



Envisioning Inclusive Justice: Optimizing The Role Of Advocates As *Officium Nobile* In The Provision Of Legal Aid

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Abstract: This study examines the role of advocates as *officium nobile* in realizing inclusive justice through optimized legal aid. It uses a juridical-normative approach with a conceptual and legislative focus, relying on secondary data and qualitative analysis. The study finds that advocates, as *officium nobile*, have a moral and ethical duty to provide legal aid to those in need, particularly the economically disadvantaged or legally uninformed. Advocates can optimize their role by collaborating with local government officials at the Village and District levels for pro bono activities. The study recommends that advocates with at least 10 years of practice establish and manage a Legal Aid Institution, either independently or with others, to address legal aid challenges in Indonesia. Additionally, the author proposes an alternative scheme where advocates contribute donations, regulated in amount and time, to support the operations of Legal Aid Institutions.

Keyword: Inclusive Justice, Advocate, Officium Nobile, Legal Aid.

INTRODUCTION

The introduction contains the research background in a concise, concise, and clear manner; Justice constitutes the cornerstone of the law's purpose within society. A legal system in any given state must incorporate elements of justice to ensure that law and justice coexist harmoniously and remain inseparable. The state, in turn, demonstrates a serious commitment to fostering a sense of justice for the broader public, as reflected in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and the foundational principles of Pancasila. The concept of justice itself is subject to human interpretation, rooted in the inherent nature of human beings to act justly—towards themselves, others, and in the context of national and civic life (Zainuddin, 2018).

One manifestation of social justice is the equitable provision of quality legal services by both the government and advocates to all segments of society. Given that law serves as a mutually agreed foundation in Indonesia, any legal conflicts or consequences arising from societal interactions must be resolved through legal mechanisms. For individuals who possess

legal knowledge or have the financial means to retain legal experts, access to legal remedies is relatively straightforward. However, for those from lower socio-economic backgrounds, the pursuit of justice often requires considerable struggle and effort (Setyowati and Nurul, 2018).

In response to such circumstances, the state must strive to establish an inclusive legal system that is accessible to all members of society, regardless of background, through the provision of free legal aid (*pro bono*). This principle is enshrined in Article 28D paragraph (1) of the UUD NRI 1945, which states: "Every person shall have the right to the recognition, guarantees, protection, and certainty of just legal treatment as well as equal treatment before the law." On this basis, the provision of legal aid constitutes a right for every individual in need. In addition to the Constitution, the right to equal treatment before the law is also affirmed in Law Number 39 of 1999 concerning Human Rights (the Human Rights Law). Equality before the law—expressed through recognition, guarantees, and the provision of legal aid—is a fundamental human right (Prabowo and Sesung, 2018).

The fulfillment of the right to legal aid is also recognized under international legal instruments, namely the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Indonesia through Law Number 12 of 2005, and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified through Law Number 1 of 2005. These ratifications reaffirm the state's obligation to provide legal assistance to individuals in need (Smith et al, 2008). The obligation to provide legal aid does not rest solely with the state. Legal practitioners, particularly advocates, are also granted a role in actively participating in the provision of legal assistance. This is explicitly stated in Article 22 paragraph (1) of Law Number 18 of 2003 concerning Advocates (the Advocate Law), which provides: "Advocates shall be obligated to provide free legal services to indigent persons seeking justice."

As one of the four pillars of law enforcement (*Catur Wangsa Penegak Hukum*), alongside the police, prosecutors, and judges, advocates play a pivotal role in the pursuit of justice for those seeking legal redress (*justiciabelen*) (Azifah, 2021). This is expressly affirmed in Article 5 paragraph (1) of the Advocate Law (Law Number 18 of 2003), which recognizes advocates as law enforcers. Moreover, their status as legal professionals is protected by law and legislation to ensure their freedom and independence in carrying out their duties. Accordingly, advocates are expected to render legal services that are fair, neutral, and independent—particularly for members of the public who find themselves entangled in legal proceedings. As providers of legal services, advocates inherently bear the responsibility to offer such services to all individuals, irrespective of their background or status (Gayo, 2020). Reflecting the noble role of their profession in upholding justice under the law for the benefit of those seeking justice, the legal profession of advocates is thus known as *officium nobile*, denoting a noble and honorable profession (Taufik, 2013).

An advocate's dedication to humanitarian values in the pursuit of inclusive justice forms an integral part of the original concept of legal aid, namely *pro bono publico*. In Latin, *pro bono publico* means "for the public good" (Putri, 2022). More broadly, *pro bono publico*, or simply *pro bono*, refers to the provision of legal services by advocates free of charge for the public interest, particularly for individuals who cannot afford legal representation (Kennedy, 2019). This concept underscores that advocates bear a significant social responsibility—not merely to seek profit, but also to contribute to the realization of social justice.

