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## **Reconstruction of The Definition of An Advocate in The Criminal Justice System based on Certain Qualification Standards**

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### **ABSTRACT**

Amendments to the regulations in Law Number 20 of 2025 concerning the Criminal Procedure Code raise fundamental issues regarding the definition of an advocate, particularly as formulated in Article 1, number 22, which expands the scope of legal service providers beyond professional advocates. This expansion creates a dualism between advocates, who are a profession with specific qualification standards, and non-professionals who are allowed to provide legal services. This situation creates disharmony with Law Number 18 of 2003 concerning Advocates. It has implications for legal uncertainty, degradation of professionalism, and the potential weakening of the protection of suspects' rights in the criminal justice system. This study aims to analyze the normative weaknesses in the definition of an advocate and to formulate a legal reconstruction that guarantees the certainty of qualification standards. The method used is a normative juridical approach, with statutory and conceptual analysis, as well as qualitative analysis through legal interpretation. The research findings indicate that expanding the definition of an advocate without clear qualifications risks obscuring the legitimacy of the advocacy profession as an *officium nobile* and weakening its function as a counterweight to state power. Legal reconstruction is needed through reaffirming advocacy as a qualification-based profession, strictly separating it from non-advocate legal aid providers, and harmonizing the provisions in the New Criminal Procedure Code (KUHAP) with the Advocates Law. This approach is expected to maintain a balance between access to legal aid and ensuring the quality of defense, thereby realizing a just and integrity-based criminal justice system.

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### **INTRODUCTION**

The advocacy profession has long been positioned as an integral part of the criminal justice system, functioning not only as a defender of clients' interests but also as a safeguard of balance in the law enforcement process (Saepudin, 2024). This role is inherent in the concept of *officium nobile*, namely a profession with ethical dimensions, social responsibility, and a moral obligation to uphold justice (Zahara, 2023). Advocates work not merely based on a contractual relationship with clients but also share responsibility for upholding the law and protecting human rights (Luthfi, 2026). This position is reflected in Law Number 18 of 2003 concerning Advocates, which positions advocates as free and independent law enforcers (Herman, 2025). This freedom and independence are essential foundations for advocates to carry out their advocacy function without intervention from other parties.

The development of criminal procedure law in Indonesia has undergone significant changes with the enactment of Law Number 20 of 2025, which established the Criminal Procedure Code. One fundamental change lies in the formulation of the definition of an advocate in Article 1, number 22, which not only covers advocates as stipulated in the

Advocates Law but also includes those who can provide legal services as part of community service. This definition broadens the range of individuals who can act as legal service providers, both inside and outside the court. This expansion creates a paradigm shift from a professional approach to a functional approach. Consequently, the line between professional advocates and non-advocate legal aid providers has become increasingly blurred.

The inclusion of non-advocates as legal service providers raises complex normative issues. Advocates have traditionally been bound by strict qualification standards, including legal education, specialized training for the advocate profession, passing a professional examination, and appointment and oath to the high court, as stipulated in Articles 2 and 4 of Law Number 18 of 2003 (Anjani, 2025). Meanwhile, non-advocates, as defined in Article 1, paragraph 22, of the New Criminal Procedure Code, lack clear qualification criteria. This imbalance has the potential to create uncertainty regarding the competence of those providing legal services. This situation also opens the door to the practice of providing legal aid without clear professional standards.

The suspect's right to legal assistance is an essential part of the principle of due process of law recognized in the Indonesian legal system (Saraswati, 2025). This principle requires a fair and transparent legal process that protects individual rights from the investigation stage through trial (Wijaya, 2025). Article 31 of Law Number 20 of 2025 requires investigators to inform suspects of their right to legal assistance, including from an advocate or legal aid provider. This provision implies that legal assistance is not merely a formality but rather part of the substantive protection of the suspect's rights. The quality of legal assistance is a determining factor in ensuring the fulfillment of the principle of justice (Rangkuti, 2024).

