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The Role of Lawyers in Providing Legal Services in the Judicial Environment

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Abstrak

Penelitian ini bertujuan menganalisis peran advokat dalam memberikan jasa hukum di berbagai lingkungan peradilan di Indonesia, termasuk peradilan agama, negeri, tata usaha negara, dan militer. Latar belakang penelitian ini didasarkan pada pentingnya advokat sebagai bagian integral dari sistem hukum yang menjembatani masyarakat dengan lembaga peradilan, sekaligus menjadi penegak supremasi hukum, keadilan, dan hak asasi manusia. Permasalahan yang diangkat adalah sejauh mana advokat mampu menjalankan perannya secara efektif di berbagai peradilan. Metode yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan (statute approach) dan analisis literatur untuk menggali kerangka hukum yang relevan. Hasil penelitian menunjukkan bahwa advokat memiliki tanggung jawab besar

tidak hanya dalam pembelaan klien, tetapi juga dalam memastikan terpenuhinya hak-hak konstitusional masyarakat, termasuk melalui bantuan hukum cuma-cuma (*pro bono*). Namun, tantangan utama ditemukan pada keterbatasan ruang lingkup advokat di peradilan militer. Kesimpulannya, advokat memainkan peran penting sebagai penyeimbang kekuasaan dalam sistem hukum. Penguatan kerangka hukum diperlukan agar advokat dapat berkontribusi lebih luas, menjamin proses peradilan yang adil, transparan, dan berkeadilan.

Kata Kunci : *Advokat, Jasa Hukum, Lembaga Peradilan*

Abstract

This research aims to analyse the role of advocates in providing legal services in various judicial environments in Indonesia, including religious, state, state administration, and military. The background of this research is based on the importance of advocates as an integral part of the legal system that bridges society with judicial institutions, as well as being an enforcer of the rule of law, justice, and human rights. The issue raised is the extent to which advocates are able to carry out their role effectively in various courts. The method used is normative juridical with a statutory approach (*statute approach*) and literature analysis to explore the relevant legal framework. Research results show that advocates have a great responsibility not only in defending the client, but also in ensuring the fulfilment of the community's constitutional rights, including through free legal assistance (*pro bono*). However, the main challenge lies in the limited scope of advocates in the military judiciary. In conclusion, advocates play an important role as a balancer of power in the legal system. Strengthening the legal framework is needed so that advocates can contribute more widely, ensuring a fair, transparent, and just judicial process.

Keywords: *Advocate, Legal Services, Judicial Institution*



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Introduction

As stated in Article 1, paragraph 3 of the 1945 Constitution of the Republic of Indonesia, which affirms that Indonesia is a State based on the rule of law (*Rechstaat*), the Republic of Indonesia is not a republic formed solely on the basis of force.

Sovereignty is the highest form of government power exercised by the people through their representatives in the legislative and executive branches.¹ This power is based on the Constitution and laws made by the people ().

¹ Tri Astuti Handayani, "The Position and Role of Advocates in Law Enforcement in Indonesia (A Study at the Bojonegoro District

Branch of the Indonesian Advocates Association)," *Bojonegoro University Journal*, p. 13.

A constitutional state is a state whose government power is limited based on the principle of separation of powers and all citizens, including the ruling class, are required to obey the same set of laws to ensure that all citizens are treated fairly and equally, regardless of gender, race, religion, sexual orientation, national origin, or other distinguishing characteristics.²

Given the sheer number of rules governing everyday life, it is only natural that some people find it difficult to understand them. Everyone is vulnerable to legal issues, but not everyone understands the rules governing such issues well; this is where lawyers and advocates come in.

