



The Code of Ethics for Advocates in Indonesia's Multi-Bar System

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Abstract

Legal issues related to the multi-bar system of advocate organizations in Indonesia, such as the expulsion and subsequent move of Firdaus Oiwobo from KAI to FERADI, the expulsion and subsequent move of Razman Arif Nasution from KAI to PERADI Bersatu, and the transfer of Hotman Paris Hutapea from PERADI Otto Hasibuan to DPN, indicate that Indonesia's advocate organization system is multi-bar in nature and not tied to a single professional body (single bar). This study employs normative legal research, supported by the statute approach, conceptual approach, and comparative approach. The author relies on primary legal materials and secondary legal materials. A literature review is used as the method of legal material collection. The author also applies descriptive, comparative, and argumentative techniques in analyzing the legal materials. The findings show that the regulation of advocate organizations in Indonesia remains general in nature and no specific rule has yet been established, thereby creating a normative vacuum and legal uncertainty. Accordingly, this study proposes a framework for regulating advocate organizations from the perspective of *ius constituendum*, namely by maintaining the multi-bar system while ensuring that advocates remain subject to a single, nationally applicable professional code of ethics, through amendments to the Advocates Law and the Advocates' Code of Ethics (KEAI).

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Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) provides that "the State of Indonesia shall be a state based on law." This provision affirms the centrality of law as the foundation of governance in Indonesia. As a state based on law, the Republic of Indonesia is founded upon the provisions of the 1945 Constitution and Pancasila, with the aim of creating a national life that is just, prosperous, orderly, peaceful, and secure. Therefore, in order to establish an independent judiciary free from all forms of intervention and interference from various parties, the role of the legal profession is indispensable. Article 1 paragraph (1) of Law Number 18 of 2003 concerning Advocates (hereinafter referred to as the Advocates Law) defines an advocate as "a person whose profession is to provide legal services, both inside and outside the court, who meets the requirements under this Law." In the administration of a fair and honest judicial system that guarantees legal certainty for all seekers of justice, advocates are required to be an independent, free, and responsible profession in order to uphold justice, truth, law, and human rights. This is reflected in the Recitals of the Advocates Law, letter b, which states that "an independent judiciary free from all external interference and influence requires a free, independent, and responsible legal profession, in order to ensure a fair, honest, and legally certain judicial process for all seekers of justice in upholding law, truth, justice, and human rights."

The rights and obligations of advocates are regulated in Chapter IV of the Advocates Law, particularly Articles 14 to 20. Article 14 provides that “an advocate shall be free to express opinions or statements in defending a case for which the advocate is responsible in court proceedings, while remaining bound by the professional code of ethics and laws and regulations.” Article 15 provides that “an advocate shall be free in carrying out professional duties to defend a case for which the advocate is responsible, while remaining bound by the professional code of ethics and laws and regulations.” Article 16 provides that “an advocate may not be sued either civilly or criminally in carrying out professional duties in good faith for the purpose of defending the client in court proceedings.” Article 17 provides that “in carrying out the profession, an advocate shall be entitled to obtain information, data, and other documents, whether from government agencies or other parties related to such interests, as required for the defense of the client’s interests in accordance with laws and regulations.” Article 18 paragraph (1) provides that “in carrying out professional duties, an advocate is prohibited from discriminating against clients on the basis of sex, religion, politics, descent, race, or social and cultural background.” Article 18 paragraph (2) provides that “an advocate may not be identified with the client in defending the client’s case by the competent authority and/or the public.” Article 19 paragraph (1) provides that “an advocate is obliged to keep confidential everything known or obtained from the client by reason of the professional relationship, unless otherwise provided by law.” Article 19 paragraph (2) provides that “an advocate is entitled to confidentiality of the relationship with the client, including protection of files and documents from seizure or inspection and protection against interception of the advocate’s electronic communications.” Article 20 paragraph (1) provides that “an advocate is prohibited from holding other offices that conflict with the interests, duties, and dignity of the profession.” Article 20 paragraph (2) provides that “an advocate is prohibited from holding other offices that demand such devotion as to harm the advocate’s profession or diminish freedom and independence in carrying out professional duties.” Article 20 paragraph (3) provides that “an advocate who becomes a state official shall not perform the duties of an advocate while holding such office.”

In addition to regulating the rights and obligations of advocates, the Advocates Law also regulates advocate organizations. In order to improve the quality of the legal profession, an advocate organization is required as an independent and free professional body for advocates. This is expressly affirmed in Article 28 paragraph (1) of the Advocates Law, which provides that “the Advocate Organization shall be the only professional body of advocates that is free and independent, established in accordance with the provisions of this Law for the purpose of improving the quality of the advocate profession.” Ideally, in a state there should be only one advocate organization (a single-bar system). However, in practice, the number of advocate organizations in Indonesia is plural and continues to increase. This condition was further reinforced by the issuance of the Circular Letter of the Chief Justice of the Supreme Court of

