

LEGAL UNCERTAINTY IN THE REGULATION OF ADVOCATES' IMMUNITY RIGHTS IN LAW ENFORCEMENT PROCESSES IN INDONESIA**Runik Erwanto, Suparno**

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Abstract

This research aims to explore the legal uncertainty surrounding the regulation of advocates' immunity rights in the practice of law enforcement in Indonesia. Although Law Number 18 of 2003 concerning Advocates provides a legal basis for advocates' immunity, its implementation is often inconsistent and vulnerable to intervention. This potentially hampers advocates in performing their functions as independent legal enforcers free from pressure. This research also discusses efforts that can be made to create legal certainty regarding advocates' immunity rights, including the formulation of clear regulations, education for stakeholders, and strengthening the role of advocates' associations. By increasing understanding and respect for advocates' immunity rights, it is hoped that a safer and fairer environment for advocates to carry out their profession will be created, thus supporting the rule of law in Indonesia.

Keywords: *Legal uncertainty, advocates' immunity rights, law enforcement, advocate protection*

INTRODUCTION

As a legal state, Indonesia recognizes two important terms, namely formal law and material law, which each have significant differences. Material law refers to provisions or regulations that explain actions or behaviors that must be carried out, as well as sanctions that will be imposed if such regulations are violated. Thus, material law is more focused on the substance of the regulations themselves. On the other hand, formal law, often referred to as procedural law, functions to enforce and implement material law when violations occur. Formal law provides guidance on conflict resolution, such as the process of dispute resolution through the courts. In the context of criminal law, material criminal law includes rules that establish prohibitions and commands, as well as sanctions for violators. Meanwhile, formal criminal law explains the procedures for enforcing material criminal law, including the procedures for imposing sanctions on individuals who violate the provisions of material criminal law (Advokat, 2023).

The term "Legal Aid" has been regulated in criminal procedural law. According to Frans Hendra Winarta, legal aid is defined as legal services provided free of charge to individuals who are less fortunate, particularly those in need of defense, both outside and in court. This service includes aspects of state administration, civil, and criminal

matters, provided by individuals with a deep understanding of human rights, principles, and legal norms, including legal defense. Meanwhile, Adnan Buyung Nasution defines legal aid as assistance specifically given to low-income groups, often referred to as the poor. Until now, the determination of poverty measurements remains a complex and challenging issue, and thus it continues to be an unresolved challenge (Fauzi & Ningtyas, 2018).

An advocate is an individual who provides legal services both inside and outside the court, meeting the requirements set by statutory regulations. The role and function of advocates encompass various activities related to legal issues, both criminal and civil. This includes assisting clients during the investigation and prosecution stages at agencies such as the prosecutor's office or the police, as well as involvement in court proceedings. Advocates are qualified and authorized to practice law in court, including providing legal advice and accompanying and defending clients in various legal matters. Therefore, the independence of the advocate profession is crucial and significantly benefits society in need of legal services and litigation defense from an advocate (Cahyani et al., 2021).

This has been regulated in Article 1 paragraph (1) of the Advocates Law, which defines that "an advocate is an individual who provides legal services, both inside and outside the court, who meets the requirements in accordance with this law." Furthermore, Article 5 paragraph (1) of the Advocates Law affirms that "an advocate is an independent and autonomous law enforcer, protected by law and regulations." Thus, the position of advocates is acknowledged as equal to that of the police, prosecutors, and judges as part of the four pillars of law enforcement. This recognition reflects the dignity of the constitution, as stated in Article 24 paragraph (3) of the 1945 Constitution, which mentions that other bodies functioning in relation to judicial power are regulated by law. The law referred to is Law Number 48 of 2009 concerning Judicial Power.

Every advocate has the right to immunity or immunity rights in carrying out their duties as law enforcers. This immunity includes the freedom of the advocate to carry out or refrain from actions deemed necessary and to express opinions conveyed. Additionally, advocates have the right to obtain information or documents from any party in carrying out their profession, without facing any legal consequences that may arise from the execution of such tasks. The understanding of advocates' immunity rights is often misunderstood, leading to the assumption that all actions of advocates are considered correct and cannot be held liable under the law. The existence of immunity rights for advocates reflects efforts to protect them in fighting for justice for clients and enforcing the law. Thus, advocates should feel safe, protected, and unafraid of threats or interventions from any party, as long as the defensive actions taken do not violate legal provisions.

