

# Analysis of the Phenomenon of the Position of Advocacy / Lawyer by Considering Applicable Rules Related to Improving the Indonesian Criminal Justice System to A Better Way to Achieve Community Welfare

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## Abstract

Article 24 of the 1945 Constitution presents the judiciary as the most important part of the rule of law to become honest, impartial and legitimate seekers of justice for all justice seekers. ... What about the power of lawyers in the criminal justice system in formulating this issue? What about the role of lawyers in helping to create an integrated criminal justice system? The legal profession in the Indonesian criminal justice system that regulates the role and function of advocates as part of the legal system. Because lawyers are subject to other judicial bodies, based on judicial principles, lawyers provide services to defend legal and legal interests, and for professional ethical obligations. Through you can find and create justice. Article 5 (1) of Law Number 18 of 2003 concerning Lawyers states: " then the position of advocates is equal or equal to law enforcement officers others (Police, Prosecutors, Judges).The theory of human rights as a grounded theory, the criminal justice system as a medium-range theory, the theory of legal aid as an applied theory. In this study, a normative legal approach is used, the approach used is a legal approach, and the next approach is supported by a historical and comparative legal approach with descriptive analytical specifications. The main data used in this study is secondary data which includes primary, secondary, and tertiary legal materials. then the position of advocates is equal or equal to law enforcement officers others (Police, Prosecutors, Judges).The theory of human rights as a grounded theory, the criminal justice system as a medium-range theory, the theory of legal aid as an applied theory. In this study, a normative legal approach is used, the approach used is a legal approach, and the next approach is supported by a historical and comparative legal approach with descriptive analytical specifications. The main data used in this study is secondary data which includes primary, secondary, and tertiary legal materials. and the next approach is supported by a historical and comparative legal approach with descriptive analytical specifications. The main data used in this study is secondary data which includes primary, secondary, and tertiary legal materials. and the next approach is supported by a historical and comparative legal approach with descriptive analytical specifications. The main data used in this study is secondary data which includes primary, secondary, and tertiary legal materials.

## Keywords

advocate; rules; judicial system



## I. Introduction

In interpretation, the 1945 Constitution, Article 1 (3) of the 1945 Constitution of the Republic of Indonesia stipulates: The State of Law is: "The State of Indonesia is a State of Law". "The rule of law is: adhere to the principle of limiting state power in accordance with the law".

Article 1a of the Prosecutor's Law defines a lawyer as a person who is judicial in providing judicial and non-judicial legal services that meet the requirements of this law. Finally, Section 1(b) covers that legal services include legal advice, legal assistance, exercise of powers, representation, assistance, defense and other legal actions on behalf of clients. In the text of the translation of the words of the article above, the initiator is generally translated as a mere profession, but there is no mention of the position of the initiator towards a nation that has a special character in carrying out its profession. Hmm. This pattern of relationships is recorded in the Indonesian judicial system as a manifestation of the exercise of judicial power. There are still questions about whether the position of an advocate applies as a law enforcer in the Indonesian criminal justice system, but Article 5 states:

(1) Lawyers are executor, free and independent, and guaranteed by the law and the provisions of the legislation. (2) The area of activity of the Advocate covers the entire territory of the Unitary State of the Republic of Indonesia.

Through the judicial system, this quartet is expected to provide a fair prosecution process that is similar to the ideals of the rule of law. Three of the quartet (police, prosecutors, judges) are forms of national representation in the justice system, and lawyers act on behalf of those seeking justice and are in the system. I know. Police, prosecutors, and judges have formal legitimacy from the state as a form of implementing the separation of powers, but lawyers do not. Historically, the role of legal knowledge has gone hand in hand with the development of law.

The Stufenbau doctrine of Kelsen is closely related to the doctrine of the hierarchy of legal norms. Hierarchy doctrine based on hierarchy theory or in English is called, theory of hierarchical structure, which is a translation of the Stufenbau Theorie founded by Hans Kelsen. The most basic norm, which he calls the Grundnorm, occupies the most important rank in a series of legal norms, not all of which are necessarily equally enforceable.