the Republic of Indonesia Number 73/KMA/HK.01/IX/2025, which in essence permits courts to administer the oath to advocates regardless of their organizational origin, so that any person who has fulfilled the formal requirements may be sworn in.¹¹ After the issuance of that Circular Letter, the Ministry of Law and Human Rights of the Republic of Indonesia recorded that the number of advocate organizations in Indonesia in 2025 exceeded 90 organizations. These organizations include the Indonesian Advocates Association (PERADI), the Indonesian Advocates Association (AAI), the Indonesian Advocates Congress (KAI), the Nusantara Advocates and Lawyers Association (PERADAN), the Indonesian Advocates Association (PERADIN), the Indonesian Lawyers Association (LAWINDO), the Brotherhood of Justice of the Indonesian People (PERADI RAYA), the National Advocates Congress (KANAL), the Indonesian Advocates Association (IKADIN), the Indonesian Advocates/Lawyers Association (HAPI), the National Committee of Indonesian Advocates (KNAI), the Indonesian National Bar Council (DPN Indonesia), the Indonesian Lawyers Union (SPI), the Indonesian Legal Advisers Association (IPHI), the Association of Financial Sector Legal Consultants (HKHKS), and the Indonesian Sharia Lawyers Association (APSI).

Because there is more than one advocate organization, the system of advocate organizations applied in Indonesia refers to a multi-bar system. A multi-bar system is a system in which an industry or profession is regulated by more than one association or organizational body, rather than by a single body (single bar). The multi-bar practice leads to differences in the administration of professional development, code-of-ethics enforcement, swearing-in procedures, and internal disciplinary mechanisms, thereby generating various consequences. First, there are differences in the standardization of the implementation of the Special Professional Education for Advocates (PKPA), the Advocate Professional Examination (UPA), and the oath-taking process for advocates. Second, there is a dualism of leadership among advocate organizations. An advocate who has become an administrator or holds office in one organization may also become an administrator or hold office in another organization. Even conflicting interests may arise when the administrators, or at least the Chairperson, of an advocate organization simultaneously hold government office, thereby undermining the independence of the organization due to the existence of a conflict of interest. Third, there is intense competition among advocate organizations to obtain formal recognition from government institutions or state bodies as official counterparts or partners. Fourth, there are differences in the codes of ethics among advocate organizations, which result in differing sanctioning standards from one organization to another, so that there is no uniformity in the enforcement of professional ethics.

Beyond empirical practice, the multi-bar system among advocate organizations has also given rise to a number of legal cases in Indonesia. First, the expulsion of Firdaus Oiwobo from the Indonesian Advocates Congress (KAI) following the viral incident of “climbing onto the courtroom table,” after which he joined the Federation of the Advocates

¹¹ Ghazali I, Fahrizi M. Transformasi organisasi advokat Indonesia dari single bar menjadi multi bar: aplikasi Putusan MK No. 101/PPU-VII/2009 dan Surat Ketua MA No. 73/KMA/HK.01/IX/2015. *Mizan J Ilmu Huk.* 2020;7(1):72-82. doi:10.32503/mizan.v7i1.921.

of the Republic of Indonesia (FERADI).^[2] Second, the expulsion of Razman Arif Nasution from the Indonesian Advocates Congress (KAI) following numerous complaint reports from clients, law enforcement officers, and former clients concerning Razman Arif Nasution's conduct, which was deemed inconsistent with the legal profession and harmful to KAI; he then joined the KAI led by Tjoetjoe Sandjaja Hernanto, before later moving again to PERADI Bersatu.^[3] Third, the resignation of Hotman Paris Hutapea from the Indonesian Advocates Association (PERADI) led by Otto Hasibuan and his decision to join the National Bar Council (DPN), on the ground that the advocate organization system in Indonesia is multi-bar and is not bound to a single professional body (single bar), so that his resignation was considered a personal right.^[4]

These cases show that when an advocate no longer belongs to an advocate organization, for example because the advocate has been subjected to a severe ethical sanction such as dismissal for violating the code of ethics, then under Indonesia's multi-bar system, where more than one advocate organization exists, that advocate may still move and become a member of another advocate organization. This situation certainly creates legal uncertainty for justice seekers, clients, and the dignity of the legal profession. Moreover, advocates are regarded as an honorable profession (*officium nobile*), as reflected in Article 5 paragraph (1) of the Advocates Law, which provides that "an advocate has the status of a law enforcer, free and independent, guaranteed by law and regulations."

From a normative legal perspective, on the one hand, the multi-bar system of advocate organizations in Indonesia is a form of implementation and guarantee of freedom of association in Indonesia, as regulated in Article 28 of the 1945 Constitution, which provides that "freedom of association and assembly, and of expressing thoughts by word and writing and the like, shall be determined by law." On the other hand, however, freedom of association does not mean that it may be exercised without limits; rather, it remains subject to restrictions established by laws and regulations. This is provided in Article 28J paragraph (2) of the 1945 Constitution, which states that "in exercising his/her rights and freedoms, every person shall be subject to the restrictions established by law for the sole purpose of securing recognition and respect for the rights and freedoms of others and of fulfilling fair demands in accordance with moral considerations, religious values, security, and public order in a democratic society." This shows that the multi-bar system indeed guarantees freedom of association, but that freedom must still be limited by legal norms and ethics. The problem in Indonesia is that the multi-bar practice among advocate organizations tends not to be accompanied by adequate limitations, so that freedom of association operates without clear control.

This lack of clarity is due to the absence of specific rules governing the mechanisms and ideal limits of the multi-bar system in advocate organizations in Indonesia. Such a condition may be categorized as a normative vacuum, namely a situation in which the law has not yet provided complete and adequate regulation for a legal issue that has developed in society.^[5] Therefore, firm limitations are required through the establishment of a single, nationally applicable code of ethics for advocates within the multi-bar system, so that freedom of association remains guaranteed while its implementation stays within the boundaries set by law.

