

Immunity of Advocates In The Criminal Investigation Process: Balancing Professional Ethics and Law Enforcement

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Abstract

The purpose of this study is to analyze the limits of advocate immunity in the criminal investigation process in Indonesia according to positive law and professional ethics, and to examine efforts to achieve a balance between the protection of the advocate profession and law enforcement through the application of professional ethics. This study uses a normative legal method with a statutory, conceptual, case, historical, and comparative approach through literature studies and descriptive-qualitative analysis of primary, secondary, and tertiary legal materials. The results of the study indicate that advocate immunity in the criminal investigation process in Indonesia is a form of legal protection that is limited and depends on good faith, namely as long as the advocate's actions are carried out professionally, honestly, and in accordance with the law and the professional code of ethics, then he cannot be punished; however, if the advocate exceeds these limits, the advocate can still be held criminally responsible, so that the balance between professional protection and law enforcement can only be achieved through the application of firm, consistent, and adaptive professional ethics as a moral guideline as well as a control mechanism to maintain the integrity of the profession and prevent the abuse of immunity in legal practice..

I. Introduction

The legal profession of advocate holds a crucial position within the Indonesian national legal system. Advocates are not merely legal practitioners providing legal services to clients, but also an integral part of the criminal justice system, tasked with assisting, defending, and protecting the rights of citizens in legal proceedings. The existence of advocates is recognized in Law Number 18 of 2003 concerning Advocates, which places this profession on par with other law enforcement officials such as police, prosecutors, and judges.(Saepudin, 2024) Furthermore, Article 5 paragraph (1) of the Advocate Law explicitly states that advocates are law enforcement officers. This means that in carrying out their functions, advocates also play a crucial role in upholding justice, ensuring legal certainty, and safeguarding human rights.

In practicing their profession, advocates are granted guarantees of independence, freedom, and legal protection. This is intended to ensure that advocates can perform their duties optimally without fear of intervention or threats, whether from the state, law enforcement officials, or other parties. One form of protection given to advocates is legal immunity for all actions and opinions expressed in the context of carrying out their professional duties.(Fazriah et al., 2023) Article 16 of the Advocate Law states that "Advocates cannot be sued, either civilly or criminally, for carrying out their professional duties in good faith." This immunity provides advocates with the space to critically, objectively, and professionally defend their clients' legal interests, even when it requires criticizing law enforcement officials or state power.

However, in the reality of legal practice in Indonesia, the concept of advocate immunity often clashes with the reality of criminal law enforcement. Many advocates find themselves facing criminal proceedings as a result of statements or actions taken in the context of defending their clients. Cases such as the summoning of advocates as suspects based on articles concerning defamation, hate speech, or the spread of false news are a phenomenon that cannot be ignored.(Wijaya et al., 2019) This raises serious questions about the extent to which advocate immunity is respected and protected by law enforcement agencies during criminal investigations.

The problem becomes even more complex when criminal investigations are conducted against advocates who are in the midst of carrying out their professional duties. The investigation stage is a crucial initial phase in the criminal justice system, as this is where evidence is gathered and a person's legal status can change to that of a suspect. If advocates can be easily summoned, questioned, or even designated as suspects in the context of their duties, then the protective function of the profession becomes ineffective.(Gunawan, 2018) Consequently, a fear arises among advocates to speak critically or take decisive defensive measures, for fear of ending up in criminal proceedings. This phenomenon is known as the "chilling effect," a chilling effect that limits the practice of the profession due to fear of criminalization.

Furthermore, advocate immunity is often misunderstood by some parties as if advocates are immune from the law. However, legal protection for advocates does not mean that advocates cannot be touched by the law; rather, their actions and opinions in their capacity as a client's defender, carried out in good faith and based on the professional code of ethics,

cannot be used as a basis for criminal or civil prosecution. In situations where an advocate violates the law outside their professional duties or abuses their position for personal gain, they can certainly still be held criminally liable.(Ms, 2024) Oleh Therefore, protection for advocates must be coupled with the principle of professional responsibility and the enforcement of the code of ethics.