As a country based on the rule of law and founded on Pancasila and the 1945 Constitution of the Republic of Indonesia, it is only right that law enforcement officials in Indonesia obey all laws and regulations and implement them properly. As an embodiment of the judicial system, the judiciary has a number of responsibilities. These responsibilities include ensuring the independence and autonomy of the legal profession; upholding the supremacy of the law, truth, justice, and human rights by treating all parties fairly and providing legal certainty to those seeking justice. Laws and regulations that can maintain and enforce the law are necessary so that responsible, independent, and free advocates can fulfil their responsibility to uphold the rule of law.³

The three components of the legal system are "legal substance," "legal structure," and "legal culture," as cited by Lawrence M. Friedman. Lawyers play a crucial role in the judicial system, both as subjects of law enforcement and as a legal framework. The existence of lawyers is regulated in Law No. 18 of 2003, namely the Lawyers Law, Article 1 Paragraph 1, which states, "A lawyer is a person who practises the profession of providing legal services, both inside and outside the court, who meets the requirements set forth in the provisions of this Law." Article 1(2) of the Advocates Act states, "Legal services are services provided by advocates to support the legal interests of their clients by offering consultation, assistance, legal representation, advocacy, accompaniment, defence, and other legal actions." Article 1, Paragraph (2) of the Advocates Act states, "A client is an individual, legal entity, or other institution that receives legal services from an advocate." Meanwhile, Article 5, Paragraph (1) of Law No. 18 of 2003 on Advocates states that, "An advocate has the status of a legal enforcer, is free and independent, and is guaranteed by law and regulations."⁴

Lawyers play a crucial role in the legal system, mediating disputes between citizens and the judicial system. In religious courts, government, state administration, and the military, among others, they provide a range of legal services. If they want to help their clients, lawyers need to

² Mochamad Mansur, "The Role of Lawyers in the Development of Indonesian Law," *Law Journal*, Vol. 2, No. 2 (December 2019), p. 59.

³ Melinna Anggraini, Mutiara Sachputri, and Fauziah Lubis, "The Role of Advocates as Law Enforcers," *Community Service Journal*, Vol. 3 No. 3 (2023), p. 632

⁴ Setyo Langgeng, "The Role of Advocates as Law Enforcers in Supporting the Realisation of an Integrated Criminal Justice System in the Enforcement of Criminal Law in Indonesia", *Journal of Legal Sovereignty*, Vol. 1 No. 1 (March 2018), pp. 139-140.

know the ins and outs of each type of court because they all operate differently.

The purpose of this study is to provide a detailed description of the work of lawyers who provide legal representation in religious, state, administrative, and military courts in Indonesia. Furthermore, this study aims to investigate how lawyers maintain professionalism and integrity while performing their duties to oppose other law enforcement authorities and realise a world where human rights, justice, and the law prevail.

To better understand how lawyers function as providers of legal services in the court environment, this study uses a normative legal research method, which involves reviewing relevant laws, regulations, and archival sources. This study employs a legal approach methodology.⁵ For example, by examining applicable regulations and provisions to find information useful for this study. To obtain accurate research results, a descriptive qualitative analysis method is used on the data.

Based on the above explanation, further study is needed on the role of advocates in providing legal services in the Religious Court, District Court, Administrative Court, and Military Court, as outlined in the research title "The Role of Advocates in Providing Legal Services in the Judicial Environment."

Discussion

A. The Role of Lawyers in Providing Legal Services

In a social context, "role" refers to the characteristics often associated with those who hold positions of authority. The Latin term, particularly "*advocatus*," is the etymological source of the English term "*advocate*," which means "*to defend, to call to one's side, and to vouch or warrant. Or to speak in favour of or depend by argument, to support, indicate, or recommend publicly.*" Anyone whose work involves providing legal services, whether in or out of court, and who meets the requirements set forth in Law No. 18 of 2003 on Advocates is legally considered an advocate. In both formal and informal settings, an advocate is a lawyer who assists clients in seeking justice through the presentation of facts in accordance with applicable laws and regulations. This work can be carried out in court (litigation) or outside court (non-litigation).⁶ Consultation, legal assistance, representation, advocacy, execution of power of attorney, and other legal actions on behalf of clients are examples of representation that fall under legal services.⁷

In general, as stipulated in the Advocates Act, the functions and roles of an advocate include the following:

1. Upholding the supremacy of the law and human rights as guardians of the constitution;
2. Fighting for human rights;
3. Adhering strictly to the Code of Ethics for Advocates;

⁵ Jonaedi Efendi and Prasetijo Rijadi, *Normative and Empirical Legal Research Methods*, (Jakarta: Kencana, 2023), p. 133.