Accordingly, based on the background described above, the author has decided to prepare this journal article entitled "The Code of Ethics for Advocates in Indonesia's Multi-Bar System."

Problem Formulation

1. How is the organization of advocates regulated in Indonesia?
2. How is the organization of advocates regulated from the perspective of *ius constituendum*?

Purpose

1. To examine and analyze the regulation of advocate organizations in Indonesia.
2. To examine and analyze the regulation of advocate organizations from the perspective of *ius constituendum*.

Research Methods

The author employs normative legal research, supported by a statute approach through an examination of the regulation of advocate organizations in Indonesia based on the 1945 Constitution of the Republic of Indonesia, the Advocates Law, Constitutional Court Decision No. 112/PUU-XII/2014, and the Circular Letter of the Chief Justice of the Supreme Court of the Republic of Indonesia No. 73/KMA/HK.01/IX/2015. In preparing this journal, the author uses statutory, conceptual, and comparative approaches. The conceptual approach used by the author concerns advocates and freedom of association. The comparative approach is undertaken through a comparative study of models for regulating advocate organizations in various countries as an ideal regulatory model that may be applied in Indonesia. The legal materials used consist of primary legal materials derived from legislation and secondary legal materials derived from books and legal journals related to the issue of advocate organizations. The legal-material collection technique used by the author is library research to examine various sources of secondary legal materials. The legal-material analysis techniques used by the author are descriptive analysis, to explain the background of the legal normative vacuum and the research findings concerning the regulation of advocate organizations

² Okezone Celebrity. *Dipecat KAI, Firdaus Oiwobo merapat ke Feradi* [Internet]. 2025 Feb 11 [cited 2026 June 21]. Available from: <https://celebrity.okezone.com/read/2025/02/11/33/3112570/dipecat-kai-firdaus-oiwobo-merapat-ke-feradi>

³ Detik News. *Dipecat Kongres Advokat Indonesia, Razman Arif ngaku mundur* [Internet]. 2022 Jul 16 [cited 2026 Jun 21]. Available from: <https://news.detik.com/berita/d-6182378/dipecat-kongres-advokat-indonesia-razman-arif-ngaku-mundur>

⁴ Kongres Advokat Indonesia. *Hotman Paris hengkang dari Peradi Otto Hasibuan, Presiden KAI: bukti bahwa organisasi advokat makin jauh dari konsep singlebar* [Internet]. 2022 Apr 19 [cited 2026 Jun 21]. Available from: <https://www.kai.or.id/dpp-kai/21220/hotman-paris-hengkang-dari-peradi-otto-hasibuan-presiden-kai-bukti-bahwa-organisasi-advokat-makin-jauh-dari-konsep-singlebar.html>

⁵ Irianto S. *Kekosongan hukum dan tantangan penegakan hukum di Indonesia*. *J Huk Pembang*. 2015;45(2):123-140.

in the perspectives of *ius constitutum* and *ius constituendum*; comparative analysis, to examine the results of the comparative study regarding models of advocate-organization regulation in various countries; and argumentative analysis, to formulate the conclusions.^[6]

Discussion

Regulation of Advocate Organizations in Indonesia The 1945 Constitution of the Republic of Indonesia

Under the 1945 Constitution, the guarantee of freedom of association is expressly stated in Article 28, which provides that “freedom of association and assembly, of expressing thoughts in speech and writing, and the like shall be regulated by law.” In addition, Article 28E paragraph (3) provides that “every person shall have the right to freedom of association, assembly, and expression of opinion.” These provisions show that the Constitution clearly guarantees freedom of association, assembly, and expression of opinion. It also shows that every person has the right to form and join an organization as part of human rights protected by the state. Thus, constitutionally, freedom to form organizations, including professional organizations such as advocates, has been recognized and guaranteed.^[7]

However, the regulation contained in the 1945 Constitution remains general in nature. In other words, the norm only provides a principled guarantee of freedom of association without specifically regulating the form, structure, or mechanism of any particular organization, including advocate organizations. The Constitution does not further explain how a professional advocate organization should be established, whether it must exist as a single organization or may consist of more than one organization, or how the governance and authority of such an organization should operate within the prevailing national legal system. This indicates a normative vacuum at the constitutional level with respect to more specific regulation of advocate organizations. In other words, the 1945 Constitution provides only the basic foundation and general direction, while the technical and operational regulation of advocate organizations needs to be formulated in the form of a Code of Ethics for Advocates, legislation, or other regulations.

Law of the Republic of Indonesia No. 18 of 2003 concerning Advocates

Article 28 paragraph (1) of the Advocates Law occupies a highly central position because it expressly provides that “the Advocate Organization shall be the only free and independent professional body for advocates, established in accordance with the provisions of this Law for the purpose of improving the quality of the advocate profession.” The provision in the Advocates Law stating that the Advocate Organization is the only professional body for advocates indeed provides an important legal basis for the professional advocate organizations in Indonesia.^[8] Article 2 affirms that “the appointment of advocates is carried out by the Advocate Organization.” Article 4 affirms that “the Advocate Organization as the party that receives a copy of the record of

the advocate’s oath.” Articles 12 and 13 affirm that “supervision of advocates is carried out by the Advocate Organization through the Supervisory Commission.” Articles 26 and 27 also regulate that “the professional code of ethics is drafted by the Advocate Organization and that violations of the code of ethics are examined by the Honor Council of the Advocate Organization.” Articles 29 and 30 even require that “every advocate to become a member of the Advocate Organization.”