The professional ethics of advocates themselves are regulated in the Indonesian Advocate Code of Ethics (KEAI), compiled by the advocate professional organization. This code of ethics serves as a moral foundation and a guide for the conduct of advocates in carrying out their duties. Advocates are required to be honest, have integrity, be responsible, and not misuse their profession for purposes that are contrary to law and justice. Violations of the code of ethics can result in administrative sanctions or revocation of practice permits.(Sunggu & Tajuddin, 2023) In this context, ethical violations should first be handled by the Professional Honor Council before entering the criminal realm. However, in practice, this ethical process is often ignored and immediately bypassed to the criminal investigation stage by the authorities, ultimately creating an imbalance between professional protection and law enforcement.

This situation reveals a normative void and regulatory disharmony between criminal law and professional law. On one hand, criminal law is repressive and demands that every violation of the law be processed. On the other hand, the advocate profession demands special protection so that the function of defending clients is not impaired. The absence of clear and detailed rules regarding the limits of advocate immunity is the main source of these problems. Even in criminal procedure law, there is no explicit mechanism for when an advocate is to be criminally prosecuted in connection with the performance of their professional duties.(Komisi Yudisial RI, 2022) This situation is different from the professions of judges or prosecutors who have internal protection systems such as the Judicial Commission or the Attorney General's Commission.

One actual example that can be used as an illustration is a case where an advocate is questioned based on a report of defamation by an opposing witness, even though the statement reported was made in the context of defending a client in court. In such a case, if the investigator does not understand the concept of professional immunity and its limits, then the investigation could result in a violation of the advocate's constitutional rights and even undermine the principle of a fair trial. Therefore, it is necessary to update the law to comprehensively regulate the mechanism for handling advocates in the criminal process, including the ethical procedures that must be followed first, as well as the establishment of an independent supervisory body for handling cases involving advocates.

Not only from the perspective of positive law, but philosophically, protection for the advocate profession is rooted in the principles of due process of law and equality before the law. Everyone, including advocates, has the right to be protected from arbitrary actions and the right to a fair trial. However, this right must also be exercised with full responsibility. Advocates, as a noble profession (*officium nobile*), must realize that the freedom they have is not without limits, but is bound by ethical and legal norms.(Fauzia & Hamdani, 2021) In this regard, the balance between the freedom to practice the profession and legal accountability is an important principle that must be upheld proportionally.

Moreover, within the framework of international law, the concept of professional immunity for lawyers is also recognized. The United Nations Basic Principles on the Role of Lawyers (1990) explicitly states that lawyers should not be identified with their clients or their clients' cases, and should not face threats, prosecution, or pressure for carrying out their professional duties. These international principles should serve as a guide in the formation of national policies related to the protection of the legal profession within the Indonesian legal system.(S.Siagian et al., 2024)

Therefore, this research is highly relevant and urgent. The background of this research is built on the basis of the tension between the protection of the legal profession and the practice of criminal investigation in Indonesia. This imbalance, if not addressed immediately, will have a negative impact on the integrity of the judicial system and reduce public trust in law enforcement. Therefore, through this research, it is necessary to find and formulate an approach that can balance the protection of the freedom and immunity of the legal profession with the interests of law enforcement and substantive justice.

Based on the above background, the author is interested in conducting research entitled "Advocate Immunity in the Criminal Investigation Process: Balancing Professional Ethics and Law Enforcement." The following are the research problems in this study:

1. What are the limits of advocate immunity in the criminal investigation process in Indonesia according to positive law and professional ethics?
2. How can the balance between the protection of the legal profession and law enforcement be realized through the application of professional ethics?

II. Research Method

This research uses a normative legal research method, namely a research method that focuses on applicable legal norms as the object of study.(Ali, 2010) Normative legal research is often referred to as doctrinal legal research because it aims to discover legal principles, rules, and principles contained in legislation and legal doctrines. In this context, research is not based on field or empirical data, but rather on literature review and library research on regulations, court decisions, legal literature, and other legal documents. This research is highly relevant because the topic of lawyer immunity is a normative issue that concerns the protection of rights and obligations at the level of the legal system, particularly in the dimension of positive law provisions and professional ethics.