In the Indonesian context, *pro bono*—as a manifestation of the fundamental responsibility borne by advocates—is known as legal aid (*bantuan hukum*). Juridically, the obligation of advocates to provide legal aid is mandated under Article 22 of the Advocate Law. However, the provisions in the Advocate Law do not offer a detailed explanation or a comprehensive mechanism for the delivery of legal aid by advocates. It was not until 2011 that Law Number 16 of 2011 on Legal Aid (the Legal Aid Law) was enacted, serving as the *lex specialis* and juridical foundation for legal aid in Indonesia. The enactment of the Legal Aid

Law is intended to guarantee inclusive access to justice for all members of society through legal aid services provided by advocates—irrespective of social class, economic status, ideology, political belief, religion, gender, or ethnicity.

Ironically, after more than a decade since the enactment of the Legal Aid Law, many phenomena have arisen where the provision of legal services by advocates no longer aligns with its original concept, *pro bono publico*. Currently, advocates often prioritize commercial practices over providing legal aid to the public (Raharjo et al, 2015). While there is no prohibition against charging fees for legal services, advocates must remain rooted in the pillar of altruism—humanitarian values. When legal services evolve into a business commodity within the legal industry, with advocates opting to focus on business rather than providing legal aid, the privilege and honor of the advocacy profession as *officium nobile* are ultimately undermined.

There is an urgent need to increase both the intensity and quality of legal aid provided by advocates in Indonesia to ensure it is more effective. The aspiration to achieve inclusive justice for society in Indonesia has become a moral responsibility for advocates. The moral obligation to provide legal aid must be a fundamental value within advocates, not merely an act of generosity or sympathy. This serves as the primary path to expanding both the quantity and quality of legal aid provided by advocates as *officium nobile*.

METHOD

This research employs a juridical-normative research method, which is a type of legal research conducted through library study, focusing on the analysis of legal materials or secondary data, supported by interviews with resource persons (Soekanto and Madmuji, 2003). The approach used is the statute approach, which involves examining all laws and regulations related to the legal issue under discussion (Marzuki, 2011). The conclusions of this research are drawn deductively, meaning the conclusions are derived from general principles to specific cases (Muhaimin, 2020).

RESULTS AND DISCUSSION

Analysis of Regulations and Practices of Legal Aid Provision by Advocates in Indonesia

Legal aid, as free legal services provided by advocates to individuals, legal entities, or institutions unable to afford them, is a noble moral, social, and legal obligation. Article 22(1) of the Advocate Law (Law No. 18 of 2003) mandates advocates to provide legal aid to economically disadvantaged justice seekers, further regulated through Government Regulation No. 83 of 2008 (PP 83/2008).

PP 83/2008 details the scope and mechanism of legal aid, extending it beyond litigation to non-litigation services. Justice seekers must submit a written application directly or via advocate organizations or legal aid institutions. Advocates are prohibited from refusing requests or seeking compensation, with violations subject to organizational sanctions. In line with these obligations, the Indonesian Advocates Association (PERADI) issued PERADI Regulation No. 1 of 2010 to guide its members in providing free legal aid.

Subsequently, the Legal Aid Law was enacted to ensure constitutional rights fulfillment, shifting legal aid responsibility beyond advocates to legal aid institutions and community organizations. Under Article 6(2), legal aid is administered by the Minister of Law and Human Rights through legal aid providers. However, this does not diminish the advocate's duty under the Advocate Law.

Over a decade later, challenges prompted the drafting of a new Legal Aid Bill (*RUU Bantuan Hukum*), supported by an Academic Manuscript. One key issue identified is the narrow definition of legal aid recipients, currently limited to individuals or groups of poor

people, which fails to adequately cover vulnerable groups such as the elderly, children, the destitute, pregnant women, and persons with disabilities.

Ironically, the pro bono obligation—originally rooted in the social sensitivity and moral responsibility of an advocate—has gradually shifted in meaning, becoming perceived merely as a regulatory burden imposed by law (Raharjo et al, 2015). In addition, there exists a degree of “flexibility” that creates loopholes for certain advocates who choose not to fulfill their pro bono responsibilities. This flexibility is embedded systematically, both in statutory regulations and in the internal rules of bar associations. The ambiguity and lack of legal certainty regarding the concrete form of pro bono activities, as well as the absence of clear sanctions for non-compliance, contribute to this issue (Putri, 2022). Another significant factor is the limited budget allocated by the government to support pro bono initiatives, which has led many advocates to prioritize fee-based legal services over their pro bono obligations.