The role of advocates in maintaining a fair trial is increasingly evident during the examination stage, particularly as stipulated in Article 32, paragraphs (1) and (2), of the New Criminal Procedure Code. This provision provides space for advocates or legal aid providers to accompany suspects during examination and to file objections if investigators act in an intimidating or entrapment-like manner (Butar-butur, 2026). This function positions advocates as a check against potential abuse of authority by law enforcement officials. The quality and competence of advocates are crucial because they directly relate to the effectiveness of protecting the suspect's rights (Sasra, 2025). Advocates with inadequate capacity may fail to fulfill this check.

The concept of due process of law is deeply rooted in the principle of a state based on the rule of law, which upholds human rights, as stipulated in Article 28D, paragraph (1), of the 1945 Constitution of the Republic of Indonesia (Anan, 2025). This principle not only demands legitimate legal procedures but also guarantees justice at every stage of the process (Adam et al., 2026). The presence of advocates as defense counsel is part of the checks-and-balances mechanism in the criminal justice system. A balance between law enforcement officials and suspects can only be achieved if the suspect is represented by a party with adequate legal competence (Laksono, 2021). An imbalance in capacity between investigators and legal counsel can result in the neglect of the suspect's rights.

The theory of legal certainty provides an important foundation for assessing the quality of a legal norm. Legal certainty demands that every norm be formulated clearly, without multiple interpretations, and be applied consistently (Sitorus, 2024). The formulation of Article 1, number 22, of the New Criminal Procedure Code, which opens the door to non-advocates

without qualification limitations, creates the potential for vague norms. This ambiguity can lead to differences in interpretation among law enforcement practices. When norms lack clear boundaries, their implementation relies heavily on officials' subjectivity.

Professional standardization is a crucial instrument in maintaining the quality of legal services (Alfayum, 2025). Professional organizations regulate the advocacy profession through education, certification, and supervision. These provisions aim to ensure that every advocate possesses adequate competence before providing legal services to the public (Lubis, 2025). Expanding the definition of an advocate without corresponding qualification standards could undermine this standardization system. Inequality in standards between professional advocates and non-advocate legal aid providers can lead to inequities in practice.

The concept of legal aid is inextricably linked to the principle of access to justice, which guarantees everyone an equal opportunity to obtain justice (Farid, 2023). Law Number 16 of 2011 concerning Legal Aid stipulates that legal aid is provided free of charge to the underprivileged through accredited legal aid institutions (Kinanty, 2023). The provision of legal aid within this framework continues to prioritize quality standards through accreditation and oversight mechanisms. The presence of non-advocates in the New Criminal Procedure Code (KUHAP) needs to be placed within a framework aligned with the existing legal aid system. Without clear regulations, the potential for overlapping norms becomes difficult to avoid.

The distinction between advocates and legal aid providers has significant implications for practice. Advocates possess professional legitimacy obtained through a formal process and are subject to a code of ethics and oversight by professional organizations (Lubis, 2026). Legal aid providers under the Legal Aid Law operate through institutions that meet certain requirements (Endira, 2022). The New Criminal Procedure Code's lack of an explicit definition of legal service providers creates an unclear position between the two entities. This situation has the potential to lead to normative conflicts and confusion in implementation.

The novelty of this research is threefold. First, it offers a concrete reformulation of Article 1, number 22, Article 31, Article 32, and Article 151 of the New Criminal Procedure Code (KUHAP) integrated with the advocate qualification standards in Law Number 18 of 2003. Unlike previous studies that only identified problems without offering solutions, this research provides specific normative language for legal reconstruction. Second, it applies a combined theoretical framework of legal certainty theory, professionalism theory, and the concept of *officium nobile* to analyze the definition of an advocate comprehensively. Third, it proposes a strict separation between professional advocates and non-advocate legal aid providers, with clear boundaries for each category's role in the criminal justice system.