In this normative legal research, several research approaches are used. The first approach is the statutory approach, which is an approach taken by examining legislation related to the legal profession, the criminal investigation process, and legal protection norms. This approach aims to understand the normative limits of lawyer immunity as stipulated in Law Number 18 of 2003 concerning Advocates, the Criminal Procedure Code (KUHP), and other related regulations. The second approach used is the conceptual approach, which aims to trace the basic concepts of immunity, professional ethics, and law enforcement. Through this approach, researchers can delve into the substantive meaning of the concept of lawyer immunity, including the difference between absolute and limited immunity and its relevance in the context of the criminal investigation process.

The third approach also used is the case approach, which is carried out by examining several court decisions or concrete cases related to investigations against lawyers, both those carried out on grounds of criminal law violations and ethical violations. This approach is important to know how legal practice and the interpretation of law enforcement officials and courts regarding the principle of lawyer immunity. In addition, the historical approach can also be applied to understand the development of the concept of lawyer immunity over time, both in the national and international contexts, and how the evolution of legal thought influences the protection of this profession. Finally, the comparative approach is used by comparing the application of lawyer immunity in Indonesia with other countries that have similar or different legal traditions, to gain a broader and more contextual understanding.

The sources of legal material in this research are divided into three, namely primary legal material, secondary legal material, and tertiary legal material.(Marzuki, 2021) Primary legal materials are the main legal materials that form the basis of the analysis, such as Law Number 18 of 2003 concerning Advocates, the Criminal Procedure Code (KUHP), Law Number 12 of 2011 concerning the Formation of Legislation, and other relevant legislation. In addition, the Indonesian Advocate Code of Ethics (KEAI), Supreme Court Regulations, Constitutional Court decisions, and court decisions related to the advocate profession are also included as primary legal materials.

Secondary legal materials are legal materials that provide explanations of primary legal materials. This includes legal literature, opinions of legal experts, scientific journals, previous research results, and academic articles related to the advocate profession, legal immunity, and the criminal investigation process. In this case, various views from experts in constitutional law, criminal procedure law, and professional ethics will be used as references to examine the problems raised in the research. Tertiary legal materials include legal dictionaries, legal encyclopedias, and legal directories that help explain the meaning of important terms or concepts used in the research.

The data collection technique in normative legal research is carried out through a literature study (library research).(Sugiyono, 2017) Literature study is a technique used to collect legal materials from various written sources such as books, scientific journals, official documents, legislation, court decisions, and reliable digital sources. This technique allows researchers to build a comprehensive and coherent framework of thought regarding advocate immunity in the criminal investigation process, and to find common ground between professional protection and legal obligations.

The data collected through the literature study is then analyzed using a descriptive-qualitative analysis technique.(J. Moleong, 2017) This technique is used to systematically describe and explain how the legal provisions governing advocate immunity, their application in practice, and the problems that arise in the investigation process. The descriptive-qualitative approach also allows the researcher to interpret the data in depth, identify inconsistencies or gaps in the norms, and formulate logical legal arguments. In this technique, the researcher does not use statistical calculations, but rather emphasizes legal argumentation, normative reasoning, and critical analysis of the substance of the law and its implementation in practice.

Legal analysis is carried out by examining the conformity between the applicable legal norms and legal practice in the field, and assessing whether the protection of the advocate profession has been implemented in accordance with the principles of justice, legal certainty, and benefit. This analysis is also carried out by assessing the effectiveness of the existing regulations and considering the possibility of necessary legal updates. In addition, the results of the analysis are also directed to provide normative recommendations, both in the form of improvements to legislation, clarification of the limits of advocate immunity, and improvements to professional governance in the face of potential criminalization by law enforcement officials.

Thus, through a systematically structured normative legal research method supplemented by a variety of approaches, this research is expected to contribute scientifically to answering the problems concerning advocate immunity in the criminal investigation process, while also encouraging the emergence of legal policies that are more just, proportional, and responsive to the needs of the legal profession and the upholding of justice in Indonesia.

