

Legal Views on The Advocating Profession in Terms of Islamic Law and Positive Law

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Abstract

This research explores the legal view of the advocate profession in the context of Islamic law and positive law, with a focus on the role, function and moral principles that govern this profession in both legal systems. Positive law, as represented by Law no. 18 of 2003 concerning Advocates in Indonesia, recognizes advocates as an integral part of the law enforcement system, side by side with judges and the police, with the main task of maintaining justice and the integrity of the legal process. Meanwhile, in Islamic law, the concept of wakalah describes advocates (al-deputy) who have a similar role in representing and defending individual rights in court, with a strong emphasis on the principles of justice, trust and moral integrity in accordance with Islamic teachings. This research identified that, although there are differences in the legal approach and focus of each system, both legal systems both require advocates to uphold high ethical standards and maintain professional integrity. Islamic law adds an additional dimension to moral and ethical regulation, demonstrating the necessity for advocates to follow religious teachings in all aspects of their legal practice. This study confirms that in both legal systems, the advocate profession is considered a pillar of justice, integrity and morality, with great responsibility in realizing fair law and justice for all parties.

Keyword: Positive Law, Islamic Law, Advocates, Professional Ethics, Morality

1. INTRODUCTION

Indonesia is a legal state based on Pancasila and the 1945 Constitution of the Republic of Indonesia aims to create a prosperous, safe, peaceful, orderly and just national life system. Understanding in a rule of law based on state power must be carried out in the implementation of fair and good laws. The measure is fair and good because he won the legal process using various methods and techniques. But for other people, the measure of fairness and goodness is due to the implementation of what is experienced in the legal process in accordance with statutory regulations, laws and applicable facts. In a rule of law there are two elements, namely the first element of the relationship between the governed and the governing based on an objective norm which is also binding on the governing party. The second is that the objective norm itself must be able to be maintained in the face of legal ideas. Some criteria for the rule of law include; (1) The government is run based on statutory regulations (2) The existence of a judiciary to handle disputes between the people and their government (3) Separation of power sharing (4) Human rights are respected according to their dignity and worth. Advocates' consistency in bridging community interests and their attitude of prioritizing justice and the protection of human rights in entering court forums as well as advocates' freedom from the ties of judicial bureaucracy make advocates aware that they have the freedom to interact with the community in order to resolve developing legal problems. Apart from that, for deviant problems, advocates can be a critical control in resolving legal problems. In a legal system that recognizes profession as an integral element. Advocates are a good personal source to fill and strengthen functions and even some parts of the general bureaucracy.

If you look at other legal circles (police, judges, prosecutors), advocates are not tied to the bureaucratic hierarchy, which allows advocates to move more freely to follow developing legal problems, because they are not state officials, advocates can relate more closely to the community, so they can see more clearly. various legal and human rights problems that occur in society. Advocates provide legal assistance or legal services to the community or clients who face legal problems whose existence is really needed. This is very important now as society's legal awareness increases regarding the complexity of legal issues. An advocate is a profession providing legal services, when carrying out his duties and responsibilities he can serve as a companion, provide legal advice, or provide legal representation or on behalf of his client. In providing legal

services, he can do it for free or on the basis of receiving an honorarium/fee from the client. The profession of advocate actually requires idealism, so it is called *officium nobile* (noble profession). Because he dedicates himself to the interests of society and not to his own interests, and upholds justice and human rights. Apart from that, he is also free to defend himself, is not bound by the government, client orders, and does not discriminate between his clients' opponents, whether they are powerful groups, officials, rulers and so on. Law Number 18 of 2003 concerning Advocates. This law is one of the statutory regulations that was born after amendments to the 1945 Constitution. The enactment of this Law is considered to be one of the biggest leaps forward in the history of the advocate profession. Its existence is increasingly recognized as law enforcers who are equal to other law enforcement professions such as police, prosecutors and judges. In fact, the existence of the advocate profession has long been formally recognized in the judicial process in Indonesia, the same age as Land Read, a judicial institution established by the Dutch colonial government for indigenous groups based on Staats Blaads 1847 Number 23 which came into force on May 1, 1848. However, this is the recognition of its existence. The profession of advocate is not regulated specifically and systematically in regulations at the level of legislation issued since the Dutch colonial government, the Old Order and the New Order. So the existence of the advocate profession stands unbalanced and is underestimated when compared with other law enforcement professions.