⁶ Jefty Tarantang, *Noble Advocate (A Prophetic Legal Paradigm in Resolving Islamic Family Law Disputes)*, (Yogyakarta: K-Media, 2018), p. 59.

⁷ Mochamad Mansur, *Op. Cit.*, p. 62.

4. Maintaining the integrity of the law, justice, and truth by upholding the oath of an advocate;
5. Continuously striving to uphold and defend ideals (such as truth, justice, and morality);
6. Maintaining and enhancing the autonomy, freedom, status, and respect of lawyers;
7. Handling cases in accordance with the Code of Ethics for Advocates, both domestically and internationally;
8. Maintaining and improving the quality of legal services to the public through continuing legal education to enhance legal understanding;
9. Ensuring the integrity of society by monitoring the implementation of the code of ethics of the Bar Association's Ethics Council in the field of advocacy;
10. Preserving the dignity and prestige (*officium nobile*) of the legal profession;
11. Maintaining good relationships with clients and colleagues;
12. Upholding the integrity and unity of lawyers in accordance with the objectives and goals of the lawyers' professional association;
13. Drafting contracts (*legal writing*), providing legal consultations, advice, opinions, and information;
14. Acting as a client's advocate and defending their rights in court (*legal representation*);

15. Among the many responsibilities of human rights defenders, the role and function of lawyers is to provide free legal assistance in and out of court to the weak and disadvantaged.⁸

In Indonesia, lawyers are considered to be law enforcement officials, along with judges, police, and prosecutors. A more just and civilised society can only be achieved through the combined efforts of these various law enforcement agencies. Law Here, "law" is used broadly to encompass rules that arise from many sources, such as state authority (sovereign law), social norms (customary law), or interpersonal relationships (contract law). More generally, upholding the rule of law means declaring that a person is engaged in behaviour that is contrary to the ideas of individuals or society about justice, morality, and public order.⁹

Due to the complexity of legal issues and the increasing public awareness of legal matters, there is a growing need for advocates who can assist clients or the general public in understanding the legal system. In addition, advocates are part of legal advisors who perform various tasks such as providing advice to clients, representing them in court, and even taking on the role of advisor when needed.

Another source that clarifies the role of lawyers is the Judiciary

⁸ Fauziah Lubis, *A Collection of Legal Essays on Advocacy*, (Medan: FEBI UIN-SU Press, 2024), p. 23-24.

⁹ Raihan Baihaqi, Hasrat Dihati, and Fauziah Lubis, "The Role and Function of

Advocates as Enforcers of Law", *Journal on Education*, Vol. 05, No. 02, (January-February 2023), p. 3960.

Authority Act. As mentioned earlier, "The Judiciary Authority Act (Article 38(1)) lists other bodies whose responsibilities are related to judicial authority, in addition to the Supreme Court and other judicial bodies. The first paragraph of Article 38 establishes the judiciary as a whole, including the Supreme Court and lower courts."

There is a system or hierarchy that describes the role of lawyers as supervisors of judicial power, which is dominated by law enforcement agencies, such as the police, the prosecution, and judicial institutions. The results, implementation of policies, and norms serve as benchmarks for the performance of officials within the system. Therefore, compliance with such a bureaucratic system is inevitable; since justice inevitably involves a measure of balance, the scales representing justice can also indicate balance. Therefore, justice can only be the result of a legal process if both parties are not entirely unbalanced.¹⁰

Thus, the role of the legal profession in combating criminal acts is of utmost importance. Lawyers, who are on par with other law enforcement officials, are involved in every stage of the legal system, from criminal, civil, to administrative matters. Lawyers can play a crucial role in initiating or halting a series of judicial mafia activities when they strive to defend defendants or

suspects, especially in cases involving such tactics. It is up to the legal profession and advocacy groups, whose independence and autonomy are protected by the Advocates Act, to implement this in practice. Given the autonomy and discretion enjoyed by advocates, it is the duty of regulatory bodies and individual advocates to uphold them. Professional standards have been established by the Advocates Act to ensure that advocates maintain legal integrity and justice in their practice.¹¹

