

THE ROLE OF ADVOCATES IN LAW ENFORCEMENT OF THE HALAL INDUSTRY IN INDONESIA

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Abstract

There are still quite a lot of business actors who have not obtained and registered halal certification. The status of products that have not been halal certified will harm consumers, because there is no certainty, and legally it is not in accordance with statutory regulations. Therefore, the role of advocates is an important one in defending the rights of both entrepreneurs and consumers. The purpose of this study is to determine and identify the role of advocates in law enforcement in the halal industry. This research is library research, which will examine statutory provisions relating to the duties of advocates and the rights of consumers and entrepreneurs in the halal industry. The results showed that advocates play a role in law enforcement in the halal industry in accordance with their duties as mandated by laws and regulations.

Keywords : *Halal Industry, Advocate, Law Enforcement*

INTRODUCTION

The role of an advocate as a free and independent law enforcer guaranteed by law and legislation is very important in the law enforcement process. Through legal services,¹ Advocates carry out the duties of justice, including efforts to empower the community in realising fundamental rights before the law. advocates are one element of the justice system which is one of the pillars in upholding the rule of law and human rights. Based on Act Number 18 of 2003 on Advocates², One of the legal services provided by advocates is legal aid.³ The provision of legal aid by advocates is an obligation that is legally attached to every advocate in the position of advocates as a noble profession (*officium nobile*). The provision of legal aid by advocates is not only seen as an obligation but must also be seen as part of social contribution and social liability in relation to the role and social function of the advocate profession.⁴

¹ Jasa Hukum adalah jasa yang diberikan Advokat berupa memberikan konsultasi hukum, bantuan hukum, menjalankan kuasa, mewakili, mendampingi, membela, dan melakukan tindakan hukum lain untuk kepentingan hukum klien. Baca Pasal 1 angka (2) Undang-undang Nomor 18 Tahun 2003 Tentang Advokat

² Untuk selanjutnya ditulis UU Advokat

³ Pasal 1 angka (2) UU Advokat

⁴ Frans Hendra Winarta, *Bantuan Hukum Suatu Hak Asasi Manusia Bukan Belas Kasihan*, Jakarta: PT Elex Media Komputindo Kelompok Gramedia, 1995, hlm. 104



In recent months there has been a phenomenon of products that have not received halal certification but these products are still being traded, and have even opened many outlets and are in great demand by the public.⁵ Although in the end MUI has determined the halalness of Mixue in the session on 15 February 2023,⁶ However, starting from the first opening in 2020 and starting to spread in Indonesia until it has hundreds of outlets⁷, the product has not received halal certification.⁸

The phenomenon of the halalness of Mixue products as above can cause legal problems, both experienced by entrepreneurs and consumers. The obligation of halal certification is a mandate of Act Number 33 of 2014 concerning Halal Product Guarantee⁹ which must be carried out by entrepreneurs to provide protection and certainty for the Muslim community regarding halal products.¹⁰ If there are consumers who feel aggrieved by the alleged violation of halal products, they can file a lawsuit with the Consumer Dispute Resolution Agency or a group representative lawsuit to the court.¹¹

The problems as above, namely related to the rights of consumers and entrepreneurs, really require the role of advocates. One of the urgencies of the role of advocates in assisting and accompanying consumers and entrepreneurs is to facilitate and expedite the halal certification process. This article will examine how the role of advocates in law enforcement of the halal industry in Indonesia in a juridical review. The previous studies related are as follows: First, Zulkifli Hidayatullah's research entitled "Optimisation of the Role of Advocates in Enforcing Sharia Economic Law in the Surabaya Religious High Court Region", the results of his research show that the role of advocates can be optimal if they understand and understand the subject matter of the case they are defending, in this case a sharia economic case.¹² Second, a study entitled Advocates and Economic Law in Indonesia written by Abdul Haris Naim. The research shows that an advocate in addition to being an expert in his field must also have and uphold moral values so that economic law enforcement in Indonesia can run.¹³

⁵ Merk produk tersebut adalah Mixue, yang merupakan produk yang berasal dari negara Tiongkok.

