

Karya Ilmiah 3

by Ucuk Agiyanto 3

Submission date: 14-Jul-2022 01:31PM (UTC+0700)

Submission ID: 1870372502

File name: UCATION_ININDONESIAThe_Need_of_Spiritual_Dimensions_Approach.pdf (527.79K)

Word count: 6066

Character count: 33938

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ADVOCATE LEGAL EDUCATION IN INDONESIA:
The Need of Spiritual Dimensions Approach

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DOI: 10.30631/al-risalah.v21i1.742

Submitted: April 04, 2020; Revised: May 29, 2020; Accepted: June 17, 2020

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Abstract: Law No. 18 of 2003 explains that someone who wants to be an advocate must take advocate professional education. This professional education is based on the enforcement of justice and pursues to strengthen the Rule of Law principles. This study offers the importance of spirituality in advocate education, in order to create an officium nobile who puts justice for the marginal community over the injustice rules. This research method uses a non-doctrinal qualitative approach based on law implementation in society, combined with a philosophical system related to spirituality which integrates science and religion. This study concludes that advocate education with a spiritual dimension is an effort to uphold the advocate profession as an official representative, prioritizing justice access in the community rather than profit, especially in bribery or corruption.

Keywords: Advocate, Spiritual, Justice Education

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Abstrak: Undang-undang Nomor 18 Tahun 2003 menjelaskan bahwa seseorang yang ingin menjadi advokat harus menempuh pendidikan profesi advokat. Pendidikan profesi ini didasarkan pada penegakan keadilan dan mengejar untuk memperkuat prinsip-prinsip Rule of Law. Kajian ini menawarkan pentingnya spiritualitas dalam pendidikan advokat, dalam rangka menciptakan officium nobile yang menempatkan keadilan bagi masyarakat marginal di atas aturan ketidakadilan. Metode penelitian ini menggunakan pendekatan kualitatif non-doktrinal berdasarkan penerapan hukum di masyarakat, dipadukan dengan sistem filosofis yang berkaitan dengan spiri-

1 tualitas yang mengintegrasikan ilmu pengetahuan dan agama. Penelitian ini menyimpulkan bahwa pendidikan advokat yang berdimensi spiritual merupakan upaya untuk menegakkan profesi advokat sebagai perwakilan resmi, dengan mengutamakan akses keadilan di masyarakat daripada keuntungan, terutama dalam suap atau korupsi.

Kata Kunci: Advokat, Spiritual, Pendidikan Keadilan

Introduction

The history of advocates goes back to the Dutch colonial era.¹ This model automatically serves as a prototype for advocate education today. Until the mid-1920s, all the lawyers and notaries were Dutch. Not a single native or Chinese person was involved in this profession. At the beginning of the opening of legal education for Indonesians, this opportunity was only enjoyed by Javanese priyayi because legal education was perceived to prepare employees (ambtenaar), professional personnel or legal practitioners.²

Daniels S. Lev discussed Pokrol Bambu's existence (semi-professional advocates) who grew up in the colonial era because they did

not have a legal education background but had accompanied the defendant in court. Their existence resulted from a lack of advocates in the villages, Lev who researched Yap Thiam Hien, also noted that the court required the Bamboo Pokrol to take a basic competency test and required payment of supervision fees. The strict conditions for Pokrol Bambu made this profession no longer desirable and slowly disappeared.³

Satjipto Rahardjo views this modern law as a jungle of formality with legal administration procedures and bureaucracy. Legal material is formulated measurably and formally. New concepts and special constructions are created; not everyone can be a legal operator, but those with the exceptional qualifications experienced with certain formal initiations. Judges must have a law degree, while lawyers must have a work license and so on. As a result, the law becomes an artificial institution and it is far from society. People cannot freely fight for justice unless channelled through legal handlers, such as advocates, to arrive at justice through modern legal channels.⁴

Legal education has hit the Indonesian education industry, which generally believes that legal education can create legal professions. As a result, the law faculty's role and function have been reduced from the law school to the legal profession faculty, where Law faculty curriculum should discuss all

¹ In 1947 a regulation was introduced which regulated ¹⁹ advocate profession. The regulation known as Reglement op de Rechterlijke organisatie en het Beleid der Justitie in Indonesia (S. 1847 no. 23 yo S. 1848 no. 57) with all its amendments and additions, among others, states that advocates are also Procureurs. Given the fact that the law on advocates was drafted in 1947, it can be assumed that the work was already known in the 1850s Emergency Law No. 1/1951, which determines the re-enactment of the Herziene Indonesisch Reglement (St. 1941 No. 44) in the Republic of Indonesia is used as a guideline in the Civil Criminal Procedure Law, regarding the duties of the Advocates, "procures," and legal aid providers before the trial is regulated in "Herziene Indonesisch Reglement" (HIR). ³⁶ addition to the regulations above, it is also held in Law No. 14/1970 concerning Basic Provisions of Judicial Powers, regarding legal aid ³⁸ both outside and inside the trial as regulated in ³⁹ Article 35, Article 36, Article 37, Article 38. See Lasdin Wlas, 1989. *Cakrawala Advokat Indonesia*, Liberty, Yogyakarta, p. 39 and ¹⁰

