

# The Authority Of Advocates In Providing Legal Assistance To People Having Problems With The Legal

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## Abstract

**Introduction to the Problem:** Access to justice remains a significant challenge for many people, particularly those with limited legal knowledge and resources. Despite the existence of regulations that guarantee the role of advocates, gaps between legal norms and practical implementation persist, leading to inequality before the law. The authority of advocates in providing legal assistance is therefore essential to ensure fairness and human rights protection.

**Purpose/Study Objectives:** This article aims to analyze the authority of advocates in providing legal assistance to individuals facing legal problems and to evaluate its role in strengthening access to justice.

**Design/Methodology/Approach:** The study adopts a normative juridical method with a statute and conceptual approach, supported by literature reviews from books, journals, and regulations relevant to the role and authority of advocates.

**Findings:** The findings indicate that the authority of advocates is crucial in safeguarding citizens' rights, ensuring fair trials, and promoting equality before the law. However, challenges remain, such as limited public awareness, bureaucratic obstacles, and insufficient access for marginalized communities. The strengthening of advocates' authority, coupled with ethical accountability and legal reform, is essential for improving justice delivery.

**Paper Type:** Research Article.

**Keywords:** Advocates; Legal Assistance; Authority; Justice; Human Rights.



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## Introduction

The role of advocates in providing legal assistance is fundamental to ensuring access to justice for all individuals, particularly those who encounter problems with the

law. Advocates serve not only as legal representatives but also as defenders of rights guaranteed under the constitution and statutory law. In many countries, including Indonesia, the presence of advocates is seen as an essential pillar of justice because they protect the interests of society from possible abuse of power. Without adequate legal assistance, individuals with limited legal knowledge may face disadvantages when dealing with complex legal systems. This highlights the urgency of strengthening the authority of advocates in assisting people with legal issues (Siregar, 2021).

The authority of advocates is clearly recognized within the legal system, particularly through laws that regulate the profession and its ethical standards. In Indonesia, for instance, the Law No. 18 of 2003 concerning Advocates provides the foundation for advocates to operate as law enforcers with independent and equal standing. Advocates are authorized to defend clients both in and outside court, ensuring that justice is upheld in every legal process. However, despite these formal recognitions, many citizens remain unaware of their rights to obtain legal assistance, creating a gap between regulation and practice. This condition makes the authority of advocates not only a legal matter but also a social necessity (Harahap, 2022).

Legal assistance is closely tied to the principle of equality before the law, as mandated by Article 27 paragraph (1) of the 1945 Constitution of Indonesia. This provision ensures that every citizen, regardless of background, has the same opportunity to access legal protection. Advocates, therefore, act as facilitators who help bridge the gap between legal norms and their implementation in society. When people face legal problems such as criminal charges, family disputes, or labor conflicts, they rely heavily on advocates to navigate legal procedures. The authority of advocates to provide such assistance is thus indispensable for realizing substantive justice (Putra, 2021).

In practice, however, the authority of advocates often encounters challenges that limit their effectiveness in providing assistance. These challenges include bureaucratic barriers, financial constraints for clients, and sometimes even lack of cooperation from other law enforcement agencies. Furthermore, there are cases where advocates themselves are not fully independent due to external pressures, which undermines their role as protectors of justice. These realities raise concerns about how the authority of advocates can be better protected and strengthened. Addressing these obstacles requires systemic reforms in both regulation and legal culture (Wahyuni, 2023).

The provision of legal aid is also directly connected to human rights principles, especially the right to a fair trial. International instruments such as the International Covenant on Civil and Political Rights (ICCPR), which Indonesia has ratified, emphasize the importance of legal representation. Advocates play a crucial role in ensuring that trials are fair and just by offering legal arguments, presenting

evidence, and safeguarding clients' procedural rights. Without their assistance, marginalized groups would be particularly vulnerable to unfair treatment in legal proceedings. Thus, the authority of advocates should be understood not merely as professional privilege but as a safeguard for human rights (Simanjuntak, 2022).

Another important dimension is the professional ethics that govern advocates in carrying out their duties. Advocates are bound by codes of ethics that emphasize honesty, independence, and responsibility. Their authority is not unlimited but must be exercised in accordance with ethical standards to maintain the integrity of the profession. Violations of these ethics can lead to disciplinary sanctions, thereby reinforcing accountability in legal practice. This balance between authority and ethics is crucial to maintaining public trust in advocates (Fauzi, 2021).