The most basic principles in criminal law, such as the principle of "nulla poena sine lege praevia (no criminal act precedes a law governing it) are formed at this time.

Regarding the Prosecutor's Office of the Republic of Indonesia, it is stated that the Prosecutor's Office has the duty and authority to carry out prosecutions in criminal cases. In the examination stage at the Court session led by a Judge, filing a claim is an important part and is regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), Article 182 paragraph 1 letter (a) of the Criminal Procedure Code, which reads: "After the examination is declared complete, the public prosecutor makes a criminal complaint." 1970 Law Number 14 Basic Provisions on Judiciary, contents of Article 1. "Judicial power is the power of an independent state that administers justice for law and justice based on Pancasila for the legal guarantees of the Unitary State of the Republic of Indonesia."

## **II. Research Method**

The method is a way of working to understand the object that is the goal and target of research. Soerjono Soekanto said the method comes from the word method which means a path, but according to custom, the method is formulated with several possibilities, namely a type of research used for research and assessment. The approach used in this paper is to use a normative juridical approach. The type of research used is normative juridical, namely legal research conducted by examining library materials or secondary data, legal research conducted based on the norms and rules of laws and regulations, Research Methodology is the science of the levels that must be passed in a research process or

science that discusses scientific methods in seeking, developing and testing the truth of knowledge. Normative legal research is doctrinal legal research, also known as library research or document study. This is called doctrinal legal research. Based on research methods are divided into several methods, as follows:

- a. Case Study Research, the author examines and systematically describes in detail and thoroughly About, Phenomenon Analysis of the Position of Advocacy / Lawyer by Considering Applicable Rules Related to Improving the Indonesian Criminal Justice System to a Better Way to Achieve Community Welfare.
- b. Because this survey uses a normative legal search method, the data collection in this study was carried out by conducting a literature survey. That is, we collect secondary data for primary and tertiary legal materials, such as primary legal materials, legal doctrines and norms. The main legal material is binding legal material, and the main legal material from this investigation is the laws and regulations relating to the 1945 Constitution of the Republic of Indonesia and the Criminal Code Number 8 (KUHP) of 1981. Law No.48 and Law No.18 concerning Advocates of 2003 provide data in a well-structured sentence, system and analysis which will eventually be used as a source of conclusions to answer the problem formulation.

### **III. Result and Discussion**

#### **3.1 The Role of Advocates in the Criminal Justice System in Indonesia**

In Indonesian law enforcement agencies, law enforcement officers carry out and carry out in accordance with the main existing rules, in the sense of the main formal rules. Lawyers are people who provide legal services both inside and outside the field and fulfill the requirements stipulated in Law No. 18 of 2003 on Lawyers' Provisions. The Prosecutor's Law confirms that advocates have the status of executor and are free and independent. This is guaranteed by laws and regulations. Accepting advocates as a subsystem of the justice system in parallel with other subsystems (police, prosecutors, courts, prisons) is a step forward and very important not only for those seeking justice (Justiciabel). Consequently, with this in mind, lawyers should be given ample opportunity to gain unrestricted access to criminal proceedings, both through the provision of regulations and legal assistance. As emphasized in Law No. 18 of 2003, advocates have the status of free and independent law enforcers guaranteed by laws and regulations. However, the discourse to include the legal profession as a subsystem of the criminal justice system is a trivial matter. This is not without obstacles. The provisions of Article 5 paragraph (1) of the Prosecutor's Law allow advocates to obtain positions as law enforcement officers in the same position as other law enforcement officers in supporting law and justice. This position requires an organization that is the only forum for the legal profession. Lawyer 2003 Law no. 18, Article 28 both through the provision of regulations and legal assistance. As emphasized in Law No. 18 of 2003, advocates have the status of free and independent law enforcers guaranteed by laws and regulations. However, the discourse to include the legal profession as a subsystem of the criminal justice system is a trivial matter. This is not without obstacles. The Advocacy Organization is the only free and independent professional organization for Advocates established under the provisions of this Law with the aim and purpose of improving the quality of the Advocate profession.