² Frans Hendra Winarta, *Probono Publico: Hak Konstitusional Fakir Miskin Untuk Memperoleh Bantuan Hukum* (Jakarta: PT. Gramedia Pustaka Utama, 2009).

³ Daniel S Lev, *Hukum Dan Politik Di Indonesia: K-nambahan Dan Perubahan* (Jakarta: LP3ES, 2014).

⁴ Satjipto Rahardjo, *Biarkan Hukum Mengalir: Catatan Kritis Tentang Pergulatan Manusia Dan Hukum* (Jakarta: PT. Kompas Media Nusantara, 2007).

aspects of legal life.⁵ The implementation of this liberal legal education, which the first law university marked in Batavia in 1922, is still being developed until today and it is instilled in prospective advocates, prosecutors and judges. So it is not surprising that these pragmatic goals affect all aspects of law enforcement.⁶

In Indonesia, since the enactment of Law no. 14 of 1970 concerning Basic Provisions of Judicial Power, as amended by Law no. 35 of 1999 and No. 4 of 2004. In this law, various provisions which explain the function of an advocate as a legal advisor or legal attorney are carefully regulated⁷ in the future, while adhering to the idea of freedom and independence of a powerful advocate. Besides that, the principles of implementing an advocate's duties are also regulated, especially in upholding justice and realizing the rule of law principles.⁸

After the Reformasi, Advocates' existence is regulated in Law no. 18 of 2003 concerning Advocates. This law clearly defines Advocates and closes Pokrol Bambu's possibility to take part in enforcing the law. Article 2 paragraph (1) has explained that those appointed as Advocates are scholars with a higher legal education background and have attended Advocate Professional Special Education (PKPA) which the Advocate Organization carries out. UU no. 18 of 2003 explicitly states that Advocates are part of law enforcement with a clear position and authority when dealing with other law enforcers, such as police, prosecutors and judges.

⁵ Satjipto Rahardjo, *Hukum Dan Perilaku* (Jakarta: Kompas Media Nusantara, 2009).

⁶ Yesmil Anwar and Adang, *Pembaruan Hukum Pidana: Reformasi Hukum Pidana* (Bandung: PT. Grasindo, 2008).

⁷ According to Law no. 18 of 2003, the term legal advisor has been united with the definition of an advocate as someone who provides legal services in court and outside the court.

⁸ Mohammad Hatta, *Menyongsong Penegakan Hukum Responsif: Sistem Peradilan Pidana Terpadu Dalam Konsep Dan Implementasi* (Yogyakarta: Galangpress, 2008).

Thus, it appears that the purpose of issuing regulations on the implementation of PKPA is solely to support the execution or performance of PKPA. As a result, the personification of advocate profession's as the activity of an honourable aristocratic caste (official nobile), which defends the marginal people against the rulers' arbitrariness, should be questioned. This fact provides an essential lesson in proposing an alternative offer to advocate professional education with a spiritual dimension.

There is a discussion about a spiritual approach to law, such as Nurasih's research which examines from the perspective of Ibn 'Arab, "a comprehensive Sufi thinker who has applied a spiritual method in law field that is so comprehensive, systematic, and the most consistent."⁹ (a) At the level of religious practice in fiqh, the spiritual method of Ibn 'Arab "offers a demand to embrace the purity of heart as the essential substance and meaning of worship and law. (b) At the level of the Rule of Law, the method and spiritual approach of Ibn 'Arab' resulted in the doctrine of 'God's mercy in law', which implements in the rule of 'ease in law'. (c) Meanwhile, in legal theory, the spiritual approach forms a formula regarding the heart's position as a source of law, which essentially leads to the demand to produce laws that involve the conscience and carry out the law by involving the most profound appreciation of the essential meaning of law.¹⁰

Furthermore, according to Yunanto's research, the settlement of dispute in court is one way to enforce the law at the concrete

⁹ Nurasih, "Konsep Hukum Ibn 'Arabi: Upaya Merumuskan Pendekatan Spiritual Terhadap Hukum" 45, no. I (2011).