In Indonesia, advocates are called legal advisors, where the term legal advisor refers to the applicable laws and regulations found in the Criminal Procedure Code, the Supreme Court Law and the General Courts Law. However, after the issuance of the Law on Advocates, this is in accordance with the issuance of Law on Advocates Number 18 of 2003 concerning Advocates. The duty of an advocate is to provide assistance to clients (seekers of justice) both in litigation and non-litigation in law enforcement in Indonesia based on the objectives of the law itself. Advocates are concerned with justice for the little people, not just mercy. Therefore, defending the interests of the little people is the main agenda for advocates as individuals and their communities as a collective. It is in this context that the professional code of ethics emerges and the collectiveness that is realized through the formation of institutional communities or professional organizations shows its significance. The professional code of ethics, which is visible to the naked eye, seems to limit the space for advocates to move when carrying out their profession, actually achieves a vital component of reciprocal interaction between the profession and the wider community. In line with developments in life and public awareness in various fields, especially in the field of law. Legal services through advocates are currently developing into an institutional force. With the emergence of various professionally managed advocate organizations, their role is considered important for the administration of justice that is free, fast and simple. Its existence is increasingly needed by the community to help seek justice and enforce the law to obtain the rights that have been confiscated. The practice of advocates, which previously only operated in the general court environment, has penetrated the religious court environment. There is an increasing tendency for parties: divorced husbands and wives, especially in the upper middle class, to often use advocates, legal advisors or lawyers for various reasons. Based on the report of the Directorate of Islamic Religion in 1995, the frequency of the proportion of cases received, the largest cases were the determination of permission to pledge divorce 47,355 (32.14%), divorce 42,699 (28.28%), and divorce *ta'lik* 42,085 (28.56%). Those who provide legal services also vary greatly from advocates who are known for their professionalism to those who are still amateurs. From their different classes, it can already be assumed how honorarium/fee transactions occur between professional advocates and those who are still amateurs.

The occurrence of this trend is an assessment as to whether using the services of an advocate is a community need or legal awareness itself or indeed the aggressive role of advocates in influencing clients to litigate in court for the benefit of advocates. This could have a positive impact, but it could also have a negative impact on the court process. Of course, this is normal and is a development that needs to be anticipated to increase legal awareness for the sake of upholding truth and justice. Islam strongly recommends providing legal services to disputing parties without discrimination, so that disputing parties can resolve their cases in an amicable manner. Advocate also means a legal representative, which means a person who is given power of attorney by a person or party involved in a legal case or a person who places himself or herself in charge of a person or party in a case from the time the case is processed until the court hearing. The legal basis for the need for an advocate from an Islamic perspective comes from the Al-Qur'an, As-Sunnah and Ijma Ulama. As Islam decides the right law between humans, and decides the law by what Allah SWT revealed, called *Qadha*. With this it is clear that what has become a representative in upholding

justice must be in accordance with the laws of Allah SWT. Islam views the issue of upholding justice and human rights as the greatest gift. Allah SWT, through His word, requires humans to maintain their trust and gifts in order to realize this gift in everyday life. Judges and other law enforcers are an inseparable part of upholding justice and human rights. The existence of advocates in providing legal services for parties resolving cases in religious courts is currently a new phenomenon that is very interesting to study from a juridical-sociological aspect. It is based on a framework of thought that resolving a case with the services of an advocate, apart from being juridical, has a very strong legal basis, both from an Islamic perspective and positive law. Sociologically, it is also a need for society in seeking truth and upholding justice. As for the surah .QS an-Nisa: 135), namely:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّذِينَ أَحْسَنَ إِلَيْكُمْ إِنْ يَكُنْ عَنِيْبٌ أَوْ فَقِيرٌ فَإِنَّهُ أَوْلَىٰ بِهِمَا فَلَا تَتَّبِعُوا فِي هَذِهِ سُنَّةَ الْفُجَرَاءِ أُولَٰئِكَ لَا حَسْرَةَ لَّهُمْ فِي مَا كَانُوا يَعْمَلُونَ﴾

above ١٠ دِلُوْا وَإِنْ
تَلُوْا أَوْ تُعْرَضُوا فَإِنَّ آ lo

Meaning: O you who believe, be true upholders of justice, witnesses for Allah, even against yourselves or your parents and your relatives. whether he is rich or poor, Allah knows best his benefits. So don't follow your desires because you want to deviate from the truth. and if you distort (the words) or are reluctant to be witnesses, then indeed Allah is All-Knowing of everything you do. (Quran Surah An Nisa' Verse: 135)