III. Results and Discussion

Limits of Advocate Immunity in the Criminal Investigation Process in Indonesia According to Positive Law and Professional Ethics

In modern legal systems, the advocate profession occupies a strategic position as part of the judicial system that functions to uphold the law, justice, and protect human rights. Advocates act as legal companions, defenders, and advisors for individuals or parties involved in legal problems, including in criminal proceedings. To support the continuity and independence of the advocate profession, the legal system provides protection through the concept of immunity. Advocate immunity is legal protection so that in carrying out their professional functions and duties, an advocate cannot be sued criminally or civilly for actions taken in defending their client, as long as they are carried out in good faith and in accordance with legal norms and professional ethics.(Saepudin, 2024)

In Indonesia, the legal provision that forms the basis for the existence of advocate immunity is explicitly stated in Article 16 of Law Number 18 of 2003 concerning Advocates (UU Advokat). This article states: "Advocates cannot be sued civilly or criminally in carrying out their professional duties in good faith for the purpose of defending clients inside or outside the court." Textually, this provision affirms that advocates have limited legal immunity that protects them while carrying out their legal defense functions. However, the clause "in good faith" is the main determinant of whether an advocate can or cannot obtain legal protection through this immunity mechanism. Consequently, if an advocate acts in bad faith, such as conveying false or misleading information, committing insults, or assisting in unlawful acts, then they are no longer under the protection of the Advocate Law.(Hafidzi, 2015)

The principle of immunity in legal practice is not new. In many countries, including under both continental and Anglo-Saxon legal systems, this principle is an important part of the protection of the right to a fair trial and the principle of due process of law. Without such protection, advocates would be in a vulnerable position to threats of criminalization from parties

who are unhappy with the defense provided.(Viganò, 2023) This would hinder the independence of advocates and impact the quality of legal defense for clients. However, because the advocate profession also has great moral power, the principle of immunity is not absolute. This is where the importance of limitations on advocate immunity lies, so that it is not misused.

The limitations of advocate immunity in the context of positive Indonesian law can be understood from several legal sources, both in the form of laws, jurisprudence, and other implementing regulations. One of the main limitations is that protection only applies if the advocate's actions are within the framework of lawfully carrying out their professional duties and are done in good faith. This means that actions of a personal nature, outside the defense function, or those carried out with the intention of unlawfully harming another party, are not protected by the provisions of Article 16 of the Advocate Law.(Winata & Dewanto, 2020) For example, if an advocate, in the process of defense, insults the opposing party outside the context of relevant legal arguments, then that action can be considered to exceed the limits of their professional immunity.

In addition to the Advocate Law, the jurisprudence of the Constitutional Court provides further clarification regarding these limitations on immunity. In Constitutional Court Decision Number 26/PUU-XI/2013, the Court stated that the phrase "in good faith" in Article 16 of the Advocate Law is conditionally constitutional, with the proviso that the performance of professional duties by an advocate must not be carried out by misusing rights or violating other legal norms. In that decision, the Court rejected a judicial review petition that sought absolute protection for advocates without the condition of "good faith". The Constitutional Court considered that the principle of immunity must still be subject to the principles of propriety, morality, and public order, so as not to give advocates room to hide unlawful acts in the name of defending clients. In other words, immunity should not be used as a shield for violations of the law.

From the perspective of criminal procedure law, the Criminal Procedure Code (KUHP) does not specifically regulate legal protection for advocates. However, in practice, the position of advocates as legal counsel has been accepted as an important part of a fair criminal justice process.(Ahmatnihar et al., 2024) Therefore, even though the Criminal Procedure Code (KUHP) does not include an immunity clause, this principle is still implemented indirectly, through the recognition of the rights of suspects or defendants to be accompanied by legal counsel. In this case, the role of advocates is recognized and must be protected, as long as the advocate's actions do not go beyond the bounds of their profession.