¹⁰ Ucuk Agiyanto et al., "Advocates and Law Enforcement: Study of the Role of Advocates in Spiritual Dimensional Law in Indonesia," *International Journal of Psychosocial Rehabilitation* 24, no. 08 (2020): 8627-8634. <https://doi.org/10.37200/IJPR/V24I8/PR280860>.

level.¹¹ The construction of experiences and descriptions of dispute resolution in court has been oriented towards procedural justice, not substantial justice. Family law in Indonesia, especially marriage law, has a religious spirit, so that law enforcement against violations of this law field must be applied in upholding spiritual law. In enforcing spiritual law, law enforcers are required to prioritize spiritual intelligence. When resolving family law disputes, substantial justice has been applied to enforce family law with spiritual principles.

According to Yunanto's opinion above, which is contained in his research results, the writer can conclude that the disputes in court in enforcing the law should be based on the spiritual dimension principle. However, it focuses only on family law issues but indirectly confirms that any law's settlement from the spiritual aspect is a concrete solution.

This is also supported by Ace Partadiredja's belief in the spiritual level of an advocate who is also an ordinary human being, someone who is in the process of evolving from the lowest or superficial level known as *asfala safilin* to the highest level known as *insan kamil* (human beings).¹² In his journey, an advocate, who is also an ordinary human, will go through various *maqamat* and *ahwal*, namely showing abilities, events or symptoms of *hawariqul adat* (paranormal), and they are required to be oriented only towards worshipping *Allah SWT* through this spiritual dimension.

Moreover, the findings of Hasym Hasanah and Ainun Fadlilah's research have reinforced the relevance of the spiritual dimension in the legal element, indicating that children in conflict with the law (ABH) at the Raden Sahid Mangunan Lor Demak Islamic boarding

school have religious issues.¹³ ABH's religious problems consist of common religious beliefs, ritual practices, appreciation, knowledge and experiences. In the Islamic boarding school Raden Sahid Mangunan Lor Demak, one method to cope with children's religiosity is addressing the law.¹⁴ Raden Sahid Mangunan Lor Demak applies spiritual coping through habituation and example. Habit is directed at a routine spiritual formation and practice. Reasonable efforts are pursued through the role of peers, spiritual guides, and caretakers of Islamic boarding schools in instilling spiritual values for ABH. Spiritual habits and modelling have been proven to reduce ABH's religious problems, especially in belief, knowledge, and appreciation.

Finally, Dwi Fijianto et al. examined a descriptive study of spiritual well being in male prisoners. The results showed that spiritual well being increased during late adulthood and early elderly. So with growing age, the spiritual well being will also increase.¹⁴

Thus, it is limited to the author's search from various references, that the study of advocates must master and understand aspects of the spiritual dimension. Hence, the main goal of achieving *insan kamil* (advocates with the character) can be permanently embedded, but how is the dimension process to support it? The spirituality has not been discovered in detail.

This research is based on legal research conducted with a qualitative non-doctrinal

¹¹ Yunanto, "Penegakan Hukum Spiritual Terhadap Pelanggaran Dalam Hukum Keluarga," *Jurnal Hukum Progresif* 7, no. 1 (2019): 64-80, <https://doi.org/10.14710/hp.7.37>.

¹² Ace Partadiredja, "Mu'jizat Karomat Maunat Dan Hukum Evolusi Spiritual," *UNISIA* 27, no. 3 (1995): 88-109.

¹³ Hasyim Hasanah and Ainun Fadlilah, "Problem Religiusitas Dan Coping Spiritual Pada Anak Berhadapan Hukum," *Sawwa: Jurnal Studi Gender* 13, no. 1 (2018): 67, <https://doi.org/10.21580/sa.v13i1.2474>.

¹⁴ Dwi Fijianto, Megah Andriany, and Elis Hartati, "Studi Deskriptif Spiritual Well Being Warga Binaan Pemasarakatan Laki-Laki Berdasarkan Usia Di Lembaga Pemasarakatan Kantor Wilayah Kementerian Hukum Dan Hak Asasi Manusia Jawa Tengah: Studi Pendahuluan," *Jurnal Ilmiah Kesehatan* 13, no. 1 (2020): 34-38, <https://doi.org/10.48144/jiks.v13i1.2-24>.

approach.¹⁵ In this study, the law is conceptualized as a whole of the principles and rules governing human life in society. It includes the institutions and processes which applied these rules in society. In general, there are two models of reasoning; deductive and inductive method. According to Johnson, the deductive method consists of three main steps: first, state the hypothesis (based on theory or research literature); next, collect data to test the hypothesis; finally, decide to accept or reject the idea. Johnson states that the inductive method's main stages are: first, observe the world; next, search for a pattern in what is kept; and finally, generalize what is occurring.¹⁶ Besides, a philosophical approach will be carried out because it explores spirituality that integrates science and religion. An intelligent approach is a perspective or a paradigm that explains the essence, core, or wisdom behind the object form. In other words, a philosophical system is a conscious effort made to explain what is behind something.