⁶ <https://mui.or.id/berita/49191/tetapan-kehalalan-mixue-ice-cream-tea-mui-produknya-halal-dan-suci/>, diakses pada 5 Maret 2023

⁷ <https://www.jatimnetwork.com/ragam/pr-436432203/waspada-ruko-kosong-ini-10-provinsi-dengan-gerai-mixue-terbanyak-di-indonesia-jawa-timur-bukan-nomor-1>, diakses pada 5 Maret 2023

⁸ Mixue pertama kali dibuka pada bulan Maret tahun 2020 di pusat perbelanjaan Cihampelas Walk Bandung. https://id.wikipedia.org/wiki/Mixue_Ice_Cream_%26_Tea#:~:text=Di%20Indonesia%2C%20Mixue%20melalui%20PT,Nusa%20Tenggara%20hingga%20tahun%202022. Diakses pada 5 Maret 2023

⁹ Untuk selanjutnya ditulis UUJPH

¹⁰ Pasal 4 UUJPH

¹¹ Bambang Sugeng Ariadi Subagyono, Trisadini Prasastinah Usanti, Zahry Vandawati Chumaida, Fiska Silvia, Indira Retno Aryatie, "Perlindungan Konsumen Muslim atas Produk Halal", *Perspektif Hukum*, Vol.20 No.2 November 2020 : 306-327

¹² Zulkifli Hidayatullah yang berjudul "Optimalisasi Peran Advokat Dalam Penegakan Hukum Ekonomi Syariah di Wilayah Pengadilan Tinggi Agama Surabaya", *Jurnal Justisia Ekonomika*, vol 1, no. 01 (2017)

¹³ Abdul Haris Naim, "Advokat dan Hukum Ekonomi di Indonesia", *Tawazun: Journal of Sharia Economic Law*, Volume 1, Nomor 1, Maret 2018, P-ISSN: 2655-9021, E-ISSN: 2655-9579

From the studies mentioned, there are still no studies and discussions about the role of advocates in law enforcement in the halal industry. Given that the halal industry is currently still a trend and the halal certification process in Indonesia is still ongoing and ongoing, this research is expected to bridge and become one of the contributions to law enforcement in the field of halal industry in Indonesia.

LITERATURE REVIEW

Advocate

The term "Advocaat" etymologically comes from Latin, namely "Advocare" which means "to defend, to call to one's aid to vouch or warrant". While in English "Advocate" means: "to speak in favour of or depend upon by argument, to support, indicate, or recommend publicly."¹⁴ In terminology, advocate law is a person whose profession is to provide legal services, both inside and outside the court who fulfils the requirements based on the provisions of the Law.¹⁵ This means that an advocate is a legal expert who provides assistance or help in legal matters. This assistance or help is in the nature of giving advice as good services, in its development can then be requested by anyone who needs, needs it to litigate in law. The foundation of Advocates' work until now only uses the Law of the Republic of Indonesia Number 18 Year 2003 concerning Advocates.

An advocate's job is to defend the interests of the public (public defender) and their clients. Advocates are needed when one or more members of society face a problem or problem in the field of law. In carrying out his duties, besides having to be sworn in advance in accordance with their respective religions and beliefs. In carrying out his duties, he must also understand the Advocate Professional Code of Ethics as a moral foundation and in accordance with the Advocate Law. The duties of an advocate in providing legal services to the public are not detailed in the job description in the Advocate Law No. 18 of 2003 because he is not a state official as an executor of the law, but is a profession engaged in the field of law to provide defence, assistance, and become a power of attorney for and on behalf of his client. Advocates in carrying out their profession are prohibited from discriminating against clients based on gender, religion, politics, race, or social, and cultural background.¹⁶

In carrying out their duties, an Advocate must function: 1) As a guardian of the constitution and human rights; 2) Fight for human rights in the Indonesian rule of law; 3) Implement the Advocate Professional Code of Ethics; 4) Uphold the Advocate oath in order to uphold the law, justice, and truth; 5) Uphold and prioritise idealism (values of justice and truth) and morality; 6) Uphold the image of the advocate profession as

¹⁴ Frans Hendra Winarta, *Bantuan Hukum Suatu Hak Asasi Manusia Bukan Belas Kasihan*, Jakarta: PT Elex Media Komputindo Kelompok Gramedia, 1995, hlm. 72

¹⁵ Pasal 1 Undang-undang Nomor 18 Tahun 2003 tentang Advokat, untuk selanjutnya Undang-undang ini ditulis UU Advokat