Lawyers play an important role in maintaining integrity, transparency, and efficiency in the legal system. Their contributions can be seen in various aspects, including: (1) In corruption cases, lawyers play a role in uncovering criminal acts of corruption and bringing the perpetrators to justice. This contributes to increasing public trust in the legal system and reducing corruption rates; (2) In civil cases, lawyers act as mediators who help resolve disputes peacefully and amicably, thereby saving costs and time in the case resolution process; and (3) In criminal cases, lawyers provide optimal defence for suspects or defendants to ensure that they receive a fair trial and avoid errors in legal decisions.

Overall, lawyers play a central role in upholding the principle of justice by maintaining integrity, strengthening transparency, and improving efficiency in the judicial

¹⁰ Zulharbi Amatahir, "The Role and Legal Position of Advocates in Law Enforcement," *Journal of Legal Media*, Vol. 9 No. 2, (September 2021), p. 72.

¹¹ Yahman and Nurtin Tarigan, *The Role of Lawyers in the National Legal System*, (Jakarta: Kencana, 2019) p. 63.

system. As part of the legal system, lawyers not only act as defenders of individual rights but also as pillars in promoting a more transparent and efficient judicial system. The existence of professional and ethical lawyers is an important foundation in creating a fair and optimally functioning judicial system. Collaboration between lawyers, legal institutions, and the government is necessary to build positive synergy in improving and strengthening the criminal justice system in the future.¹²

B. The Role of Lawyers in Providing Legal Services in the Religious Court Environment

Advocacy is not only about fighting for human rights, but also about protecting the constitution and individual freedoms. All lawyers must comply with the standards set out in their code of ethics. The duty of lawyers to defend truth, justice, and the law is another obligation of a lawyer. Every lawyer must take an oath before being appointed as a lawyer, in accordance with Article 4 of Law Number 18 of 2003 on Lawyers. Since lawyers act as a bridge between the public and the government, they have a responsibility to keep their promises and work to improve the standards of service provided to the public. To provide the best possible service to their clients, lawyers must

continuously educate themselves by reading about new legal topics.¹³

Lawyers fulfil their professional responsibilities in accordance with the Advocates Act by providing legal services to members of the public seeking justice. This includes working to ensure that members of the public are able to exercise their fundamental rights as guaranteed by law. In upholding the rule of law and human rights, lawyers play an important role as a component of the legal system. The function of lawyers extends beyond the court system and into the professional world in general. As the legal requirements of society evolve, particularly as a result of more open international relations, the need for legal services from lawyers outside the court process also increases. Lawyers play an important role in community empowerment and national legal reform through consultation, negotiation, and the preparation of trade contracts. This is particularly true in the economic and trade fields, where they also facilitate out-of-court settlements.¹⁴

Legal consultation, assistance, legal representation, advocacy, and other actions are part of a lawyer's job description in serving their clients' legal interests. Legal representation is a specialisation of lawyers.

The specific role of a lawyer in the Religious Court is to assist clients

¹² Abdul Rahaman Upara, and Anwar Mochammad Roem, "Uncovering the Role and Challenges of Advocates in the Indonesian Criminal Justice System: A Practical Study," *Unes Law Review Journal*, Vol. 6, No. 2, (December 2023), p. 6898.

¹³ Raihan Baihaqi et al., "The Role and Function of Lawyers as Enforcers of the Law,"

Journal on Education, Vol. 05, No. 02, (January-February 2023), p. 3965.

¹⁴ Tirta, *The Role of Advocates in Assisting the Underprivileged in Resolving Legal Issues*, Thesis, (Palopo: State Islamic Institute of Palopo, 2021), p. 18.

and provide legal services to clients in the areas of divorce by mutual consent, divorce by litigation, annulment of marriage, refusal of marriage, prevention of marriage/guardianship, marriage licence, dispensation for marriage, permission for polygamy, validation of marriage/itsbat nikah, division of joint property, determination of heirs, distribution of inheritance, settlement of inheritance disputes, determination of child origin, child custody, child guardianship, child adoption, settlement of will disputes, settlement of gift disputes, settlement of waqf disputes, and settlement of sharia economic disputes.