Advocate Professional Education Concepts

In the education of prospective advocates, it is regulated in the explanation of article 2 paragraph (1) of Law no. 18 of 2003 concerning advocates, which states that PKPA is implemented by an advocacy organization, with the condition that individuals who are entitled to participate in advocate education are those who have a background in law, sharia, military law colleges and police science colleges.¹⁷ These requirements show a close relationship between advocate education and the university where lawyers previously

¹⁵ Soetandyo Wignjosoebroto, *Silabus Metode Penelitian Hukum* (Surabaya: Program Pascasarjana Universitas 4irlangga, n.d.).

¹⁶ Khudzaifah Dimiyati and Kelik Wardiono, *Pemikiran Hukum: Corak Epistemologis Dalam Pemikiran Hukum Di Indonesia* (Yogyakarta: Genta Publishing, 2010).

¹⁷ Afiful Ikhwan, "Development Of Quality Management Islamic Education In Islamic Boarding School (Case Study Madrasah Aliyah Ash Sholihin)," *Al-Hayat: Journal of Islamic Education* 01, no.01 (2017): 1-27.

received legal education. The integrity of an advocate is also due to other factors besides advocate education through PKPA. Except for lawyers, judges and advocates, according to Neil Duxury, they were more or less influenced by the origin of their university, research support, libraries and journals where they studied their law degree. Another factor is the relationship between the judicial institutions and the faculties, which must grow in healthy networks.¹⁸

Regarding the implementation and effectiveness of PKPA arrangements in Indonesia, few studies question the material and its regulation. Therefore, the performance and effectiveness of PKPA is entirely the responsibility of the Indonesian Advocates Association (PERADI), which in this case issued a particular rule Number 3 of 2006 concerning the Implementation of Advocate Professional Special Education based on the following considerations:

1. One of the requirements that must be fulfilled to become an advocate is to take part in the Advocate Professional Special Education, which an advocate organization carries out;
2. The Advocate Professional Special Education aims to provide various knowledge of legal skills and expertise needed by Advocate Candidates in carrying out the practice of a professional advocate;
3. In improving the implementation of Advocate Professional Special Education, it is also necessary to enhance the current regulations for Advocate Professional Special Education, which are contained in the Implementing Guidelines for the Advocate Professional Special Education Program;
4. Based on the considerations referred to letter a, letter b, and letter c, it is necessary to stipulate a Regulation on the Implementation of Advocate Professional Special Education.

Based on preliminary research, it was also found in the PKPA Peradi curriculum that it does not put spiritual education content. When they first entered advocate education, PKPA participants were introduced to basic materials: 1) Function and Role of Advocate Organizations; 2)

¹⁸ Neil Duxury, *Jurists and Judges An Essay on Influence* (Oxford-Portland Oregon: Hart Publishing, 2001).

Indonesian Judicial System; and 3) the Ethics Codes of Professional Advocate. In addition, prospective advocates are also introduced to litigation materials: 1) Criminal Procedure Law; 2) Civil Procedure Law; 3) Law of Procedure for Religious Courts; 4) Procedure for State Administrative Courts; 5) Procedural Law of the Constitutional Court; 6) Legal Procedure for the Industrial Relations Court; 7) Business Competition Procedure Law; 8) Law of Procedure for Arbitration and Alternative Dispute Resolution (ADR); 9) Procedure for Human Rights Courts; and 10) Commercial Court Procedure Law.

After receiving the above-mentioned material, prospective advocates also receive non-litigation material, including 1) Contract Design and Analysis; 2) Legal opinion and legal due diligence; and 3) Company organization, including mergers and acquisitions. Finally, prospective advocates are also given the techniques to support case investigations which include: 1) Client Interview Techniques; 2) Legal Investigation and Legal Documentation; and 3) Legal Argument (Legal Reasoning). The materials in the PKPA curriculum are not found in any spiritual content in advocate education.

