


## Analysis Of The Prohibition On Advertising In The Code Of Ethics Of The Advocate Profession

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Article Info	ABSTRACT
<p><b>Keywords:</b> Code of Ethics, Profession, Advocate</p>	<p>The purpose of this study is to analyze the factors that cause violations of the code of ethics committed by an advocate so that in exercising his authority he can act in accordance with applicable moral and professional standards. Every professional profession has moral principles that are regulated in a code of ethics, including advocates. The application of the code of ethics in the Advocate profession is very important because it is used as a form of moral resilience for the Advocate profession. In reality, the implementation of law in the field there are still advocates who violate the advocate code of ethics. This research aims to analyze the code of ethics applied by the advocate profession so that in exercising its authority it can act in accordance with applicable moral and professional standards. This research uses qualitative methods with library research techniques emphasizing sources of information from law books, journals and papers that have a relevant relationship with the title discussed. The results obtained ideally professional ethics is a regulator of law enforcement behavior as part of efforts to realize good and fair law enforcement. The advocate's code of ethics as a juridical basis in carrying out the profession acts to guarantee and provide protection to advocates from deviant actions, although on the other hand humanity certainly imposes a great responsibility for an advocate in carrying out his profession. Advocates have a code of ethics which is regulated in the articles in the Indonesian Advocates Code of Ethics (KEAI) 2002. Advocates also have a supervisory board formed by the advocate organization and is authorized to oversee the implementation of the professional code of ethics</p>
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### INTRODUCTION

Every profession coated with regulation internal legislation regarding the profession concerned, is regulated by regulations binding legislation with authority, duties and responsibilities, as well as also flanked by procedural law and the Code of Ethics Profession so that the process of enforcing law material No deviant and behavior personal and action in profession that is carried out and carried out with good and right.

According to Constitution Number 18 of 2003 concerning Advocate, definition advocate is a person who works give service law, both within or outside court that meets the requirements condition based on provision Applicable laws. Code of ethics Advocate is

the rules that have been set For made into guidelines by Advocate in do and at the same time ensure professional moral quality Advocate in the eyes public.

Authority Advocate as Law Enforcement is useful For give help law to the client concerned with problem law experienced. Authority Advocate as institution enforcer law outside government.

When running the duties of advocates No only operate work mandated by law but also run function very important social that is responsible answer For carry out the trust given audience the public he serves. A Advocate must hold on firm to code ethics Advocate, one of them that is forbidden advertise and publish self to social media in a way excessive. but in in reality, the implementation law on the ground Still There is Advocate who does violation code ethics Advocate said. Implementation code ethics in profession law is very important Because used as one of the form professional moral resilience Advocate with explain about function code ethics mentioned in public about enforcement and implementation code ethics the.

Development technology in the current era This can accessed with easy by everyone human being For look for information through the internet and social media. This is No can denied that a advocates must also follow adapt with progress technology This in promote yourself. Potential clients usually will look for information about service law advocate with using the internet. In prohibition advertise a advocate No own appropriate explanation with explanation above, where a advocate required follow progress technology. Advertising yourself and form image self are two related things Where formation image self a advocate will shown through mass media as form business For promote self in front of public.

benchmark formation image self a good and appropriate advocate with code ethics advocate to remain maintain A profession the noble advocate can seen from with No expose behavior hedonism towards the public in the mass media, not spread hoax and untrue information look for sensation in the media against colleague peer or to public ( client ). This is aims to remain maintain Name Good profession advocate in the eyes public wide.

For realize profession a working advocate as enforcer law and justice are also determined by the role Organization Advocate. Law No. 18 of 2003 concerning Advocate has give rule about supervision, actions to violation and termination advocate whose implementation carried out by the Organization Advocate.