Advocates have rights, one of which is immunity rights, meaning that advocates have immunity when defending cases for which they are responsible. With this immunity, advocates cannot be prosecuted either criminally or civilly in carrying out

their duties. The existence of immunity rights allows advocates to carry out their function and duties as a noble profession and play a role as law enforcers in creating justice and truth. Advocates' immunity rights serve to protect them from criminalization while performing their duties and to create a sound law enforcement system that safeguards the independence of advocates as a noble profession. However, many advocates face legal issues in carrying out their duties due to the lack of clear benchmarks regarding immunity rights. In this regard, Article 16 of Law No. 18 of 2003 seems merely ornamental, given current developments related to the number of advocates and the many cases in which advocates are sued by other parties (Chairani, 2018).

In practice, there are cases where advocates are considered obstructing justice. One example is the case of advocate Firman Wijaya, who was reported to the police by a party whose reputation was allegedly defamed, even though he was performing his duties as an advocate representing his client in court. On one hand, there are advocates who are reported to the police while defending their clients in good faith. However, on the other hand, advocates often misuse the immunity rights granted by law, without considering good faith and professionalism as regulated in the Indonesia Advocate Code of Ethics. Many advocates become "trapped" in the use of this immunity when accompanying their clients. Advocates insist that they cannot be pursued in criminal or civil matters, without considering the substance of the case they are actually facing (Cahyani et al., 2021). Accordingly, in this study, the authors will analyze and investigate the legal uncertainty in regulating advocates' immunity rights in the practice of law enforcement in Indonesia and the efforts to create legal certainty regarding advocates' immunity rights.

RESEARCH METHOD

In this study, the legal research method used is the statutory approach or normative legal research, which is a process of finding legal rules, legal principles, and legal doctrines to answer legal issues aimed at understanding the legal uncertainty in the regulation of advocates' immunity rights in the practice of law enforcement in Indonesia and efforts to create legal certainty concerning advocates' immunity rights (Diantha et al., 2018). A case approach, or case analysis, serves as guidance for legal problems to understand and analyze the legal uncertainty in regulation advocates' immunity rights in the practice of law enforcement in Indonesia and the measures taken to create legal certainty in advocates' immunity rights. Furthermore, the conceptual approach is based on views and doctrinal patterns or ideas developed within legal science (Rifa'i, 2023). Through the various approaches and legal research presented, the study aims to address the legal uncertainty in advocacy immunity rights in law enforcement practice in Indonesia and efforts to create legal certainty regarding advocates' immunity rights.

RESULTS AND DISCUSSION

Legal Uncertainty in the Regulation of Advocates' Immunity Rights in the Practice of Law Enforcement in Indonesia.

As law enforcers, advocates are a profession vulnerable to various interest interventions, a lack of trust in the profession, and, of course, public oversight. The immunity rights required by advocates to perform their functions and responsibilities are regulated in Law Number 18 of 2003 concerning Advocates (Advocates Law). In the considerations of the law, it is stated that "advocates in carrying out their professions are free, independent, and responsible in law enforcement, and are protected by law to ensure the supremacy of law." One of the guarantees provided by the Advocates Law to advocates is that they cannot be sued civilly or criminally in the performance of their professional duties (Hafidzi, 2015). However, this profession also faces various challenges, including interest interventions, public mistrust, and strict oversight. In this context, advocates' immunity rights become vital to protect them from threats or pressures that could hinder their performance in carrying out their duties. Law Number 18 of 2003 concerning Advocates (Advocates Law) explicitly regulates this immunity, acknowledging the need for protection for advocates in carrying out their functions.

In the considerations of the Advocates Law, it is emphasized that advocates must be able to perform their profession freely, independently, and responsibly. This statement reflects the essence of the advocate profession, which must be able to operate without external influences, whether from clients, law enforcement, or other interested parties. With the guarantee of immunity, advocates can optimally function in defending their clients without fear of legal consequences from actions taken within the context of defense. This also creates space for advocates to provide objective and honest legal opinions, which in turn supports fair law enforcement.