However, the wording of Article 28 in the Advocates Law does not explain in detail the meaning of the phrase “the only professional body for advocates” itself. Article 28 paragraph (1) merely confirms that “the Advocate Organization is established under this law for the purpose of improving the quality of the advocate profession.” On the other hand, the law also grants the Advocate Organization a highly central role in the appointment of advocates, the establishment and implementation of the code of ethics, supervision, enforcement, and dismissal of advocates. Nevertheless, the law does not provide a clear explanation as to whether the phrase “the only professional body” must be interpreted as prohibiting more than one advocate organization (a multi-bar system) and requiring only a single advocate organization, or whether it merely indicates that all matters relating to the advocate profession must be placed within a single specialized institutional system, namely only through an advocate organization and not through judicial, prosecutorial, or other organizations.

Constitutional Court Decision of the Republic of Indonesia No. 112/PUU-XII/2014

Constitutional Court Decision No. 112/PUU-XII/2014 is important because it shows that the issue of advocate organizations is not merely an internal professional matter, but also concerns the constitutional rights of advocates. The case arose from the practice of swearing in advocates at the High Court, which in practice was granted only to advocates from certain organizations, thereby preventing advocates from other organizations from carrying out their profession. This situation raised issues concerning legal certainty, equality before the law, and the prohibition of discrimination, because the advocate’s oath is an essential requirement before an advocate may lawfully practice before the court. In its decision, the Court affirmed that “Article 4 paragraphs (1) and (3) of the Advocates Law must be understood as imposing an obligation on the High Court to administer the advocate’s oath without linking it to membership in any particular advocate organization.” The Court therefore emphasized that the swearing-in process is a legal step that must continue to be carried out so that advocates may begin work promptly and the public may continue to obtain access to legal aid.^[9]

The decision also affirms that internal conflicts within advocate organizations must not be borne by prospective advocates or used to block them from practicing. The Court considered that advocate organizations are indeed important as free and independent professional bodies, but their

⁶ Watkins D, Burton M, eds. *Research methods in law*. 3rd ed. Routledge; 2026.

⁷ Kelvin E, Wardani DW. *Organisasi advokat dalam kerangka konstitusi Indonesia*. Dimensi. 2023;12(3).

⁸ Tarmudi T, et al. *Kebebasan berserikat dan berkumpul dalam perspektif hak asasi manusia*. Legal Standing J Ilmu Huk. 2024;8(3a).

⁹ Arifin R. *Eksistensi organisasi advokat dalam sistem hukum Indonesia: antara kebebasan berserikat dan kebutuhan pengaturan profesi*. Ius Quia Iustum. 2017;24(3):431-450.

existence may not be used to restrict the rights of certain advocates. Thus, Decision No. 112/PUU-XII/2014 strengthens the protection of freedom to practice and legal certainty, although the decision remains casuistic because it only resolves the issue of the advocate's oath and does not regulate the design of advocate organizations.

Circular Letter of the Chief Justice of the Supreme Court of the Republic of Indonesia No. 73/KMA/HK.01/IX/2015

Circular Letter of the Chief Justice of the Supreme Court No. 73/KMA/HK.01/IX/2015 is an important policy in the regulation of advocate swearing-in in Indonesia.^[10] The letter emerged as a response to various practical problems, especially after divisions arose within advocate organizations and the High Court experienced difficulties in determining which party was authorized to propose the oath. Through this letter, the Supreme Court reaffirmed that every advocate must be sworn in at a public session of the High Court before practicing his or her profession, as required by Article 4 paragraph (1) of the Advocates Law.

The Supreme Court affirmed that advocates who have been sworn in may appear in court regardless of their organizational background. In addition, the Chief Judge of the High Court is authorized to administer the oath to eligible advocates upon request from various advocate organizations, so long as the requirements under the Advocates Law are satisfied. This policy was adopted because the previous model, which tended toward a single bar, was no longer effective in practice.

Although important, this letter has not resolved the issue of advocate organizations as a whole. Its regulation remains limited to the technical aspect of swearing-in and does not fully explain the ideal form of advocate organization. For that reason, the letter is more appropriately understood as a temporary measure to keep the swearing-in process and legal services functioning, rather than as a final regulation of advocate organizations. In legal terms, this letter shows that the Supreme Court's administrative policy may influence the structure of the advocate profession, but it still requires firmer regulation at the statutory level.

Based on the overall applicable legal framework (*ius constitutum*), the regulation of advocate organizations in Indonesia still leaves a normative vacuum, particularly regarding the desired form of organization, inter-organizational relations, institutional legitimacy, and conflict-resolution mechanisms. As a result, legal certainty concerning advocate organizations has not yet been fully achieved. Therefore, legal reform is needed from the perspective of *ius constituendum* through clearer, firmer, and more comprehensive regulation. Such regulation is expected to create orderly, independent, accountable advocate organizations, while providing legal certainty for advocates and ensuring public access to fair legal services.

