socio-economic background, rich or poor, political beliefs, gender and ideology. Advocates are a legal profession that is bound by the existence of rules or norms that must be obeyed, namely in the form of a code of ethics.

The advocate profession that is bound by a code of ethics gives birth to a system of values or ethics that apply to advocates and their groups. Advocate ethics emphasize the formulation of good and bad advocate behavior on the basis of formal legal and moral legal based on the code of ethics. This is the value of behavior that is formulated and guides advocate ethics in carrying out the profession as stated in the Indonesian Advocate Code of Ethics of 2002.

The important role of an advocate is related to litigation before the court because of their skills and insight in the field law as its main provision and the role of an advocate can be observed in providing legal services to clients. In providing legal services, the role of an advocate is not only at one level, even from level of the District Court to the Supreme Court. Granting Legal services by advocates are also determined by the power of attorney they obtain. The rights, obligations and responsibilities of advocates are regulated in Articles 14 to 20 of Law Number 18 of 2003. Duties Advocates are as follows:

1. Accompanying .
2. Providing legal consultation .
3. Exercising power .
4. Defend and carry out other legal actions for client interests
5. Represent .
6. Providing legal assistance.

The law also regulates the obligations of advocates, especially related to client interests, such as the following:

1. Advocates do not differentiate between clients based on their ancestry or background. socio-cultural background, religion, race, ethnicity and others.
2. An advocate cannot be identified with his client in defending client cases by authorized parties and/or public .

3. Advocates must keep confidential any information they obtain and learn from clients relating to their profession, unless otherwise specified. otherwise by law .
4. free legal aid . to those seeking justice who cannot afford it .
5. Advocates are required to submit to and comply with the code of ethics of the advocate profession .

Advocates dedicate themselves to the interests of society and for the sake of law enforcement based on justice, and also to uphold human rights. In addition, advocates are free to defend, not bound by orders his client and is impartial towards the cases he defends. In defending his client, an advocate must not violate applicable legal rules. Must not violate moral principles, as well must not harm the interests of others.

The responsibility of advocates in defending clients based on Islamic perspective

Currently, the existence of advocates, as providers of legal assistance or services to the community or clients facing legal problems, is increasingly important along with the increasing public awareness and complexity of legal problems. In Islam, the advocate profession is one of the important professions, especially in upholding justice and human rights in order to achieve a good and orderly life. With this it is clear that what has happened as a representative in upholding justice must be in accordance with the law of Allah. The advocate profession is also known in the Qur'an , namely in QS. I-Qashash Verses 33-34 which means:

"O my Lord, indeed I have killed a man from their group. So I was afraid they would kill me. And my brother Harun has a more eloquent tongue than me, so he sent him with me as my helper to confirm my (words). In fact, I was afraid they would lie to me."

The role of advocates as law enforcers in the justice system in the context of Indonesian law and an Islamic perspective can be described as follows.

Advocates as protectors of human rights and justice

The essence of providing legal services by advocates is not only based on a sense of humanity, but also a form of protection of human rights. In addition, the provision of legal services by advocates is a form of equal justice so that everyone has the same rights before the law.

In the Islamic perspective, the recognition and protection of human rights have been explained through the concept of the objectives of sharia. The objectives of sharia are to realize the welfare of humanity by protecting and realizing things that are inevitable for humans. and fulfilling things that are human needs and decorations. Thus, advocates have a very vital role in providing protection for the objectives of sharia. This is in line with the normative law that has been in force in Indonesia, to protect human rights and justice for perpetrators of a crime, the law regulates the *Miranda Rule (Miranda Principle)* .

Advocates as supervisors of judicial integrity are subject to a code of professional ethics

The existence of advocates is also mentioned as an institution that has functions related to judicial power. This indicates that advocates are also truly involved in enforcing the law and upholding justice within the judicial power. In Islamic law, it is possible to elaborate the mechanism in the legal process, because Islam does not detail the procedural issues of law but rather emphasizes the realization of substantial justice, so that its

implementation is left to the authority of the state to decide according to the public interest. On this basis, the role of advocates as guardians of the integrity of the judiciary and entering as enforcers of law and justice within the scope of judicial power is very possible.