The absence of this spiritual content has brought quite concerning effects, one of them is the crisis in Indonesian law enforcement. This might be concluded to be one of the impacts of the paradigm in Indonesian law enforcement, which still ³⁵es on the type of continental legal tradition (the rule of law). The continental legal tradition is classified as a type of orthodox legal development law because it characterizes state institution ⁷ dominant role (government and parliament) in determining the direction of the law in society. Law is a positivist instrumentalist and becomes a powerful tool for the implementation of ideology and country's programs.¹⁹

Advocate Professional Field Reality

The author has surveyed 47 Advocates spread across Indonesia. The majority of respondents are from Surabaya with 13 participants, Ponorogo with

seven people, Jember, Yogyakarta with 6 respondents respectively, then Bojonegoro and Jakarta. Each center consists of 3 samples, then Madiun, East Nusa Tenggara, Probolinggo, and Sidoarjo 1 person each. Others re³⁰ed to provide their name and domicile address. Based on the survey results of these lawyers, it can be seen that the majority of respondents stated that in carrying out the profession of an advocate, the majority respondents have ideal goals to help poor people access justice (63%), enquire about relationships (15%) and seek income. Large as much (22%). From these data, it shows an evident that lawyers only became this profession for profit from the beginning.

Meanwhile, about applying the ethics code of advocates (45%), the principle of ethics is only limited to handling cases. Only 42% of respondents stated that ethics is applied in handling cases and daily life. The application of an advocate's code of ethics is closely related to advocates' integrity, who are often provoked by their clients to collaborate in bribery to win the cases. The advocates experienced such offer would take a different attitude in responding to it, including (64%) respondents who answered that they would refrain or not commit violations. However, there is an interesting fact, 31% responded that they considered the risk, which means that, if the risk is small or other people will not know the action, they will win the case. This figure is quite dominant.

The importance of spirituality in the professional world was conveyed by Ashmos and Duchon, who stated that spirituality was not something new in the human experience. All the major religious traditions, to some extent, foster contemplative life, where looking for meaning and purpose is paramount and living in harmony with others is seen as very important.²⁰

According to Milliman, Czaplewski⁴⁰ and Ferguson, spirituality in the workplace includes a personal level; meaningful work⁴³, the community level, which is manifested in a sense of community form, and the organizational level seen in upholding and maintaining personal values and their conformity with corporate values (alignment of

¹⁹ Abdul Hakim G. Nusantara, *Politik Hukum Indonesia*, (Jakarta: Yayasan Lembaga Bantuan Hukum Indonesia, 1988).

²⁰ D. P. Ashmos and D Duchon, "Spirituality at Work, A Conceptualization and Measure," *Journal of Management Inquiry*, 2000, 135.

values).²¹ Maslow, Stephens, and Heil emphasize the importance of life's meaning in the workplace. Dirks revealed that the study of spirituality in the workplace began to be intense in America since the 1990s. The growing interest in the spirituality of work in America can be seen in the proliferation of publications in printed and online journals, books and conferences on spirituality in the workplace.²²

In the context of the advocate profession, being an advocate looks like more a business opportunity than to alleviate the suffering that continues to impact various law enforcement institutions. The legal business is not only in the police, with certain levies, regulation of charges and bribes to clerks and even judges to make a person's name can be removed from the judge's decision. This legal issue as big business in the United States emerged to be a "Megalawyer" phenomenon. Such legal practice is no longer pure legal affairs because it performs two things: law and business. In this dualistic situation, Marc Galanter writes that, "the legal profession is more concerned with business facilities rather than trying to alleviate human suffering and help people". Indonesia faces a tough challenge from this perspective if it wants to remain at odds with all these business-oriented legal practices and trends. The challenge is getting heavier because the legalism that wants to be built in Indonesia is "Pancasila legalism", which is full of moral content, rather than "liberal legalism," which supports capitalism and liberalism.²³

The next problem is in the cases which involving criminal acts of corruption, an advocate's position often does not carry out his function as a law enforcer. The orientation toward material profit becomes the highlights which continues to be revered. In their position, advocates against ca-

pitalists are part of crime collaborators, becoming a connection for the defendant to bribe the prosecutor and the case examiner judge or use their accounts for collecting bribes to guarantee the freedom of the accused, reduces the period of detention, or guarantees that the court does. Advocate modes as collaborators in crime occur in Indonesia but are not impossible in other parts of the world.

Fundamental Problems of The Advocate Profession

According to Spence, legal education for lawyers occurs since law students entered the lecture session, they have been deprived of their humanity; good behaviour, honesty, openness and awareness. In a chapter entitled Lawyers: Hackers and Merchants, Spence cites a survey conducted by the American Bar Association. Only nineteen percent (19%) rated them as a profession that maintains honesty and ethical standards.

Spiritual values in advocate education are fundamentally based on the experience of legal defence practices in Indonesia. According to Ari Santoso, the advocate profession's responsibility is to serve and defend clients by applicable legal procedures, explain and fight for clients' rights, even though they are disadvantaged.²⁴

In spiritual law, the concept of advocate's responsibility is broader even though it relates to humans in a worldly manner, but this is not spiritually associated with responsibility to God and Islamic commitment.²⁵ Legal services are the priorities because they generally relate to the people's rights. The current condition in Indonesia is still a matter of a limited legal system even though the defence process is legal, and covers various essential parts to restore disturbed social order. That is the rationale why the advocacy process should collaborate with different other

²² Leo Agung Manggala Yogatama, "Kajian Spiritualitas Di Tempat Kerja Pada Konteks Organisasi Bisnis," *Jurnal Psikologi* 42, no. 1 (2015): 3-4.