¹⁶ Pasal 18 ayat (1) UU Advokat



an honourable profession (*officium nobile*); 7) Protect and maintain the independence, freedom, degree, and dignity of Advocates; 8) Maintain and improve the quality of Advocate services to the public; 9) Handle cases in accordance with the Advocate Professional Code of Ethics; 10) Defend clients in an honest and responsible manner; 11) Prevent misuse of expertise and knowledge of expertise and knowledge that is detrimental to society; 12) Maintain the Advocate's personality; 13) Maintain good relationships with clients and peers between fellow Advocates based on honesty, confidentiality, and openness as well as mutual respect and trust; 14) Maintain the unity and integrity of Advocates in accordance with the single forum of the Advocates Organisation; 15) Providing legal services; 16) Providing legal advice; 17) Providing legal consultation; 18) Providing legal opinion; 19) Drafting contracts (legal drafting); 20) Providing legal information; 21) Defending the interests of clients (litigation); 22) Representing clients before the court (legal representation); 23) Providing legal aid free of charge to weak and incapable people (legal aid).¹⁷

Law Enforcement

Law enforcement is a process to realise legal desires into reality. The so-called legal desires here are none other than the thoughts of the law-making body formulated in the rule of law. The formulation of the thoughts of lawmakers as outlined in the rule of law will help determine how law enforcement is carried out.¹⁸

In order to function the enforceability of law enforcement, the three legal bases must be immersed both in the stage of law formation and in the stage of law enforcement application. The law has three interests (*rechtebelang*) that function as the protection of individual interests (*individuale belangen*), legal interests of society (*sociale belangen*), and legal interests of the state (*staats belangen*). The inability of the state to fulfil justice and legal certainty simultaneously will result in public distrust of legal institutions and lower authority in the eyes of the community. Law enforcement in principle must be able to provide benefits or utility for the community, but in addition the community also expects law enforcement to achieve justice. Nevertheless, we cannot deny that what is considered useful (sociologically) is not necessarily fair, and vice versa, what is perceived as fair (philosophically), is not necessarily useful for society.¹⁹

According to Soekanto, the law enforcement process is influenced by five factors, as follows: First, legal factors or laws and regulations. Second, the factor of law enforcement officials, namely the parties involved in the process of making and applying the law, which is related to mentality problems. Third, the means or facilities that support the law enforcement process. Fourth, community factors, namely the social environment in which the law applies or is applied; related to legal awareness and

¹⁷ Rambe, Ropaun, *Teknik Praktek Advokat*, Jakarta: PT. Grasindo, 2003, hlm. 28-29

¹⁸ Satjipto Raharjo, *Penegakan Hukum Sebagai Tinjauan Sosiologis*, Genta Publishing, Yogyakarta, 2009, hlm. 25.

¹⁹ Jimly Asshiddiqie, *Penegakan Hukum yang Menjamin Kepastian Hukum dan Rasa Keadilan Masyarakat, Suatu Sumbangan Pemikiran*, <http://jimly.com/pemikiran/makalah>. Diakses pada 5 Maret 2023

compliance that reflects in community behaviour. Fifth, cultural factors, namely the results of work, creation and taste based on human spirit in the association of life.²⁰

Lawrence M. Friedman sees that the success of law enforcement always requires the functioning of all components of the legal system. The legal system in Friedman's view consists of three components, namely the legal structure component, the legal substance component and the legal culture component. Legal structure is the torso, framework, eternal form of a system. Legal substance is the actual rules and norms used by institutions, reality, the form of behaviour of the actors observed in the system. The legal culture is the ideas, attitudes, beliefs, expectations and opinions about the law. In his development, Friedman also added a fourth component, which he called the legal impact component. With this legal impact component, what is meant is the impact of a legal decision which is the object of the researcher's study.²¹

Halal Industry in Indonesia

The halal industry has huge potential in Indonesia. This is an implication of Indonesia's large Muslim population. The potential of Indonesia's halal industry can be seen from several sectors, namely the halal food sector, the Islamic finance sector, the halal tourism sector, and the Muslim fashion sector. The following is an explanation of the potential of each sector.