The limits of immunity also cannot be separated from the dimension of the advocate's professional code of ethics. In Indonesia, the Indonesian Advocate Code of Ethics (KEAI), which is enforced by professional organizations such as PERADI, provides moral and professional guidelines for carrying out the duties of an advocate. KEAI stipulates that advocates must maintain the dignity and honor of the profession, act honestly, responsibly, and avoid behavior that harms clients, the judiciary, or other parties. This code of ethics also states that advocates are prohibited from engaging in unprofessional conduct, such as conveying false information, insulting others, or mixing personal matters with their profession.(Nurhidayah, 2023)

In practice, violations of the code of ethics can lead to moral or administrative sanctions such as reprimands, suspensions, and even revocation of practice licenses. However, if the

violation of the code of ethics is accompanied by a criminal act, then an advocate can be prosecuted legally outside the framework of the profession. This shows that the limitations of immunity are not only derived from formal law, but also from professional norms that are moral and social in nature.(Ardiansyah et al., 2023) An advocate who violates the code of ethics may not be subject to criminal penalties, but still loses professional protection because they are considered to have acted in bad faith.

Concrete examples of the limitations of immunity in legal practice can be seen from a number of cases of the criminalization of advocates that have occurred in Indonesia. One example is a case where an advocate was reported to the police because the content of a summons letter they sent was considered to defame a third party. In this case, if the summons letter was indeed drafted and sent in the context of defending a client, and did not contain elements of insult or defamation that were irrelevant, then the action should be protected by advocate immunity. However, if the content of the letter deviates from the legal facts, contains threats, or attacks a person outside the legal context, then the action could be prosecuted criminally because it exceeds the bounds of professional protection.

The issue of the limits of immunity also often arises in the context of criminal investigations, where law enforcement officers examine or even designate an advocate as a suspect based on their statements in legal proceedings. This situation creates tension between professional protection and the authority of law enforcement. On the one hand, advocates feel protected by the Advocate Law and have the right to present a defense freely. On the other hand, law enforcement sees elements of criminal violations committed by the advocate, especially if the statements made contain elements of falsehood, defamation, or incitement.(Sriwidodo, 2020)

To address this issue, an objective and fair evaluation mechanism is needed that can clearly distinguish between professional actions and personal actions or actions that deviate from the law. One approach that can be taken is to strengthen the role of advocate organizations as institutions capable of providing ethical opinions or "legal opinions" in cases of alleged violations of the law by advocates. In addition, there should be provisions in criminal procedure law requiring law enforcement officers to first seek the opinion of professional organizations before designating an advocate as a suspect. This mechanism can protect advocates from arbitrary criminalization without hindering legitimate law enforcement processes.(Susiani, 2019)

From an international law perspective, the principle of advocate immunity is enshrined in documents such as the "Basic Principles on the Role of Lawyers" adopted by the United Nations in 1990. This document states that lawyers must be able to carry out their professional duties without unlawful threats, intimidation, obstacles, or interference. They should not be subject to sanctions or criminal threats for statements or legal actions taken in the course of defense.(Yusup et al., 2019) However, this principle also requires that lawyers act in accordance with the law and the code of ethics of their profession. This reinforces the idea that immunity is limited and conditional.

Therefore, it can be concluded that the limitations of advocate immunity in the criminal investigation process in Indonesia are determined by three main aspects: first, positive law, which provides protection as long as the actions are carried out in good faith within the scope of the profession; second, professional ethics, which emphasizes the moral responsibility and personal

integrity of lawyers; and third, judicial practice, which must respect professional protection but still provide room for law enforcement if violations occur. The balance between these three aspects is crucial to ensure that advocate immunity does not become a cover for professional abuse, while also ensuring that advocates can carry out their duties freely, independently, and responsibly.

Balance between Protection of the Advocate Profession and Law Enforcement Through the Implementation of Professional Ethics

The legal profession holds a strategic position within Indonesia's legal system. As one of the law enforcement elements standing alongside the police, prosecutors, and judges, advocates play a crucial role in guaranteeing the legal rights of the public, especially those facing legal issues. In carrying out their duties, advocates are not only required to defend clients professionally and objectively but must also uphold the law, justice, and the professional code of ethics that forms the basis of their moral and behavioral conduct. However, the strategic position of advocates also makes them vulnerable to criminalization, intimidation, and pressure from various parties, including law enforcement agencies.(Handayani, 2018) Therefore, regulations regarding the protection of the legal profession are necessary so that they can carry out their duties independently and free from unlawful fear or pressure. It is within this context that the important question arises: how to balance the protection of the legal profession with the demands of objective and fair law enforcement?