- (1)Provisions regarding the organization of expenditures established by the defense in the articles of association and by-laws.

(2)The leadership of advocate organizations, both at the central and regional levels, cannot be carried out simultaneously with the leadership of political parties.

The Bar Association is the only free and independent professional lawyer organization dedicated to improving the quality of the legal profession under the provisions of this law. Its supporters have actually been around for about a century and a half. However, the accreditation of advocates is not regulated by regulations such as law.

But only sporadically included in the provisions of dozens of laws and regulations promulgated by the Dutch colonial government until the present independence period. Opposition situations have been experienced by other law enforcement agencies such as judges, prosecutors, police, and their existence is very strong, as evidenced by the existence of laws governing their profession, yes, explained in detail and systematically.

Therefore, the legal profession is underestimated by other law enforcement agencies. Therefore, when dealing with advocates with other law enforcement agencies, the status of advocates is low. However, the situation is different, especially since the enactment of Law Number 18 concerning Lawyers in 2003. Legally, the position of an advocate is guaranteed by laws and regulations as one of the executor, even as the only executor who is free and independent, so that he is equal to the executor. other.

It is also recognized as Catur Wangsa, law enforcement agencies (judges, prosecutors, police, lawyers). The hope which was then stated in Law Number 18 of 2003 is that advocates can carry out their duties properly and without pressure, and act procedurally based on the law as advocates. In and out of court.

Prior to the enactment of Law no. 18 of 2003, the recruitment of lawyers is carried out by the High Court, which the Law University can participate in. A bachelor's degree allows these baccalaureates to take on-the-job exams and, if passed, open up specialized legal affairs for the High Court.

Appointed as a lawyer. Article 2 Number 18 of 2003 concerning Lawyers.*(1) Those who can be appointed as Advocates are graduates with a legal higher education background and after attending special education for the Advocate profession carried out by the Advocates Organization.*

The practicing lawyer must meet certain requirements. The Bar Association is the only free and independent professional lawyer organization dedicated to improving the quality of the legal profession under the provisions of this law. Its supporters have actually been around for about a century and a half. However, the accreditation of advocates is not regulated by regulations such as laws, but only sporadically included in the provisions of dozens of laws and regulations promulgated by the Dutch colonial government.

Until today's independence. Opposition situations have been experienced by other law enforcement agencies such as judges, prosecutors, police and their presence is very strong, as evidenced by the existence of laws governing their profession, yes, explained in detail and systematically. Therefore, the legal profession is underestimated by other law enforcement agencies. Therefore, when dealing with advocates with other law enforcement agencies, the status of advocates is low. However, the situation is different, especially since the enactment of Law Number 18 concerning Lawyers in 2003.

Duties and Functions of the role of an advocate in an effort to support the realization of an integrated criminal justice system in Indonesia. Thus, the long history of Indonesian advocates has provided fair and authoritative law enforcement, because the existence of advocates as an element of law enforcement in Indonesia is no longer questioned both

before and after Indonesia's independence. this. Judging from the existing legal basis, the existence of advocates was not specifically regulated before the reform era, but various laws and regulations issued by the Government of East India and the Government of Indonesia were scattered. After the reform period, Law no. 2003 concerning Lawyers.