This article aiming For learn more carry on about analysis prohibition advertise in code ethics profession Advocate. Research This will analyze components understanding ethics profession, advocate as honorable profession, code ethics that are violated, as well as supervision and enforcement on code ethics violated, accompanied by with relevant laws with It is expected results study This can increase awareness will importance code ethics, minimizing violations, and increase quality service law. This article also aims to For give contribution to development profession An advocate with integrity and professionalism.

## METHOD

Study This use method study literature through approach descriptive qualitative. The data used in study This taken from various source secondary like books, journals, articles

scientific, and regulatory related legislation with profession Advocates and codes ethics. Data collection techniques are carried out through studies library research which emphasizes sources information from books law, journals and papers that have connection relevant from sources The data analysis was carried out with method identify themes main related with code ethics Advocates and their application in practice laws in Indonesia.

## RESULTS AND DISCUSSION

Foundation law for profession advocate in Indonesia at the moment This limited to Law No. 18 of 2003 and the Code of Ethics Advocate. The freedom that is owned advocate in operate his profession, without limitation clear authority, often become challenge alone in guard order and ethics profession. Authority Advocate in give help law to client in case criminal set up in the Criminal Code (KUHAP ) it is regulated in Chapter VII Articles 54-62 and Articles 69-74 concerning help law. In addition, advocates own freedom full in operate his duties, without tied to type case certain ( civil) or criminal ) and legal area certain. This means that a person advocate can handle things in all levels the trial, starting from District Court up to Supreme Court.

Advertising self like imaging yourself on social media can also be called as soft selling which means sale in a way No direct in form of strategy for promote a services shown For touch thoughts and a feeling to society. Sales in form This usually can We find in social media as A content. Luhut say that articles from code ethics That can changed adapt with development of the times. In accordance with developments in the current era, one advocate must Can promote himself or can called advertise himself, through many media public visit, namely social media. As one of the form advertise self that is with method to form image attractive self in order to be able to interesting attention public wide, so that it can known by the candidate client.

So from that, production code ethics Already should run, with need custom obedient rules inside environment advocate, good rule state law and rule organize including Articles of Association / Bylaws (AD/ART) and code ethics profession.

### Understanding Professional Ethics

According to etymology, the word " ethics " comes from Ancient Greek. Reviewed in a way singular, the Greek word " ethos" has Lots a number of aspects, such as stay as usual, padang grass, cage, habits, customs, morals, character, feelings, attitudes, and thinking. In general etymology, ethics is the science that studies about good and bad, which among other things teaches about attitudes, actions, obligations, etc. In practice, ethics involving settlement problem that predicts mark morality or act morality good and bad. In terms of this, ethics including in values - values area However mark ethics That related with action Good bad man.

According to terminology there is a number of view about ethics, namely :

- a. According to Istiono Wahyu and Oataria, quoted from veithzal rifa'i et.al, that ethics That is branch main in philosophy that studies mark or quality. This ethic consists of from coverage analysis and application concept, example his That right and wrong,

good bad, and responsible answer. Ethics related with Good bad, rights, and moral obligation.

- b. Rafik Issa Bekum define ethics as distinguishing device between good and bad. Ethics are field from science in nature normative, because play a role as may or No may done a individual.
- c. In the Big Indonesian Dictionary (KBBI) of the Department of Education and Culture emit that ethics That is :
  - 1) Knowledge about good and bad, and matters and moral obligations.
  - 2) A collection of related principles with values and morals.
  - 3) About mark good and wrong to believe in group public.

Another opinion says that ethics originate from Language English, " *ethics* ", which means system moral principles or rule behavior. In philosophy, ethics refers to the branch the science that studies moral principles. In the context plural, ethics means moral principles that influence behavior individual.

According to explanation in KBBI, K. Bertens to put forward that ethics can understood in three understanding. First, ethics as mark or established moral norms guidelines by individuals or group in arrange behavior they. As example, ethics in culture Indian tribe or applicable ethics in a religion. Second, ethics as gathering principle or moral values, for example code applicable ethics in a profession. Third, ethics as the science that studies good and bad things, which in context This equivalent with ethics as branch philosophy.