One important aspect of the advocates' immunity rights regulated in the Advocates Law is the provision that advocates cannot be sued civilly or criminally in carrying out their professional duties. This provides significant protection for advocates, considering they are often involved in controversial cases or cases involving strong interests. With this guarantee, advocates are not only protected from legal actions that may hinder their performance but are also encouraged to execute their duties with integrity and courage. Although the Advocates Law provides clear protections, challenges in practice remain. Limitations in public understanding regarding advocates' immunity rights, as well as potential abuse of power by law enforcement, can diminish the effectiveness of such protections (Schwartz, 2017b). Thus, in addition to existing regulations, there is a need for efforts to strengthen legal awareness among the public and law enforcement, as well as to create effective mechanisms to protect advocates from any form of intervention and intimidation. Therefore, the protection of advocates' immunity rights can be optimally realized, enabling them to perform their essential roles within the justice system (Schwartz, 2017a).

Advocates as law enforcers play a crucial role in upholding the rule of law and justice in society. However, this profession also faces various challenges, including intervention from certain interests, a lack of public trust, and strict supervision from

society. To effectively and independently carry out their functions, advocates require immunity rights regulated in Law Number 18 of 2003 concerning Advocates (Advocates Law). These immunity rights are essential as they provide protection to advocates so that they can perform their duties without fear of legal actions that might hinder their defense of clients. In the considerations of the Advocates Law, it is explained that advocates must perform their professions with freedom, independence, and responsibility, as well as receive legal protection. This indicates that advocates not only function as client defenders but also as law enforcers with a status equal to other law enforcement officials such as judges and prosecutors. With the presence of immunity rights, advocates are expected to dare to take necessary steps in protecting their clients' rights and interests without worrying about legal threats, either criminal or civil.

The immunity rights granted to advocates also serve as a guarantee that their actions in carrying out their profession cannot be arbitrarily prosecuted. For instance, when an advocate presents arguments or evidence in court to defend a client, such actions must be understood as part of their rights to provide effective defense. However, in reality, public and law enforcement's lack of understanding regarding the limits of these immunity rights can lead to misunderstandings and potential legal actions against advocates. Therefore, it is crucial to improve understanding of advocates' immunity rights through broader socialization and legal education so that advocates can perform their duties better and without fear.

Law enforcement encompasses all activities aimed at ensuring that laws, as a set of normative rules governing and binding legal subjects in various aspects of community and state life, are truly respected and implemented in accordance with applicable provisions. In a narrower sense, law enforcement pertains to actions taken against every violation of regulations, particularly through the criminal justice process involving the roles of police, prosecutors, advocates, and other judicial bodies. With the enactment of Law Number 18 of 2003 concerning Advocates, the role of advocates as one of the vital elements within the criminal justice system in Indonesia is increasingly recognized among the four subsystems of criminal justice. Article 1 number 1 of the Advocates Law states that an advocate is an individual who professionally provides legal services, both inside and outside the court, who meets the requirements according to statutory regulations. In the context of Indonesia's Criminal Procedural Law, Harlen Sinaga explains that an advocate is someone who represents their client in taking legal actions based on the power of attorney granted, either for defenses or prosecution in court proceedings (Riyanto, 2021).

According to Law Number 16 of 2011 regarding Legal Aid, there are no regulations regarding the authority of paralegals. However, this law explains the scope of legal aid aimed at addressing legal issues in state administrative and civil matters, either through litigation or non-litigation avenues. The forms of legal aid that may be provided include defense, empowerment, accompaniment, representation, or other legal actions for the benefit of Legal Aid Recipients. Based on the provisions in Law Number

18 of 2003 concerning Advocates, assistance for recipients of legal aid in court trials can only be conducted by advocates. The legal aid provided by advocates in the context of criminal trials must be adjusted to the stages of the trial process faced by defendants in court. According to Article 54 of Law Number 8 of 1981 concerning the Indonesian Criminal Procedural Code, it is stated that "for the sake of defense, the suspect or defendant has the right to receive legal assistance from one or more legal advisors during the time and at every stage of examination, in accordance with the procedures stipulated in this law." There are three types of legal aid that can be provided (Raharjo et al., 2015):

1. Legal Aid refers to the provision of legal services to individuals involved in a case or matter, by providing assistance voluntarily (free of charge). This assistance is specifically aimed at those who are unable to afford legal support, such as the poor segments of society. Therefore, its primary motivation is to uphold the law by defending the rights and interests of the underprivileged who have limited understanding of the law and live in poverty.
2. Legal Assistance has a broader meaning compared to legal aid, as it encompasses the meaning and purpose of providing legal aid services. This is usually carried out by advocates who provide assistance free of charge to both the poor and those who can afford to pay for legal services.
3. Legal Service is often understood in a broader sense compared to the aims and concepts of legal assistance or legal aid.