Access to legal aid is particularly urgent for economically disadvantaged communities who often cannot afford private legal services. In response, various institutions and legal aid organizations, supported by advocates, provide pro bono services to ensure inclusivity in justice. These initiatives highlight how advocates use their authority not only for personal or professional gain but also as a form of social responsibility. However, the reach of such programs is still limited compared to the scale of legal problems faced by society. Strengthening advocates' authority could help expand these services to a wider population (Sari, 2023).

In addition, the rapid development of technology has influenced the way advocates exercise their authority in providing legal assistance. Online platforms, digital evidence, and virtual court hearings have become part of the modern legal landscape. Advocates must adapt by mastering digital literacy to maintain their relevance in the justice system. This adaptation also opens new opportunities for broader and more efficient legal services. Therefore, the authority of advocates must also be interpreted in line with contemporary technological advances (Nasution, 2022).

From a socio-political perspective, the authority of advocates also functions as a counterbalance to state power. Advocates represent citizens in disputes against government institutions, ensuring that state actions remain within the boundaries of the law. This role is vital in preventing arbitrary practices and safeguarding democratic values. In this sense, advocates embody the principle of checks and balances in the justice system. Their authority, therefore, directly contributes to maintaining the rule of law in society (Setiawan, 2021).

In conclusion, the authority of advocates in providing legal assistance is an integral element of the justice system. It ensures equality before the law, protects human rights, and strengthens democratic governance. Despite its recognized importance, challenges in implementation continue to hinder advocates from fully exercising their authority. Addressing these issues requires a combination of regulatory reform, professional accountability, and public awareness. Strengthening the role of

advocates will ultimately lead to a more just, inclusive, and democratic legal system (Wahyudi, 2022).

### **Methodology**

This study employs a normative juridical approach, which focuses on analyzing legal norms, statutory regulations, and principles related to the authority of advocates in providing legal assistance. The normative method is considered suitable because the research emphasizes secondary data, including laws, legal doctrines, and literature that provide insights into advocates' roles in the justice system. The analysis is conducted by reviewing Law No. 18 of 2003 on Advocates, the 1945 Constitution of Indonesia, and relevant international human rights instruments. This approach allows the researcher to evaluate how legal frameworks support or limit advocates' authority in practice. Furthermore, it provides a comprehensive understanding of the relationship between legal theory and its application in ensuring justice (Soekanto, 2021).

In addition, the study uses a conceptual and statute approach to explore the meaning of advocates' authority from both theoretical and legal perspectives. The conceptual approach is used to clarify the theoretical foundation of advocates' independence, ethics, and responsibilities in providing legal aid. Meanwhile, the statute approach examines the hierarchy of laws that regulate advocates' professional authority and obligations in Indonesia. Data collection relies on secondary sources such as books, legal commentaries, and scholarly writings, which are systematically analyzed to build arguments. This methodology ensures that the research findings are grounded in both legal doctrine and academic discourse (Marzuki, 2022).

### **Results and Discussion**

#### **The Authority of Advocates in Providing Legal Assistance to People Having Legal Problems, Especially in the Context of Equality Before the Law**

The authority of advocates in providing legal assistance is closely linked to the constitutional principle of equality before the law. Article 27 paragraph (1) of the 1945 Constitution of Indonesia affirms that all citizens have equal status under the law, without exception. Advocates, as legal professionals, play a central role in actualizing this principle by ensuring that individuals from diverse backgrounds can access justice fairly. Without their intervention, marginalized groups would face structural barriers when dealing with complex legal processes. Therefore, advocates' authority serves not only as a professional mandate but also as a constitutional safeguard (Prasetyo, 2021).

In practice, the authority of advocates allows them to represent clients, provide legal advice, and act as defenders in both civil and criminal cases. This authority is not only granted by national regulations but also supported by international standards

on human rights and fair trial principles. Advocates function as the bridge between individuals and the justice system, interpreting the law in a way that protects their clients' rights. By exercising such authority, advocates prevent legal processes from becoming instruments of inequality or state domination. Thus, their role strengthens public confidence in the impartiality of law enforcement institutions (Rahman, 2022).