In practice, a significant number of advocates today view litigation activities primarily as a business venture aimed at personal financial gain, thereby neglecting the fundamental principle of the legal profession as *officium nobile*, which should inherently guide their conduct. This orientation has fostered a sense of egoism among advocates, often at the expense of empathy and social sensitivity. This is evident from the growing number of prominent advocates who openly set their fees based on time, type, and intensity of legal services rendered. Alarming, some even charge fees in foreign currencies to maximize their profits (Raharjo et al, 2015).

This phenomenon has led advocates to perceive individuals seeking legal consultation or assistance merely as business commodities that can generate profit, rather than as persons in need of help. The resulting shift in the principle of providing legal aid services by advocates has led to a degradation in service quality or an imbalance in treatment between paying and non-paying clients (Raharjo et al, 2015). In reality, access to law and justice is a fundamental human right that must be guaranteed to all individuals, regardless of their social, economic, or religious background. Although seemingly simple, the principle of equitable access to justice has far-reaching implications for state governance. In countries where high-quality pro bono services are provided, the poor benefit significantly, and the overall democratic index tends to increase.

One of the ways to achieve equitable access to justice is through the widespread distribution of LBH or Legal Aid Organizations (OBH) across Indonesia. According to data obtained from the Minister of Law Decree No. M.HH-6.HN.04.03 of 2024 regarding Verified and Re-accredited Legal Aid Institutions/Organizations as Legal Aid Providers for the 2025 to 2027 period, there are 587 LBH/OBH spread across Indonesia. This contrasts sharply with the number of poor citizens, especially those in need of free legal services, when compared to the number of LBH and advocates involved in pro bono activities. DKI Jakarta, as the national business hub, hosts no fewer than 200 top-tier law firms (Rizki, 2023). This data excludes law firms of a medium or lower tier. Clearly, there are a substantial number of law offices in DKI Jakarta, which serves as both the business and government center. However, according to the Minister of Law Decree No. M.HH-6.HN.04.03 of 2024, there are only 40 LBH/OBH offices in DKI Jakarta. This represents a significant imbalance, as DKI Jakarta itself has a population of approximately 11,696,435 people (Ministry of Internal Affairs, 2024), with 464,930 living in poverty, or 4.30% (Nelfira, 2024). This figure does not include other vulnerable groups.

Furthermore, in other regions, such as Lampung and South Sulawesi, the availability of accredited OBH and the need for legal aid in 2020 were still very disproportionate. Based on the results of the Legal Needs Survey in Lampung and South Sulawesi Provinces by the Indonesia Judicial Research Society (IJRS) in 2020, covering legal issues over a period of two years, the population of Lampung was 8.4 million, with approximately 3.4 million people facing legal problems, including 466.9 thousand poor people who required pro bono legal

services from advocates. In contrast, in 2020, there were only 17 accredited LBH/OBH capable of implementing legal aid programs in Lampung (Indonesia Judicial Research Society, 2021). This meant that one LBH/OBH was estimated to handle 27,465 poor people in Lampung. Meanwhile, South Sulawesi Province had a population of 9.06 million, with about 6.99 million people facing legal problems, including 607.4 thousand poor individuals needing pro bono services from advocates. In 2020, there were only 20 accredited LBH/OBH capable of carrying out legal aid programs in South Sulawesi. Therefore, one LBH/OBH was estimated to handle 30,371 poor people in South Sulawesi (Indonesia Judicial Research Society, 2021).

The disparity between the number of pro bono legal aid providers and the volume of cases they handle has become a serious issue if left unaddressed. Based on the data obtained, one of the main contributing factors to this imbalance in pro bono services is the lack of appreciation from both the government and internal advocate organizations. Rather than offering support, the government—through policies concerning legal aid—appears to show little seriousness in improving the quality of pro bono services provided by advocates. One piece of evidence is the minimal budget allocation designated for legal aid programs (The Asia Foundation. Indonesia Judicial Research Society, Asosiasi LBH Apik Indonesia, Perhimpunan Bantuan Hukum dan HAM Indonesia, Yayasan Lembaga Bantuan Hukum Indonesia, 2023).

Data from the National Legal Development Agency (BPHN) in 2018 showed that the litigation budget allocated was IDR 41.9 billion, while the non-litigation budget stood at IDR 6.7 billion. In 2019, the litigation budget increased to IDR 43.4 billion and the non-litigation budget to IDR 7.7 billion. In 2020, the litigation budget rose to IDR 45.592 billion and the non-litigation budget to IDR 8.0879 billion (The Asia Foundation. Indonesia Judicial Research Society, Asosiasi LBH Apik Indonesia, Perhimpunan Bantuan Hukum dan HAM Indonesia, Yayasan Lembaga Bantuan Hukum Indonesia, 2023). Although these numbers show a gradual increase over time, the growth has not been significant enough to keep pace with the expansion of Legal Aid Institutions or the reduction in the number of impoverished individuals facing legal issues.