Understanding the first and second ethics in K. Bertens' explanation is basically refers to a similar concept, namely ethics as system value. For example, when We discuss ethics profession law, it also means talk about system the value that becomes reference for group profession the in determine what is considered Good or bad according to values in field that. Values This often formulated in the form of written norms known as code ethics.

Profession is work done in a way still in term time long, which requires skill special obtained through education certain in accordance with field profession that is being pursued. Job This done with full not quite enough answer, with objective main For to obtain income. People who live profession called a professional.

In running his profession, a person must show attitude professionalism, where interests personal must put aside and more prioritize interest communities in need. Although objective main from profession is For to obtain income, things This No may put aside objective For serve to public.

Somebody considered professional If He to obtain knowledge and skills in field his profession through education specialty, pass the relevant exams, and obtain permission or license For practice in accordance with the field he is pursuing, so that considered fulfil condition For operate profession the.

Professional ethics is attitude ethics that become an integral part of method life somebody in operate his profession. Only individuals who carry out profession those who know best whether his behavior in accordance with demands ethics his profession or no. Because the layman No own competence adequate technical skills, they No can evaluate matter said. With Thus, compliance to ethics profession is very dependent on morals

individual who carries profession In addition, the developer profession often faced with a complex situation, which gives rise to difficulty in determine appropriate behavior with ethics profession. Wrong behavior in development profession can impact very big negative for the party seeking justice. This fact show that the developers profession need more guidelines objective and concrete For determine proper behavior in his profession. Therefore that, from in circles developer profession That Alone appear a set rules behavior that must be obeyed as guidelines in operate profession. Rules this is what is known with designation code ethics profession ( code ethics ), which can in the form of rule written and also No written.

Professional ethics law ( code ethics profession ) is element important thing to regulate behavior enforcer law as part from effort realize enforcement good and fair law. Enforcement law need high moral integrity, which becomes base for professionals law in operate task they. Size main success a organizer profession law in to uphold law lies in its independence as well as strength integrity the moral in face various the challenges that become not quite enough the answer is. For become organizer profession good law, a practitioner must own attitude humanity, justice, ability For see and consider values objective in every cases handled, as well behave honest. In addition, he must also own skills adequate technical and maturity ethical in carry out task his profession.

#### **Advocate as Officium Nobile**

Indonesia has various type profession that is considered as profession dear or more known with *officium nobile*, one of them is Advocate. *Officium Nobile* is profession that prioritizes respect side dignity human beings, values humanity, and strive achievement justice for man without see and discriminate background behind from the people who will become his client.

Advocate is A professions that exist in various world hemisphere on duty For give help law good inside or outside court. Advocate as noble office because of He to devote himself to interest society and not to himself myself, and He obliged For participate to uphold rights basic man.

Profession advocate should is cardinal ( main ) position, which means the main human. There are 4 characteristics the main human being :

1. Standing Beleid : Wise people (wisdom), no may become cunning, no may take importance his ego ;
2. Zelftbeheersing : Control self, no may angry, no may reckless ;
3. Rechtvaardigheid : Prioritize justice, knowing what is fair and what is not, must love justice, understand his rights and obligations ;
4. Naasteliefde : Love of neighbor / love love.

In Indonesia, the profession advocate known as Legal Advisors, regulated by various regulation legislation, including the Criminal Procedure Code, the Law Supreme Court, and Laws General Court. With ratification Constitution Advocate Number 18 of 2003, the term Legal Advisor now more focused on understanding Advocate. Duties main Advocate is give mentoring to client ( seeker ) justice ) good in context litigation or non- litigation, in accordance with principle enforcement law in Indonesia.

Advocate own commitment For fight for justice for society, especially for those who are

lacking able, not just as action twelve pity. Therefore that, defending interests of the common people become priority main for advocate, good in a way individual and also as part from community profession. In the context of this, code ethics profession become importance and collectivity advocate seen through formation organization or institution profession. Although code ethics Possible looks limit room motion advocate in in practice, things This precisely strengthen interaction between profession and society.