The tension between expanding access to legal aid and ensuring professionalism is an issue that cannot be ignored. Efforts to expand access to justice are a progressive step worthy of praise. However, this expansion must be balanced with mechanisms that guarantee the quality of legal services. Without clear qualification standards, access to legal aid may undermine the quality of legal protection for the public. Striking a balance between accessibility and professionalism is key to formulating effective legal policies.

The urgency of reconstructing the definition of an advocate in the New Criminal Procedure Code lies in the need to restore clarity to norms while maintaining the quality of the criminal justice system. Reconstruction is not only about wording improvements but also about

affirming the concept of the advocate as a legal profession with specific qualification standards. Restructuring the definition of an advocate requires consideration of harmonization with the Advocates Law and the Legal Aid Law. Certainty about who is authorized to provide legal services is a crucial factor in protecting suspects' rights. This step is expected to strengthen the integrity of the criminal justice system and maintain a balance between legal certainty, justice, and expediency.

## **METHOD**

This research uses a normative juridical method with a statutory and conceptual approach to systematically examine the definition of an advocate in Law Number 20 of 2025 concerning the Criminal Procedure Code and its relationship to Law Number 18 of 2003 concerning Advocates and Law Number 16 of 2011 concerning Legal Aid. The legal materials used include primary legal materials in the form of laws and regulations, secondary legal materials in the form of literature, scientific journals, and legal doctrine, and tertiary legal materials to support the analysis. The legal materials were collected through a literature study and then analyzed qualitatively using legal interpretation methods, including grammatical, systematic, and teleological interpretations. This approach aims to identify any disharmonious norms and formulate a reconstruction of the definition of an advocate based on the certainty of qualification standards within the *ius constituendum* framework.

## **RESULT AND DISCUSSION**

### **Normative Analysis of the Definition of Advocate in the New Criminal Procedure Code**

An analysis of Article 1, number 22, of Law Number 20 of 2025 reveals a construction of a definition of advocate that is no longer singular. This normative formulation combines two categories: advocates as a profession subject to the Advocates Law and individuals who can provide legal services as a form of community service. This situation creates a dualism that is not only terminological but also substantive because it concerns the legitimacy and quality of legal subjects. Professional advocates obtain legitimacy through education, certification, and a professional oath, while non-professionals do not have the same parameters. This fundamental difference creates tension in determining who is qualified to carry out the advocacy function in the criminal justice system.

The inconsistency between the New Criminal Procedure Code and Law Number 18 of 2003 concerning Advocates is a difficult issue to ignore. The Advocates Law explicitly stipulates the requirements for becoming an advocate through Article 2 paragraph (1), which requires a legal education background, and Article 4 paragraph (1), which mandates appointment and oath-taking by a high court. This regulatory structure is designed to maintain professionalism and accountability. When the New Criminal Procedure Code (KUHAP) expands the definition of an advocate without explicitly referencing these standards, inconsistencies arise between legal regimes. This inconsistency has the potential to create interpretive conflicts in law enforcement practices. Norms that should be complementary are instead moving in opposite directions.

The formulation of Article 1, number 22, also presents a classic problem of vague norms. The phrase "a person who can provide legal services" lacks clear definitions of qualifications, competencies, or oversight mechanisms. This lack of parameters leaves law enforcement

officials with a wide range of interpretations. This situation can lead to inconsistent application in the field, depending on each official's subjective judgment. Such unclear norms have the potential to reduce the legal certainty that should be the foundation of the criminal justice system.

Article 31 of the New Criminal Procedure Code obligates investigators to inform suspects of their right to legal assistance, including assistance from an advocate or legal aid provider. This provision contains a crucial dimension of rights protection because it places legal assistance as an integral part of the examination process. This right aligns with the principle of human rights protection in the criminal justice system. The presence of legal counsel aims to maintain a balance between state power and individual rights. This position requires quality assurance from the party assisting.