Based on the verse above, it can be understood that taking sides with someone should be based on the principles of justice and benefit which are to be upheld. Apart from that, it is recommended to always be with the weak and persecuted. Weak here can mean being weak physically, materially or in knowledge, including knowledge and ability in the field of Islamic law which teaches humans to help each other as a form of horizontal worship towards fellow humans (*habl min al-nâs*). In horizontal relationships, humans never escape from various mistakes, mistakes and oversights which often result in misunderstandings between each individual which then results in arguments and divisions. This happens and arises because the unification of opinions between each individual is usually subjective and tends to benefit their respective interests, making it difficult to make decisions that can be accepted by all parties. This is different when there is a third person who has no interests outside of the individual parties facing the problem, where he will try to make decisions objectively based on the principles of justice and balance of rights for both parties in the problem. Islam teaches humans to help each other as a form of horizontal worship towards fellow humans (*habl min al-nâs*). In horizontal relationships, humans never escape from mistakes, negligence and mistakes which often result in misunderstandings between each individual which then results in quarrels and divisions. In Article 1 paragraph 3 of the 1945 Constitution, it is stated that the Indonesian State is a State of Law, therefore all citizens are equal before the law (Equality Before the Law), therefore everyone has the right to receive legal assistance in a fair and impartial trial. (Fair and Impartial Court). There are many legal problems occurring in Indonesia at the moment, due to several things, including the weakness of the judicial system, the poor mentality of the legal apparatus, inconsistencies in law enforcement, intervention by power, as well as irrelevant legal products and this condition is exacerbated by the low level of public awareness and understanding of law. itself. In Islam, the advocate profession is an important profession, especially in upholding justice and human rights in order to achieve a good and orderly life. With this it is clear that what has happened to the representatives in upholding justice must be in accordance with God's law.

The profession of advocate is also known in the Qur'an, namely in QS Al Qashash: 33-34 which reads:

قَالَ رَبِّ إِنِّي قَتَلْتُ مِنْهُمْ نَفْسًا فَأَخَافُ أَنْ يَقْتُلُونِ وَأَخِي هَارُونُ هُوَ أَفْصَحُ مِنِّي لِسَانًا فَأَرْسَلْهُ مَعِيَ رِدْءًا يُصَدِّقُنِي إِنِّي أَخَافُ أَنْ يُكَذِّبُونِ

Meaning: Musa said: "O my Lord, verily, I have killed a man from their group, so I am afraid they will kill me. And my brother Harun, he is more eloquent in his tongue than I, so sent him with me as my helper to confirm my (words); In fact, I'm afraid they will lie to me." (Quran Surah Al Qasas Verse: 33-34)

In Islam, we are taught to help each other, help each other in good deeds, and Islam also teaches its people to provide assistance to those in need, as the word of Allah, QS. Al-Maidah: 2 which reads:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْلُوا شَعِيرَ اللَّهِ وَلَا الشَّهْرَ الْحَامَ لِلْهَدْ أَلْ ig د وَلَا master آمِينَ الْبَيْتَ الْحَرَامَ يَتَّبِعُونَ فَضْلًا مِّن رَّ inde
وَلَا يَجْرِمُكُمْ شَنْ orry قُورًا وَالْعُدُونَ إِلَّا م عَلَى تَعَاوُنًا sp الْمَسْ عَنْ صُدُوكُمْ أَنْ قَوْم َّ اُنْ

Meaning: O you who believe, do not violate the syi'ar-syi'ar of Allah, and do not violate the honor of the haram months, do not (disturb) the had-ya animals, and the qalaa-id animals, and do not (also) disturb those who visit the House of Allah while they are seeking grace and pleasure from their Lord and when you have completed the Hajj, then you may hunt. And never let (your) hatred against a people because they prevent you from leaving the Sacred Mosque, encourage you to do harm (to them). And help you in (doing) righteousness and piety, and do not help you in committing sins and transgressions. And fear Allah, verily Allah is very severe in punishment. (Quran Surah Al Maidah Verse: 2)