One of the main instruments for creating this balance is through the firm and comprehensive application of the legal profession's code of ethics. Professional ethics are a system of values and norms that govern the conduct and moral responsibilities of a lawyer in carrying out their professional duties. The Indonesian Advocate Code of Ethics (KEAI), as the primary guideline for advocate behavior, establishes fundamental principles that must be adhered to, such as independence, loyalty to clients, integrity, confidentiality, and honesty. Professional ethics not only serve as internal guidelines for advocates but also as an external instrument to control, supervise, and limit professional practice to prevent deviations or violations of the law.(Jasmine et al., 2025)

The balance referred to here is not a compromise that blurs the lines between legal violations and legal defense, but rather a state where advocates receive full protection when carrying out their duties in good faith in accordance with professional ethics, but can also be held accountable if they are proven to have misused their profession for unlawful purposes. In other words, professional ethics become an objective parameter used to assess whether a lawyer is entitled to professional protection or should instead be subject to legal sanctions. In this context, the application of professional ethics is not merely a formality or symbolic, but a vital instrument in bridging the interests of professional protection and law enforcement.

Normatively, protection for the legal profession has been guaranteed in various regulations. Law Number 18 of 2003 concerning Advocates explicitly states in Article 16 that advocates cannot be sued either civilly or criminally for carrying out their professional duties in court in good faith. This protection is a form of state recognition of the principle of freedom in carrying out legal professions. However, this protection is not an absolute form of immunity. The key phrase "in good faith" is the main indicator of whether this protection applies or

not.(Nurhidayah, 2023) This is where the role of professional ethics becomes crucial, as it serves as an objective measure of the existence of good faith. If an advocate is proven to have violated the code of ethics, then they have exceeded the limits of protection provided by law and can be held legally accountable.

Professional ethics also help distinguish between an advocate's actions that are part of their professional duties and actions that constitute a violation of the law. For example, in the context of assisting a suspect during the investigation phase, an advocate has the right to accompany and provide legal advice to their client. However, if the advocate hides or destroys evidence, obstructs the investigation, or intimidates witnesses, then they have gone beyond the scope of professional ethics and can no longer be protected by their professional immunity. The application of professional ethics in such cases will clarify the boundary between professional protection and legal violations.(Arlina et al., 2025) Thus, professional ethics not only protect professional and ethical advocates but also serve as a control mechanism against potential deviations.

Furthermore, the application of professional ethics also provides assurance to the public that advocates are not a group immune to the law. One of the major challenges in Indonesia's legal system is the persistent negative perception of the legal profession as one rife with manipulation, corruption, and unethical practices. This perception is certainly not entirely true, but it cannot be ignored either. This is where the consistent enforcement of the code of ethics by advocate professional organizations is crucial. Organizations like PERADI and others must ensure that every ethical violation is processed objectively, transparently, and fairly. The Professional Honor Council must be firm but also uphold the principles of due process in handling reports of ethical violations.(Khalid et al., 2025) With effective ethical enforcement, public trust in the legal profession will increase, and at the same time, a balance between protection and law enforcement can be achieved.

This balance also requires synergy between law enforcement agencies and advocate organizations. Conflicts between advocates and law enforcement officers often arise due to ignorance or misunderstanding of the scope of each other's roles and rights. For example, in some cases, advocates assisting clients during the investigation phase are perceived as disrupting or obstructing the legal process, even though they are carrying out their duties legally. Therefore, a shared understanding of the boundaries of authority and the scope of professional practice needs to be built through dialogue forums, joint training, and the development of inter-professional work guidelines. The application of professional ethics in line with positive law will facilitate the realization of this synergy.