²³ Attention individuals' psychological condition in the study of spirituality in the workplace stems from the phenomenon regarding human work, which is seen as a routine to earn money or other incentives over time. Work seems to be seen only as a mechanical activity without meaning, even though humans desire to live a meaningful life and seek self-identity from work.

²⁴ Satjipto Rahardjo, *Sisi-Sisi Lain Dari Hukum Di Indonesia* (Jakarta: PT. Kompas Media Nusantara, 2003).

²⁴ Ari Santoso, "Wawancara Pribadi: Anggota Tim Pembela Kemanusiaan" (Surakarta, 2020).

²⁵ Afiful Ikhwan, "Sistem Kepemimpinan Islami: Instrumen Inti Pengambil Keputusan Pada Lembaga Pendidikan Islam," vol. 3 (Juli-Desember, 2018).

disciplines in order to create social healing.²⁶ Universities possibly become theoretical bases for advocacy.

The advocates' behaviour who perform crime collaborators is caused by normative factors. Besides, law establishment that is far from the justice values. Arif Budhi Witono states that there are still many law products which are not harmonized with justice values.²⁷ According to Witono, Advocate Education with a spiritual dimension should be inherent in every advocate's identity. It is because an advocate profession consists of a social mission, and education is not just profit.²⁸

Advocate education with a spiritual dimension is also crucial about structural advocacy, because sometimes defendants have already been judged by the media. Moreover, terrorism and humanitarian cases are often provoked for specific interests. Frequently, certain advocates are willing to handle terrorism cases because they are challenging to win and create a stigma for advocates as defenders of terrorism.²⁹ Terrorism suspects often experience torture by law enforcement officials. The Institute for Criminal Justice Reform (ICJR) compiled several points about victims of wrongful arrest and torture of Andika Bagus Setiawan, Nur Prakoso alias Hamzah, Sapari Mugi Hartanto, Ayum Penggalih, and Wahono.³⁰ The case handled by Pongki Y. Wiguna Sihombing, who was accused of withholding information on terrorism funds. Where after the witness was questioned, it turned out that the accusation was not proven. Still, Hasan was sentenced to minor crimes. Therefore, according to his confession, the cases which attract public's attention, such as terrorism, will affect a judge's career path.

Meanwhile, according to Mulharjono, advocate education's spiritual dimension is prioritized,

because not all advocates convey the factors which make a case becomes lost, long before the client's defence. Likewise, a tolerant attitude is put forward to deal with clients differences in terms of religion, race, ethnicity and class.³¹

Spiritual Dimensions in Advocate Professional Education

Ibn Sina states that the spiritual approach in the advocate profession can be seen from the sentiments which are formed from the existence of segmented feelings. In fact, the motivation for this spirituality takes various forms: *First* is the defence of people who are innocent or wrongly arrested; *Second*, the more concrete relationship between security and spirituality lies in the existence of people who are oppressed because of the concept of secular Law; *Third*, people get unfair normative treatment protected by laws that are in favour of moral values and are conceptually based on spirituality; and *Fourth*, if there is a legal aspect of economic management, natural resources and so on, then there is also an examiner with an element of a spiritual approach about the country's foundation; Pancasila. Hence, advocate education with a spiritual dimension integrates normative and non-normative aspects of professionalism which enter the defence process.³²

Advocate education with a spiritual dimension broadens the meaning of giving power, which should be interpreted not only as a civil contract but also about their religious views, as in the case of *Jihad*, the constitution broadens the meaning of advocates' professional actions, brings spiritual values into the matter, and finally comes with understanding. It is also in line with the importance of advocate professionalism in Indonesia.

Other cases related to public's lives, such as the judicial review of Law No. 17 of 2004 concerning about Water Resources, also use a spiritual aspect that should be constituted in an advocate.³³ For

²⁶ Absori, "Advokasi Masyarakat Dalam Penyelesaian Sengeketa Lingkungan Hidup Di Jaten, Kabupaten Karanganyar," *WARTA* 10, no. 1 (2007): 73.

²⁷ Wirhanuddin, "Deskripsi Tentang Mediasi Di Pengadilan Tinggi Agama Makassar: Perspektif Hukum Islam," *AL-FIKR* 20, no. 2 (2016): 300.

²⁸ 331.