The expansion of the scope of legal aid providers in Article 31 directly correlates with the definition of advocates in Article 1, point 22. When the category of legal aid providers is not clearly defined, suspects' rights can be formally fulfilled without ensuring adequate quality defense. This situation raises serious problems because legal assistance is not merely about the presence of counsel but also the ability to provide an effective defense. The difference in competency levels between professional and non-professional advocates can influence the outcome of the examination process. This imbalance can lead to substantive injustice.

Article 32, paragraphs (1) and (2) of the New Criminal Procedure Code (KUHP) provide ample opportunity for advocates or legal aid providers to accompany suspects during investigations and to file objections to investigators' actions deemed unlawful. This norm demonstrates the strategic role of advocates as supervisors of the investigation process. This function is crucial because the potential for law enforcement officers to abuse authority is always present in practice. The presence of advocates is expected to ensure the process remains within the law. This role demands intellectual capacity and professional courage that cannot be fulfilled carelessly.

The oversight function provided by Article 32 may be ineffective if legal counsel lacks adequate competence. Objections to investigators' actions are not merely administrative but require a thorough understanding of criminal procedure law. Counselors who lack a strong scientific foundation will have difficulty identifying procedural violations. This situation can be exploited by authorities to continue practices detrimental to suspects. The protection expected from the presence of legal counsel is suboptimal.

An analysis of Article 151 paragraph (2) letter b of the New Criminal Procedure Code shows that advocates remain a crucial actor in the trial phase. This position emphasizes the strategic role of advocates in providing evidence and defending before a judge. This role demands a high level of legal analysis and proven argumentation skills. The presence of advocates in court cannot be arbitrarily replaced by parties lacking adequate qualifications. This position emphasizes professionalism in the performance of the advocacy function.

Contradictions arise when the strategic position of advocates in court is not accompanied by the clear definition in Article 1, number 22. On the one hand, advocates are portrayed as law enforcers with a crucial role in maintaining justice; on the other hand, the definition is expanded to include subjects without clear qualification standards. This inconsistency creates tension within the normative structure of the New Criminal Procedure Code. Norms that should

strengthen the role of advocates can actually weaken their professionalism. This inconsistency impacts the overall quality of law enforcement.

The normative disharmony in the New Criminal Procedure Code is evident not only in a single article but also in the interrelationships between related articles. Articles 1, 22, 31, 32, and 151 form a series of norms that should be integrated. When the basic definition of an advocate is unclear, all derivative norms governing their role are impacted. This disharmony creates gaps in the legal system that can be exploited inappropriately. The integration of norms is disrupted by differing approaches used in their formulation.

This lack of synchronization with the established legal profession system also reinforces criticism of the New Criminal Procedure Code. The legal profession system in Indonesia has been built through education, certification, and oversight mechanisms to maintain the quality of legal services. Ignoring these systems in formulating the definition of an advocate creates tension between criminal procedure law and professional law. This situation can lead to uncertainty in practice and undermine the existing professional structure. Harmonization between laws and regulations is an urgent need.

Criticism of lawmakers can be directed at the lack of thoroughness in formulating norms related to the legal profession. The expansion of the definition of an advocate stems from the desire to increase access to legal aid, but adequate standards do not accompany it. This approach has significant practical consequences. Legal policies that lack a well-thought-out normative design can create new problems. The quality of legislation depends heavily on the consistency and clarity of its formulation.

### **Legal and Sociological Implications of the Expansion of the Definition of Advocate**

The expansion of the definition of advocate in Law Number 20 of 2025 has direct consequences for legal certainty, particularly regarding the clarity of the subjects authorized to provide legal services. When Article 1, number 22 opens the door for individuals outside the profession to act as legal service providers, the line between a strictly regulated profession and a social role blurs. This situation creates ambiguity regarding who can legally act as a defender in criminal justice proceedings. Such ambiguity has the potential to lead to differing interpretations among law enforcement officials, impacting the consistency of law enforcement in practice.

