



## THE ROLE OF AN ADVOCATE IN PROTECTING THE LEGAL INTERESTS OF A CLIENT

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**Abstract:** The legal profession of advocates holds an essential role within Indonesia's legal system. As legal enforcers tasked with providing legal assistance and protecting their clients' legal interests, advocates serve not only as defenders in judicial proceedings but also as guardians of balance in law enforcement and protectors of human rights. This study aims to analyze the role of advocates in law enforcement, particularly in safeguarding clients' legal interests, in accordance with Law Number 18 of 2003 concerning Advocates. The research employs a normative legal method, with an analytical and statutory approach, drawing on literature from legislation, books, and relevant journals. The results indicate that advocates play a strategic role in ensuring justice, legal certainty, and the protection of clients' rights at every stage of criminal, civil, and administrative proceedings. Advocates are also obliged to provide free legal aid to underprivileged communities. In carrying out their profession, advocates are required to uphold the code of ethics, integrity, and independence to maintain the dignity of the profession and uphold the rule of law. Thus, advocates serve as a key pillar in realizing a fair, transparent, and socially just judicial system for all citizens.

**Keywords:** Advocate; Client Interests; Justice; Role; Protecting the Legal

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### I. INTRODUCTION

Every profession carries responsibilities inherent to its practice, including the legal profession of advocates. Such responsibilities are inseparable from each profession as an integral part of its role. Advocates provide legal assistance and are tasked with

resolving their clients' legal issues, whether through litigation or non-litigation processes. In Indonesia, almost everyone facing legal problems uses the services of an advocate, from the upper-middle class to the lower-middle class. Within Indonesia's legal system, there is a guarantee of equality before the law, as stated in Article 27, paragraph (1), of the 1945 Constitution: "All citizens shall have equal status before the law and the government, with no exceptions." Therefore, for anyone who requires legal assistance, it is not only a human right but also a constitutionally guaranteed entitlement.

An advocate has a strong connection to the legal field. In Dutch, the term *advocaat* or *advocaateur* is translated as "lawyer" or "defender", which is why advocacy is often understood as the act of defense in court proceedings. However, in English, the word advocate has a broader meaning; it not only refers to defending (to defend), but also includes actions such as promoting (to promote), creating (to create), and bringing about change (to change). Advocacy is a structured and planned effort to encourage policy changes that progressively benefit society. Therefore, advocacy focuses more on efforts to create social change through various democratic mechanisms and instruments, including political and legislative processes within a country's democratic system.

The enactment of the Advocates Law (UUA) on April 5, 2003, not only provided legal certainty and formal status to advocates as legitimate providers of legal services but also demanded greater professionalism to achieve the goals of law and justice. As a respected profession, advocates carry out their duties in accordance with legal protections, statutory regulations, and a code of ethics. In practicing their profession, advocates prioritize a freedom grounded in integrity and dignity, while adhering to the principles of independence, honesty, confidentiality, and transparency, fundamental principles that must be upheld in the legal profession.<sup>1</sup>

Therefore, advocates play a crucial role in enforcing the law in Indonesia. At every stage of legal proceedings, whether in criminal, civil, or administrative matters, advocates are always involved and hold a position equal to that of other law enforcement officials. In efforts to eradicate corruption, particularly in combating judicial corruption (the "court mafia"), advocates have significant potential to address such practices. The success of this role largely depends on the legal

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<sup>1</sup> Else Suhaimi, 2022. *Peran Majelis Kehormatan Advokat dalam Menegakkan Integritas Hukum*. Jurnal Hukum Tri Pantang 8, no. 2, p. 2.

profession's freedom and independence, which are protected under the Advocates Law.

This is where the role of an advocate becomes essential, especially when a person is facing a legal violation, to protect their client's legal interests. Advocates can act as a balancing force to ensure their clients' rights are adequately safeguarded in accordance with criminal procedure law. Indirectly, advocates can also supervise the criminal justice system to ensure that clients' rights are not violated, uphold the supremacy of the law, and prevent the abuse of power by law enforcement officials. For this reason, this study examines more deeply the roles of advocates in law enforcement, particularly their role in protecting their clients' legal interests.

## **II. RESEARCH METHODS**

The method used in this study is a normative research type, employing both an analytical and statute approach. Data were obtained through a literature study of laws concerning advocates, as well as other legal sources such as books, journals, and previous research relevant to this study's topic. The data were then processed and analyzed using deductive reasoning to conclude how the legal regulations and the implementation of advocates' rights and obligations function in the context of this research. The analytical approach examines legal rules in depth, while the statutory approach analyzes laws as the primary source for this type of normative research.