Every profession must be own the rules Alone not except profession Advocate. As officium nobile, advocate own rules that must be followed filled with what is there in the Code of Ethics Profession Advocate. With existence code ethics said, Advocate must comply regulations that have been there is, if violated so will there is sanctions imposed. One of regulations that must be obeyed by a advocate as noble office that is prohibition advertise, because advocate is not a seller a product. A Advocate forbidden For publish or offer himself for his services used and recommended For use the right way with code ethics Because advocate is a noble profession, so that No ethical peddling self or bargaining self direct to the person in dispute or through intermediary. Should be advocate nature waiting, so it's the client who comes For request help. On the basis of request client that, a advocate consider whether the case own base law For handled and whether He own skill For look after case said. However, still There is Advocate who violates rule like This.

As officium nobile, advocate requested operate his profession with based on values morality like humanity, justice, propriety or fairness, honesty, service interest public, up to awareness For always honor integrity and honor his profession, so that If a advocate advertise and publish self in a way excessive and for fame himself so matter the No in accordance with his honorable profession.

Advocate Performance must in accordance with Code of Ethics settings Indonesian Advocates, which was formed by the organization Advocate. Appropriate with provision in CHAPTER IX Code of Ethics and Honor Advocate Article 26 and Article 27 of Law no. 18 of 2003, so For create qualified and professional advocate can realized in frame to uphold law in Indonesia as part from system justice in Indonesia and realize existence conformity between enforcement law and enforcement of human rights Man for justice based on on Belief in the one and only God.

In running his job advocate own free, independent and responsible nature answer, that the reason advocate No may do things that are likely considered will to drop his dignity and honor as a profession the law that bears title officium nobile. Advocate as noble profession must put forward dignity and honor human. For reach matter of course, Advocate must comply code ethics that have been made.

### **Violated Code of Ethics**

About prohibition installation advertisement for advocate there is Lots advocate who has followed up by the Honorary Council Advocate, one of them events that happened to the advocate Rifwaldi, et al. Central Honorary Council of Peradi to drop sanctions reprimand hard to the trio of advocates who put up advertisement announcement in the newspaper for the benefit of client. Event Rifwaldi et al. This started when in 2007 it became power law PT Satyatama workers Graha Tara Appraisal (SGT). At that time There is a marketing staff who

asked help law Rifwaldi et al. For sue his company. The worker feel wronged his rights since 2003. The worker This ask to be laid off because allowance rights and commissions as marketing no Once paid by the company. According to applicable procedures in the Settlement Act Dispute Industrial Relations (PPHI) No. 2 of 2004, Rifwaldi et al. intend finish problem This in a way bipartite between workers and entrepreneurs moreover before. But many times the letter official and telephone from Rifwaldi et al. not Once responded. Ever responded once. That was the one who was present Director his finances. In the meeting that, that director confess have no capacity and authority For talk about problem This.

After discuss with client, Rifwaldi et al. Then agreed For make announcement in the Kompas newspaper on October 29, 2007. The contents summons to party company For willing negotiate problem employment this is on November 2, 2007. This is just what we do For interest law client, no There is other meaning. But Rifwaldi et al. No to think loading advertisement That tailed long. When the case his client tried in court Industrial Relations (PHI) Jakarta, trio of advocates That rather reported to the DKI Jakarta Peradi Regional Honorary Council. The reporter is SGT Director, Dolly Siregar. According to Dolly, the action loading advertisement summons by Rifwaldi et al. is A Code of Ethics Violation Indonesian Advocates (KEAI). Initially Dolly targeted Rifwaldi et al. with Article 8 letter (b) and letter (f) KEAI which prohibits it installation advertisement solely For interesting attention and seeking publicity for self advocate. Article 8 letter (b) KEAI reads " Installation advertisement solely For interesting people's attention is forbidden including installation board Name with size and or exaggerated form. "

Meanwhile, Article 8 letter (f) KEAI, " Advocates No justified through mass media look for publicity for himself and or For interesting attention public about his actions as Advocate about current affairs or has handled, except if the information he provided give That aiming For to uphold principles mandatory law fought for by everyone Advocate."