Regulation of Advocate Organizations from the Perspective of *Ius Constituendum*

The current regulation of advocate organizations in Indonesia remains general in nature and has not yet been specifically regulated. This condition creates a normative vacuum, particularly with regard to institutional structure, governance, and oversight mechanisms for advocate organizations, which in turn may generate legal uncertainty in practice. Accordingly, there is a need to formulate the regulation of advocate organizations from the perspective of *ius constituendum*, namely the law as it is ideally envisioned for the future, so that it can create a system that is clearer, more structured, and legally certain.

Comparative Study of the Regulation of Advocate Organizations in Various Countries

Before formulating such regulation, however, it is necessary to conduct an inquiry that does not rely solely on the national context, but also considers policy practices in other countries. For that reason, this section presents a comparative study of the regulation of advocate organizations in various countries. The study aims to provide an overview and reference points for developing a regulatory model that is more appropriate and suitable for implementation in Indonesia.

Vietnam

Vietnam is an interesting example in the regulation of the legal profession because it adopts a civil law system strongly influenced by French law, yet still combines numerous local advocate organizations under a multi-bar arrangement with a single national ethical standard applicable to all advocates. Its basis is found in the Law on Lawyers, which affirms that all advocates and advocate organizations must carry out their profession in accordance with the law, the Charter of the national organization, and the code of ethics and professional conduct of Vietnamese advocates. Through this model, the state continues to recognize organizational diversity while at the same time ensuring uniformity in professional standards.^[11]

At the institutional level, Vietnam has local advocate organizations in various regions and one national organization, namely the Vietnam Bar Federation, which functions to coordinate all advocate organizations. The local organizations continue to perform administrative and member-development functions, but remain under the coordination of the national federation. The Vietnam Bar Federation plays a central role in determining general professional policies, including development, supervision, and enforcement of ethical standards. Accordingly, the Vietnamese model may be understood as an integrated multi-bar system, rather than as organizations standing entirely on their own without any connection to one another.

The main advantage of this model lies in the balance between organizational freedom and a unified professional standard.

¹⁰ Lubis F, Winanti R, Nurhazijah P, Agustina RP, Salsabila S, Alamanda S. Implications of the multibar concept on containers advocates organization (Peradi) based on Decision Supreme Court No. 73/KMA/HK.01/IX/2015. *Fox Justi J Ilmu Huk.* 2025;15(2):191-200. Available from: <https://ejournal.seaninstitute.or.id/index.php/Justi/article/view/6103>

¹¹ Alford WP. *Raising the bar: the emerging legal profession in East Asia.* Cambridge (MA): Harvard University Press; 2007.

A single national code of ethics makes the standard of advocate conduct the same across all regions, thereby facilitating supervision, and disciplinary enforcement. However, the model also carries the risk of excessive centralization if the national federation becomes too dominant. Nonetheless, from a comparative law perspective, Vietnam shows that diversity among advocate organizations can function effectively so long as it is bound by a clear, firm, and coordinated system of norms. ^[12]

Japan

Japan applies an advocate organization model that may be described as a federation-based single-bar system. Within its civil law legal system, the legal profession is regulated through the Attorneys Act, which affirms that “advocates play a role in protecting human rights and realizing social justice.” Institutionally, each district court jurisdiction has a local bar association recognized by law. All of these local organizations are required to join a single national organization, namely the Japan Federation of Bar Associations (JFBA), which functions to provide development, coordination, and supervision of the legal profession at the national level. Thus, Japan does not abolish local organizations, but integrates them into a single coordinated national system. ^[13]

Membership of advocates in Japan is mandatory and structured. An advocate may only practice after being registered in the roll of attorneys maintained by the JFBA through the bar association of which the advocate is a member. In addition, every advocate is required to comply with both the rules of the local organization and the rules of the JFBA. Even the articles of association and any amendments to the rules of a local organization must obtain approval from the JFBA. In the field of professional ethics, the JFBA establishes the Basic Rules on the Duties of Practicing Attorneys, which apply nationwide. These rules regulate various professional standards, such as the prohibition of conflicts of interest, the obligation to maintain confidentiality, honesty, and responsibility toward clients and the court. Violations of these rules may serve as grounds for disciplinary sanctions. ^[14]

The Japanese model demonstrates a balance between a unified national standard and the existence of local organizations. The JFBA plays a role in maintaining uniform ethics and professional quality, while local bar associations continue to carry out administrative and developmental functions in their respective regions. The strength of this model lies in the existence of a single national ethical standard, a consistent supervisory system, and strong coordination without eliminating the role of regional organizations.

Japan may therefore be seen as an example of an advocate organization system that is able to combine normative centralization with institutional decentralization, thereby creating an orderly, independent, and professional legal profession. ^[15]

Germany

Germany is an example of a country that has successfully combined multiple advocate organizations at the regional level with a single national ethical standard that applies uniformly. Under this system, there are 27 regional *Rechtsanwaltskammer* and one chamber of advocates at the Federal Court, which together form the national organization, the *Bundesrechtsanwaltskammer* (BRAK). This structure shows that Germany does not adopt a single advocate organization, but also does not allow regional organizations to operate without coordination. All advocate organizations remain within an integrated national framework through the BRAK, thereby creating a balance between regional autonomy and professional unity. ^[16]

