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The Cynicism of Advocates as Law Enforcers: An Effort to Improve Yourself “*the critical thinking important for a law degree*”

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Abstract: The advocate profession is called a law enforcer by the Advocate Law, but at the implementation level there are limitations, when the presence of an advocate is limited to an incapacitated person who is threatened with a sentence of more than 5 years (vide KUHAP). This has become ingrained into a misguided understanding among society. Ironically, there is an assumption that advocates can be used or vice versa. In fact, it is clear that at each level there is room for lawyers to enter, from the level of investigation, fingerprinting, prosecution to fact testing at trial by the court. This writing specification is in descriptive form using juridical analysis on the basis of highlighting logical strategies as the main work methodology. This scribble is made to recognize applicable ideas, rules and principles by utilizing literature and positive law. Foundation of the Law on Advocates and KUHAP. Arriving at the conclusion, namely that it is difficult for advocates to be accepted as law enforcers because there is no intimacy either with regulations or with fellow enforcement officers, so it is difficult to make out intimately in law enforcement in abstracto with law enforcement in concreto. Cynicism towards advocates as law enforcers is limited to rights in the form of granting power of attorney. His presence is not an obligation in every case, what is very important at the initial stage is the process of making light of the incident with evidence which is often met with the need to meet the prosecutor's P21 "needs" to be served in the form of a "menu" of charges for the judge to taste so he can determine the value of a dish.

Keyword: Cynicism, Advocate, Law Enforcement

INTRODUCTION

One of the conditions for pure justice requires neutrality and free interference from foreign parties other than part of the judicial power. Advocates have become part of the judicial process and are required to be able to realize this with the capital of freedom, independence and responsibility in carrying out their profession in order to provide legal rights to those seeking justice. Considering that the regulations regarding advocates do not yet have collaboration with other legal officials, justice seekers are still confused about the existence of advocates as law enforcers for the sake of realizing legal supremacy.

The supremacy of law is an effort to uphold and place the law in the highest position. So according to the author, the birth of Law Number 18 of 2003 concerning Advocates is

nothing more than an effort to respect the law through the role of advocates themselves. Guarantees for the actions of an advocate referred to as a law enforcer are regulated in Article 5 paragraph (1) of the Advocate Law. It is clear that free and independent advocates are guaranteed by law. Advocates carry out their noble profession by providing legal services for the benefit of those seeking justice based on the law and can educate the public about their rights before the law. Through the legal services provided, advocates carry out their professional duties to uphold justice based on the law for the benefit of the people seeking justice, including efforts to empower the community to realize their fundamental rights before the law. The presence of advocates as law enforcers is in accordance with the consequences of the rule of law, namely guaranteeing the right to obtain legal aid which must be provided by the state and is a form of protection for human rights.

The process of law enforcement using judicial means is to achieve justice. Basic justice can be studied from the following perspective: First, what is meant by justice is the harmony of rights and obligations in line with the legal balance, namely the balance between rights and obligations. Second, the formulation of justice is studied from a legal certainty that is comparable to events. Rhetoric occurs when advocacy is considered a profession, so that two views emerge consisting of the advocate's side being able to play with the law and the advocate's side being a place of escape for the disappointment or dissatisfaction of someone who is in conflict with the law.

Apart from that, today's print and electronic media show legal incidents that occur, for example the actions of police officers, officials, and even a number of controversial artists who are currently involved in legal cases, all of whom are accompanied by advocates. Regardless of whether they are positioned as victims or vice versa, this does not escape the attention of the public who freely assign labels to advocates who pay to defend them.

This paradigm creates cynicism among advocates in society who tend to position advocates as runaways. If all efforts have failed, then look for an advocate without knowing their background. Just recommendations from friends, family or neighbors or even people you have just met. It is clear that the true role of an advocate is to defend someone's rights when dealing with the law by safeguarding all their interests based on the law.

The position of an advocate is reviewed by statutory regulations regarding law enforcement in the Criminal Procedure Code as a guideline for implementing the criminal law enforcement process. Several fundamental irregularities were found so that exploration is needed, specifically addressing cynicism towards advocates who have law enforcement status based on Law no. 18 of 2003 concerning Advocates. In particular, the meaning of an advocate as a law enforcer should not be just a figment of the imagination, but rather a pointer in a legal event that is based on dignified intelligence.

METHOD

This writing uses a normative juridical approach method, using data sources used in the research which are secondary data consisting of statutory regulations, literature, scientific works of legal scholars.

Data processing is carried out in a qualitative analysis process and presented in an analytical descriptive manner.