One fundamental aspect in the mind of every advocate when performing their duties is to win the case they handle. An advocate, when carrying out their responsibilities, has sworn an oath according to their respective religion and beliefs, hence it is expected that they conduct their profession with seriousness not merely to seek material gain but also with responsibility in accordance with the applicable laws and ethical codes. In addition, the profession of advocacy, often referred to as *officium nobile*, is a noble profession. In relation to this, advocates are expected to possess high integrity along with good morals and ethics, considering their responsibility as enforcers of justice and law.

In the application of advocates' immunity rights, the institutions involved directly include the police, the prosecutor's office, the courts, and the advocates themselves. Each of these law enforcement agencies must always respect each other's duties and functions. The police are responsible for conducting investigations, the prosecutor's office for prosecutions, while advocates play a role in providing defense and filing civil lawsuits. Each of these agencies must adhere to and comply with the applicable laws.

In applying advocates' immunity rights, the roles and responsibilities of law enforcement agencies such as the police, the prosecutor's office, the courts, and the advocates themselves become very important. Each agency has different functions, but they are all interconnected in the effort to enforce the law and ensure justice. Therefore, it is essential for each agency to respect the roles and functions of one another. The police, for example, are responsible for investigating and probing a matter. In carrying

out this duty, the police must ensure that the rights of advocates are protected, including immunity rights inherent in their performance of professional duties. The prosecutor's office, on the other hand, has the responsibility to prosecute cases that have been investigated by the police. In the prosecution process, prosecutors must ensure that the actions of advocates in defending their clients are respected and not subject to arbitrary prosecution. Respecting the immunity rights of advocates is vital so that they can perform their duties freely and responsibly without fear of unfair legal consequences. Thus, the judicial process can proceed fairly and transparently.

The courts, as the institutions that decide cases, also play a key role in applying advocates' immunity rights. Judges must consider and respect the actions taken by advocates in defending their clients, especially in contexts of immunity rights guaranteed by law. When advocates present arguments or evidence during proceedings, judges are expected to provide space for advocates to perform their duties without pressure from other parties. By mutually respecting the functions and responsibilities of each law enforcement agency, it is hoped that a more just, efficient, and effective judicial system will be created in upholding the law.

According to Soerjono Soekanto, the scope of the term "law enforcement" is very broad, encompassing those involved directly or indirectly in law enforcement. In a more specific understanding, Soerjono Soekanto restricts this definition to "groups that are directly involved in the field of law enforcement, which includes not only law enforcement but also peace maintenance." Thus, this term includes individuals working in judiciary, prosecution, police, advocacy, and correctional services (Soekanto, 2011).

Regulations regarding advocates' immunity rights are clearly and firmly outlined in Article 16 of the Indonesian Advocate Law and through Constitutional Court Decision Number 26/PUU-XI/2013. The application of advocates' immunity rights is also governed within the framework of Law Number 18 of 2003 concerning Advocates and the Indonesian Advocate Code of Ethics. The most critical aspect in both regulations is the principle of good faith in implementing those laws. Legal culture can be understood as "the mental attitude that determines how the law is used, avoided, or even abused." Therefore, the application of advocates' immunity rights highly depends on the individuals within each institution. These individuals play a crucial role in deciding whether the law or legislation will be applied responsibly or misused.

Gustav Radbruch's three fundamental legal values include justice (philosophical aspect), legal certainty (juridical aspect), and utility for society (sociological aspect). In his theory, Radbruch explains that "the principle of priority of these three fundamental values is the goal of law." This emphasizes the importance of clear and consistent regulation in the application of advocates' immunity rights so that legal objectives can be achieved effectively. By following the priority sequence previously explained, the legal system can avoid internal conflicts. According to Radbruch, these three aspects are relative and can change. "At one time, justice may be more prominent, while utility and legal certainty may be sidelined. At another time, certainty or utility may be prioritized." This relative and dynamic relationship often proves unsatisfactory. As an

alternative, Meuwissen proposes freedom as the foundation and ideal of law. The freedom referred to here is not arbitrariness, but rather a freedom related to the capacity to want what should be desired. Through this freedom, we can connect certainty, justice, equality, and other concepts, rather than adhering strictly to Radbruch's thinking.