Article 24 (1) of the 1945 Constitution of the Republic of Indonesia. (1) The judiciary is an independent power for the administration of justice for law and justice. Article 24 states that "the judiciary is an independent power to administer justice for law and justice". Therefore, apart from the judiciary, the Supreme Court and the Constitutional Court, other institutions that have a judicial function must also support its implementation. independent judiciary. One of them is an advocate profession that is free, independent, and responsible. As further regulated in Law Number 18 of 2003. The provisions of Article 5 paragraph (1) of the Advocates Law give status to advocates as law enforcers who have an equal position with other law enforcers in upholding law and justice. This position requires an organization that is the only forum for the advocate profession.

As referred to in Article 28 paragraph (1) of the Advocates Law, namely "The Advocates Organization is the only free and independent professional forum for Advocates established in accordance with the provisions of this law with the aim and purpose of improving the quality of Advocates. profession." Therefore, the advocate organization, namely PERADI is basically a state organ in a broad sense that is independent (independent state organ) which also carries out state functions. The advocate profession as a very noble profession and its role is so broad, because it is not limited to the field of litigation or proceedings in court, but plays a role in all sectors of social, national and state life, because the legal system does not only work in elements of formal law enforcement, but enters all sectors of community and state life. because we know that laws are everywhere and govern all aspects of our lives. Therefore, the role of advocates in an effort to realize the principles of the rule of law in the life of society and the state cannot be ignored or ruled out.

The legal profession is a profession that is free and independent, but is responsible for the interests of the community seeking justice, efforts to civilize the community to realize basic rights before the law. Likewise, as part of the judicial system, lawyers are one of the pillars of law enforcement and the protection of human rights in Indonesia, and it is often said that lawyers are strong guardians of the constitution. Regardless of whether the client is a criminal suspect/accused, the lawyer in the trial process is an integral part of the litigation process, the lawyer involved has a duty to defend the client's rights at all levels of examination. become part of a civil action or process in a civil action or plaintiff / Other cases will be resolved through a special forum (Alternative Dispute Resolution / ADR).

Among these important and widespread beings, there are certainly many advocates, or always prefer to be so informal, depending on the nature and nature of the case they are dealing with. In essence, professional ethics is committed to fulfilling the need for professional services seriously, accurately and thoroughly by paying attention to the use of scientific expertise and skills related to obligations to citizens throughout society. Society seeks to need it, which includes four main principles. first job must be viewed and lived as a service with no reference to strings attached. Second, as referring to the interests or noble values as the norm of criticism that motivates attitudes and actions. Third, society-oriented as a very. Fourth, the spirit of solidarity between fellow professions to maintain the quality and dignity of the profession. In carrying out their obligations and obligations, advocates

are given freedom of defense both inside and outside the courtroom. However, this freedom must be in accordance with the Advocate's Code of Ethics and applicable law (Article 14). The rights and obligations of advocates according to Article 14 are as follows: "Advocates are free to issue opinions or statements in defense of cases that are their responsibility in court trials by adhering to the professional code of ethics and laws and regulations. "In addition, advocates have the right to be released from responsibility if they carry out their duties in good faith and full of responsibility, namely not being prosecuted, whether criminal or civil (Article 16). Another important right is that lawyers have the right to confidentiality in their dealings with clients. Prevent eavesdropping on electronic communications (Article 19(2)). In addition to rights, lawyers are also obliged to handle cases professionally. Lawyers must not discriminate against clients based on gender, religion, ethnicity, politics, ancestry, social background, etc. (Article 18) paragraph 1). Advocates are also obliged to always keep everything that is known or obtained from their clients (Article 19 Paragraph 1).

Advocacy includes all existing resource activities to maintain, move forward, and even change the order so that it is expected to achieve better goals. The form of advocacy can be done through formal channels both inside and outside the courtroom. However, it is advisable to prioritize out-of-court settlement, also known as Alternative Dispute Resolution (ADR). The reason for this out of court settlement is that it is hoped that the case can be resolved quickly, with a simple procedure and the best solution to benefit the parties and maintain good friendship between the parties. Peace is always sought first, especially in civil matters, even when the case is brought to court.

