

## Building a Just Law: The Role of Legal Professional Ethics in Indonesia

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### Abstract

*The professionalism of a legal profession is not only due to being capable, intellectual, and successful in their field as law enforcement officers, but the behavioral aspect is also part of the assessment that must be owned in implementing the Code of Ethics or Legal Professional Ethics to uphold law and justice. However, if we look at the reality, there are still many legal practitioners who have not complied with the Legal Professional Code of Ethics. The research method in this journal uses juridical-normative, which uses literature-based secondary data sources. The results of this study are that the Legal Professional Code of Ethics must be obeyed (compelling) even though it is not officially made into regulations. Because Legal Professional Ethics has an important role in law enforcement which is also a manifestation of efforts to realize better law.*

**Keywords:** *Legal Professional Ethics, The Role of Professional Ethics, Indonesia.*

### Abstrak

Profesionalitas seorang profesi hukum bukan hanya karena cakap, intelektual, dan sukses di bidangnya sebagai aparat penegak hukum, melainkan aspek tingkah laku juga bagian dari penilaian yang harus dimiliki dalam mengimplementasikan Kode Etik atau Etika Profesi Hukum untuk menegakkan hukum dan keadilan. Namun jika kita lihat realitas yang ada, para praktisi hukum masih banyak yang belum mematuhi Kode Etik Profesi Hukum. Metode Penelitian dalam Jurnal ini menggunakan yuridis-normatif, yang menggunakan sumber data sekunder berbasis kepustakaan. Hasil penelitian ini yaitu Kode Etik Profesi Hukum harus dipatuhi (bersifat memaksa) sekalipun tidak secara resmi dijadikan sebagai peraturan. Karena Etika Profesi Hukum mempunyai peran penting dalam penegakan hukum yang juga merupakan manifestasi upaya perwujudan hukum yang lebih baik.

**Kata Kunci:** Etika Profesi Hukum, Peran Etika Profesi, Indonesia.

## INTRODUCTION

Law has a very important role in maintaining order and justice in a society. However, the success of law in achieving its objectives does not only depend on existing regulations, but is also greatly influenced by the practices and behaviors of legal practitioners. In this context, the ethics of the legal profession become the moral foundation that shapes the character and actions of legal practitioners.<sup>1</sup>

The ethics of the legal profession are not just a set of moral norms, but are the underlying foundation of how a legal professional should behave and act. Legal ethics includes values such as honesty, integrity, justice, responsibility, and respect for human rights. In a good legal journey, the ethics of the legal profession have a central role in shaping quality legal practices and making a positive contribution to society.<sup>2</sup>

One of the critical aspects of the ethical role of the legal profession is its ability to realize good law. Good law is not only related to the existence of comprehensive regulations, but also to the implementation that is fair and in accordance with moral norms. The ethics of the legal profession are a guideline to ensure that legal practitioners not only focus on the interests of the client or the parties he represents, but also pay attention to the interests of society as a whole.<sup>3</sup>

The importance of the ethical role of the legal profession is increasingly felt in an increasingly complex and diverse global context. Legal practitioners are not only faced with legal challenges, but also with conflicting values, cultural differences, and changing social dynamics. In such a situation, the ethics of the legal profession are a firm grip to ensure that legal decisions are taken with careful moral considerations.<sup>4</sup>

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<sup>1</sup> Tardjono, H. (2021). Urgensi Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Berkeadilan Di Indonesia. *Jurnal Kepastian Hukum Dan Keadilan*, 2(2), 51-64. DOI: <https://doi.org/10.32502/khdk.v2i2.3462>

<sup>2</sup> Sidharta, B. A. (2015). Etika dan Kode Etik Profesi Hukum. *Veritas et Justitia*, 1(1). DOI: <https://doi.org/10.25123/vej.v1i1.1423>

<sup>3</sup> Yustica, Anugrah, Ngadino Ngadino, and Novira Maharani Sukma. "PERAN ETIKA PROFESI NOTARIS SEBAGAI UPAYA PENEGAKAN HUKUM." *Notarius* 13, no. 1 (2020): 60-71. Accessed February 14, 2024. <https://doi.org/10.14710/nts.v13i1.29162>

<sup>4</sup> Ginting, Yuni Priskila, Gwayneowen Justin, Jesselyn Harijanto, Lyviani Sam, Michelle Halim, Rachelina Marceliani, dan Vanessa Valentina. 2023. "ETIKA PROFESI JAKSA SEBAGAI GERBANG KEADILAN SISTEM HUKUM REPUBLIK INDONESIA". *Jurnal Pengabdian West Science* 2 (08):633-45. <https://doi.org/10.58812/jpws.v2i08.492>.