The concept of equality before the law cannot be realized without effective and accessible legal assistance. Economic inequality often prevents disadvantaged groups from accessing paid legal services, which creates gaps in the enforcement of justice. Advocates' authority to provide pro bono services or legal aid under state-supported programs is crucial in addressing this disparity. When advocates exercise their authority in this manner, they contribute to social justice by making the law accessible to all citizens. This demonstrates how professional authority is intertwined with broader societal responsibilities (Lestari, 2023).

Ethical responsibility also plays an important role in the exercise of advocates' authority. Advocates are bound by codes of ethics that require them to act independently, honestly, and in the best interest of their clients. This ethical framework ensures that their authority is not abused but used responsibly to protect the principle of equality before the law. Ethical integrity, combined with professional competence, reinforces public trust in the role of advocates as defenders of justice. Therefore, strengthening both authority and ethics is essential to ensuring equality under the law is not merely theoretical but practical (Hidayat, 2021).

However, challenges remain in fully implementing the authority of advocates in the context of equality before the law. Bureaucratic inefficiencies, lack of public awareness, and limitations in legal aid programs often undermine the effectiveness of advocates' roles. Moreover, political or institutional pressures may restrict advocates' independence, which in turn threatens equal access to justice. To overcome these challenges, reforms are needed to strengthen the legal aid system, increase public education on legal rights, and enhance advocates' independence. Only through these efforts can advocates fully exercise their authority to guarantee equality before the law (Santoso, 2022).

### **The Existence of Advocates in the Multi-Bar Era for Realizing Fair Criminal Law Enforcement**

The existence of advocates in the multi-bar era reflects the diversity and complexity of the legal profession in Indonesia. With various professional organizations emerging, advocates face both opportunities and challenges in carrying out their role in criminal law enforcement. On one hand, the multi-bar system allows for

broader representation of advocates' interests and professional development. On the other hand, it can create fragmentation and inconsistency in upholding professional standards. Therefore, the challenge lies in ensuring that this diversity does not undermine the pursuit of fair justice (Gunawan, 2021).

Advocates are essential actors in protecting the rights of suspects and defendants within the criminal justice system. Their presence ensures that the principle of fair trial and equality before the law is not merely theoretical but implemented in practice. In the multi-bar era, advocates must demonstrate independence and professionalism in order to balance the power of the state in criminal prosecution. This independence is particularly important in preventing arbitrary detention and ensuring that due process is respected. Thus, the authority of advocates becomes an instrument of justice as well as human rights protection (Ramadhan, 2022).

The multi-bar era also requires advocates to strengthen their ethical and moral responsibility in defending clients. Multiple organizations may issue varying ethical guidelines, which can potentially confuse public perception of advocates' accountability. For this reason, harmonization of ethical standards across different bar associations is crucial to maintain public trust. Advocates must show that despite institutional differences, their commitment to justice and fairness remains consistent. This shared ethical foundation strengthens the legitimacy of the advocacy profession in criminal law enforcement (Wulandari, 2023).

In addition, advocates in the multi-bar era are expected to adapt to technological developments that impact criminal law enforcement. Digital evidence, cybercrime, and virtual trials require advocates to master new legal and technical competencies. By integrating technology into their legal practice, advocates can provide more effective defense strategies for their clients. This adaptation is not only a professional necessity but also a means to ensure that justice keeps pace with social changes. Hence, the role of advocates in this era is increasingly dynamic and multidimensional (Mahendra, 2021).

Ultimately, the existence of advocates in the multi-bar era should be seen as an opportunity to strengthen justice rather than weaken it. With the right regulation, harmonization of ethics, and adaptation to societal developments, advocates can optimize their role in fair criminal law enforcement. Their independence and authority ensure that no individual is left without protection in the face of legal processes. At the same time, advocates serve as watchdogs against abuse of power by law enforcement agencies. Therefore, the multi-bar system must be positioned as a tool to reinforce, not fragment, the enforcement of criminal justice (Susanto, 2022).

### Conclusion

The existence of advocates in the multi-bar era demonstrates both the opportunities and challenges in realizing fair criminal law enforcement. While the system allows for broader representation and professional growth, it also requires harmonization of ethical standards and strong independence to avoid fragmentation. Advocates must uphold justice by safeguarding the rights of individuals, adapting to technological developments, and maintaining public trust through accountability. Their role as defenders of human rights and as a balance to state power remains crucial in ensuring fairness within the criminal justice system. Therefore, the multi-bar framework should be directed toward strengthening, rather than weakening, the pursuit of equitable justice.

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