First, the halal food sector. Halal food is a basic need of a Muslim. This basic need must be fulfilled so that a Muslim can continue his/her life. If we look at the number of Muslim population in Indonesia, of course Indonesia has potential in this sector. The potential that is really visible is a very promising market potential. In 2019, Indonesia spent USD 173 billion on halal food consumption. This makes Indonesia the largest market for halal food and beverages in the world (State of Global Islamic Economy Report 2019). Government support is also a big potential for the halal food industry in Indonesia. This government support can be seen from the establishment of the Halal Product Guarantee Agency (BPJPH) as a mandate from Act Number 33 of 2014 concerning Halal Product Guarantee. BPJPH was approved on 27 October 2017 and has a position under the Ministry of Religious Affairs. The establishment of BPJPH has transformed the implementation of halal product guarantees in Indonesia from voluntary to mandatory. This is done in order to provide security and comfort to Muslim consumers and to boost the halal industry in Indonesia, especially the halal food industry.²²

Second, the Islamic financial sector. The Islamic financial sector is the opening gate for the halal industry in Indonesia. Since the establishment of Bank Muamalat Indonesia in 1992, the Islamic financial sector has brought quite good development to the Islamic financial industry. Islamic financial assets continue to grow every year. In

²⁰ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, Rajawali, Jakarta, 2002. hlm. 4-5.

²¹ Lawrence M. Friedman, *American law : an introduction*, New York : W.W. Norton, 1998,

²² Aziz, M., Rofiq, A., Ghofur, A.. 2019. "Regulasi Penyelenggaraan Jaminan Produk Halal Di Indonesia Perspektif Statute Approach." *ISLAMICA: Jurnal Studi Keislaman* 14(1):151– 70.



2018, Islamic financial assets increased by 13.97% (yoy) to Rp1,287.65 trillion (Financial Services Authority 2019). Indonesia ranks seventh in the Islamic finance asset market in the world with a total asset value of USD 86 billion. Indonesia also ranks 5th in the Top 10 Islamic Finance (State of Global Islamic Economy Report 2019). In 2019, the market share of the financial industry reached 8.69%. This figure is the total of the Islamic banking market share of 5.94% plus the Non-Bank Financial Industry (IKNB) market share of 2.75% (CNN Indonesia 2019). The growth of this financial sector reflects the considerable potential of the Islamic financial sector in Indonesia.²³

Third, the halal tourism sector. Indonesia is a country that has cultural diversity and is rich in history and religious traditions. In addition, the beautiful natural panorama in Indonesia and its friendly people are the attractions of Indonesia in the field of tourism. When associated with halal tourism, the potential of Indonesia is very large. There are many attractions that can be visited by halal travellers, including mosques, palaces, tombs, heirlooms, to halal culinary (Jaelani 2017) Indonesia's halal tourism potential received tremendous appreciation, because Indonesia won first place with Malaysia in the main category of Top 10 OIC Destinations with a score of 78. In addition, Indonesia also won first place in two other categories, such as Top 10 Destinations-Communications and Top 10 Destinations-Services (Crescent Rating 2019). In addition, Indonesia also ranked 4th in the Top 10 Muslim-Friendly Travel (State of Global Islamic Economy Report 2019). The government through the Ministry of Tourism and Creative Economy has also developed ten Muslim-friendly tourist destinations in Indonesia, namely Aceh, West Sumatra, Riau and Riau Islands, DKI Jakarta, West Java, Central Java, Yogyakarta, East Java, West Nusa Tenggara, and South Sulawesi. There are several factors that make the potential for halal tourism in Indonesia so great, namely: the relatively fast growth of the Muslim population, the growth of middle-class income of the Muslim population which is also quite large, the large number of Muslim populations who are young and like to travel, access to tourism information that is growing rapidly, friendly and satisfying facilities and services, the existence of Ramadhan travel that attracts tourists, and travel businesses that are growing and responding quickly to the needs of tourists.²⁴

Fourth, the Muslim fashion sector. The potential of Muslim fashion in Indonesia is no less great. The Muslim fashion industry continues to grow from year to year. In 2019, exports of the Muslim fashion sector have reached USD 9.2 billion or equivalent to 9.8% of total exports from the processing industry. When viewed from the domestic market, consumption of Muslim fashion products has reached USD 20 billion with an average growth rate of 18.2% (Editorial FIN 2019). Indonesia occupies the 3rd

²³ Muhammad Anwar Fathoni, Tasya Hadi Syahputri, "Potret Industri Halal Indonesia: Peluang dan Tantangan", *Jurnal Ilmiah Ekonomi Islam*, 6 (03), 2020, 428-435