Nevertheless, the role of internal advocate organizations is also in question. The existing regulations supporting pro bono implementation do not fully reflect the optimization of legal aid services. For example, the regulation issued by the Indonesian Advocates Association (PERADI) through Regulation No. 1 of 2010 concerning the Guidelines for the Implementation of Free Legal Aid states in Article 11 that “Advocates are encouraged to provide at least 50 (fifty) hours of pro bono legal aid per year.” The use of the term “encouraged” reflects a lack of seriousness on the part of the advocate organization in optimizing pro bono activities among its members. Moreover, the use of the term implies no legal consequence for advocates who fail to comply. In fact, the imposition of sanctions on advocates who violate pro bono-related regulations could serve as a crucial factor in ensuring the optimal implementation of such services. However, the enforcement of such sanctions remains unclear. According to Article 14 paragraph (4) of Government Regulation No. 83/2008, the procedure for sanction imposition is delegated to the advocate organization. Yet in the PERADI regulation, the responsibility is referred back to the provisions of Government Regulation No. 42 of 2013, namely to the government (Prawira, 2024).

In addition to the numerous flexibilities found in internal advocate organization regulations on pro bono, another factor contributing to the suboptimal delivery of pro bono services is the lack of appreciation from advocate organizations themselves. PERADI, as one of the largest advocate organizations in Indonesia, once held a Pro Bono Awards event in 2016 (Perhimpunan Advokat Indonesia, 2016). According to separate sources, PERADI held the Pro Bono Awards again in 2023 (Hartanto, 2023). This indicates that the act of recognizing advocates for their pro bono work has not been carried out regularly and consistently by the organization. Advocate organizations have not provided sufficient space or emphasis on pro

bono work. On the contrary, these organizations tend to focus more on commercial matters such as the implementation of the Special Education for the Advocate Profession (PKPA), Advocate Profession Examination (UPA), Advocate Oath-Taking ceremonies, and other activities that generate significant revenue (Surya, 2025).

Ironically, it is third parties—not the government or advocate organizations—who consistently grant recognition. Hukum Online is a platform that regularly holds awards for advocates engaged in pro bono activities. This initiative should ideally be the main agenda of the government or advocate organizations, rather than relying on third parties, as recognition for advocates who carry out pro bono programs fosters empathy and commitment to serving those in need.

One form of support that the government or advocate organizations can offer, in addition to recognition, is special treatment. While commercial advocates may have to queue for registration, pay court fees, and so on, pro bono advocates should be granted special access and privileges in handling cases—from the initial stages to the courtroom. Educational support should also be given to pro bono advocates, such as discounted or even free access to advanced legal education (Surya, 2025).

Pro bono services are essentially the crown of the legal profession, symbolizing honor and dignity, as well as a noble value that reflects an advocate's commitment to justice and the public interest. An advocate does not merely work for commercial gain but also bears a moral responsibility to assist those in need of legal help who cannot afford to pay. In providing legal services, the fees received by advocates can be negotiated depending on the complexity of the case, the advocate's experience, and the client's financial condition.

This differs from the medical profession, where doctors typically have fixed rates for their services that are not subject to negotiation. Yet both advocates and doctors are noble professions aimed at serving and helping the public. This difference highlights that, in practice, the legal profession allows for more flexibility in setting service fees, thereby enabling broader public access to legal assistance. Moreover, it also reflects the independence of advocates in being able to sustain their professional activities through self-reliance.

Quoting Adnan Buyung Nasution, advocates must pursue five key aspects of struggle (Tampubolon, 2018). First, humanitarianism: advocates must be guided by humanity to provide optimal service and uphold the profession's noble values. Second, moral responsibility: advocates must act objectively and adhere to professional ethics. Third, independence: advocates must perform their duties free from external influence, including that of clients. Fourth, upholding the rule of law: advocates play a crucial role in ensuring justice and equality before the law. Fifth, promoting democracy: advocates contribute directly to strengthening a country's democracy, as law and democracy must progress together to serve the public interest.

Efforts to Optimize the Role of Advocates as *Officium nobile* in Providing Legal Aid in Indonesia to Realize Inclusive Justice

A legal system must generate a positive and universally applicable impact on society. This can be assessed through the fundamental objectives of the legal system: ensuring access to justice for all members of society and serving as a mechanism that produces decisions or regulations that benefit the public (justice for all) (Prawira, 2024). The state must realize these objectives through its institutional apparatus, including law enforcement officers such as the police, prosecutors, and judges. It is undeniable that advocates also play an active role in achieving the ideals of law and justice through their own path. One such contribution is the provision of pro bono legal services to underprivileged communities, thereby ensuring that justice is felt across all levels of society (Raharjo et al, 2015).