The application of advocates' immunity rights based on Law Number 18 of 2003 concerning Advocates, in light of Gustav Radbruch's basic legal theory, focuses more on the values of justice and utility. Legal certainty has been clearly and firmly regulated in Article 16 of Law Number 18 of 2003 concerning Advocates, as stated in Constitutional Court Decision Number 26/PUU-XI/2013. Within justice, there is a philosophical aspect that encompasses legal norms, values, morals, and ethics. The law serves as a bearer of the value of justice, and the value of justice itself becomes the foundation of law. Justice is normative and constitutive for the law, serving as a moral foundation and a benchmark for the positive legal system; without justice, a rule is not worthy of being called law.

Based on the theory of justice, the application of advocates' immunity rights should not sacrifice the sense of justice for others seeking justice. The research by Chairani, (2018) concludes that advocates' immunity rights are not absolute or unconditional. Advocates are not above the law but are a noble profession that must perform their duties professionally to provide the best legal efforts for their clients. Chairani's research is supported by Sardinata et al., (2021), who elaborates that advocates' immunity rights apply both inside and outside the courtroom, as regulated in Article 16 of the Advocates Law. However, in practice, advocates' immunity rights are limited by good faith. This indicates that while exercising their duties and professions, advocates do not have absolute immunity rights and may still face legal challenges.

Bentham stated that the most objective basis for evaluating a policy or action is to assess whether the policy yields benefits or useful outcomes, or conversely, causes harm to the individuals involved. From this perspective, the substance of law consists of provisions regulating the creation of state welfare. In the context of the utility theory as expressed by Bentham, the application of advocates' immunity rights must be measured by the good or bad impacts produced by the application of that law. A legal provision can be considered good if the outcome resulting from its application promotes goodness, maximal happiness, and reduces suffering. Conversely, a legal provision is deemed bad if its implementation results in injustice, harm, and increased suffering.

The application of advocates' immunity rights focuses more on utility for law enforcement, emphasizing the legal objectives that should be achieved through the application of those rights. The aim is for advocates to perform their professions in upholding the truth and respecting the law without fear of criminalization, while still adhering to the principle of good faith.

One of the problems in the implementation of advocates' immunity rights is the absence of legal protection instruments for the legal services provided by advocates professionally outside of court, or in non-litigation contexts. This situation prompted a group of advocates to file a request for judicial review of Article 16 of Law Number 18

of 2003 concerning Advocates at the Constitutional Court. The legal standing of the petitioners explained that Article 16 of the Advocate Law, which regulates advocates' immunity rights, has harmed their constitutional rights. The ruling of Decision Number 26/PUU-XI/2013 highlights the authority of the Constitutional Court as the sole interpreter of the Constitution. In this ruling, the Constitutional Court added a new interpretation with full legal force and binding effect regarding advocates' immunity rights. The essence of this ruling is the recognition and guarantee of protection for advocates in performing non-litigation actions carried out in good faith and for the interests of client defense, both inside and outside the court.

One of the emerging problems is the lack of clear parameters related to the immunity rights held by advocates in performing their professions. This condition leads many advocates to become entangled in legal issues while carrying out their duties. Advocates are not only a noble profession but also serve as law enforcement officers with a status equal to other law enforcement officials, such as judges, police, and prosecutors, in upholding the supremacy of law. This is implicitly stated in Article 5 of Law Number 18 of 2003 concerning Advocates, which states that "advocates are law enforcers who are free and independent, as guaranteed by law and regulations."

Before further discussing the limitations of advocates' immunity rights, it is essential to understand several reasons that cause advocates to be liable in carrying out their professions, including the absence of clear limitations, meaning there are no clear boundaries regarding advocates' immunity rights in Law Number 18 of 2003 concerning Advocates; public awareness, where society understands that advocates have immunity rights, but they often "measure" those rights without deep understanding; limited knowledge, although the public realizes that advocates have immunity rights, they are not fully aware of the extent to which those rights apply; and the lack of knowledge that the general public does not know that advocates are entitled to immunity while performing their profession.