²⁴ Subarkah, AR.. (2018). "Potensi Dan Prospek Wisata Halal Dalam Meningkatkan Ekonomi Daerah (Studi Kasus: Nusa Tenggara Barat)". *Sospol: Jurnal Sosial Politik* 4(2):49-72.

position in the Top 10 Modest Fashion and Top 10 Fashion Muslim Consumer Markets with a total spending of USD 21 billion (State of Global Islamic Economy Report 2019). In addition, the support and role of the government, the ratification of Law Number 33 of 2014 concerning Halal Product Guarantee, the rise of Muslim fashion designers and Muslim fashion events, and the positive public response make this potential even more likely to be developed.²⁵ Besides the potential in each sector, technological developments are also a potential for the halal industry in Indonesia in general. The existence of technology encourages increased socialisation and promotion of the halal industry in Indonesia. In addition, technological developments also make the manufacture of halal industrial products more effective and efficient.²⁶

METODE PENELITIAN

This study uses a legal research method (Yasid, 2010), with a conceptual and policy approach. Data collection technique was carried out by collecting legal sources and materials related to advocat and halal industry regulations in Indonesia. Sources and materials related to the study theme were collected using a critical constructive approach. The data in this study were obtained from various sources related to industry halal, both in the form of printed and electronic documents with a snowball sampling pattern (Nawawi & Martini, 1996). Analysis of legal data related to advocat and halal industry were carried out by organizing, sorting, grouping, systematizing, and interpreting it so as to find patterns, categories, units of description, and meaning according to the focus of the problem being studied (Alkostar, 2018).

RESULTS AND DISCUSSION

Advocate's Authority

A person's authority is related to rights, as described by Satjipto Rahardjo, rights have a narrow and broad sense. Rights in the narrow sense are: a. Allocation of power that is carried out regularly. b. Demands to others to carry out their obligations.²⁷ The definition in a broad sense, namely the allocation of power carried out regularly or demands to others to carry out their obligations with the elements of independence and immunity. The right gives discretion to the individual to exercise it, which stands out is the active aspect in the legal relationship. Rights are interests protected by law, while interests are individual or group demands that are expected to be fulfilled.²⁸ The interests of consumers and halal industry businesses are among the things that need to be considered, because the provisions in the regulations, especially food products, all of which must have obtained halal certification.²⁹ The role of advocates in this case is to

²⁵ Nasrullah, A. (2018). "Analisis Potensi Industri Halal Bagi Pelaku Usaha Di Indonesia." *At-Tahdzib: Jurnal Studi Islam Dan Muamalah* 6(1):50–78

²⁶ Jaelani, A. (2017). "Halal Tourism Industry in Indonesia: Potential and Prospects." *SSRN Electronic Journal* 7(3)

²⁷ Rahardjo, Satjipto, *Ilmu hukum*, Bandung : Citra Aditya Bakti, 1991, hlm. 53-61

²⁸ Mertokusumo, Sudikno, 2005, *Mengenal Hukum Suatu Pengantar*, liberty, Yogyakarta, hlm. 42-43

²⁹ Pasal 4 Undang-undang Nomor 33 Tahun 2014 tentang Jaminan Produk Halal



help if there are parties who feel disadvantaged if there are products that do not have halal certification.

Rights and obligations are the container of the position of the role (role), where certain positions usually hold a role / power (role occupant). A right is actually an authority to act, while an obligation is a duty or burden. The actions of the role/power holder must be able to control their own decisions, which requires intellectual ability, and analysis between the law and the social environment, morals/ethics, and the noble goals of the role/power holder. Power means the ability to influence people or change people or situations. "Expert Power" is power based on expertise or expertise is power that arises as a result of the expertise or expertise possessed by a person. Authority is the right to do something or to order others to do or not do something in order to achieve certain goals.

Power or authority is absolutely necessary in the implementation of law enforcement and public order. Power or authority is the duty of the custodians and enforcers of justice or law enforcement. Power or authority in the rights and obligations of Advocates is used to ensure the independence of Advocates in carrying out their main duties as professional Advocates. Advocates' rights are regulated in Act Number 18 of 2003 on Advocates in Article 14, Article 15, Article 16, Article 17, Article 18 paragraph (2), and Article 19 paragraph (2). So that Advocates are free and without fear of expressing opinions or statements in court hearings to defend the cases they are responsible for. The right due to the Advocates Law, is the freedom of the Advocate to do or not do any action and issue or not issue opinions, information, or documents to anyone in carrying out his profession.³⁰

The freedom in question is without pressure, threats, obstacles without fear, or treatment that undermines the dignity of the profession. Such freedom is exercised in accordance with the professional code of ethics and laws and regulations. Advocates cannot be identified with their clients in defending cases by the authorities and or the public, because Advocates are in principle only power holders/agents of their clients.³¹ The non-identity between the Advocate and his client is in accordance with the law of agency, where the agent only acts for and on behalf of his principal, and as long as the agent is still performing duties in accordance with the tasks delegated to him and carried out professionally, then the Advocate cannot be held liable, but it is the principal who must be legally responsible.