In carrying out his profession, an advocate is not only limited by legal norms or generally accepted norms of decency, and must also comply with the provisions of professional ethics contained in the professional code of ethics.³ Even though the advocate profession has a code of ethics as a rule of moral standards for its members, this profession also often receives negative assessments from society. A small number of advocates abuse their profession to seek profit, for example defending clients whose mistakes are clear enough to be acquitted and distorting the facts. This is very contrary to Islamic law. The main task of an advocate in the trial process is to present the facts and considerations relevant to the client he is defending in a case so as to enable the judge to give the fairest possible decision. Judging from its very important role, the advocate profession is a profession that is respected for its personality. The legal basis for the need for an advocate profession from an Islamic perspective comes from the Koran, Hadith and the consensus of ulama. In a Hadith it is stated: *And Allah will help His servant as long as His servant helps his brother. (Hr al-Hâkim)*. This hadith motivates an advocate to always be ready to serve clients who expect his help in resolving disputes. An advocate in this context is seen as someone who has the professional ability to accompany people who need legal assistance as stated by the Prophet Muhammad. in Hadith:

و الله في عون العبد ما كان العبد في عون أخيه (رواه الحاكم)

If the management is handed over to someone who is not an expert then wait for the destruction. (Hr al Bukhari)

إذا وسد الأمر إلى غير أهله فانتظر الساعة (رواه البخاري)

This hadith indicates that ordinary people who want to settle a legal case are advised to complain to an advocate. Because if you don't report it, someone else may take away your rights in a dispute. In this connection there are also instructions in the words of the Prophet Muhammad. as follows: Fulfill your trust with people who trust you and do not betray people who have betrayed you. (Hr Abû Dâwud). *Fulfill your trust in people who trust you and do not betray people who have betrayed you. (Hr Abu Dâwud)* The above hadith suggests to advocates who are serving their clients to be trustworthy when they are asked to represent them.

أد الأمانة إلى من ائتمنك ولا تخن من خانك (رواه أبوداود)

Advocates are tasked with not only resolving litigation disputes but also non-litigation disputes. For litigation cases, an advocate must accompany the suspect who committed a criminal act at all stages of the judicial process. As for civil matters, an advocate receives power of attorney from someone who is in dispute. Therefore, the goal desired by advocates in civil cases must prioritize peaceful resolution. Apart from that, objective law enforcement requires an attitude of integrity, ethics, morals and honesty of law enforcement, where without this attitude what will happen is a legal retrogression so that it will never produce the expected results.

2. RESEARCH METHODOLOGY

The research design was carried out in a normative juridical manner. Research carried out in a normative juridical manner is research by taking material and data from the literature where the researcher refers to statutory regulations and legal norms in society. Normative research methods are also known as research that analyzes law whether written in the book (law as is written in the book), the opinions of ulama or laws decided by judges through the court process (law is decided by the judge through judicial process) as well as research by only processing and using secondary data.

3. RESULT AND DISCUSSION

Legal Views on the Advocate Profession in Islamic Law

The advocate profession, which in the context of Islamic law is often referred to as al-wakalah or al-Wakilah, plays an important role in ensuring justice and legal protection for individuals and society. In the study of Islamic law, there are several aspects that need to be considered in evaluating the role and responsibilities of advocates in accordance with fundamental Islamic principles.

1. **Justice and Benefit (Maslahah):** One of the main principles in Islamic law is justice ('adl). Advocates in this context act as enforcers of justice by ensuring that individual rights are protected in accordance with Islamic law. They must also consider the problem or public benefit in carrying out their duties. This includes providing legal assistance to those in need, both in litigation and non-litigation processes, as well as ensuring that clients' interests are maintained in accordance with Islamic ethical values.
2. **Independence and Freedom:** Advocates have independence in carrying out their duties, but their freedom is also limited by ethical and moral obligations. They must act in accordance with Islamic principles, including integrity, honesty and responsibility. This means that they must not use their position or knowledge for personal gain or to the detriment of clients or others.
3. **Legal Consultation and Advisory (Mufti):** Advocates often act as legal advisors (mufti) for their clients. In this context, they must provide fatwas or legal advice in accordance with Islamic values and principles of justice. This requires a deep understanding of Islamic law and the ability to apply it in a positive legal context.
4. **Representation and Defense (Muhamah):** As representatives or defenders (muhamah) of clients in court, advocates must ensure that their defense is based on Islamic law and the principles of justice. They must take the necessary steps to ensure that their clients receive fair treatment before the law, and that their rights are protected.
5. **Arbitration and Mediation (Tahkim):** Advocates can also act as mediators or arbitrators in resolving disputes outside of court. In this regard, they must ensure that their arbitration processes comply with Islamic law and the principles of justice. They must act neutrally and objectively in resolving disputes between disputing parties.
6. **Professional Ethics and Integrity:** Professional ethics is an integral part of an advocate's practice in Islamic law. They must act with integrity and honesty, and comply with all relevant codes of ethics and moral standards. This includes maintaining client confidentiality, not manipulating facts or evidence, and not pursuing personal gain or interests contrary to justice.