Efforts to Create Legal Certainty Regarding Advocates' Immunity Rights

To create legal certainty regarding advocates' immunity rights in Indonesia, the formulation of clear and comprehensive regulations concerning these rights is an important step to ensure adequate protection for advocates in carrying out their professional duties. Advocates' immunity rights, which allow them to speak and act without fear of legal repercussions, constitute the foundation for justice and a healthy legal system. In the absence of clear regulations, advocates may face various challenges, including intimidation or prosecution for actions taken in the context of defending their clients. Regulations should explicitly detail the scope and limitations of immunity rights. This includes a precise understanding of the actions that are protected by immunity and the situations in which immunity does not apply. For example, there should be provisions that clarify that statements made by advocates in court or legal documents cannot be used as a basis for other legal actions, except in cases clearly related to ethical violations or more serious unlawful acts. With a clear definition, both

advocates and law enforcement officials will have a mutual understanding of the limitations and scope of these rights.

The regulations should also include strict sanctions against parties that violate advocates' immunity rights. Such sanctions can include disciplinary actions against law enforcement officials who attempt to intimidate or obstruct advocates in carrying out their duties, or even criminal charges against those who violate these rights. By establishing clear sanctions, it is hoped that there will be a deterrent effect on those intending to infringe upon advocates' immunity rights. This will also instill confidence among advocates that their rights will be protected and respected. It is also important to involve various stakeholders in the regulatory formulation process, including advocates, academics, and representatives from law enforcement agencies. This collaboration will help ensure that the resulting regulations meet not only the needs of advocates but also consider fairness and the integrity of the legal system as a whole. With an inclusive approach, it is hoped that regulations will be created that are not only clear but also acceptable and easily implementable in practice.

Education and socialization regarding advocates' immunity rights are vital steps to ensure that all parties involved in the judicial system understand and appreciate these rights. Adequate knowledge of immunity rights benefits not only advocates but also contributes to the overall fairness and integrity of the legal system. By understanding their rights, advocates can perform their duties with greater confidence, while law enforcement officials and the public can actively support and protect these rights. Educational programs should target not only advocates but also law enforcement officials, such as police and prosecutors, as well as judges. This is crucial because often ignorance or a lack of in-depth understanding regarding advocates' immunity rights can lead to violations of those rights. For instance, training sessions and seminars on the rights of advocates can help law enforcement officials understand the existing limitations and the importance of respecting the role of advocates in legal processes. In this way, it is expected to build better relationships between advocates and law enforcement, thereby minimizing the potential for conflict.

Public socialization is also very important. A society that is aware of advocates' rights and their roles in the justice system can provide the necessary moral and social support. This can be achieved through information campaigns, workshops, or the dissemination of educational materials that explain the importance of advocates' immunity rights in ensuring access to justice. A community that understands the functions and rights of advocates will be more likely to respect and protect those rights, creating a more conducive environment for fair law enforcement. Education and socialization should be conducted continuously and involve various forms of media, both traditional and digital. Utilizing social media, websites, and other online platforms can reach a broader audience and facilitate access to information. With a comprehensive and sustained approach, it is hoped that awareness and respect for advocates' immunity rights can increase, ultimately strengthening the integrity and fairness of the Indonesian legal system.

Strengthening the role of advocate associations is crucial in providing legal support and protection for their members, as well as ensuring that advocates' immunity rights are respected and protected. Advocate associations serve as a collective representative of legal practitioners, capable of advocating for their interests while also building solidarity among their members (Goldberg et al., 2020). With this collective strength, associations can be more effective in voicing issues faced by advocates, including violations of immunity rights. One way to strengthen advocate associations is by enhancing organizational capacity through training, resources, and access to up-to-date legal information. This training can include skills in advocacy, mediation, and dispute resolution, as well as a deep understanding of advocates' rights (Barsky, 2016). With adequate knowledge and skills, associations can be more proactive in addressing the issues their members face, including efforts to protect advocates' immunity rights in daily legal practice. Advocate associations can also serve as monitoring bodies that oversee and evaluate law enforcement practices related to advocates. By gathering data and reports on cases of violations of immunity rights, associations can formulate recommendations for systemic improvements and advocate for necessary policy changes. Through the collection of accurate and systematic information, associations can strengthen the position of advocates in facing potential threats or intimidation that may arise from law enforcement actions or other parties. Associations should actively establish partnerships with various entities, both governmental and non-governmental, to create a safer environment for advocates. Collaboration with law enforcement agencies, academics, and civil society organizations can open dialogues and enhance understanding of advocates' rights. By facilitating discussions among various parties, associations can play a role in reaching agreements on the protection of immunity rights and supporting advocates in carrying out their duties without fear.