The principle of not equating Advocates with their clients is also known as the professional detachment principle or the principle of nonaccountability, which is explicitly recognised by the Advocates Act. Advocates as professionals are ethically (and legally) obliged to maintain the confidentiality of their clients. However, this provision is not absolute for the following reasons: a. The Advocate is not merely the

³⁰ Fuady, Munir, *Perbandingan Hukum Perdata*, Bandung : Citra Aditya Bakti, 2005, hlm. 29)

³¹ Pasal 18 ayat (2) UU Advokat

"alter ego" of his/her client but is a professional who works in accordance with the profession. b. There are other interests that may be more important than the interest of protecting the confidentiality between the client and the Advocate. c. The "adversary" criminal justice system in Indonesia does not solely apply the "accusatorial" system (the Advocate is solely on the side of the client), but also the "inquisitorial" system (the Advocate is on the side of justice).³²

Legal protection of the confidentiality of the relationship between advocates and clients is in accordance with the doctrine of work product protection. The doctrine of work product protection is the protection of confidentiality between Advocates and their clients not only the secrets arising from the direct relationship (consultation) between Advocates and their clients, but also includes the protection of confidentiality from information obtained by Advocates from other sources related to the case in question.

Advocates have the right to immunity, which means that they cannot be prosecuted, either civilly or criminally, in the exercise of their profession in good faith for the purpose of defending clients in court, other judicial institutions, or in hearings in the House of Representatives of the Republic of Indonesia. Several articles in the Advocates Act only provide immunity to Advocates in the exercise of their profession in "good faith". In the event that it is proven that the Advocate is not exercising his/her profession in good faith, he/she may be prosecuted either civilly or criminally.

The Right of Immunity is the freedom of the Advocate to perform or not perform any action and to issue or not issue opinions, statements, or documents to anyone in carrying out his/her professional duties, so that therefore, he/she cannot be punished (criminally or civilly) as a consequence of the performance of his/her professional duties. "Freedom" means that no pressure, threat, hindrance, fear, or treatment that degrades the dignity of the advocate profession is applied to the advocates or their clients.³³ Act of the Republic of Indonesia Number 18 of 2003 concerning Advocates Article 1 Paragraph (3) explains that a client is a person, legal entity, or other institution that receives legal services from an Advocate.

The client's obligations to the Advocate include: a. The obligation to provide complete and honest information about the case. b. The obligation to fulfil and act in accordance with applicable regulations. c. To provide compensation for services received. In order to protect the individual rights of the client, namely protecting the following rights: a. The right not to be self-incriminated. b. The right to receive effective legal assistance from an Advocate. c. The right not to be subjected to improper search and seizure of public property. Moreover, clients who are consumers

³² (Munir Fuady, 2005:44-45)

³³ Rosdalina, "Peran Advokat Terhadap Penegakan Hukum Di Pengadilan Agama", *Jurnal Politik Profetik* Volume 6 Nomor 2 Tahun 2015



and business actors in the halal industry, because there is a transcendental element when everything is associated with religious provisions.

The Role of Advocates and Law Enforcement in the Field of Halal Industry

Law enforcement in a broad sense includes activities to implement and apply the law and take legal action against any violation or deviation of the law committed by legal subjects, either through judicial procedures or through arbitration procedures and other dispute resolution mechanisms (alternative disputes or conflicts resolution). In fact, in a broader sense, law enforcement activities also include all activities intended to make the law as a set of normative methods that regulate and bind legal subjects in all aspects of the life of society and the state really obeyed and truly implemented as it should. In a narrow sense, law enforcement involves prosecution activities against any violations or deviations from laws and regulations. Therefore, in a narrow sense, the main actors whose roles are very prominent in the law enforcement process are police, prosecutors, advocates and judges.³⁴ Therefore, advocates should have an important role in law enforcement in the halal industry, especially food products, because in its provisions all food products in Indonesia must have halal certification.