The basis for regulating the legal profession in Germany is found in the *Bundesrechtsanwaltsordnung* (BRAO), or Federal Code for Lawyers, which is supplemented by the *Berufsordnung der Rechtsanwälte* (BORA) as the professional code of conduct. The BRAO regulates the basic duties of advocates, such as maintaining independence, confidentiality, integrity, prudence, and avoiding conflicts of interest. Meanwhile, the BORA provides more detailed guidance on the professional conduct standards that must be observed by all advocates. With a single legal framework and a national code of ethics, advocates throughout Germany are subject to the same standards, enabling supervision and disciplinary enforcement to be carried out more consistently. ^[17]

The advantage of the German model lies in its ability to preserve ethical uniformity without eliminating the role of local advocate organizations. Regional chambers of advocates continue to perform member development, representation, and administrative functions, but all remain bound by professional norms established at the national level. This model prevents fragmentation of ethical standards across regions while maintaining organizational closeness to the needs of members in the regions. Germany may therefore be categorized as a multi-bar model with a single national code of ethics, showing that the existence of multiple advocate organizations does not necessarily produce differences in professional standards so long as all are bound by the same normative system. ^[18]

The United States

The United States applies a regulation of the legal profession that differs from that of many other countries because it uses

¹² Stacey S, Taylor K, editors. *Legal education in Asia: globalization, change and contexts*. London: Routledge; 2010. p. 186.

¹³ Miyazawa S. The politics of judicial reform in Japan. In: *Law in Japan: a turning point*. Seattle: University of Washington Press; 2002. p. 78-81.

¹⁴ Kato H. The role of the Japan Federation of Bar Associations. In: *Legal reform in Japan*. Cheltenham: Edward Elgar Publishing; 2007. p. 142-145.

¹⁵ Japan Federation of Bar Associations. *Basic rules on the duties of practicing attorneys*. Tokyo: Japan Federation of Bar Associations; 2004. p. 1-3.

¹⁶ Kilian M, Lorenz S. *The German legal profession*. Oxford: Hart Publishing; 2018. p. 45-48.

¹⁷ Wolf C, Kilian M. *European lawyer: a guide to professional conduct*. Baden-Baden: Nomos; 2015. p. 210-213.

¹⁸ Grundmann S, Riesenhuber K. *The German legal system and legal language*. The Hague: Kluwer Law International; 2013. p. 178-181.

a federal system and a common law tradition. The primary authority to regulate, supervise, and discipline advocates lies with each state through its state supreme court, rather than with the federal government. Therefore, advocate organizations in the United States do not take the form of a single national organization, but rather consist of various state bars established in each state. Membership in a state bar may be mandatory or voluntary, depending on the rules applicable in each jurisdiction.

In the field of professional ethics, the United States uses an approach that combines national standards and local flexibility. The American Bar Association (ABA) drafts the Model Rules of Professional Conduct as a national ethical guide that serves as the main reference for most states. However, these rules do not apply automatically; instead, they are adopted and adapted by each jurisdiction. As a result, each state has its own ethical rules that are essentially similar, although they may differ in certain respects. This system also emphasizes the principle of self-regulation, namely the responsibility of the profession to ensure that fellow advocates comply with the ethical standards.^[19]

From the perspective of professional organization, the United States may be categorized as a state-based multi-bar model with national ethical standards as a common guide. The strength of this model lies in its flexibility, as each state may adjust professional regulation according to local needs and the development of legal practice in that jurisdiction. Its weakness, however, is the emergence of variations among state rules, which may make it difficult for advocates practicing across jurisdictions. Thus, the U.S. system demonstrates a balance between unity of ethical principles through ABA guidance and regulatory autonomy at the state level, producing a legal profession model that is adaptive but relatively more complex than a system that uses a single uniform national code of ethics.^[20]

Based on the foregoing, Vietnam may serve as one important reference point in reforming the regulation of advocate organizations in Indonesia. Through Decree No. 131/2008/ND-CP and the Law on Lawyers, Vietnam regulates the existence of advocate organizations at the provincial and municipal levels that perform representative functions, protect advocates' interests, and manage the profession independently. Although there are many advocate organizations at the local level, all advocates remain subject to a single national standard of ethics and professional conduct. The relevance of the Vietnamese model for Indonesia is further strengthened by the fact that both countries adhere to a civil law system that places written law as the primary source of regulation. In addition, Indonesia and Vietnam are both members of ASEAN and face similar challenges, such as the increasing mobility of legal services, the need to harmonize professional standards, and the protection of legal service users. Another important similarity is the plurality of professional organizations in both countries. The Vietnamese model offers a balance between freedom of association and ethical certainty through a multi-bar approach with a single national code of ethics. Advocate organizations may continue to grow and carry out developmental functions independently, but all remain bound by the same ethical standards. Therefore, the Vietnamese

model may serve as a relevant reference for Indonesia in building a plural yet integrated system of advocate organizations that provides legal certainty.

Constructing the Regulation of Advocate Organizations

In constructing the regulation of advocate organizations, this study employs J. J. H. Bruggink's Theory of Legal Construction, particularly the method of legal refinement or narrowing (*rechtsverfijning*), in order to accommodate the drafting of *lex specialis* and to fill the normative gaps in the law. The regulatory construction is not based solely on the sociological reality that advocate organizations in Indonesia are plural, but also responds to the juridical need for certainty of the legal profession.