Establishing an effective complaint mechanism for advocates who feel their immunity rights have been violated is an important step to ensure they can perform their professional duties safely and without fear. This mechanism should be designed to provide advocates with a clear and accessible channel to report the violations they experience. For instance, advocate associations can provide a complaint platform, either through online or offline systems, where advocates can easily submit reports about violations of immunity rights, intimidation, or threats they face. Once a complaint is submitted, there should be a transparent and swift procedure for handling the case. This includes an independent and fair investigation into the received complaints. Oversight by a third party, such as an ethics commission or appointed agency, can help ensure that the investigation is conducted objectively and impartially. This process should also involve clear communication to the advocates who submit complaints about the steps taken and the results of the investigation. In this way, advocates will feel heard and valued, as well as have confidence in the existing system. In addition to the complaint mechanism, it is also important to build an effective protection system for advocates whose safety is threatened. This protection may include measures such as providing legal support, psychological counseling, and physical protection when necessary. For

example, in situations where advocates feel directly threatened, advocate associations may collaborate with law enforcement agencies to ensure adequate protection, such as escort services or housing protection. By providing the necessary support, advocates will feel safer and more capable of performing their duties without fear. It is also essential to involve the legal community and civil society in supporting advocate protection. Awareness campaigns about the importance of safeguarding advocates and their immunity rights can help create a safer environment. By enhancing public understanding of the challenges faced by advocates, it is hoped that greater support from the community will emerge to protect these rights. Thus, a strong complaint and protection system will build trust among advocates and increase their courage in defending justice, ultimately strengthening the integrity of the legal system as a whole.

CONCLUSION

The discussion regarding advocates' immunity rights and the challenges they face shows that, despite having legal protections as outlined in Law Number 18 of 2003, the practice on the ground is still confronted with various obstacles. Advocates' immunity rights are crucial for ensuring the freedom, independence, and responsibility of advocates in carrying out their duties as law enforcers. However, there are still gaps in regulations that can lead to misunderstandings and misinterpretations by the public as well as law enforcement officials. Third-party interventions, uncertainty in law enforcement, and a lack of understanding about advocates' immunity rights are some factors hindering advocates from effectively performing their roles. Additionally, inadequate regulations, particularly concerning actions taken by advocates outside the courtroom, add to the challenges in protecting their immunity rights.

Although the Constitutional Court has provided a new interpretation through Decision Number 26/PUU-XI/2013, which expands the understanding of advocates' immunity rights, its implementation still relies on good faith and adherence to applicable legal norms. In the context of the fundamental legal values proposed by Gustav Radbruch, the application of advocates' immunity rights must balance justice, legal certainty, and utility for society. Immunity rights are not absolute and must be balanced with the moral responsibilities of advocates in carrying out their professions. Therefore, to achieve just and equitable legal objectives, clearer and more consistent regulations concerning advocates' immunity rights, as well as heightened awareness among all parties regarding their roles and responsibilities in the judicial system, are necessary. Through these measures, it is hoped that advocates can perform their duties more effectively, without fear of unwarranted interference or legal threats, thereby allowing law enforcement to operate effectively and create justice for all members of society.

Creating legal certainty regarding advocates' immunity rights in Indonesia is essential for protecting advocates while they fulfill their professional duties. The formulation of clear and comprehensive regulations, accompanied by sanctions for violations, is a crucial step to ensure that these rights are respected and protected.

Furthermore, education and socialization initiatives for all stakeholders, including the general public, as well as strengthening the role of advocate associations and establishing effective complaint mechanisms, will further bolster the position of advocates. With an inclusive and collaborative approach, it is hoped that advocates' immunity rights can be understood, appreciated, and safeguarded, ultimately strengthening the integrity and fairness of the Indonesian legal system as a whole

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