C. The Role of Lawyers in Providing Legal Services in the District Court Environment

Duties and powers are often combined into one phrase to emphasise their separation from the discussion of the rights and responsibilities of a position or institution. In English, a person's duty can be interpreted as work that is required of them, whether it is formal work for their job or something else entirely. On the other hand, authority may signify the formal power granted to an individual to perform certain actions. The term "duty" itself implies an obligation or pre-determined action in Indonesian. The power to issue instructions is what we mean when we speak of authority. Duties and authority are based on relevant laws

and regulations. The laws governing legal assistance include Law No. 16 of 2011, the Criminal Procedure Code (KUHAP), Law No. 48 of 2009 on Judicial Power, and Law No. 18 of 2003 on Advocates. A defendant in a district court may be assisted by an advocate as long as their actions do not violate moral, ethical, or applicable legal principles. In accordance with the Advocates Act, the functions of advocates in defending defendants and suspects are regulated in Articles 54 and 55 of the Criminal Procedure Code. Based on these provisions, every person involved in the investigation of a criminal offence has the right to legal assistance at all stages of the process, including examination, provided that they comply with the procedures established in this law.¹⁵

The following are the responsibilities of lawyers under the regulations of the Indonesian District Court.

1. Lawyers as Providers of Legal Services and Legal Assistance.

As members of the legal profession, lawyers have a duty to act as providers of legal services, including legal aid. Lawyers are members of a legal profession, which is defined as a highly specialised field of law that requires adherence to a strict code of ethics and standards of conduct. The provision of legal services by lawyers, more commonly known as legal aid, is referred to by a number of other names when examined

¹⁵ Jaidun, "The Role of Advocates in Legal Defence of Corruption Defendants in the Corruption Court at the Samarinda District Court

(A Review of Legal Professional Ethics)," *Jurnal Yuriska*, Vol. 11. No. 2, pp. 195-196.

further. As a literal translation from English, the term "legal aid" is the actual definition of the term. The term "legal aid" refers to programmes that help those who cannot afford legal representation. Although the term "legal aid" is more commonly used to describe legal services, both concepts, when examined more closely, imply the same thing: helping individuals pursue justice through the use of legal representation. On the other hand, when placed in context, they highlight different ideas.¹⁶

Legal aid is typically used so that those who need legal assistance but cannot afford it may consider it narrowly as the provision of such services at no cost. However, lawyers who receive fees are also considered to be providing legal aid to those in need, hence the term "legal aid" encompasses a wide range of activities. Thus, the provision of legal services by lawyers is not solely based on the desire to help others; it is also a means of protecting individuals' constitutional rights, particularly in the field of criminal law. Furthermore, the provision of legal services by lawyers is a way to ensure that everyone has equal rights before the law, which is a form of equitable justice.

2. Lawyers as Monitors and Guardians of Judicial Integrity

The Judicial Power Act discusses the duties performed by advocates in their capacity as Supervisors. In addition to the Supreme Court and judicial institutions under it, there are other bodies whose activities are related to judicial power, as mentioned in Article 38 paragraph (1) of the Judicial Power Act discussed earlier. Article 38(1) provides a reference indicating that the judicial power, which includes the Supreme Court and the courts under its jurisdiction, is not an isolated entity but is supported by other bodies that assist in carrying out its relevant duties. Article 38(2) of the Judicial Power Act lists the other bodies whose duties are related to judicial power, namely:

- a) Investigation and inquiry;
 - b) Prosecution;
 - c) Enforcement of decisions;
 - d) Legal services; and
 - e) Alternative dispute resolution.
3. The promoter acts as a supervisor of law enforcement agencies within the country, including the prosecution, the judicial system, and the police. As a result, there is a clear chain of command that extends from the agencies at the top to those responsible for overseeing the system below in terms of carrying out their duties.