²⁹ Ahmad Asrori, "Radikalisme Di Indonesia: Antara Historisitas dan Antropisitas" 9, no. 2 (2015): 267.

³⁰ Anggara, *Catatan Kritis Atas RUU Pemberantasan Terorisme Tahun 2016* (Jakarta: Institute for Criminal Justice Reform, 2011).

³¹ Mulharjono, "Wawancara Pribadi: Ketua BPH Peradi Ponorogo" (Surakarta, 2020).

³² Ibnu Sina Candranegara, "Wawancara Pribadi: 21wyer" (Surakarta, 2020).

³³ Santi Puspitasari and Utari Nindyaningrum, "Implikasi Putusan Mahkamah Konstitusi Nomor

Muslims, water resources are a business problem and part of the improvement of worship. It is not possible to be controlled by the private sector; thus, protecting and managing water resources is an obligation.³⁴ In contrast to the ideological of capitalism point of view, nature is interpreted as something temporal. Nature is exploited without limits and becomes a real threat to the destruction of the ecosystem.

Therefore, it can be concluded that Advocate Education with a spiritual dimension is necessary. It is crucial to provide guidance for advocates, and to be able to reflect on the advocate profession as an officium nobile; in other words, spiritual education is part of the implementation of the officium nobile, and should be one of the materials in the Advocate Professional Special Education (PKPA). The concept of advocate education with a spiritual dimension is an educational process for prospective advocates to ensure the purity of their determination in upholding the law. Internalization is needed according to religious teachings in terms of their own advocate's professional relationship, humanity and the impact on law enforcement. As a result, an advocate could understand his responsibility in ensuring the continuity of justice, strengthening the rules of crime prevention. The advocates play a role, not only at the formal level, but also at the substantive level, the existence of faith and respect for citizens, and proper explanation to judges, so they could provide the appropriate punishment for each crime.

Conclusion

¹¹ Based on the results of the research that has been done, it shows that advocate education with a spiritual dimension is essential to foster prospective advocates, so they can realize and uphold their profession as an officium nobile. These advocate candidates could prioritize public access to justice rather than financial benefits, prevent criminal inclusion, particularly in the criminal act of bribery

²⁹ 85/Puu-Xi/2013 Terhadap Sistem Penyediaan Air Minum," *Jurnal Penelitian Hukum* 2, no. 1 (2015): 48.

³⁴ Absori et al, "Fiqh Miyah; Sebuah Tawaran Metodologis Dalam Konteks Maqashid Al-Syari'ah," in *Prosiding Konferensi Nasional Ke- 4 Asosiasi Program Pascasarjana Perguruan Tinggi Muhammadiyah (APPPTM)*, n.d., 118.

or corruption. The author provides input and suggestions so that it can be implemented to formulate specific material to be applied in PKPA. In addition, it is expected that later the material becomes an integral part to ensure the implementation of professional ethics, so the advocates could realize their duties and obligations, because the conditions stated in the advocate are good, honest, responsible, fair and high integrity.

Bibliography

Journals

- Absori. "Advokasi Masyarakat Dalam Penyelesaian Sengketa Lingkungan Hidup Di Jaten, Kabupaten Karanganyar." *WARTA* 10, no. 1 (2007): 73.
- Absori et al. "Fiqh Miyah; Sebuah Tawaran Metodologis Dalam Konteks Maqashid Al-Syari'ah." In *Prosiding Konferensi Nasional Ke-4 Asosiasi Program Pascasarjana Perguruan Tinggi Muhammadiyah (APPPTM)*, 118, n.d.
- Agiyanto, Ucuk, Afiful Ikhwan, Natangsa Surbakti, and Trisno Raharjo. "Advocates and Law Enforcement : Study of the Role of Advocates in Spiritual Dimensional Law in Indonesia." *International Journal of Psychosocial Rehabilitation* 24, no. 08 (2020): 8627-38. <https://doi.org/10.37200/IJPR/V24I8/PR280860>.
- Ashmos, D. P., and D Duchon. "Spirituality at Work, A Conceptualization and Measure." *Journal of Management Inquiry*, 2000, 135.
- Asrori, Ahmad. "Radikalisme Di Indonesia: Antara Historisitas Dan Antropisitas" 9, no. 2 (2015): 267.
- Fijianto, Dwi, Megah Andriany, and Elis Hartati. "Studi Deskriptif Spiritual Well Being Warga Binaan Pemasarakatan Laki-Laki Berdasarkan Usia Di Lembaga Pemasarakatan Kantor Wilayah Kementerian Hukum Dan Hak Asasi Manusia Jawa Tengah: Studi Pendahuluan." *Jurnal Ilmiah Kesehatan* 13, no. 1 (2020): 34-38. <https://doi.org/10.48144/jiks.v13i1.224>.
- Hasanah, Hasyim, and Ainun Fadlilah. "Problem Religiusitas Dan Coping Spiritual Pada Anak Berhadapan Hukum." *Sawwa: Jurnal Studi Gender* 13, no. 1 (2018): 67. <https://doi.org/10.21580/sa.v13i1.2474>.
- Ikhwan, Afiful. "Development Of Quality Management Islamic Education In Islamic Boarding