The potential for abuse of the role of legal service providers is an issue that cannot be ignored. The absence of clear qualification standards opens opportunities for individuals lacking legal competence to become involved in the criminal justice process. This situation can be exploited for interests inconsistent with the principles of justice. Such practices can harm those in need of legal assistance, particularly suspects in vulnerable positions. When the role of legal service providers is not strictly regulated, the risk of unprofessional practices increases.

Uncertainty in judicial practice is a further consequence of this unclear norm. Law enforcement officials may have differing interpretations of who qualifies as a legitimate legal representative. These differences can result in inconsistent treatment of suspects in similar situations, potentially undermining public trust in the criminal justice system. Legal certainty, which should be a key pillar, is thereby weakened.

The impact on the professionalism of advocates is evident in the potential degradation of legal professional standards. Advocates traditionally undergo a lengthy process including

education, training, and competency testing before practicing. When the same role can be performed by parties who have not undergone this process, the value of professional standards is diminished, reducing the quality of legal services provided to the public. Professionalism, maintained through strict mechanisms, is threatened.

The erosion of the value of the nobile (*officium nobile*) is also a serious consequence. The legal profession has long been viewed as a respected vocation with a moral responsibility to uphold law and justice. This value stems not only from formal aspects but also from the profession's inherent ethical commitment. When the definition of an advocate is expanded without clear boundaries, this respected value can decline. Public perception of the legal profession could shift to seeing it merely as a service provider without a strong ethical dimension.

Unfair competition within the legal profession is another potential consequence of this broadened definition. Professional advocates who have met all requirements may face competition from parties not held to the same standards. This situation creates inequality in practice, as not all parties are subject to equal rules and codes of ethics. Unequal competition can impact the long-term sustainability of the legal profession, disrupting a systematically constructed professional structure.

The protection of suspects' rights is a primary concern in the criminal justice system. The right to legal assistance is a fundamental right guaranteed by national law, including Article 31 of Law Number 20 of 2025. The presence of legal counsel is expected to protect against potential rights violations during investigation. The quality of the defense depends heavily on the competence of the legal counsel involved. When qualification standards are unclear, the quality of protection provided to suspects is suboptimal.

The risk of violating the principle of due process of law increases when legal counsel lacks adequate capacity. This principle demands a fair, transparent process that respects individual rights. Legal counsel plays a crucial role in ensuring that every action by law enforcement officers follows procedure. Counselors who cannot understand legal procedures may fail to detect violations, which could significantly harm the suspect.

The imbalance between law enforcement officers and suspects is exacerbated when legal counsel is unable to carry out their role effectively. Officers possess greater knowledge and authority in the investigation and prosecution process. Suspects require counsel who can balance this power through a thorough understanding of the law. When counsel lacks equivalent capacity, the suspect's position becomes more vulnerable, preventing the desired balance in the criminal justice system.

The implications for the integrated criminal justice system cannot be ignored. This system is designed to ensure that every component of the judicial process operates in a coordinated, mutually supportive manner. Advocates play a crucial role in maintaining the balance between state interests and individual rights. When the definition of an advocate is unclear, integration between components within the system is disrupted, and coordination that should be harmonious encounters obstacles.

The weakening of the advocate's role as a balancing force has serious consequences. Advocates play a strategic role in controlling potential abuse of authority by law enforcement officials. This function can only be effective if advocates possess adequate competence and

independence. When this role is filled by parties who do not meet the same standards, the oversight function is suboptimal, depriving the criminal justice system of a crucial mechanism.

The potential for structural injustice arises when inequalities within the system are not addressed. An unclear definition of an advocate can create situations in which some parties have access to quality legal representation while others do not. This disparity can widen gaps in legal treatment. Justice, which should be universal, becomes dependent on external factors such as the ability to choose competent legal counsel, giving rise to systemic injustice.