The Jakarta DKI Honorary Council Assembly in April 2008 approved Dolly's request. Rifwaldi et al. rated violating Article 8 letter (f) KEAI. Sanctions reprimand hard and cost case amounting to Rp. 3.5 million addressed to all three. Not accepted with Jakarta Honorary Council's decision, Rifwaldi et al. appeal to the Central Honorary Council of Peradi. Rifwaldi et al. still believe that summons SGT party is not an act of violation law and also code ethics. However Peradi Central Honorary Council Assembly not unmoved to argument Rifwaldi et al. The assembly chaired by August The keeper consisting of Yan Apul Girsang, Good luck Teguh Santosa (both) represent profession advocates ), Hendaradi and Musdah Mulia ( both represent element society ) remains decide Rifwaldi et al. guilty.

About activities advocate in advertisement announcement in the mass media Actually No matter new. Various advertisement announcement around brand trade or Other IPR, dissolution, bankruptcy or change of legal entity, or even question clarification a ongoing case walk in court often very We find in various media. Opinion war between We have also seen Peradi KAI in the mass media several times meet.

Based on Article 8 letter (b) KEAI, advocates forbidden install ads that only aiming For interesting people's attention. According to Mr. Ahmad Mukhlis Fariduddin, not yet There is clear provisions in KEAI regarding how far a person advocate can it is said install

advertisement about himself or office the law For interesting attention. This is Still Not yet can confirmed. However, he confirm that profession advocate is an honorable profession, so that promote self only For interesting attention considered No ethical. If a person advocate only introduce self and office the law on social media with information like profile, background behind education, or experience professional as advocate without mention in a way explicit the matter he is handling, the matter This No violate KEAI.

### **Supervision Procedures Advocates' Action and Self- Defense**

Supervision is action technically intended to Advocate For keep in mind operate his profession in accordance with Code of Ethics Indonesian Advocates and regulations legislation that regulates profession Advocate. Prosecution is actions taken authorized party For check, follow up, until stop troubled advocate. Defense self is rights and opportunities granted to Advocate For to put forward reason as well as disclaimer to things which is detrimental himself in operate his profession or the relation with organization profession.

Supervision to Advocate carried out by the Organization Advocate through the Honorary Council. supervision This aims for advocates always uphold code ethics profession and legislation when operate task as advisor law. Procedures supervision, enforcement to Advocacy carried out by the Supreme Court and the Government based on Article 36 of Law Number 14 of 1985 in conjunction with Law Number 5 of 2004, in particular concrete poured out in Joint Decree (SKB) of the Chairman Supreme Court and Minister of Justice of the Republic of Indonesia No.KMA /005/SKB/VII1987 and No.M.03.PR.08.05 of 1987, dated July 6, 1987 concerning Procedures for Supervision, Enforcement and Defense self Legal Advisor who is essentially determine :

Supervision :

- a. Article 2 paragraph (1) states that implementation supervision daily over legal advisors carried out by the Chairman Local District Court and further in a way hierarchical carried out by the Chairman High Court,
- b. Article 12
  - 1) Supervision to Advocate carried out by the Organization Advocate.
  - 2) Supervision as referred to in paragraph (1) aims to ensure that Advocates in operate his profession always uphold tall code ethics profession Advocates and regulations legislation.
- c. Article 13
  - 1) Implementation supervision daily conducted by the Commission Supervisors formed by the Organization Advocate.
  - 2) Membership Commission Supervisor as referred to in paragraph (1) consists of on element Senior advocates, experts / academics, and the public.
  - 3) Provision regarding procedures supervision set up more carry on with decision Organization Advocate.