## **III. ANALYSIS AND DISCUSSION**

### **a. The Role of Advocates as Law Enforcers and Providers of Legal Assistance**

In the criminal justice process, advocates are typically tasked with providing legal assistance to suspects or defendants to defend and protect their legal interests. The importance of this role is recognized internationally, as reflected in the Basic Principles on the Role of Lawyers, adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana from August 27 to September 7, 1990. This document emphasizes the significance of programs that provide information about legal rights and obligations, as well as the vital role of advocates in safeguarding fundamental freedoms, particularly for those who are unable or marginalized in asserting their rights in court.<sup>2</sup>

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<sup>2</sup> Kunarto, 1996. *Ikhtisar Implementasi Hak Asasi Manusia dalam Penegakan Hukum*. Jakarta: Cipta Manunggal, p. 147.

The meaning contained in the role of an advocate as a defender is that an advocate has the duty to protect the dignity and honor of individuals within the criminal justice system, including suspects or defendants. Therefore, it is the right of every suspect or defendant to be accompanied by an advocate. Criminal procedure law is coercive in nature because its purpose is to maintain the security, order, and peace of society. However, on the other hand, criminal procedure law also has a dimension of protecting human rights, including the protection of fundamental rights such as the right to be assisted by legal counsel, the right to a public trial, the right to present witnesses, the right to pursue legal remedies, the presumption of innocence, and the right to prevent misidentification of individuals.<sup>3</sup>

The essential functions of an advocate as a defender are:<sup>4</sup>

- 1) To protect the rights of justice seekers by treating them humanely.
- 2) To ensure that the examination and trial processes do not drag on without clear legal certainty.
- 3) To guarantee that the rights of justice seekers, as regulated by law, are not ignored by law enforcement officials and the state.

Law No. 18 of 2003 concerning Advocates, particularly Article 22 Paragraph 1, states: "Advocates are obliged to provide free legal assistance to justice seekers who are underprivileged." The legal assistance provided by advocates includes offering legal services to those in need, especially in protecting them against legal charges. This protection must be provided as mandated by law, and the Constitution guarantees the rights of parties involved in legal proceedings. Nevertheless, these rights are often overlooked by law enforcement officials, such as the right of a suspect to receive assistance from an advocate or legal counsel during legal proceedings.

Advocates play a crucial role in the legal system, serving as a bridge between society and the state through existing legal institutions. This profession is considered a noble one (*officium nobile*), entrusted by clients to defend and protect their rights in court. Clients may include individuals, legal entities, or organizations seeking legal services from an advocate. The legal services provided encompass

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<sup>3</sup> Lilik Mulyadi, 2008. *Bunga Rampai Hukum Pidana: Perspektif, Teoritis dan Praktik*. Bandung: Alumni, p. 13 - 14.

<sup>4</sup> Abdussalam & DPM Sitompul, 2007. *Sistem Peradilan Pidana*. Jakarta: Restu Agung, p. 370.

consultation, legal assistance, execution of powers, representation, accompaniment, and defense in the client's interest. In providing these services, an advocate must also possess managerial skills to manage their legal practice effectively. Therefore, an advocate is protected by a code of ethics and laws governing the profession, which define the scope of duties and responsibilities in defending clients' interests.<sup>5</sup>

In criminal defense, an advocate must take an objective approach in evaluating a case. Based on their expertise and in compliance with the professional code of ethics, an advocate has the right to refuse handling cases outside their area of specialization and is prohibited from providing misleading information or promising a favorable outcome to the client. Before the enactment of Law No. 18 of 2003 concerning Advocates, advocates in Indonesia were expected to serve as agents of legal reform and education within society. Conversely, advocates should not transform into agents who exploit the law for commercial interests, taking advantage of clients facing legal difficulties. Such actions can damage the image of lawyers as *officium nobile* a noble profession and tarnish legal practice through the misconduct of certain advocates. This, in turn, has significant negative impacts on both legal organizations and the profession itself.<sup>6</sup>

## **b. The Role of Advocates in Protecting the Legal Interests of Clients**

The advocate profession holds an essential role within Indonesia's legal system. As parties tasked with protecting their clients' interests, advocates have the responsibility to ensure that their clients' rights are fully safeguarded. However, in carrying out this duty, advocates often face the challenge of balancing their clients' full rights with the obligation to uphold the integrity of the law.<sup>7</sup>

In defending their clients, advocates are obligated to make every effort to protect their clients' legal interests. This principle aligns with Law No. 18 of 2003 concerning Advocates, Article 16, which states that advocates cannot be sued, either civilly or criminally, for carrying out their professional duties in good faith in the interest of defending clients in court proceedings. Meanwhile, the Indonesian legal

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<sup>5</sup> Fauziah Lubis, et al., 2025. *Peran Advokat Memberikan Hak - Hak Terhadap Klien*. Jurnal Studi Islam dan Humaniora 5, no. 2, p. 7.