The results, implementation of regulations and standards, and overall performance

¹⁶ Mardiana, "The Role of Lawyers in the Criminal Justice System in Indonesia", *Sol Justica Journal*, Vol. 1, No. 1, (December 2018), p. 52.

of the work are metrics used to evaluate the effectiveness of the system. To ensure compliance with the bureaucratic structure. For example, a conflict between following "orders" and behaving "professionally" may arise when an investigator is under pressure from above to find a specific solution to a case.¹⁷

As a symbol of justice, which includes the quality of balance, scales can signify balance or fairness. If the prosecutor and the defendant are both fairly represented in a trial, then justice can be upheld. As defenders, lawyers accompany defendants in their efforts to obtain a fair verdict. Compared to other types of law enforcers, such as the police, prosecutors, and courts, lawyers have a unique role. These defenders are private security guards who work for different governments. According to the book "The Position of Law Enforcers in the Constitutional System of the Republic of Indonesia" by Bagir Manan, this is the case.

4. Lawyers as Defenders of Human Dignity and Human Rights.

The primary responsibilities of a lawyer can be summarised as follows. According to Soemarno P. Wirjanto, there are three main types of work that fall under the responsibility of a lawyer:

a) In their role as a prosecutor, they ensure that their clients are

well represented and assist in all aspects of preparing the court case for the judge's decision.

b) In the role of "lawyer" or "pleader," that is, presenting the defence, presenting facts, and making legal arguments to help the court understand the circumstances of the case.

c) Outside the courtroom, as a legal consultant, they provide advice to clients or perform legal actions.¹⁸

D. The Role of Lawyers in Providing Legal Services in the Administrative Court Environment

In administrative courts (PTUN), advocates can act as legal advisors or legal representatives accompanying or representing the disputing parties, namely:

1. Assisting the disputing parties in understanding the judicial process
2. Ensuring that the rights of the parties to the dispute are not violated
3. Ensuring that the legal process is fair and transparent
4. Providing free legal assistance to the public who cannot afford it

However, as stated in Article 57 of Law No. 5 of 1986, "the parties to the dispute may be accompanied or represented by one or more legal representatives"—meaning that the plaintiff in the PTUN has the option to hire a legal representative or not—the parties to the dispute in the PTUN may decide for themselves whether to hire a legal representative or not. The issue is

¹⁷ *Ibid.*, p. 53.

¹⁸ *Ibid.*, p. 54.

whether such legal counsel must hold a valid practising licence.

As stipulated in the guidelines and procedures for the duties and administration of courts in the four judicial environments of Book II of the Supreme Court of the Republic of Indonesia, in addition to granting authority to a lawyer, authority may also be granted through:

1. With the approval of the Head of the Administrative Court, a letter of reference from the Village Head, a letter of reference from the Sub-District Head, and the plaintiff's ability to litigate in court, the family may be granted incidental power of attorney.
2. In pre-trial proceedings, the plaintiff may be represented by a Legal Aid Body (BBH) or a Legal Aid Institution (LBH), as well as a Faculty of Law that meets the applicable laws and regulations.

And if they become the defendant, they may:

1. Grant power of attorney to a lawyer to act on their behalf.
2. Send an unstamped letter of appointment to the responsible official at the government agency or state administrative body.
3. Solely for the purpose of protecting state assets and maintaining government authority, a state attorney may act as a legal advisor to state administrative agencies or officials.¹⁹

E. The Role of Lawyers in Providing Legal Services in the Military Court System

Military life within society often leads to conflicts between military personnel and civilians, resulting in legal issues. In an effort to enforce the law, civilians who are victims of such conflicts may seek legal recourse by reporting the military personnel involved to their military authorities. However, in practice, the legal process appears to be closed, leaving the public unaware of the progress of the case. As a result, civilians turn to lawyers for legal assistance. However, within the military judicial system, lawyers are not granted the opportunity to take legal actions to provide legal assistance to civilians.

Pursuant to Article 50 of Law No. 34 of 2004 on the Indonesian National Armed Forces (TNI), one of the official services provided to TNI personnel is legal assistance. "The Implementation Guidelines for Legal Assistance within the TNI are further regulated by the TNI Commander's Decision No. Kep/1089/XII/2017 dated 27 December 2017. Legal assistance within the TNI is carried out in accordance with these provisions." The implementation of the legal assistance programme within the TNI.