Justice will remain a mere aspiration if not accompanied by concrete action from law enforcement officers, who serve as one of the supporting factors for the realization of a just legal system. In addition, public awareness and understanding of the law are essential. According to Scholten, legal awareness refers to the consciousness that arises within each individual in response to the distinction between what is lawful (*recht*) and unlawful (*onrecht*), as well as what ought to be done and what ought to be avoided (Ahmad, 2018).

In this context, legal education is essential to enhance public awareness of the law. One of the initiatives implemented by law enforcement authorities in Indonesia is the Jaksa Masuk Sekolah (Prosecutors Go to School) program. The program has become a mandatory agenda for prosecutors to provide legal education to students across various regions. Another initiative introduced by the Attorney General's Office is the Jaksa Garda Desa (Village Guardian Prosecutor) or Jaga Desa. Through Jaksa Garda Desa, the program plays a significant role in ensuring the effective, efficient, and well-targeted use of Village Funds for rural development and improving the welfare of rural communities.

A similar approach has also been adopted by the Indonesian National Police. Pursuant to the Regulation of the Chief of the Indonesian National Police Number 2 of 2017 concerning the Procedures for the Provision of Legal Aid by the Indonesian National Police, it is affirmed that the police also possess the authority to carry out legal aid activities. Some of the outputs of such legal aid activities include legal consultations, legal advice, legal opinions and recommendations, advocacy, as well as legal assistance.

The Supreme Court of Indonesia, together with lower courts, also actively conducts legal outreach to the public. Efforts are made to ensure that the public is adequately informed about court proceedings to facilitate the smooth administration of trials. One of the common topics delivered to the public concerns the procedures for electronic hearings, as stipulated in Supreme Court Regulation Number 7 of 2022 and the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 363/KMA/SK/XII/2022 on Technical Guidelines for the Administration and Trial of Civil, Religious Civil, and State Administrative Cases in Courts through Electronic Means (Surabaya High Religious Court, 2022). Beyond such technical matters, the Supreme Court also provides legal education on topics such as marriage, divorce (*talak*), and inheritance. The dissemination of such information is essential, as these matters are closely associated with and directly affect various segments of society (Jombang Religious Court, 2025).

As one of the key components of the legal enforcement system, advocates bear the same responsibility as other law enforcement officials in the context of legal outreach. This is stipulated in Article 22 of the Advocate Law, which affirms that advocates are obliged to provide legal assistance free of charge. One form of such free legal assistance is legal outreach. As regulated under Article 9 of the Legal Aid Law, one of the forms of legal aid includes organizing legal outreach, legal consultations, and other programs related to the provision of legal assistance. Legal outreach is a crucial activity, particularly among underprivileged communities. This is because legal issues affecting marginalized groups are not merely due to a lack of legal knowledge, but also stem from structural disadvantages. These communities often require accompaniment, as their limited bargaining power tends to deter legal service providers from offering assistance. In light of this, it is imperative to emphasize the role of advocates in providing pro bono services so that the public may gain a fundamental understanding of the law (Mahdi, 2018).

One of the most fundamental areas of legal outreach lies at the level of the urban village or sub-district. It is at this grassroots level that lower-tier communities are concentrated. Therefore, a proactive approach—what is often referred to as a “door-to-door” strategy—is required from advocates. Advocates must play an active role within society to disseminate legal knowledge. It cannot be denied that advocates frequently handle a wide variety of cases,

ranging from criminal, civil, administrative, business, and other legal matters. This breadth of legal expertise should be further developed and transferred to communities across all societal strata, particularly those at the lowest level.

Advocates have a responsibility to conduct legal education and outreach for the public in order to foster a legally literate society. This obligation arises from the fact that advocates often possess a close sociological connection with the grassroots communities in which they practice. Legal outreach initiatives can be implemented in collaboration with local government authorities at the urban village and/or sub-district levels, given their strategic position and direct engagement with the broader public. Considering that LBH are predominantly concentrated in urban areas, access to justice remains unevenly distributed across regions. Therefore, partnerships with village or sub-district officials become a highly strategic measure to address these disparities (Pamungkas, 2025).

At its core, the legal profession carries a noble duty to uphold justice. Advocates must move beyond a remuneration-driven mindset and prioritize the realization of inclusive justice as a personal and professional commitment. Their distinctiveness lies not merely in legal expertise or experience, but in their dedication to humanity, truth, public interest, and ethical values, as demonstrated through their commitment to providing accessible legal assistance for all seeking justice.