<sup>6</sup> Rahmat Rosyadi & Sri Hartini, 2003. *Advokat dalam Perspektif Islam dan Hukum Positif*. Jakarta: Gahalia Indonesia, p. 6.

<sup>7</sup> Fauziah Lubis, et al., 2025. *Hak dan Kewajiban Advokat dalam Menjaga Keseimbangan antara Kepentingan Klien dan Integritas Hukum*. Jurnal Pendidikan Tambusai 9, no. 1, p. 3.

system also recognizes advocates as one of the law enforcers, as stipulated in Article 5 of Law No. 18 of 2003. This provision indicates that advocates have responsibilities not only to their clients but also to the legal system as a whole. However, this dual role often creates internal conflicts for advocates, especially when a client's interests conflict with broader legal or societal interests.

The challenge of balancing client advocacy with the integrity of the law is an inseparable part of the advocate profession. By steadfastly upholding professional ethics, advocates can fulfill their role as protectors of their clients' legal interests without compromising the legal values upheld in society.

The role of advocates is especially important in accompanying clients, particularly in criminal cases. Since advocates are involved from the very beginning of the legal process, they provide legal advice and ensure that every aspect related to the client's interests is properly considered, so that the client's rights are equally protected before the law. Additionally, advocates act as representatives of their clients, with the primary goal of upholding the supremacy of law through the guidance and support they provide.<sup>8</sup>

The legal assistance provided by advocates includes offering legal services to those in need, particularly in protecting them against legal charges they face. This protection must be provided as mandated by law, and the rights of parties involved in a lawsuit, whether plaintiffs or defendants, are guaranteed by the constitution. Nevertheless, these rights are often overlooked by law enforcement officials, such as the right of a suspect to receive protection and guidance from an advocate or legal counsel during legal proceedings.

Advocates play a crucial role in Indonesia's legal system, serving as a bridge that connects society with the state through existing legal institutions. This profession is considered honorable, entrusted by clients to defend and protect their rights in court. Clients may include individuals, legal entities, or organizations seeking legal services from an advocate. The legal services provided include consultation, legal assistance, execution of powers, representation, accompaniment, and defense of clients' legal interests. In providing these services, an advocate must also possess managerial skills to effectively manage their legal practice. Therefore, advocates are

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<sup>8</sup> Fitrah Aini Qalbi, et al., 2021. *Peran Advokat dalam Mewakili Klien Prespektif Hukum Islam*. Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam 3, no. 1, p. 5.

protected by a code of ethics and laws regulating the profession, which define the scope of duties and responsibilities in defending clients' interests.

In defending criminal rights, an advocate must take an objective approach in assessing a case. Based on their expertise and in compliance with the professional code of ethics, an advocate has the right to refuse handling cases outside their area of specialization and is prohibited from providing misleading information or promising a favorable outcome to the client.

Here are the roles of advocates in protecting the legal interests of their clients:

1) Providing Legal Services

Advocates play a crucial role in assisting clients from the earliest stages of a legal process, providing legal advice and addressing all matters related to the client's interests to ensure equal opportunities and rights before the law. Beyond this, advocates also represent clients, with the most important role being the enforcement of the rule of law through client accompaniment. The legal assistance provided by an advocate is regulated under the Criminal Procedure Code (KUHP), the Advocates Law, and the Legal Aid Law. This assistance can include legal services for anyone in need, particularly in protecting them against legal accusations. Such protection is mandatory because, besides being regulated by law, every individual has rights guaranteed by the constitution. However, these rights are often neglected by law enforcement officials.

2) Providing Legal Advice

Essentially, an advocate's duty is to offer legal opinions (*legal opinion*) and legal advice (*legal advice*) to prevent clients from conflicts. However, in the courtroom environment, some legal advisors actively take on ambitious roles in advocating or defending their clients' interests.

3) Representing Clients

Advocates play a key role in representing their clients' interests, particularly when someone faces legal problems. The advocate's role in representation ensures that the client's rights are protected and realized through proper legal processes.

#### **IV. CONCLUSION**

Advocates are a crucial element in the Indonesian justice system, playing a strategic role in upholding the law and protecting the rights of their clients. Their role extends beyond defending clients in court, to ensuring that every legal step taken is based on justice, legal certainty, and the protection of human rights. The role of advocates is expressly stipulated in Law No. 18 of 2003 concerning Advocates, which states that advocates are law enforcers equal to other law enforcers. Advocates serve as a legal balance because their role is to ensure that the legal process is fair and transparent, and that there is no arbitrariness from other law enforcement officials, in order to ensure the creation of just laws.



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