- School (Case Study Madrasah Aliyah Ash Sholihin)." *Al-Hayat: Journal of Islamic Education* 01, no. 01 (2017): 1-27.
- — — "Sistem Kepemimpinan Islami: Instrumen Inti Pengambil Keputusan Pada Lembaga Pendidikan Islam." Vol. 3. Juli-Desember, 2018.
- Nurasiah. "Konsepsi Hukum Ibn 'Arabi: Upaya Merumuskan Pendekatan Spiritual Terhadap Hukum" 45, no. I (2011).
- Partadiredja, Ace. "Mu'jizat Karomat Maunat Dan Hukum Evolusi Spiritual." *UNISIA* 27, no. 3 (1995): 88-109.
- Puspitasari, Santi, and Utari Nindyaningrum. "Implikasi Putusan Mahkamah Konstitusi Nomor 85/Puu-Xi/2013 Terhadap Sistem Penyediaan Air Minum." *Jurnal Penelitian Hukum* 2, no. 1 (2015): 48.
- Wirhanuddin. "Deskripsi Tentang Mediasi Di Pengadilan Tinggi Agama Makassar: Perspektif Hukum Islam." *AL-FIKR* 20, no. 2 (2016): 300.
- Yogatama, Leo Agung Manggala. "Kajian Spiritualitas Di Tempat Kerja Pada Konteks Organisasi Bisnis." *Jurnal Psikologi* 42, no. 1 (2015): 3-4.
- Yunanto. "Penegakan Hukum Spiritual Terhadap Pelanggaran Dalam Hukum Keluarga." *Jurnal Hukum Progresif* 7, no. 1 (2019): 64-80. <https://doi.org/10.14710/hp.7.1.i>.
- Books**
- Anggara. *Catatan Kritis Atas RUU Pemberantasan Terorisme Tahun 2016*. Jakarta: Institute for Criminal Justice Reform, 2011.
- Anwar, Yesmil, and Adang. *Pembaruan Hukum Pidana: Reformasi Hukum Pidana*. Bandung: PT. Grasindo, 2008.
- Candranegara, Ibnu Sina. "Wawancara Pribadi: Lawyer." Surakarta, 2020.
- Dimiyati, Khudzaifah, and Kelik Wardiono. *Pemikiran Hukum: Corak Epistemologis Dalam Pemikiran Hukum Di Indonesia*. Yogyakarta: Gentra Publishing, 2010.
- Duxury, Neil. *Jurists and Judges An Essay on Influence*. Oxford-Portland Oregon: Hart Publishing, 2001.
- Hatta, Mohammad. *Menyongsong Penegakan Hukum Responsif: Sistem Peradilan Pidana Terpadu Dalam Konsepsi Dan Implementasi*. Yogyakarta: Galangpress, 2008.
- Lev, Daniel S. *Hukum Dan Politik Di Indonesia; Kesinambungan Dan Perubahan*. Jakarta: LP3ES, 2014.
- Mulharjono. "Wawancara Pribadi: Ketua BPH Peradi Ponorogo." Surakarta, 2020.
- Nusantara, Abdul Hakim G. *Politik Hukum Indonesia*. Jakarta: Yayasan Lembaga Bantuan Hukum Indonesia, 1988.
- Rahardjo, Satjipto. *Biarkan Hukum Mengalir: Catatan Kritis Tentang Pergulatan Manusia Dan Hukum*. Jakarta: PT. Kompas Media Nusantara, 2007.
- — —. *Hukum Dan Perilaku*. Jakarta: Kompas Media Nusantara, 2009.
- — —. *Sisi-Sisi Lain Dari Hukum Di Indonesia*. Jakarta: PT. Kompas Media Nusantara, 2003.
- Santoso, Ari. "Wawancara Pribadi: Anggota Tim Pembela Kemanusiaan." Surakarta, 2020.
- Wignjosoebroto, Soetandyo. *Silabus Metode Penelitian Hukum*. Surabaya: Program Pascasarjana Universitas Airlangga, n.d.
- Winarta, Frans Hendra. *Probono Publico: Hak Konstitusional Fakir Miskin Untuk Memperoleh Bantuan Hukum*. Jakarta: PT. Gramedia Pustaka Utama, 2009.

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