Peace efforts are still open to the judge's decision. Advocacy is one of the efforts to overcome this problem. Rules and norms are also known as advocacy. Therefore, plan everything well and stay positive at all times. Focus on everything planned, do not hesitate, and do not follow unnecessary instructions. But be willing to agree, because that is the reason you are selfish and avoid imposing your will. Sometimes a threat comes, but don't let it get in the way of the further realization of our plans. Often the things we plan do not happen according to the reality on the ground. Therefore, good creativity and intelligent innovative thinking are needed.

As mentioned above, when handling a case, lawyers act in such a way that it should be prioritized for an amicable settlement. Sometimes communication also plays a role. This is evidenced by the provision of information related to the transfer of all matters relating to the case he received to a certain law firm. It can also be in the form of a summons or a warning. As a general rule, these papers cannot be presented to judges as evidence that peace has been sought. But it can be shown before the Judge if deemed necessary. If an advocate already knows that someone who is his opponent has appointed an advocate as his proxy, then if he wants to contact that person, he must go through the advocate he has appointed. Advocates are not allowed to communicate directly, but must go through their appointed proxies. Advocates also have an obligation to handle cases that are free of charge or free of charge against people who can't afford it. And in handling a case, efforts must be made to resolve it quickly and if it has been completed or has been decided by the judge, a copy of the decision must be immediately submitted to the client. When an advocate is handling a case, it is permissible to contact the judge who is examining the ongoing case. And in handling a case, efforts must be made to resolve it quickly and if it has been completed or has been decided by the judge, a copy of the decision must be

immediately submitted to the client. When an advocate is handling a case, it is permissible to contact the judge who is examining the ongoing case. And in handling a case, efforts must be made to resolve it quickly and if it has been completed or has been decided by the judge, a copy of the decision must be immediately submitted to the client. When an advocate is handling a case, it is permissible to contact the judge who is examining the ongoing case.

However, in contacting judges, especially in civil cases, one must: be done jointly with the Advocate as opposed to. Or if submitting a letter providing information, a copy must also be submitted to the Advocate who is the opponent. Likewise in criminal cases, if there is an advocate who wants to contact the judge, it must also be done together with the Public Prosecutor. Regarding the procedure for handling this case, it is regulated in Article 7 of the code of ethics. Advocacy or defense is a very important part in resolving a case. Here's what you need to do to tackle advocacy tasks: Recognize and understand the problem/case being handled;

- 1) Collect data/information;
- 2) Perform analysis of the problem/case;
- 3) Mastery of legal and statutory instruments;
- 4) Building access;
- 5) Build solidarity/network;
- 6) Launch Pressure;
- 7) Evaluation.

These steps are a form of Advocacy management system. This system aims to standardize the Advocacy system that continues to make innovation efforts for improvement so that the direction of organizational advocacy actions can achieve effective and effective targets:

- a) Identify and understand the problem/case being handled. Recognizing and understanding the problem/case is so that in seeing a problem, do not piecemeal, the end result will be a boomerang;
- b) Collect Data/Information Before advocating in a case, as much information and data as possible are collected regarding what is being advocated, how it is progressing and why it needs to be advocated.
- c) Analysis of a Problem. Analysis is a problem form of a detailed and in-depth case study.

All professions, including lawyers, use a special ethical system to provide a structure that can create work discipline and as a reference for solving ethical dilemmas faced by professionals in carrying out their day-to-day work. set the value as you can. This ethical system is also a parameter for many common professional issues, including: B. Maintaining confidentiality in professional relationships, existing conflicts of interest, and professional social responsibility issues. Lawyers as officium nobile are under the protection of the law, articles of association and professional ethical norms in carrying out their profession and have freedom thanks to the personality of lawyers who uphold dependability, honesty, confidentiality, and compliance.