In the view of Islamic law, the advocate profession has a very important role in maintaining justice and protecting individual rights. However, to fulfill their responsibilities well, advocates must have a deep understanding of Islamic law as well as the ethics and values that underlie it. In this way, advocates can become agents of positive change in society, ensuring that justice and truth are achieved for everyone.

Legal Views of the Advocate Profession in Positive Law

An advocate/attorney is a defender and advisor. In connection with the civil disputes at hand, the parties can authorize another person to represent them in managing the case, the party to the case is called the principal and the person given the authority is called the proxy holder. An advocate is an independent provider of legal aid services outside the government in the form of consultation, advocacy, proxy and so on for his clients, both inside and outside the court. So it can be said that an advocate is any activity that provides legal assistance to people who are facing legal problems with the rules and provisions of the applicable law. Regarding legal aid, including the principles of equality before the law and access to legal counsel, in Indonesian positive law it has been regulated clearly and firmly through various regulations and legislation. In relation to providing legal aid, it is regulated in the 1945 Constitution, for example: 1. Article 27 paragraph 1, confirms that: "every citizen has the same position under the law and the government and is obliged to uphold the law and the government without exception". 2. Article 34 states that: "The poor and neglected children are the responsibility of the state. Apart from the above regulations and legislation, the law regarding advocates is also regulated, namely:

1. Law No. 14 of 1970 concerning Basic Provisions of Judicial Power-Chapter VII LEGAL AID; as follows Article 35: "Every person involved in a case has the right to obtain legal assistance".
2. Article 36: "In criminal cases, a suspect, especially from the time of arrest and detention, has the

right to contact and request assistance from legal advisors"

3. Article 37: "In providing legal assistance as stated in article 36 above, legal advisors help facilitate the resolution of cases by upholding Pancasila, law and justice."

Law on Advocates number 18 of 2003, article 5, the position of advocates has also become stronger as stated in the following article: "Advocates have the status of independent and independent law enforcers who are guaranteed by law and statutory regulations." In the world of law, it is known as jurisdiction, which is defined as the authority for legal practitioners in carrying out their duties so that their boundaries are clear. An advocate can proceed anywhere throughout the archipelago, in all judicial environments, for example in general courts, religious courts, military courts and state administrative courts. Article 5 of the Law on Advocates has explained that the position of advocates is equal to that of other law enforcers such as judges, prosecutors and police. This article emphasizes that the position of advocates is equal to that of other law enforcers such as judges, prosecutors and the police whose existence can no longer be underestimated by other law enforcers. The space for advocates to move has also become wider since the passing of this law because advocates can hold proceedings anywhere, not limited to one area. There are three categories of professions whose duties and functions are to provide legal services from an Islamic perspective, namely hakam, mufti, and mushalaih-alaih. Their function is the same as that of advocates, lawyers, arbitrators, legal consultants, or legal advisors who act as providers of legal services. The legal services provided are in the form of consultation, exercising power of attorney, representing, assisting, defending and carrying out other legal actions for clients to resolve disputes, reconcile disputes or provide advice or advice to parties so that they can carry out each other's obligations and return their rights to other parties in an amicable manner. Etymologically, qiyaskan (equating) these terms in an Islamic perspective may not be entirely correct because of the different roles in practice. In fact, it might even cause controversy among legal scholars, especially among practitioners. This inaccuracy can also be seen from the use of different terms and meanings according to regulations and legislation in positive law. Therefore, there is no unified understanding of the profession in a specific law. At the practical level, there is sometimes a blurred role in carrying out their functions, whether as an advocate, lawyer, arbitrator, legal consultant or legal advisor. However, terminologically there is a functional similarity in meaning that they both carry out their duties and functions to provide legal services for the interests of clients.