These law enforcers can be seen first of all as people or human elements with their respective qualities, qualifications, and work cultures. In this sense, law enforcement issues depend on the actors, perpetrators, officials or law enforcement officers themselves. Secondly, law enforcement can also be seen as an institution, body or organisation with its own bureaucratic quality. In that regard, we see law enforcement from an institutional perspective which, in reality, has not been institutionalised in a rational and impersonal manner (institutionalised). However, both perspectives need to be understood comprehensively by looking at their relationship with each other and their relationship with various factors and elements related to the law itself as a rational system.

The legal profession needs to be reorganised and its quality and welfare improved. These legal professionals include (i) legislators (politicians), (ii) legal drafters, (iii) advocates, (iv) notaries, (v) land deed officials, (vi) police, (vii) prosecutors, (viii) clerks, (ix) judges, and (x) arbitrators or referees. In the meantime, politicians as legislators in representative institutions cannot be categorised as a separate profession. However, in a well-established political system where professional roles are highly compartmentalised, being a member of parliament can also develop into a profession over time. Politicians over time become a profession because it becomes a professional life choice in society.

A national certification system and standardisation, including with regard to the welfare system. In addition, an integrated education and training programme is also needed that can continuously foster mental attitudes, improve knowledge and

³⁴ Pasal 5 Undang-undang Advokat menjelaskan bahwa Advokat berstatus sebagai penegak hukum, bebas dan mandiri yang dijamin oleh hukum dan peraturan perundang-undangan.

professional abilities of the legal apparatus. This agenda of developing the professional quality of the legal profession needs to be separated from the development programme of administrative staff within the legal institutions, such as in the courts or in the people's representative institutions.

Thus, the orientation of improving the quality of legal apparatus can really be developed in a directed and sustainable manner. In addition, fostering the professional quality of the legal apparatus can also be done through increasing the empowerment of their respective professional organisations, such as the Indonesian Judges Association, the Indonesian Advocates Association, the Indonesian Notary Association, and so on. In addition, the law enforcement agenda also requires leadership at all levels that fulfils two requirements. First, the leadership is expected to be an effective driver for definite law enforcement actions; Second, the leadership is expected to be a role model for the environment they lead regarding the integrity of the personality of a rule-abiding person. One important aspect of law enforcement is the process of law socialisation and law education. Without being supported by awareness, knowledge and understanding by legal subjects in society, no legal norm can be expected to be upheld and obeyed. Therefore, the agenda of law socialisation and law education needs to be developed separately in order to realise the idea of the rule of law in the future. Especially when it comes to new knowledge that is outside the law, such as the halal industry. Advocates are required to quickly respond and understand the provisions of the halal industry, the goal is that the parties concerned are not harmed.

Several factors related to this issue are (a) development and management of legal information systems and infrastructure based on information technology; (b) increased efforts to publish, communicate and socialise the law; (c) development of legal education and training; and (d) popularization of images and exemplars in the field of law. In the context of legal commu

Article 24 paragraph (1) of the 1945 Constitution states that judicial power is an independent power to administer justice in order to uphold law and justice. Therefore, in addition to the actors of judicial power, namely the Supreme Court and the Constitutional Court, other bodies whose functions are related to judicial power must also support the implementation of independent judicial power. One of them is the free, independent, and responsible advocate profession as further regulated in Law Number 18 Year 2003. The provision of Article 5 Paragraph (1) of the Advocates Law gives status to Advocates as law enforcers who have an equal position with other law enforcers in upholding law and justice. This position requires an organisation which is the only forum for the Advocate profession as referred to in Article 28 Paragraph (1) of the Advocates Law, namely "The Advocates Organisation is the only free and independent forum for the Advocate profession established in accordance with the provisions of this Law with the aim and objective of improving the quality of the Advocate profession". Therefore, the Advocates Organisation is essentially an



independent state organ in the broadest sense, which also performs the functions of the State.³⁵