The Constitution of the Republic of Indonesia, the Advocate's code of ethics and the oath of office are "personalities that every Advocate must possess". The code of ethics that regulates the personality of advocates is closely related to ethics. Ethics is a moral philosophy to get instructions about good behavior, in the form of noble values and good social rules in social life and one's personal life. This moral ethics fosters ethical principles

or norms that include a theory of values about good and bad traits, and a theory of behavior ("behavior") about which actions are good and which are bad.

This moral is closely related to the view of life, religion or beliefs and customs of the community concerned. The Indonesian nation has Pancasila as the basis of the state ideology and the view of life and the identity of the Indonesian nation, so that the values of Pancasila must be the basis of the moral ethics of the Indonesian nation, including the first principle of Pancasila, namely Belief in One God, which shows that all Indonesian people are a nation who fears God Almighty, including a defender. The need for advocates to always be free to follow the voice of their conscience because in the depths of their conscience, humans find laws that must be obeyed. The voice of conscience always invites people to do good and stay away from evil. Conscience is the most secret and sacred human essence. There he is alone with God,

In this law enforcement process, we lawyers, both in the legislative, executive and judicial fields, as well as in the field of providing legal services, must play a positive-constructive role in enforcing the law. Don't play a negative destructive role by abusing the law. For this reason, there have recently been accusations of the "mafia of justice", violations, legal collusion, and the law of law ("Defenders of Kwade law") that counts as state. As explained, the code of ethics that regulates a person's advocate is closely related to ethics which aims to have good character and noble personality for people according to the unit/environment he adheres to in this case the state and ideology of Indonesia is based on Pankashira). Therefore, it is proper for the defender to have a noble and noble personality in connection with the predicate offered as officium nobile. Government (in a broad sense) and our constitutional constellation. Apart from litigation, the role of lawyers can also be found in the off-court profession. The need for legal services other than legal processes is currently increasing, in line with the growing legal needs of the community, especially in entering an increasingly open life in international relations. Through the provision of consulting services, negotiations and in the manufacture of The need for legal services other than legal processes is currently increasing, in line with the growing legal needs of the community, especially in entering an increasingly open life in international relations. Through the provision of consulting services, negotiations and in the manufacture of the need for legal attorney services other than legal processes is currently increasing, in line with the growing legal needs of the community, especially in entering an increasingly open life in international relations. Through the provision of consulting services, negotiations and in the manufacture of In trade contracts, the advocate profession also makes a significant contribution to community empowerment and legal reform, especially in the fields of business and trade, and disputes outside the courts. Law Number 18 of 2003 was promulgated to strengthen the implementation of the mission of serving advocates in public life, and is also regulated in Article 38 of Law Number 35 of 1999 which forms the basis of the court. rules have been made. Law No. 48 of 2009. Return to the integrated criminal justice system, which has the main role of professional legal professionals as a component of the integrated criminal justice system, there is coordination and cooperation between components, and the position of advocates as a subsystem of the criminal justice system. Legislation related to the criminal justice system to further strengthen and parallel the subsystems (police, prosecutors, courts, correctional institutions). Unlike today, the process of enforcing the criminal justice system continues without a lawyer. Justice lawyers have a duty to protect and represent society. Judges,



prosecutors and police now represent the interests of the state. In such a position, the position, function and role of the defender is important, especially in maintaining the balance of interests between the state and society. and the police now represent the interests of the state. In such a position, the position, function and role of the defender is important, especially in maintaining the balance of interests between the state and society. and the police now represent the interests of the state. In such a position, the position, function and role of the defender is important, especially in maintaining the balance of interests between the state and society.