Furthermore, the application of professional ethics must be supported by a strong legal education system. Law students who wish to become advocates must be equipped from the outset with adequate ethics education. It is not enough to only master the substantive aspects of the law; a prospective advocate must understand the moral principles and social responsibility of the legal profession. Ethics training, case simulations, and the strengthening of integrity values must be an integral part of the advocate's education curriculum. Professional organizations must also provide ongoing training programs on ethics and professionalism for their members, both new and experienced practitioners.(Shalihah, 2019) In this way, ethical awareness becomes not just rhetoric, but part of the professional culture.

One important aspect of professional ethics is the principle of independence. Advocates must be free from outside intervention, including from clients, in providing legal advice and making professional decisions. This principle protects advocates from becoming tools of power or specific interests that can damage legal integrity. However, this independence also demands high responsibility. A truly independent advocate will not accept bribes, will not manipulate evidence, and will not sacrifice justice for personal or material gain.(Ahmatnijar et al., 2024) In this context, professional ethics serve as both a protector and a controller of the freedom enjoyed by advocates.

The application of professional ethics must also be adaptive to the changing times. The challenges faced by the legal profession in the digital age are vastly different from previous eras. Practices such as the dissemination of information on social media, electronic communication with clients, and the use of technology in legal defense require new interpretations of classic ethical principles. For example, the principle of client confidentiality must be carefully applied in digital communication, which is vulnerable to hacking. This is where the role of advocate organizations lies in continuously revising and updating the code of ethics to suit the current context. Without this updating, the application of ethics will lose relevance and will not be able to guide the dynamics of the profession.(Mulisi, 2018)

Furthermore, within the broader framework of the legal system, the balance between professional protection and law enforcement must also be upheld by judicial institutions. Courts must be able to assess whether an advocate's actions are within the bounds of their profession or constitute a criminal offense. Judges must be objective in assessing cases involving advocates and not immediately criminalize actions that are part of legal defense. Jurisprudence must also be developed progressively to provide clear boundaries in the practice of the legal profession. For example, in several decisions by the Constitutional Court, it has been affirmed that advocates who carry out their duties in good faith cannot be prosecuted criminally.(Husin, 2020) Such decisions are important to strengthen the ethical and legal position of the legal profession within the judicial system.

In conclusion, the application of the legal profession's code of ethics is a key instrument for achieving a balance between professional protection and law enforcement. Professional ethics are not only a moral guideline but also a control and protection mechanism. Through the firm application of ethics, advocates who carry out their duties professionally will be protected from criminalization. Conversely, advocates who misuse their profession will be subject to ethical and legal sanctions. Within this framework, professional ethics are key to maintaining the integrity of the legal profession and ensuring that the legal system operates fairly, equitably, and with dignity.

IV. Conclusion

Based on the discussion above, it can be concluded that the immunity of advocates in the criminal investigation process in Indonesia is a form of legal protection provided to guarantee the freedom and independence of advocates in carrying out their professional duties of defending the legal interests of clients. However, this immunity is limited and not absolute. The main limitation of this immunity lies in the element of "good faith," meaning that advocates are only protected if their actions are carried out professionally, honestly, and in accordance with the law and the professional code of ethics. If an advocate exceeds the limits of their professionalism, commits a

legal violation, or acts in bad faith, then that immunity is void and the advocate can be held criminally liable. Therefore, it is important to have a balance between the protection of the legal profession and efforts to uphold justice, as well as a strong ethical supervisory mechanism to prevent the misuse of immunity in legal practice.

The balance between the protection of the legal profession and law enforcement can be achieved through the firm and consistent application of professional ethics. The professional ethics of advocates serve as a moral guideline that not only maintains the independence and integrity of advocates in carrying out their legal defense duties but also as a control mechanism against the misuse of the profession. With the existence of professional ethics, advocates can carry out their duties freely and responsibly, while the legal system remains able to uphold justice and avoid potential deviations that are detrimental to the parties involved. Therefore, the strengthening and application of professional ethics that are adaptive to the development of the times are the key to maintaining this balance in the Indonesian legal system.

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