In a more professional context, it is appropriate to require that advocates—particularly those who have been appointed, sworn in, and have practiced for a period of ten (10) years—establish and manage a LBH, either individually or in collaboration with other advocates. The establishment and management of such institutions should be prioritized in regions where the number of existing legal aid providers is not proportionate to the legal aid demands of the local population. This recommendation is based on several considerations. First, it reinforces the advocate's role as *officium nobile*, emphasizing their social responsibility to facilitate public access to justice. Requiring advocates with at least ten years of practice—who are assumed to possess sufficient legal expertise, experience, networks, and financial resources—to establish legal aid institutions strengthens their ethical duties and frontline role in delivering justice.

Second, it seeks to counteract the trend of advocates becoming overly financially driven. By mandating the creation of LBH, the policy separates advocates' commercial activities from their social obligations, encouraging a balance between profitable cases and pro bono service. This shift is expected to enhance advocates' moral and social responsibility while ensuring broader access to legal assistance for the underprivileged.

Third, to enhance inclusive and equitable access to legal aid. The disparity between the high demand for legal assistance and the limited number of LBHs/OBHs across Indonesia, particularly in rural areas, underscores the urgency of requiring advocates to establish LBHs. This obligation reflects the advocate's role as *officium nobile* and will promote a broader, fairer distribution of legal aid, ensuring justice is accessible to all and contributing to the development of a more inclusive legal system (Nugraha, 2025).

Fourth, to promote the sustainability of legal aid practice. An increase in LBHs will create opportunities for law students and junior advocates to learn directly from experienced advocates, fostering the transfer of knowledge and skills (Surya, 2025). This not only produces skilled future legal professionals but also prevents the monopolization of legal expertise by commercial advocates, ensuring they contribute to the broader legal aid ecosystem.

Fifth, this initiative will strengthen public trust and improve the image of the legal profession. By actively providing legal assistance through LBH, advocates can counter the perception of being solely profit-driven and demonstrate a genuine commitment to humanitarian values and justice. This will enhance the profession's honor and dignity while also serving as an effective platform to promote legal services and attract potential clients.

In the implementation of this obligation, it cannot be denied that there will be challenges and obstacles in the future. This is because, in reality, even though an advocate has been practicing for 10 (ten) years, not all advocates have the financial or operational capacity to establish and manage LBH. The limitations that some advocates may face need to be acknowledged and taken into consideration, so that the establishment of an LBH is not merely an administrative obligation or a formality without proper operational management and optimal provision of legal assistance. If these risks are not considered, the initial hopes and goals set to achieve the optimization of legal assistance provided by advocates may not be realized.

Therefore, there is an alternative scheme that the author recommends, namely a donation scheme by advocates, with the amount and duration determined by regulations to assist the operational costs of LBH. This policy is similar to the concept of Corporate Social Responsibility (CSR) in the context of corporate law. CSR emphasizes that a company, as a business entity oriented towards financial profits, cannot be separated from its responsibility to the environment and the community around it (Narwan, 2018). In this case, Article 74 paragraphs (1) and (2) of Law Number 74 of 2007 concerning Limited Liability Companies (UU PT) mandates that companies must carry out social and environmental responsibility, with the costs based on appropriateness and reasonableness.

Furthermore, Article 4 paragraph (1) of Government Regulation Number 47 of 2012 concerning Corporate Social Responsibility and Environmental Responsibility of Limited Liability Companies (PP 47/2012) states that CSR is based on an annual work plan that has been agreed upon in accordance with the articles of association. Article 4 paragraph (2) of PP 47/2012 then mandates that the annual work plan must include the planned activities and budget required for the implementation of CSR. The implementation of CSR must be included in the company's annual report and accounted for during the annual general meeting. Companies that fail to implement CSR will be subject to sanctions, while companies that carry out CSR will receive recognition.

Drawing from CSR policies, a similar model can be applied to the legal profession by requiring advocates with at least 10 years of practice to contribute a portion of their income to support LBH. This obligation represents the legal profession's social responsibility to ensure access to justice for the underprivileged, in line with the concept of *officium nobile*. Such contributions would provide sustainable funding for LBHs, reducing reliance on government aid or third-party donations.

The implementation of this obligation could involve setting a contribution percentage, for example, 2-5% of an advocate's annual income. These funds would be allocated to accredited LBHs to ensure proper management. Advocates can either donate directly to specific LBHs or through a legal aid organization that distributes funds based on need. Each LBH receiving funds must submit periodic expenditure reports, subject to audits and public access to ensure transparency. This mechanism would enhance the effectiveness of legal aid for the underprivileged and enable advocates to play a more active role in promoting social justice.