Thus, the advocate profession has an important role in law enforcement efforts. Every legal process, whether criminal, civil, administrative, or even state administration, always involves the advocate profession whose position is equal to other law enforcers. In efforts to eradicate corruption, especially the practice of judicial mafia, advocates can play a major role by breaking the chain of judicial mafia practices that occur. Whether or not this role is carried out depends on the advocate profession and advocate organisations that have been guaranteed independence and freedom in the Advocates Law. The independence and freedom of the advocate profession, of course, must be followed by the responsibility of each advocate and the professional organisation that oversees it. The provisions of the Advocates Law have provided signs that the advocate profession is carried out in accordance with the aim of upholding law and justice. The easiest thing to see is from the advocate's oath or promise made before carrying out his profession, namely: "By Allah I swear / I promise : - that I will uphold and practice Pancasila as the foundation of the state and the Constitution of the Republic of Indonesia; - that in order to obtain this profession, directly or indirectly by using any name or method, I will not give or promise anything to anyone; - that in carrying out my professional duties as a legal service provider, I will act honestly, fairly and responsibly based on law and justice; - that in carrying out my professional duties in or out of court I will not give or promise anything to a judge, court official or other official in order to win or benefit a Client case that I am handling or will handle; - that I will maintain my behaviour and will carry out my obligations in accordance with my honour, dignity and responsibilities as an Advocate; - that I will not refuse to defend or provide legal services in a case which in my opinion is part of my professional responsibilities as an Advocate.

The oath is essentially the promise of a person who will undergo the profession as an advocate, to God, self, and society. If every advocate does not only say it as a formality, but embraces, obeys, and carries it out, surely the condition of law enforcement will always improve for the better. Judicial power will truly be able to uphold law and justice. In addition, to realise the advocate profession that functions as an enforcer of law and justice is also determined by the role of the Advocate Organisation.

The Advocates Act has provided rules on supervision, actions against violations, and dismissal of advocates, which are implemented by the Advocates Organisation. Article 6 of the Advocates Law, for example, stipulates that an advocate may be subject to action for: a. neglecting or abandoning the interests of his/her clients; b. acting or behaving inappropriately towards his/her opponents or colleagues; c. behaving,

³⁵ Lihat Pertimbangan Hukum Putusan MK Nomor 014/PUU-IV/2006 mengenai Pengujian Undang-Undang Advokat

conducting himself/herself, uttering words, or issuing statements that show disrespect towards the law, regulations, or the court; d. doing things that are contrary to the obligations, honour, or dignity of his/her clients; e. doing things that are contrary to the law, regulations, or the court; e. doing things that are contrary to the obligations, honour, or dignity of his/her clients. doing things that are contrary to the obligations, honour, or dignity of his/her profession; e. committing violations of laws and regulations and/or misconduct; f. violating the Advocate's oath/pledge and/or the Advocate's professional code of ethics.

The role of advocates in providing legal services for the benefit of clients with the aim of making peace for the parties to the dispute is very decisive. The purpose of this role is how advocates can carry out their profession in accordance with their duties and functions as well as the code of ethics and oath of the advocate profession. Meanwhile, what is meant by the provision of legal services carried out by an advocate is to assist, become a power of attorney, provide advice to clients, both socially; pro bono publico and on the basis of obtaining honorarium..³⁶

In practice, the role of providing legal aid by advocates, as mentioned in the explanation of the Advocates Law, can be done in litigation and non-litigation. Litigation legal services are legal services relating to legal disputes or cases in or out of court and arbitration. Meanwhile, non-litigation legal services are legal services outside the field of litigation legal services. In carrying out his profession, an advocate must uphold the advocate's oath in order to uphold the law, justice and truth. Advocate is a free profession; free profession; vrij beroep, which is not subject to the hierarchy of positions and is not subject to superior orders, which only receives orders or orders or power of attorney from clients based on free agreements, both written and unwritten, which are subject to the code of ethics of the advocate profession, and are not subject to political power.

CONCLUSION

The advocate profession has an important role in law enforcement efforts. The role of advocates is very decisive in providing legal services for the benefit of clients with the aim of making peace for the parties to the dispute. Every law enforcement process always involves the advocate profession because its position is equal to other law enforcers. In efforts to enforce the law in the halal industry, advocates play a big role by helping and assisting consumers and business actors who feel disadvantaged in the halal industry. The responsibility for the implementation of this role is carried out or not depends on the advocate profession and advocate organisations that have guaranteed independence and freedom in the Advocate Act.

³⁶ Rahmat Rosyadi, *Advokat dalam Perspektif Islam dan Hukum Positif*. (Jakarta: Ghalia Indonesia, 2003)



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