Theoretical analysis reveals a conflict between the principles of access to justice and legal professionalism. Expanding the definition of an advocate can be seen as an effort to increase public access to legal aid. Broad access without professional standards can create new issues regarding the quality of legal services. Professionalism remains essential to ensuring substantive justice, and balancing these two principles requires careful calibration.

A critical evaluation of lawmakers' legal policies is essential. Formulating norms for the legal profession requires careful attention. Well-intentioned policies can have negative impacts if not designed comprehensively. Balancing social goals with professional standards must be a primary consideration. Partial approaches risk creating inconsistencies in the legal system.

Philosophical criticism of the reform of the Criminal Procedure Code (KUHAP) can focus on the tendency to prioritize accessibility over quality. Legal reform should not only expand participation but also maintain system integrity. The legal profession plays a strategic role in upholding justice that cannot be replaced arbitrarily. Clarity in definitions and qualification standards is crucial. Ideal legal reform requires a synthesis of legal certainty, justice, and expediency.

### **Reconstructing the Definition of an Advocate Based on Certainty of Qualification Standards**

The need for legal reconstruction of the definition of an advocate under Law Number 20 of 2025 arises from the disharmony between the norms governing the legal profession and those governing criminal procedure law. The lack of synchronization between the New Criminal Procedure Code and Law No. 18 of 2003 concerning Advocates creates wide room for interpretation and has the potential to disrupt legal certainty. Harmonizing norms is a crucial step to ensure that all regulations operate coherently and do not contradict each other. Clarity regarding who can be called an advocate is a fundamental element in maintaining legal order. Restructuring the definition of an advocate is also closely linked to efforts to maintain the overall quality of the criminal justice system.

Clarity about the role of an advocate has direct implications for law enforcement effectiveness. Advocates are not merely parties present in legal proceedings, but actors responsible for professionally defending individual rights. When the boundaries of who is authorized to perform this function are unclear, the legitimacy of legal action is called into question. Protecting the rights of suspects is a top priority in a justice-oriented criminal justice system. Clarity about the status of advocates helps ensure that every suspect receives adequate and quality defense.

A model for reconstructing the definition of an advocate needs to be designed with a firm and systematic approach. The separation between professional advocates and non-advocate legal aid providers must be explicitly formulated in legal norms. Advocates need to be

recognized as a profession with specific qualifications that cannot be arbitrarily replaced. Legal aid providers outside the legal profession can still play a role, but within clear boundaries, and without entering the realm of formal defense in the criminal justice process. Such clear regulation will help create legal certainty and maintain the quality of legal services.

Affirming advocates as a qualification-based profession is a crucial part of legal reconstruction. This profession requires competencies acquired through legal education, professional training, and rigorous examinations. Law Number 18 of 2003 stipulates these requirements through Articles 2 and 4, which mandate legal education, appointment, and a professional oath in a high court. These standards are not merely administrative but also reflect an individual's readiness to perform advocacy functions. Reinforcing this principle is essential for maintaining the integrity of the legal profession.

Limitations on the role of non-advocates in the criminal justice process need to be carefully formulated. Legal aid providers outside the legal profession can still contribute through non-litigation assistance or public legal education activities. These roles should not be equated with the functions of advocates in legal defense. Clear boundaries prevent overlapping roles and maintain the professionalism of the legal system. Appropriate regulations provide space for public participation without compromising the quality of law enforcement.

Standardization of advocate qualifications is a key foundation in reconstructing this definition. Formal legal education is a prerequisite for entering the legal profession, followed by specialized professional education, a competency examination, official appointment, and a professional oath, as stipulated by law and regulations. This process ensures that every advocate possesses adequate skills. Clear qualifications guarantee quality to those seeking legal services.