Advocates who fulfill their obligations to establish and manage LBH or contribute to LBH operations should be recognized. This recognition should be tailored to the needs of the advocates, in line with applicable regulations, so that the implementation is not merely a formality, but fosters a sense of social responsibility among advocates (Surya, 2025). Forms of recognition could include access to educational opportunities, easier access to case files, priority handling of cases, and the provision of forums for advocacy by the government (Surya, 2025).

To ensure that advocates fulfill their obligations effectively, in addition to clear mechanisms, an effective oversight system, and recognition, sanctions need to be stipulated in the relevant regulations. In this regard, the sanctions that can be applied are administrative in nature. These administrative sanctions may include issuing a written warning when an advocate

fails to establish or contribute to an LBH, imposing an administrative fine as compensation to the LBH, or suspending the advocate's right to practice law.

CONCLUSION

Advocates, as guardians of justice, bear the responsibility of *officium nobile*—a noble calling that demands selfless dedication to humanity. While advocates are expected to serve those silenced by injustice, this idealism often conflicts with the reality of financial interests and the scarcity of LBH in remote areas. Many advocates fail to meet their social responsibilities, turning pro bono obligations into a mere formality.

To address this, several measures are proposed. First, advocates who have practiced for 10 years should be required to establish or manage an LBH, either independently or in collaboration with others, to improve access to justice. Second, advocates should conduct regular legal education campaigns in partnership with local governments, ensuring that legal knowledge reaches grassroots communities. Third, a policy should mandate advocates to contribute 2-5% of their annual income to support LBH operations, similar to the Corporate Social Responsibility (CSR) model. This contribution can be managed directly by LBHs or through a central fund. These proposals aim to restore the spirit of *officium nobile*, transforming advocates from mere defenders into active beacons of justice, ensuring inclusive access to legal aid for all.

REFERENCE

- Ahmad, I. (2018). “Rencana Dan Strategi Peningkatan Kesadaran Hukum Masyarakat”. *Gorontalo Law Review* 1(1): 15-24.
- Azifah, C. (2021). “Pro Bono Legal Aid by Advocates: Guarantee of Justice for the Poor”. *The Indonesian Journal of International Clinical Legal Education* 3(4): 538-552.
- Gayo, A. A. (2020). “Optimalisasi Pelayanan Bantuan Hukum bagi Masyarakat Miskin”. *Jurnal Penelitian Hukum De Jure* 20(3): 409-433.
- Indonesia Judicial Research Society (IJRS). (2021). “Sudah sampai mana pemenuhan bantuan hukum di Indonesia?”. Indonesia Judicial Research Society. <https://ijrs.or.id/wp-content/uploads/2021/11/Sudah-sampai-mana-pemenuhan-bantuan-hukum-di-Indonesia.pdf>, accessed on February 10th 2025.
- Ministry of Internal Affairs. (2024). “Data Potensi Jumlah Penduduk 2024”. Directorate General of Village Government Development, Ministry of Home Affairs. <https://e-prodeskel.kemendagri.go.id/v/2024/data-integrasi/13/data-potensi-jumlah-penduduk>, accessed on February 10th 2025.
- Kennedy, V. (2019). “Pro Bono Legal Work: The disconnect between saying you’ll do it and doing it”, *International Journal of Clinical Legal Education* 26(3): 25-53.
- Mahdi, I. (2018). *Pemberian Bantuan Hukum Terhadap Masyarakat Miskin*. Bengkulu: Institut Agama Islam Negeri (IAIN) Bengkulu.
- Marzuki, P. M. (2011). *Penelitian Hukum*. Jakarta: Kencana Prenada Media.
- Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram: Mataram University Press.
- Hartanto, S. (2023). “Beri Pendampingan Hukum Secara Gratis, Sejumlah Advokat Diganjar Penghargaan Pro Bono Awards”. *Suara Merdeka*. <https://solo.suaramerdeka.com/solo-raya/0511140087/beri-pendampingan-hukum-secara-gratis-sejumlah-advokat-diganjar-penghargaan-pro-bono-awards>, accessed on February 10th 2025.
- Narwan, T. A. N. (2018). “Kewajiban Hukum Perusahaan dalam Pelaksanaan CSR berdasarkan Peraturan Perundang-Undangan”. *Jurnal Hukum dan Pembangunan Ekonomi* 11(2): 309-316.
- Nelfira, W. (2024). “BPS: Angka Kemiskinan di Jakarta Turun Jadi 464 Ribu Orang per Maret 2024”. *Liputan 6*. <https://www.liputan6.com/news/read/5660784/bps-angka>