Thus, the purpose of this journal is to explore and analyze the role of legal profession ethics in an effort to realize good law. Through the exploration of legal ethics concepts, it is hoped that this journal can provide in-depth insights into how the ethics of the legal profession can be the main driver towards a legal system that is fair, transparent, and responsive to the needs of the community.

## **RESEARCH METHODS**

The research method used in this study is the juridical-normative method, which is a legal research approach that relies on the analysis of secondary legal materials that are documentary. This approach is commonly used in legal studies because it aims to understand the applicable legal norms, both in the form of laws and regulations and legal doctrines that develop in the academic literature.

In the juridical-normative method, the data used are derived from primary and secondary legal materials. Primary legal materials include laws and regulations, court decisions, and other official documents that have binding legal force. Meanwhile, secondary legal materials include textbooks, scientific journals, opinions of legal experts, and the results of previous research. The analysis is carried out systematically to assess the conformity between the applicable legal norms and the legal phenomena being studied.

This approach is carried out by examining legal theories, legal principles, and relevant concepts in order to gain a deep understanding of the legal issues that are the focus of the research. Juridical-normative research is very appropriate to be used in this study because it allows researchers to formulate logical and systematic legal arguments based on the existing legal framework. Thus, the results of this research are expected to be able to make theoretical and practical contributions to the development of legal science.

## **RESULTS AND DISCUSSION**

### **Legal Professional Ethics in Indonesia**

As we know, ethics is the concept of what is good or right in human behavior. Ethics are ideas, ideals about the desire for goodness in human deeds or behavior. Ethics always sets a good example, while morality always assesses the implementation of the examples given by ethics.<sup>5</sup> One of the aspects that is highlighted in ethics and morals in favor of a person's behavior is in the field of work or expertise called a profession,

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<sup>5</sup> Sidharta, B. A. (2015). Etika dan Kode Etik Profesi Hukum. *Veritas et Justitia*, 1(1). DOI: <https://doi.org/10.25123/vej.v1i1.1423>

because a profession is a job about theoretical and technical expertise that is standardized to honesty and justice. The professional code of ethics is a norm set and accepted by a group of professions that direct or give instructions to their members on how to make and at the same time ensure the quality of the profession in the eyes of the public. Ethics in the legal profession have a very important role in efforts to achieve fair law enforcement.<sup>6</sup>

Ethics in terms comes from the Ancient Greek word *ethos*. In the singular form has many meanings, namely ordinary residence, grassland, drum, rudeness, customs, morals, disposition, feelings, attitudes, and ways of thinking.<sup>7</sup> In the plural form (*ta etha*) it means custom. Etymologically, ethics is the teaching of good and bad, which is generally accepted about attitudes, deeds, obligations, and so on. Ethics can be equated with morals (*mores* in Latin), morality or morality, related to value issues, ethics basically talks about issues of moral values or good and bad moral actions.<sup>8</sup> In this case, ethics is included in the value area, while the value of ethics itself is related to the good and bad of human deeds. Some definitions of ethics are as follows: According to Istiono wahyu and Ostaria, ethics is the main branch of philosophy that studies values or qualities. Ethics includes the analysis and application of concepts, such as right and wrong, good-bad, and responsibility. Ethics is the science that deals with good and bad, rights, and moral obligations. According to Rafik Issa Bekum, ethics can be defined as a set of moral principles that distinguish between good and bad. Ethics is a normative field of science, because it plays a role in finding out what an individual should or should not do.<sup>9</sup>

The legal profession is a profession related to the field of law. The legal profession strives to realize and maintain a just order in people's

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<sup>6</sup> Muhammad Zuhriyadi, "Pentingnya Etika Dalam Profesi Hukum Sebagai Upaya Penegakan Hukum", <https://kumparan.com/muhammad-fadli-1608800907521699516/pentingnya-etikadalam-profesi-hukum-sebagai-upaya-penegakan-hukum-1uqgrt5tun4/3>, 25 Desember 2023

<sup>7</sup> Harmoko, Harmoko. 2022. "Kode Etik Profesi Advokat Dalam Menjaga Eksistensi Advokat Sebagai Profesi Terhormat (*officium Nobile*)". *IUS : Jurnal Ilmiah Fakultas Hukum* 10 (2), 184-93. <https://doi.org/10.51747/ius.v10i2.1155>.