RESULTS AND DISCUSSION

Based on the power of attorney by the client, the advocate can represent the client in carrying out legal action. Meanwhile, a legal consultant does not always act based on a power of attorney, but rather is someone who can provide legal advice and opinions regarding a legal event experienced by a legal subject. Apart from carrying out practice in court, lawyers can also practice outside court, even the Criminal Procedure Code provides opportunities at

every level of the criminal justice process, even though this is limited to the rights of suspects and/or defendants who give them power of attorney.

The status of advocates in enforcing criminal law is like whether they exist or not, when referring to law number 8 of 1981 concerning Criminal Procedure Law Regulations. Why is that, because his presence is the right of someone who is suspected of committing a criminal act. It is only in Article 56 paragraph (1) of KUHP that the presence of a lawyer is an obligation. Apart from that, if a child is in conflict with the law, it is mandatory to have a lawyer present at every level.

It is interesting to the author that when someone is suddenly hit by legal problems and is then arrested or vice versa he becomes a victim of crime, then the only institution he can go to is the Police Station. This is a simple way of thinking for someone who is dealing with the law. Normatively, that is how it is, and has been entrenched from generation to generation. Advocates are just an escape, although for some people who are financially well off they will use the services of an advocate without waiting for a problem to arise.

It is clear that the purpose of establishing Law Number 18 of 2003 concerning Advocates is to realize the supremacy of the law, but it is not ideal if we look at the reality of what is happening. The author wants to review at a simple level (bottom), starting with the legal norm that the suspect or defendant has the right to be accompanied by a legal advisor. Because such legal norms make being an advocate not a mandatory requirement but only a right, which is up to the subject whether they want to use their right or not. Some ordinary people have the opinion that advocates live off people's suffering. Living creatures wait for the wails of people hit by tempests to result in punishment or sanctions. If so, the author says there has been a misunderstanding all along.

Misunderstanding that creates cynicism towards advocates and tends to be blind. What is fatal is that this misunderstanding or failure to understand can affect fellow law enforcement officers. It is not uncommon to find in cases being handled by the police that attempts to dissuade advocates often occur. Instead of telling the suspect, it will become complicated when the case is interfered with by the lawyer. But in the case of the snapper, then there was a whisper that a lawyer was needed to facilitate the intention to prey on the snapper.

The author tries to trace the origins of this cynicism, starting with the following reality:

1. Advocates do not have a budget from the State so they do not need to be accountable for their actions/work;
2. Advocates do not have a standard rate, so not everyone can afford to pay;
3. Advocates work based on the Client's agreement;
4. Advocates do not have the burden of being certain to win in cases;
5. Advocates are not required to have an office so their territory is not limited.

From the outside, this cynicism is formed when advocates are deemed to exist or not by law, namely there are concrete examples below:

1. Article 54 of KUHAP states that he has the right to be accompanied by a legal advisor at every level, but is not given authority at the investigation/investigation level and is instead limited (passive) by the investigator's authority.
2. Article 56 of KUHAP states that it is mandatory to have a legal advisor for threats over 5 years and for suspects or defendants who are incapacitated, there is a stigma that only serious cases arise and for those who cannot afford it, they must only be accompanied by a legal advisor, and even then not from the start of action by the police. Only after it is discovered that he cannot afford it, the police will appoint and provide legal advice.

If we refer to the initial objective of the enactment of Law Number 18 of 2003 concerning Advocates, then specifically regarding the enforcement of criminal law which adheres to the KUHAP, there is inequality which leads to cynicism towards advocates who in

fact have the status of law enforcers as stated in the Advocate Law. This cynicism arises from the outside and inside, namely from the outside, namely society and from the inside, namely fellow law enforcers. If this situation is allowed to continue, setbacks will occur and will be far from the goal of legal supremacy. So it is mandatory to immediately improve the components of a law enforcement system, if the law has been designed to glorify the law as a tool for happiness.

CONCLUSION

1. It is difficult for advocates to be accepted as law enforcers, because there is no harmonization of existing regulations and components in the law enforcement regulatory system in law enforcement so that law enforcement in abstracto and law enforcement in concreto will not meet.
2. Cynicism towards advocates as law enforcers because advocates are limited to using rights in the form of a power of attorney with all its limitations, especially at the initial stage which is actually the most important part where the investigation is a process of collecting evidence that is often excessive or insufficient in order to meet the "needs" that will be given to the prosecutor to processed as a "menu" of charges so that they can be prosecuted up to the judge as a determiner of taste according to the "request" of the public prosecutor.

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