Whereas with the enactment of Law Number 18 of 2003 on enforcement to advocate done by the organization itself advocacy carried out by an agency called : Honorary Council Advocate ” according to with code ethics profession advocate as set up in Article 8 of the law Advocates and the Code of Ethics Profession Advocate. Based on PERADI No. 2 of 2007

Article 2 Point 1 regarding the procedures examine and judge violation code ethics Indonesian advocate prosecution the can submitted by:

1. Client;
2. Peers ;
3. Official Government ;
4. Members of the Community;
5. Commission Supervisor ;
6. PERADI National Leadership Council ;
7. The PERADI Regional Leadership Council in which area is the Branch Leadership Council located ? registered as member
8. PERADI Branch Leadership Council where the accused registered as members. Sanctions on violation code ethics profession This can charged punishment in the form of :
  - a. Reprimand ;
  - b. Warning ;
  - c. Warning hard ;
  - d. Termination temporary For time certain ;
  - e. Termination forever ;
  - f. Dismissal from membership organization profession.

Whereas according to law no. 18 of 2003 article 7 paragraph 1 punishment or sanctions imposed to advocate can in the form of :

1. Reprimand oral.
2. Reprimand written.
3. Termination temporary from his profession for 3 to 12 months.
4. Termination still from his profession.

With consideration on heavy and light characteristic violation code ethics can charged sanctions with punishment :

1. In the form of reprimand or in the form of warning normal If characteristic his violation No heavy ;
2. In the form of warning hard If characteristic his violation heavy or Because repeat do violate code ethics and or No heed sanctions reprimand / warning given.
3. In the form of termination temporary For time certain If characteristic his violation heavy, no heed and not honor provision code ethics profession or when after get sanctions in the form of warning hard Still repeat to do violation code ethics profession.
4. Dismissal from membership profession If do violation code ethics with purpose and objectives For damage image and dignity honor profession mandatory advocate upheld tall as a noble and honorable profession.

Sanctions decision with punishment termination temporary For time certain and with punishment termination forever, in his decision stated that the person concerned prohibited and not may operate practice profession advocate / advisor law good outside or in front court. To those who were sentenced punishment termination forever, reported and proposed to Government. Minister of Justice of the Republic of Indonesia for cancel as well as to pull out

return permission practice.

## CONCLUSION

Result of description above that the Ethics of the Legal Profession or code ethics profession own a very important role in arrange behavior of law enforcers law. This is aiming For ensure that they operate his job with integrity, professionalism, and responsibility answer, so that can realize enforcement good, fair and appropriate law with principle justice for society. And every profession own code ethics that work as guidelines behavior. Code of ethics This helping professionals, such as advocate, for act with integrity and honesty in operate task they. Advocate have not quite enough answer For defend client they with comply code ethics. They forbidden differentiate treatment to client based on background behind social and must guard confidentiality information client. A advocate must own high moral integrity and not may influenced by interests material. They are also expected For fight for right basic human and guard dignity profession they. Compliance to ethics profession is very dependent on morals individual. Therefore that 's important for professionals For Keep going internalize values ethics in practice daily. About installation advertisement by advocate For interest clients who aim interesting attention public has banned and get sanctions by the Honorary Council Advocate. One of example the case that occurred is on the advocate Rifwaldi et al. who in 2007 installed advertisement in the newspaper related case PT Satyatama workers Graha Tara Appraisal (SGT). Although they try finish problem in a way bipartite between workers and entrepreneurs, and have strive for communication official, Honorary Council Advocate Finally give sanctions reprimand hard to they Because violate ethics profession with method install advertisement For interest promotion law. Sanctions to violation code ethics profession advocate given based on level heavy or lightness violations committed. Sanctions can in the form of reprimand normal For violation light, warning hard For more violations Serious or repetition violation, termination temporary for violation repeated weight or No respected, and dismissal from membership profession for damaging violation image and dignity profession advocate. Sanctions This aiming For guard honor and integrity profession Dear advocate.

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