Justice or balance itself describes the horizontal dimension of Islamic teachings which relate to the overall relationship between the universe. The justice shown by Islamic law is absolute and perfect justice, not relative and partial justice. So Islamic legal justice is to look for the deepest motives for justice, for example, actions are determined by intentions and we act as if we are before Allah. In an Islamic perspective, it is explained as a principle that shows honesty, balance, simplicity and directness, which are moral values emphasized in the Koran.

The position of an advocate as a balancer who remains subject to the professional code of ethics can be linked to the Qur'an, Surah An-Nisa' verse 135 which reads:

✉troop may Allah bless *يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ أَوْ الْوَالِدِينَ فَتَتَّبِعُوا الْحَقَّ* *أُولَىٰ بِهِمَا فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا*
him and give him peace and blessings

Meaning: "O you who believe, be upholders of justice and witnesses for Allah, even if the testimony incriminates yourselves, your parents, or your relatives. If he (who is weighed in the testimony) is rich or poor, Allah is more worthy to know (the benefits of) both. So, do not follow your desires because you want to deviate (from the truth). If you distort (words) or turn away (reluctant to be witnesses), verily Allah is All-Aware of everything you do."

In Tafsir, Ibn Kathir explains that Allah Almighty commands His faithful servants to be enforcers of justice, not inclined to the right or left, not afraid of any criticism because of Allah and cannot be turned away by any party. And ordered to be people who help each other, help each other and work together.

The verse above is a guide for law enforcers, especially Muslim advocates, to be able to exercise their authority fairly. Advocates are required to uphold the ethics of the advocate profession. The ethics that have been regulated in the code of ethics are a guideline for advocates in carrying out their profession. Likewise, in Islam, the position and behavior of advocates have been explained in the Qur'an, where ethics is the most important value in upholding the law.

Legal Consequences for Advocates Who Are Not Responsible in Defending Clients Fairly, Honestly, and Correctly

An advocate who is not responsible in defending his/her client fairly, honestly, and correctly can violate the code of ethics. The sanctions for advocates who violate the code of ethics based on Article 7 of Law No. 18 of 2003 concerning Advocates are:

- 1) Verbal warning;
- 2) Written warning;
- 3) Temporary suspension from the profession for 3 (three) to 12 (twelve) months;
- 4) Permanent dismissal from the profession

Advocates who are not responsible in defending their clients fairly, honestly and correctly from an Islamic perspective will suffer the following consequences in the afterlife:

1. Major Sins

An advocate who is dishonest, unfair or dishonest falls into the category of traitor, which is considered a major sin.

The Messenger of Allah SAW said:

"Whoever cheats, he is not from our group." (HR. Muslim).

Not acting fairly in defending a client can result in the advocate being held accountable on the Day of Judgment.

2. Punishment of the Hereafter

Allah's Word in Surah Al-Baqarah (2:188):

"And do not eat up one another's wealth unjustly."

Income obtained by advocates from unfair or fraudulent actions is considered as illicit wealth which will be the cause of punishment in the hereafter.

CONCLUSION

In the Islamic perspective, advocates have moral, professional, and spiritual responsibilities. They are required to ensure that the defense is carried out fairly, honestly, and in accordance with sharia principles, such as not manipulating facts or defending unjust cases. Advocates are seen as one form of justice that is derived from sharia values. Islam emphasizes the importance of honesty, justice, and integrity in carrying out this profession. Advocates must maintain client confidentiality, provide legal assistance without discrimination, and adhere to the code of ethics and applicable legal regulations. This responsibility includes obligations to society, clients, courts, fellow advocates, the state, and God. Irresponsible advocates can be subject to ethical sanctions, ranging from reprimands to professional dismissal. In Islam, violation of an advocate's responsibility is seen as a major sin that will be held accountable in the afterlife.

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