<sup>8</sup> Langgeng, S. (2018). Peran Advokat Sebagai Penegak Hukum Dalam Mendukung Terwujudnya Sistem Peradilan Pidana Terpadu Dalam Penegakan Hukum Pidana Di Indonesia. *Jurnal Daulat Hukum*, 1(1). DOI: <http://dx.doi.org/10.30659/jdh.v1i1.2628>

<sup>9</sup> Heriyono, "Urgensi Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Berkeadilan di Indonesia", *Fakultas Hukum Univ. Al-Azhar Indonesia*, Hal 5

lives. The legal profession has moral values, namely: honesty, authenticity, responsibility, moral independence, moral courage. The legal profession strives to create and maintain a just order in people's lives.<sup>10</sup> Ethics are highly emphasized for law enforcement. The development of a person's profession depends entirely on the person concerned about what he does to develop his profession. Personally, he has full responsibility for the quality of his professional services. A person who carries out the legal profession must be a person who can be fully trusted, that he (legal professional) will not abuse the existing situation. The development of the profession must be carried out with dignity, and he must exert all the knowledge and scientific abilities that exist in him,<sup>11</sup> Because the duty of the legal profession is a social duty that is directly related to basic values that are the embodiment of human dignity, and therefore the service of the legal profession requires supervision from the community. If the professional carries out his profession well, correctly, then the person is said to be professional.<sup>12</sup>

It is said that a person has a professional character, if: he has good ethics, has skills, through education or training, is qualified, obeys the code of ethics developed and agreed upon in a professional organization.<sup>13</sup> A professional must at least be responsible to: clients, society, fellow professions and groups, the government and the country. A professional person must have a social personality, be responsible for all Actions, always strive to improve his knowledge; Skilled, trustworthy, loyal, able to avoid rumors and proud of his profession.<sup>14</sup>

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<sup>10</sup> Prasetyawati, Betty I., and Paramita Prananingtyas. "Peran Kode Etik Notaris Dalam Membangun Integritas Notaris Di Era 4.0." *Notarius* 15, no. 1 (2022): 310-323. Accessed February 14, 2024. <https://doi.org/10.14710/nts.v15i1.46043>

<sup>11</sup> Hapsari, Trisa Aprillia, Shelly Fitri Andriyani, Cahaya Padma Pertiwi, and Afiliasi. 2024. "Urgensi Penguatan Etika Profesi Hakim Dalam Menjadikan Penegakan Hukum Yang Berkeadilan Di Indonesia". *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2 (01). <https://journal.forikami.com/index.php/dassollen/article/view/411>.

<sup>12</sup> Sinaga, N. A. (2020). Kode etik sebagai pedoman pelaksanaan profesi hukum yang baik. *Jurnal Ilmiah Hukum Dirgantara*, 10(2). DOI: <https://doi.org/10.35968/jh.v10i2.460>.

<sup>13</sup> Purwadhi, Purwadhi. "Peranan Etika Profesi Pendidik dalam Mewujudkan Karakter Bangsa." (2018). DOI: <https://doi.org/10.2121/atikan-journal.v8i2.1158>

<sup>14</sup> Rafsanjani, Daffa, and Mahendra Adhika Putra Purnama. 2024. "Peran Etika Profesi Hukum Dalam Sistem Peradilan Di Indonesia". *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 1 (02). <https://journal.forikami.com/index.php/nusantara/article/view/442>.

In addition, the professional code of ethics is a guideline for attitudes, behaviors and actions in carrying out tasks in daily life. The professional code of ethics can be a counterbalance to the negative aspects of a profession so that the professional code of ethics is like a compass that shows the moral direction of a profession.<sup>15</sup> As well as ensuring the moral quality of the profession in society. In order for the code of ethics to function properly, the absolute requirement is that the code of ethics is made by the profession itself. The code of ethics will not be effective if it is just dropped from above, namely government agencies or other agencies, because it is not imbued with the ideals and values that live in the profession itself. External agencies can only advocate the creation of a code of ethics and can also help in formulating it. In order to function properly, the professional code of ethics must be self-regulation, of the profession.<sup>16</sup>

By creating a professional code of ethics, a profession will set black over white to realize moral values that it considers essential. Only a code of ethics that contains the values and ideals accepted by the profession itself can be ingrained and become the foundation of hope to be implemented diligently and consequentially. Another condition that must be met for the code of ethics to succeed properly is that its implementation is continuously supervised. Regarding the possibility of bad things happening, namely the demoralization of the profession, it is appropriate if the profession is followed by a moral foundation or normative rules that can be raised as a code of ethics. Some of the functions of the code of conduct include:<sup>17</sup>

- 1) The code of ethics is intended as a reference for moral control or a kind of behavioral supervision whose sanctions are more psychologically and institutionally concentrated.
- 2) The professional code of ethics leads to the formation of strong moral integrity among professional leaders.