Amendment to Law Number 18 of 2003 concerning Advocates

The provisions of Article 9 are amended and two (2) new paragraphs, namely paragraphs (3) and (4), are added, so that "Article 9 shall read as follows:

Article 9

1. An advocate may resign or be dismissed from the profession by the Advocate Organization.
2. A copy of the Decree of dismissal referred to in paragraph (1) shall be submitted to the Supreme Court, the High Court, and other law enforcement institutions.
3. An advocate who has been dismissed from the profession by the Advocate Organization may not be accepted again as a member of another Advocate Organization.
4. Advocate Organizations shall mutually recognize and implement disciplinary, temporary dismissal, and/or permanent dismissal decisions that have obtained final and binding legal force against their members."

The provisions of Article 10 are amended and one (1) new paragraph, namely paragraph (3), is added, so that "Article 10 shall read as follows:

Article 10

1. An advocate shall cease or may be permanently dismissed from the profession for the following reasons:
 - a. upon his or her own request;
 - b. having been sentenced by a final and binding court decision for committing a criminal offense punishable by imprisonment of 4 (four) years or more; or
 - c. based on a decision of the Advocate Organization.
2. An advocate dismissed pursuant to the provisions referred to in paragraph (1) shall not be entitled to practice the profession of advocate.
3. An advocate dismissed pursuant to the provisions referred to in paragraph (1) shall be deemed to have his or her oath certificate revoked."

The provisions of Article 30 are amended and five (5) new paragraphs, namely paragraphs (3), (4), (5), (6), and (7), are added, so that "Article 30 shall read as follows:

Article 30

1. An advocate who may carry out the work of the advocate profession is one who has been appointed in accordance

¹⁹ American Bar Association. About ABA: membership and structure overview. Chicago: American Bar Association; 2024. p. 1-2.

²⁰ Gordon RW. The American legal profession: 1870-2000. New York: Oxford University Press; 2017. p. 245-248.

- with the provisions of this Law.
2. Every advocate appointed under this Law shall be obliged to become a member of the Advocate Organization.
 3. Every advocate may become a member of only one Advocate Organization.
 4. Advocates are prohibited from simultaneously being members of more than one Advocate Organization.
 5. The limitation of an advocate's membership to one Advocate Organization constitutes a lawful restriction to ensure the integrity of the profession, legal certainty, client protection, and orderly professional administration.
 6. The restriction referred to in paragraph (3) shall be implemented proportionately, in a non-discriminatory manner, and shall not deprive advocates of the right to defend themselves.
 7. The restriction referred to in paragraph (3) shall not be interpreted as a violation of freedom of association insofar as it is established by law."

The provisions of Article 32 are amended and one (1) new paragraph, namely paragraph (5), is added, so that "Article 32 shall read as follows:

Article 32

1. Advocates, legal advisers, practicing lawyers, and legal consultants who had been appointed when this Law entered into force shall be deemed to be Advocates as regulated under this Law.
2. The appointment of practicing lawyers that was still in process when this Law entered into force shall be governed by the provisions of this Law.
3. For the time being, the duties and authority of the Advocate Organization referred to in this Law shall be jointly exercised by the Indonesian Advocates Association (IKADIN), the Indonesian Advocates Association (AAI), the Indonesian Legal Advisers Association (IPHI), the Indonesian Advocates and Lawyers Association (HAPI), the Indonesian Lawyers Union (SPI), the Indonesian Legal Consultants Association (AKHI), the Capital Market Legal Consultants Association (HKHPM), and the Indonesian Sharia Lawyers Association (APSI).
4. Within a maximum period of 2 (two) years after this Law enters into force, the Advocate Organization shall have been established.
5. If, prior to the entry into force of this Law, there are advocates who are members of more than one Advocate Organization, the concerned advocate shall be required to choose and establish membership in only one Advocate Organization no later than 3 (three) months after this Law enters into force."

Amendments to the Advocates Law are directed toward strengthening legal certainty. The core of the reform consists of reaffirming that each advocate may only be a member of one Advocate Organization, cross-organizational recognition and enforcement of disciplinary sanctions, and revocation of the oath certificate for advocates who are permanently dismissed. Through this arrangement, advocates who have been subjected to severe sanctions may no longer avoid accountability by moving to another organization in order to continue practicing.

In this way, the relationship between organizational membership status, ethical sanctions, and the legitimacy of legal practice becomes clearer and more integrated.

Amendment to the Indonesian Advocates Code of Ethics

Between paragraphs (2) and (3) of Article 16, one (1) new paragraph, namely paragraph (2a), is inserted, and the provisions of Article 16 are amended and one (1) new paragraph, namely paragraph (5), is added, so that "Article 16 shall read as follows:

Article 16

1. The sanctions imposed by decision may take the form of:
 - a. ordinary warning;
 - b. severe warning;
 - c. temporary suspension for a certain period;
 - d. dismissal from membership of the professional organization.
2. Considering the seriousness or lightness of the violation of the Code of Ethics for Advocates, the following sanctions may be imposed:
 - a. ordinary warning, where the violation is not serious;
 - b. severe warning, where the violation is serious or where there is repetition of a violation of the code of ethics and/or failure to heed a previously imposed warning sanction;
 - c. temporary suspension for a certain period, where the violation is serious, where the advocate disregards and disrespects the provisions of the code of ethics, or where, after receiving a severe warning, the advocate repeats the violation of the code of ethics;
 - d. dismissal from membership of the professional organization, where the violation of the code of ethics is committed with the intent and purpose of damaging the image, dignity, and honor of the advocate profession, which must be upheld as a noble and honorable profession.
3. Dismissal from membership of the professional organization as referred to in paragraph (2) letter d may not be followed by re-admission as a member of another Advocate Organization.
4. The imposition of temporary suspension for a certain period must be accompanied by a prohibition on practicing the profession of advocate both outside and before the court.
5. Those subject to temporary suspension for a certain period and/or dismissal from membership of the professional organization shall be reported to the Supreme Court for information and for recording in the register of Advocates.
6. Advocate Organizations shall mutually recognize and implement disciplinary, temporary dismissal, and/or permanent dismissal decisions that have obtained final and binding legal force against their members."