The Function of Morality in Acting as a Law Enforcer in the Advocate Profession

Morality plays an important role in carrying out duties as a law enforcer, especially in the advocate profession. An advocate or lawyer is a profession that has a big responsibility in defending the rights and justice for its clients, while ensuring that the legal process runs fairly and transparently. The function of morality in this profession is not only as a complement, but as a foundation that determines the integrity and public trust in the justice system. Morality is concerned with the principles of good and bad that govern human behavior. In the context of law, morality is the basis for forming rules that are not only formally fair, but also substantially fair. For an advocate, morality is not just obeying applicable legal regulations, but also adhering to established professional ethics. Every advocate in Indonesia is required to follow the code of ethics for advocates established by professional organizations such as the Indonesian Advocates Association (PERADI). This code of ethics covers various aspects, starting from the obligation to maintain client confidentiality, to behave fairly, to avoiding conflicts of interest. This ethics is a manifestation of morality in legal practice which must be upheld by every lawyer. One of the main functions of morality in the lawyer profession is in efforts to uphold justice. A lawyer must be able to distinguish between what is legally possible and what is morally best done. For example, in a case, advocates may have an opportunity to win the case through unethical means, such as manipulating witnesses or evidence. However, this action clearly contradicts the principles of morality that should be upheld. In various cases, advocates are often on the front line in ensuring that everyone gets their right to be treated fairly in the eyes of the law. In carrying out his duties, an advocate is not only responsible to his client, but also to the court and the wider community.

This responsibility makes advocates the guardians of law and morals who must ensure that legal actions are carried out not only based on rigid legal rules, but also based on substantial justice. Losing one's grip on morality can have a serious impact on the integrity of the justice system. Cases such as advocates being involved in corruption, manipulating cases, or other unethical acts, undermine public trust in justice. This not only harms the individuals involved, but also society at large and their trust in the justice system. Given the importance of morality in the legal profession, adequate education and training regarding ethics

and morality should be an integral part of legal education. Not only at the initial education level, but also as continuing education for legal practitioners. This will help advocates to always remember and apply the principles of morality in every legal action they take. The function of morality in carrying out duties as law enforcers, especially for advocates, is fundamental. Morality is not just following established legal rules, but also implementing justice that is fair and true. In the long term, the existence and implementation of strong morality will bring greater trust and integrity to the justice system. Advocates must be an example in upholding these values, for the sake of better justice and a legal system with more integrity.

4. CONCLUSION

In discussing the legal view of the advocate profession, both in terms of Islamic law and positive law, we can see that these two legal systems provide recognition and protection for the role and function of advocates in the justice system. This comparison shows how advocates are placed as key elements in upholding law and justice, and how morality plays a role in defining their duties and responsibilities. Law no. 18 of 2003 concerning Advocates in Indonesia guarantees the position of advocates as part of the law enforcement system, equivalent to the role of judges and the police. Advocates function not only as defenders of clients' interests, but also as guardians of justice, expected to operate under high ethical standards and professional integrity. Positive law requires advocates to uphold the law and professional ethics, with the obligation to ensure that each of their legal actions is carried out with integrity and fairness, without manipulating the system for personal or client gain. In Islamic law, advocates or known as al-representatives, have a role similar. The concept of wakalah in Islam refers to delegation or delegation of authority to someone to act on behalf of another person, similar to the role of an advocate in positive law. The principles underlying the practice of advocacy in Islam include al-mura'at (maintenance), al-hifzu (protection), and al-tafwid al-ij'timad (delegation of trust).

Morality is highly valued in the practice of Islamic law, where advocates are expected to carry out their duties with trust (trust) and fairness, avoiding any form of fraud or injustice. The fundamental difference between the views of Islamic law and positive law lies in the focus and objectives of the law. Islamic law emphasizes obedience to religious commands and ethical morality, while positive law is more oriented towards the regulation of social behavior that focuses on material welfare and public order. However, in the context of advocates, both legal systems both demand a high level of integrity and respect for professional ethics. The position of advocates in Islamic law and positive law shows the importance of this profession in maintaining balance and justice in society. Advocates are expected to not only understand the law they practice, but also the moral values that underlie it. In both legal systems, advocates are considered protectors of justice, guardians of the law, and representatives of voices that cannot speak for themselves. Therefore, ongoing education and training in professional ethics and the law is critical to maintaining public trust and the integrity of the justice system. The two legal systems, although different in some aspects, both reinforce the importance of advocates operating with integrity and fairness, illustrating the role of advocates not only as servants of the law but also as moral and ethical pillars in the practice of law.

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