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<sup>15</sup> Sujadi, E. (2018). Kode etik profesi konseling serta permasalahan dalam penerapannya. *Tarbawi: Jurnal ilmu pendidikan*, 14(2), 69-77. DOI: <https://doi.org/10.32939/tarbawi.v14i2.298>

<sup>16</sup> Achmad Asfi Burhanudin. 2018. "Peran Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Baik". *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 4 (2), 50-67. DOI: <https://doi.org/10.29062/faqih.v4i2.25>.

<sup>17</sup> Muhammad Nuh, "Etika Profesi Hukum", Bandung: Pustaka Setia, 2011, hal 125.

- 3) The dignity or identity of a professional organization will also be determined by the quality of empowerment of the organization's professional code of ethics itself.
- 4) The professional code of ethics is a reference so that members of the profession remain dignified in their profession.

The code of ethics becomes even more important when the challenges facing the legal profession are becoming more difficult and complex. The functional aspects of the legal profession associated with the code of ethics are more entrusted to the legal profession organizers themselves, while the community (clients) are limited to playing the control function. The choices, decisions, creations, and mobility of the legal profession will not be able to meet the results if the organizers of the legal profession are lacking and do not have good faith to empower them.

### **The Role of Legal Professional Ethics in Realizing Good Law**

A legal profession begins with a process of deepening and mastering scientific specifications in the field of legislation (law). People who intend to become organizers or practitioners of the legal profession must be included in the process circle or community. Without going through this path, it is difficult to produce a reliable (professional) legal enforcement figure. Professionalism is also determined by the role or contribution intended while in the professional community.<sup>18</sup> There is a stage where a new person can and should learn the meaning of law and profession, then continue by studying the functions, orientations and benefits of a legal profession in the community. These stages that need to be passed are an introduction to the enforcement, empowerment and glorification of the profession. The implementation of the profession, including the legal profession, actually depends on the person concerned because they personally have full responsibility for the quality of their professional services and must be independently able to meet the needs of the community or enshrined for the public interest that requires services in the field of law, for that of course it requires scientific and trustworthy expertise.<sup>19</sup> The dynamics of the quality of professional

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<sup>18</sup> Achmad Asfi Burhanudin. 2018. "Peran Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Baik". *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 4 (2), 50-67. <https://doi.org/10.29062/faqih.v4i2.25>.

<sup>19</sup> Tardjono, H. (2021). Urgensi Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Berkeadilan Di Indonesia. *Jurnal Kepastian Hukum Dan Keadilan*, 2(2), 51-64. DOI: <https://doi.org/10.32502/khdk.v2i2.3462>



services are related to the level and types of problems faced by the community. A type of profession, including the legal profession, will be able to see its development and prospects through various social conflicts that arise.<sup>20</sup>

Professional ethics basically contain values that provide demands for behavior, as well as the law. Professional ethics and law can actually be seen as part of culture.<sup>21</sup> Furthermore, when compared, the law requires that human behavior be in accordance with the rules of the law applied. Meanwhile, ethics pursues that human mental attitudes are in good inner will. Here the aim is not the fulfillment of outward deeds but the inner nature of human beings that originate from conscience, therefore it is hoped that virtuous human beings will be created. It can be emphasized again that law and professional ethics have similarities and differences.<sup>22</sup> The equation of both has a normative nature and contains ethical norms, which are binding. In addition, it has the same social purpose, namely for humans to do good in accordance with societal norms, and various violators will be subject to sanctions. As for the difference, regarding sanctions in professional ethics only apply to members of certain functional groups / members of a profession. Legal sanctions apply to everyone within a given region, all citizens/communities.<sup>23</sup>

In the efforts to enforce the law of a country, several main actors whose roles are very important, including judges, prosecutors, advocates, and police. Or better known as the chess of the law enforcement dynasty. Judges as the executors of judicial power are law enforcement agencies that represent the interests of the state, while prosecutors and police are law enforcement agencies that represent the interests of the government, then advocates are law enforcement

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<sup>20</sup> Achmad Asfi Burhanudin. 2018. "Peran Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Baik". *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 4 (2), 50-67. <https://doi.org/10.29062/faqih.v4i2.25>.