There are two functions of justice defenders that need attention. That is, the first interest in representing the client in favor of justice and being the main defender of the client, he represents. Second, we maintain the legitimacy of the justice system and the function of lawyers to assist our clients, lawyers. In addition to the two important functions of an advocate, namely how an advocate provides legal education in the community. This education can be done by providing legal advice, socializing various laws and regulations, and providing legal advice to the wider community, either through print media, electronic media, or directly. Socially, the presence of defenders in society is like the fruit of Shimarakama. There is no denying that society, especially those involved in the legal process, desperately needs a lawyer, but others believe that a lawyer exists in the law enforcement system. not needed. This negative assessment cannot be separated from the actions of the prosecutor himself which can be disappointing in carrying out his duties and functions as law enforcement officers. In order for an advocate to support his duties and presence in carrying out his duties in the law enforcement system, it is necessary to have an authority that must be given to advocates. The authority of advocates is needed to avoid arbitrary actions by other law enforcement officers (judges, prosecutors, police) and can provide clear limits on the authority of advocates in carrying out their profession. Law Number 18 of 2003 concerning Advocates. Article 22 which reads: This negative assessment cannot be separated from the actions of the prosecutor himself which can be disappointing in carrying out his duties and functions as law enforcement officers. In order for an advocate to support his duties and presence in carrying out his duties in the law enforcement system, it is necessary to have an authority that must be given to advocates. The authority of advocates is needed to avoid arbitrary actions by other law enforcement officers (judges, prosecutors, police) and can provide clear limits on the authority of advocates in carrying out their profession. Law Number 18 of 2003 concerning Advocates. Article 22 which reads: This negative assessment cannot be separated from the actions of the prosecutor himself which can be disappointing in carrying out his duties and functions as law enforcement officers. In order for an advocate to support his duties and presence in carrying out his duties in the law enforcement system, it is necessary to have an authority that must be given to advocates. The authority of advocates is needed to avoid arbitrary actions by other law enforcement officers (judges, prosecutors, police) and can provide clear limits on the authority of advocates in carrying out their profession. Law Number 18 of 2003 concerning Advocates. Article 22 which reads: In order for an advocate to support his duties and presence in carrying out his duties in the law enforcement system, it is necessary to have an authority that must be given to advocates. The authority of advocates is needed to avoid arbitrary actions by other law enforcement officers (judges, prosecutors, police) and can provide clear limits on the authority of advocates in carrying out their profession. Law Number 18 of 2003 concerning Advocates. Article 22 which reads: In

order for an advocate to support his duties and presence in carrying out his duties in the law enforcement system, it is necessary to have an authority that must be given to advocates. The authority of advocates is needed to avoid arbitrary actions by other law enforcement officers (judges, prosecutors, police) and can provide clear limits on the authority of advocates in carrying out their profession. Law Number 18 of 2003 concerning Advocates. Article 22 which reads: Law Number 18 of 2003 concerning Advocates. Article 22 which reads: Law Number 18 of 2003 concerning Advocates. Article 22 which reads:

- (1) Lawyers are obliged to provide free legal aid to those who seek legal advice but cannot afford it.
- (2) Further provisions regarding the terms and procedures for providing free legal aid as referred to in paragraph (1) shall be regulated by a government regulation.

The obligation to provide legal assistance by advocates, based on consideration of the role and social function of advocates, is expressly regulated in Article 22 (1) of Law Number 18 of 2003 concerning Advocates.

#### IV. Conclusion

Currently, the power of advocates in state institutions is outside the government as law enforcement agencies. However, in the criminal justice system, advocates are not yet a subsystem of the criminal justice system. These various subsystems include the police, prosecutors, courts, and prisons. Given the growing role of supporters, supporters also need to be classified as subsystems. In the context of an integrated criminal justice system to achieve the protection of human rights, the role of professional lawyers in providing legal assistance to those seeking justice is very important. The criminal justice system is supported by legal aid arrangements that allow members of advocates to have full authority in the criminal justice process. Always accompany clients, have intelligence, high expertise and expertise, has a wide range of personal relationships with various institutions, adheres to the norms of professional ethics, credibility and reputation, with few disadvantages. litigation skills. As a system, the criminal justice system has a structure or subsystem that needs to function in a coherent, coordinated, and comprehensive manner in order to run efficiently and effectively.

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