There are several internal criteria for legal assistance within the TNI. Legal assistance is one of the ways for military personnel to obtain recognition, certainty, and guarantees of fair legal protection and equal treatment before the law, which are

¹⁹ Regif Rio Dewana, *Legal Counsel in Administrative Courts*, Eka Sakti University, Padang.

their rights. This aligns with the principles, objectives, and purposes of the programme, as well as the procedures for handling cases, recipients, and the provision of legal assistance.

The objectives of the program are outlined in Article 3 of the Legal Aid Act No. 16 of 2011. We hope that the provision of legal aid will continue to prioritise unity of command, military interests, legal clarity, utility, justice (*rehtmatigheid*), and the presumption of innocence. Legal assistance within the TNI context also adheres to the principles of normativity, systematicity, adaptability, and clarity. Legal assistance within the TNI context may be provided through litigation (in court) or non-litigation (outside court), depending on the type of applicable legislation (criminal, civil, Administrative Law (TUN), or others). Military units within the TNI, TNI personnel, and members of the public facing legal issues receive legal assistance services. Additionally, within the TNI, recipients of legal assistance may also obtain the following forms of legal assistance:

- a. Families of military personnel and civil servants of the TNI;
- b. Organisations of military personnel's spouses;
- c. Retired TNI personnel, widows of TNI personnel, retired civil servants of the TNI, and widows/widowers of retired civil servants;
- d. Military cadets;
- e. TNI civil servants and veterans within the TNI;

- f. Foundations and cooperatives within the military environment;
- g. Foundations and cooperatives within the military environment;
- h. Foundation partners and cooperative partners within the TNI environment; and
- i. Those who have a working relationship to support the primary duties of the TNI.

Regarding legal assistance, Babinkum TNI handles everything at headquarters, while the Directorate/Legal Service handles it at the service level. The provision of legal assistance is the responsibility of the legal unit of the operational or regional unit or the relevant legal officer. Providing free legal assistance to all TNI soldiers and civil servants is a fundamental human right, so providing such legal assistance is not difficult.

Criminal legal assistance (military) provided by the Legal Aid Institution (LBH) or a law firm to TNI personnel or military cadets must first obtain approval from the Case Handling Officer (Papera) who is directly responsible for supervising the personnel or cadets in question. The Military Court Act (Law No. 31 of 1997) mandates this. The interests of the TNI are balanced by prioritising requests for legal assistance from TNI personnel, civil servants, and their families, even if such requests conflict with the interests of the TNI. A group of lawyers from outside the TNI, legal officials from the TNI, and Babinkum TNI collaborate to resolve high-profile extraordinary cases through Legal

Assistance. The TNI Legal Aid Programme ensures that everyone has access to justice by guaranteeing legal protection and equality before the law. If a TNI unit, TNI personnel, or state officials face a legal issue, this Legal Aid is intended to assist in obtaining a satisfactory resolution in accordance with applicable laws and regulations. To ensure the smooth implementation of this programme, particularly for TNI personnel and state officials, TNI units are required to urge their members to notify the local legal unit if they wish to seek legal assistance.²⁰

Conclusion

Lawyers, as legal enforcers who help uphold the public's demand for justice and the authority of other branches of the legal system—including judges, prosecutors, and police—under Indonesian law are emphasised in this study. In addition to assisting lawyers in representing clients in court, lawyers play an important role in upholding the rule of law, justice, and human rights in various judicial contexts, including religious, state, administrative, and military matters.

Beyond their role in the courtroom, advocates are also involved in non-litigation legal problem-solving, such as providing legal advice, drafting contracts, and mediating disputes. This demonstrates the flexibility and significance of their role in ensuring that people have equal access to justice. However, challenges remain, particularly in military courts, where limitations on the scope and access of

lawyers often hinder them from fulfilling their roles effectively.

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²⁰ Irman Putra and Arief Fahmi Lubis, "Legal Aid for TNI Soldiers and TNI Civil Servants as an Implementation of Human Rights Values",

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