- kemiskinan-di-jakarta-turun-jadi-464-ribu-orang-per-maret-2024#, accessed on February 10th 2025.
- Jombang Religious Court. (2025). "Hakim Perempuan Pengadilan Agama Jombang menjadi Narasumber dalam Penyuluhan Kesadaran Hukum dengan tema Pencegahan Perkawinan Dini". Jombang Religious Court. <https://pa-jombang.go.id/Hakim-Perempuan-Pengadilan-Agama-Jombang-menjadi-Narasumber-dalam-Penyuluhan-Kesadaran-Hukum-dengan-tema-Pencegahan-Perkawinan-Dini>, accessed on February 19th 2025.
- Surabaya High Religious Court. (2025). "Panitera PA Jombang Mengikuti FGD Reviu Pelaksanaan PERMA 7 Tahun 2022 dan KMA 363 Tahun 2022". Surabaya High Religious Court. https://pta-surabaya.go.id/main/pengadilan_berita/content/11901/penyuluhan-hukum-tugas-dan-fungsi-pengadilan-agama-dalam-menjamin-keadilan-hukum-bagi-masyarakat. Accessed on February 19th 2025.
- Perhimpunan Advokat Indonesia. (2016). "Album PRO BONO AWARD 2016 - Hotel Crowne Jakarta". Perhimpunan Advokat Indonesia. <https://www.peradi.or.id/index.php/gallery/detail/16>, accessed on February 10th 2025.
- Prabowo, F., and Sesung, R. (2018). "Prinsip Perlindungan yang Sama dalam Pemberian Bantuan Hukum Terhadap Pelaku Tindak Pidana Berat". *Al-Qānūn, Jurnal Pemikiran dan Pembaharuan Hukum Islam* 21(1): 125-144.
- Prawira, M. & Yudha, R. (2024). "Problematisasi Yuridis Praktik Pro Bono oleh Advokat: Tantangan Mewujudkan Perluasan Akses terhadap Keadilan di Indonesia". *Forschungsforum Law Journal* 1(4): 1-18.
- Putri, H. R. (2022). "Implementation of Free Legal Aid (Pro Bono) for the Poor in Indonesia". *The Digest: Journal of Jurisprudence and Legisprudence* 3(2): 173--202.
- Raharjo, A., Angkasa, & Bintoro, R. W. (2015). "Akses Keadilan bagi Rakyat Miskin (Dilema dalam Pemberian Bantuan Hukum oleh Advokat)". *Mimbar Hukum* 27(3): 422-444.
- Rizki, M. J. (2023). "Simak! Para 'Jagoan' Hukumonline's Top 100 Indonesian Law Firms 2023". *Hukum Online*. <https://www.hukumonline.com/berita/a/simak-para-jagoan-hukumonline-top-100-indonesian-law-firms-2023-lt6495cc1e11097/?page=2>, accessed on February 10th 2025.
- Setyowati, H. & Muchiningtias, N. (2018). "Peran Advokat dalam Memberikan Bantuan Hukum Kepada Masyarakat dalam Perspektif Hak Asasi Manusia". *Lex Scientia Law Review* 2(2): 155-168.
- Smith, Rhona K. M. 2008. *Hukum Hak Asasi Manusia*. Yogyakarta: PUSHAM UII.
- Soekanto, S. & Mamudji. (1995). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada.
- Suhayati, M. (2012). "Pemberian Bantuan Hukum Cuma-Cuma oleh Advokat berdasarkan Undang-Undang Nomor 18 Tahun 2003 tentang Advokat". *Negara Hukum* 3(2): 227-248.
- Tampubolon, B. (2018). "Mengingat Kembali Tujuan Dan Perjuangan Muliamu, Advokat". *Hukum Online*. <https://www.hukumonline.com/berita/a/mengingat-kembali-tujuan-dan-perjuangan-muliamu-advokat-lt5a7bd94be6961/?page=all>, accessed on February 10th 2025.
- Taufik, A. I. (2013). "Sinergitas Peran dan Tanggung Jawab Advokat dan Negara dalam Pemberian Bantuan Hukum Cuma-Cuma". *Jurnal RechtsVinding* 2(1): 47-63.
- The Asia Foundation Indonesia Judicial Research Society (IIRS), Asosiasi LBH Apik Indonesia, Perhimpunan Bantuan Hukum dan HAM Indonesia (PBHI), Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), Indonesia Judicial Research Society (IIRS). (2023). *Kebutuhan Anggaran Bantuan Hukum Yang Berperspektif Kelompok Rentan*. Jakarta: The Asia Foundation Indonesia Judicial Research Society (IIRS),

Asosiasi LBH Apik Indonesia, Perhimpunan Bantuan Hukum dan HAM Indonesia (PBHI), Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), Indonesia Judicial Research Society (IJS).

Zainuddin, A. (2018). “Eksistensi Teori Hukum Inklusif dalam Sistem Hukum Nasional”. *Jurnal Al-Himayah* 2(1): 17-30.