Between paragraphs (2) and (3) of Article 22, two (2) new paragraphs, namely paragraphs (2a) and (2b), are inserted, and the provisions of Article 22 are amended and four (4) new paragraphs, namely paragraphs (5), (6), (7), and (8), are added, so that "Article 22 shall read as follows:

Article 22

1. This Code of Ethics is drafted and initiated by the Indonesian Advocates Working Committee, and ratified and adopted by the Indonesian Advocates Association (IKADIN), the Indonesian Advocates Association (AAI), the Indonesian Legal Advisers Association (IPHI), the Indonesian Advocates & Lawyers Association (HAPI), the Indonesian Lawyers Union (SPI), the Indonesian Legal Consultants Association (AKHI), and the Capital Market Legal Consultants Association (HKHPM), and is declared applicable to every person practicing the profession of advocate in Indonesia without exception.
2. Every advocate shall be obliged to become a member of one of the professional organizations referred to in paragraph (1) of this Article.
 - a. Every advocate may become a member of only one Advocate Organization.
 - b. Advocates are prohibited from simultaneously being members of more than one Advocate Organization.
3. The Indonesian Advocates Working Committee shall represent the professional organizations referred to in paragraph (1) of this Article, in accordance with the Joint Declaration dated 11 February 2002, in matters concerning the professional interests of advocates vis-à-vis state institutions and the government.
4. The professional organizations referred to in paragraph (1) of this Article shall establish an Honor Council as a Joint Honor Council, whose structure shall be adjusted to this Code of Ethics for Advocates.
5. The limitation of an advocate's membership to one Advocate Organization constitutes a lawful restriction to ensure the integrity of the profession, legal certainty, client protection, and orderly professional administration.
6. The restriction referred to in paragraph (2a) shall be implemented proportionately, in a non-discriminatory, and shall not deprive advocates of the right to defend themselves.
7. The restriction referred to in paragraph (2a) shall not be interpreted as a violation of freedom of association insofar as it is established by law.
8. If, prior to the entry into force of this Law, there are advocates who are members of more than one Advocate Organization, the concerned advocate shall be required to choose and establish membership in only one Advocate Organization no later than 3 (three) months after this Law enters into force."

The amendments to Article 16 and Article 22 of the Indonesian Advocates Code of Ethics (KEAI) are intended to strengthen the unity of ethical standards within the profession, improve the effectiveness of disciplinary enforcement, and close loopholes that have so far allowed advocates to evade sanctions by moving between organizations or holding multiple memberships. The reform affirms that advocates who have been dismissed may not be re-admitted to another Advocate Organization, and it requires all organizations to mutually recognize and enforce final and binding disciplinary decisions. In addition, each advocate is permitted to belong to only one Advocate Organization, with a transitional period for those who previously held dual membership.

This arrangement is intended to create an integrated and legally certain professional disciplinary system.

Closing**Conclusion**

Based on the analysis of the code of ethics for advocates within Indonesia's multi-bar system, several conclusions may be drawn as follows:

1. The regulation of advocate organizations in Indonesia only provides rules concerning the advocate profession, including appointment, oath-taking, supervision, and the code of ethics. However, these regulations do not expressly determine the organizational model that must apply, thereby creating a normative vacuum, particularly with respect to the desired form of organization, inter-organizational relations, institutional legitimacy, and conflict-resolution mechanisms.
2. The regulation of advocate organizations from the perspective of *ius constituendum* is to refer to the regulatory model adopted in Vietnam, namely by maintaining a multi-bar system or multiple advocate organizations at the local level, while ensuring that advocates remain subject to a single national standard of ethics and professional conduct. The construction of the regulation of advocate organizations should be carried out through amendments to the Advocates Law and the KEAI.

Suggestion

Based on the conclusions set out above, the author proposes the following suggestions:

1. The legislator should amend the provisions of the Advocates Law by adding 2 (two) paragraphs, namely paragraphs (3) and (4), to Article 9; adding 1 (one) paragraph, namely paragraph (3), to Article 10; adding five (lima) paragraphs, namely paragraphs (3), (4), (5), (6), and (7), to Article 30; and adding 1 (one) paragraph, namely paragraph (5), to Article 32.
2. The advocate organizations should amend the KEAI by inserting 1 (one) paragraph, namely paragraph (2a), between paragraphs (2) and (3) of Article 16 and adding 1 (one) paragraph, namely paragraph (5), to Article 16; and by inserting 2 (two) paragraphs, namely paragraphs (2a) and (2b), between paragraphs (2) and (3) of Article 22 and adding 4 (four) paragraphs, namely paragraphs (5), (6), (7), and (8), to Article 22.

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