The role of advocate organizations in oversight is an integral aspect of this standardization system. Advocate organizations are responsible for maintaining the quality of their members by implementing a code of ethics and disciplinary mechanisms. This oversight includes evaluating professional behavior and enforcing sanctions for violations. Such functions are crucial for maintaining public trust in the legal profession. The involvement of professional organizations ensures that established standards are not merely formal but also applied in practice.

Accountability and ethical mechanisms are the main pillars of maintaining the professionalism of advocates. Every advocate is bound by a code of ethics governing professional conduct. Violations can result in sanctions that impact their practice license. This system ensures that advocates are not only technically competent but also possess moral integrity. Accountability ensures that the legal profession is carried out with a high degree of responsibility.

Concrete reformulation of norms in the New Criminal Procedure Code (KUHAP) is necessary to address existing issues. Amendments to Article 1, number 22 should affirm that advocates are a profession subject to the Advocates Law. Phrases that open up space for non-advocates need clarification or limitation to avoid multiple interpretations. Adjustments to Articles 31, 32, and 151 are also necessary to align them with the revised definition. Integration between articles is key to creating a consistent legal system.

These normative adjustments must account for the relationship between the New Criminal Procedure Code (KUHAP) and the Advocates Law. These two regulations should

complement each other in regulating the role of advocates in the criminal justice system. Harmonization between the two reduces potential conflicts and increases legal certainty. This integration also strengthens advocates' position as law enforcers with clear legitimacy. Harmony between regulations is a crucial foundation for an effective legal system.

The ideal concept of advocates in the criminal justice system positions them as independent and professional law enforcers. Independence is a primary requirement for advocates to carry out their advocacy function without pressure from any party. This position allows advocates to act objectively in defending clients' interests. Their role is not limited to individual defense; advocates also help uphold justice in society. Independence and professionalism are two key pillars that must be maintained.

The strategic role of advocates in ensuring a fair trial cannot be replaced by others who lack equal competence. Advocates serve as a counterweight to state power in the criminal justice process. Their presence ensures that every process is conducted in accordance with the principles of justice and applicable law. This function is crucial in preventing abuse of authority. The quality of advocates is a determining factor in the success of the criminal justice system.

The ideal advocate model is based on professionalism and substantive justice. Professionalism is reflected in technical skills and adherence to professional standards. Substantive justice requires advocates to not only follow procedures but also strive for genuine justice for clients. The integration of these aspects creates a comprehensive role for advocates in the legal system. Reconstructing the definition of an advocate is a crucial step in realizing this model in practice.

## **CONCLUSION**

The expansion of the definition of advocate in Law Number 20 of 2025, particularly under Article 1, number 22, has created a dualism that renders the legal entities authorized to provide legal services in the criminal justice system unclear. This lack of synchronization with Law Number 18 of 2003 concerning Advocates demonstrates a normative disharmony, with implications for weakening legal certainty, degrading the professionalism of advocates, and potentially reducing the quality of protection afforded to suspects' rights. While this expansion has broadened access to legal aid, it has not been accompanied by adequate qualification standards, risking a shift in the meaning of the advocate's role as a *nobile officium*. This situation has also disrupted the balance within the integrated criminal justice system, particularly in the advocate's role as a counterweight to state power and a guardian of the principle of a fair trial. The unclear construction of norms ultimately creates room for multiple interpretations, which may lead to substantive injustice in practice.

The reconstruction of the definition of an advocate should affirm that advocates constitute a legally recognized profession with clear qualification standards and cannot be equated with non-professional legal aid providers. Amendments to Article 1, number 22 are necessary to clearly define the meaning of advocate and to separately regulate the role of legal aid providers, preventing them from encroaching upon the realm of formal defense in criminal justice. Adjustments to Articles 31, 32, and 151 are also required to align with the principles of professionalism and legal certainty. Strengthening the education system, certification processes, and supervision by advocate organizations is crucial to maintaining the quality of

the profession. Legal policy must prioritize a balance between access to justice and the quality of defense, ensuring that the criminal justice system continues to operate fairly, effectively, and with integrity.

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