<sup>21</sup> Sujadi, E. (2018). Kode etik profesi konseling serta permasalahan dalam penerapannya. *Tarbawi: Jurnal ilmu pendidikan*, 14(2), 69-77. DOI: <https://doi.org/10.32939/tarbawi.v14i2.298>

<sup>22</sup> Livia V. Pelle, "PERANAN ETIKA PROFESI HUKUM TERHADAP UPAYA PENEGAKAN HUKUM DI INDONESIA", *Lex Crimen* Vol.1, No.3, 2012, <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/709>

<sup>23</sup> Dwie Afrizal, Rizky. 2023. "PERANAN ETIKA PROFESI HUKUM TERHADAP INTEGRITAS MORAL PENEGAK HUKUM". *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 1 (01). <https://journal.forikami.com/index.php/nusantara/article/view/164>.



agencies that represent the interests of the community. In a position like this, the role of advocates is important because it can maintain a balance between the interests of the state and the government. Through the legal services he provides, advocates carry out their professional duties for the upholding of law and justice for the benefit of the justice-seeking community.<sup>24</sup>

The professional code of ethics must be complied with by the profession concerned, even if it is not in the form of a clear form like a law, but it has a coercive force just like the law. As Rudolf Von Jhering said in "Der Zweck Im Recht" said, law is a whole of compulsory rules that apply equally in a country. To be able to show itself as this coercive and egalitarian force, only the state through its sovereign strategic elements, such as law enforcement, is competent and able to realize and confiscate it.<sup>25</sup>

The ethics of the huku profession is an inherent inevitability and is integrated with the person concerned wherever he is. Not only when carrying out their duties, but must be part of their identity as a human being wherever they are. This is what also needs to be applied in the ethics of the legal profession which is also an effort to maintain the dignity of a profession so that it is good in the eyes of the public, especially in carrying out its duties.<sup>26</sup> This ethics must be part of a judge's personality when living his life in all activities. For this reason, an effort is needed that encourages the strengthening of the role of the code of ethics in the legal profession for the realization of fair law enforcement.<sup>27</sup>

## CONCLUSION

Based on the description above, it can be concluded that in an effort to enforce a culture of law enforcement/legal profession with integrity, it must start from the optimal implementation of the code of ethics of the

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<sup>24</sup> Dwie Afrizal, Rizky. 2023. "PERANAN ETIKA PROFESI HUKUM TERHADAP INTEGRITAS MORAL PENEGAK HUKUM". Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora 1 (01). <https://journal.forikami.com/index.php/nusantara/article/view/164>.

<sup>25</sup> Siti Marwiyah, "PENEGAKAN KODE ETIK PROFESI DI ERA MALAPRAKTIK PROFESI HUKUM", Bangkalan: UTM PRESS, 2015, Hal 136

<sup>26</sup> Suryono, Adityadarma Bagus Priasmoro, Dona Sri Sunardi Wijayanti, Irene Francisca Liemanto, Qonrezti Shebilla Kalia, dan Andika Cahyo Bintoro. 2020. "Pandangan Filsafat Hukum Terkait Dengan Etika Profesi". Jurnal Hukum Lex Generalis 1 (7):1-19. DOI: <https://doi.org/10.56370/jhlg.v1i7.228>.

<sup>27</sup> Azizah, F. N., Kholifah, N., & Farhani, A. (2023). Penguatan Etika Profesi Hakim Dalam Mewujudkan Penegakan Hukum. SALAM: Jurnal Sosial dan Budaya Syar-i, 10(2), 661-682. DOI: <https://doi.org/10.15408/sjsbs.v10i2.32137>

legal profession. Legal professional ethics (professional code of ethics) is an integral part of regulating law enforcement behavior as a form of good and fair law enforcement. Law enforcement requires an attitude of moral integrity, this attitude is a capital for legal professional organizers in carrying out their professional duties. To become a good legal professional organizer in carrying out his professional duties in enforcing the law, it is necessary to have the qualifications of attitude, humanitarian attitude, attitude of justice, able to see and place objective values in a case handled, honest attitude, and have technical skills and ethical maturity. It is hoped that the integrity of good law enforcement officials will be built so that they are able to enforce good laws and justice so that welfare for all citizens can be realized.

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