

**Reconstruction of The Governance of Advocate Organizations After
The Decision of The Constitutional Court Number
126/PUU-XXIV/2026**

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Abstract

Constitutional Court Decision Number 126/PUU-XXIV/2026 represents an important development in the governance of advocate organizations in Indonesia by shifting the legal debate from the dichotomy between single-bar and multi-bar systems toward the institutional design of professional regulation. However, studies examining the constitutional implications of this Decision for the relationship among advocate organizations, professional regulators, and the state remain limited. This study analyzes the ratio decidendi and constitutional implications of Constitutional Court Decision Number 126/PUU-XXIV/2026 and formulates an institutional model for reconstructing advocate governance in Indonesia. The research employs normative legal research using statutory, case, conceptual, and comparative approaches. Legal materials are analyzed through systematic, historical, teleological, and comparative interpretation. The findings demonstrate that the Decision establishes constitutional parameters for reforming advocate governance by emphasizing the separation between representative and regulatory functions, strengthening professional independence, ensuring legal certainty, and improving institutional accountability. Based on these findings, this study proposes the Plural Representation–Unified Professional Regulation Model, which maintains organizational plurality in representative and professional-development functions while placing standardization, registration, supervision, discipline, and ethical enforcement within an independent and accountable regulatory framework. This model contributes to constitutional-law scholarship by reframing advocate organizations as part of professional governance with public and constitutional dimensions. The study also provides a normative framework for reforming Law Number 18 of 2003 concerning Advocates toward more independent, accountable, and constitutionally coherent professional governance.

Keywords: advocate organizations, constitutional governance, professional regulation

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Abstrak

Putusan Mahkamah Konstitusi Nomor 126/PUU-XXIV/2026 merupakan perkembangan penting dalam tata kelola organisasi advokat di Indonesia karena menggeser perdebatan hukum dari pilihan antara sistem single bar dan multi-bar menuju persoalan desain kelembagaan profesi advokat. Namun, kajian yang secara khusus menganalisis implikasi konstitusional putusan tersebut terhadap hubungan antara organisasi advokat, regulator profesi, dan negara masih terbatas. Penelitian ini bertujuan menganalisis ratio decidendi dan implikasi konstitusional Putusan Mahkamah Konstitusi Nomor 126/PUU-XXIV/2026 serta merumuskan model kelembagaan untuk merekonstruksi tata kelola organisasi advokat di Indonesia. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, kasus, konseptual, dan perbandingan. Bahan hukum dianalisis melalui penafsiran sistematis, historis, teleologis, dan komparatif. Hasil penelitian menunjukkan bahwa putusan tersebut memberikan arah konstitusional bagi pembaruan tata kelola advokat melalui pemisahan fungsi representasi dan fungsi regulasi, penguatan independensi profesi, kepastian hukum, serta akuntabilitas kelembagaan. Temuan juga menunjukkan bahwa persoalan utama tidak semata-mata terletak pada jumlah organisasi advokat, melainkan pada belum jelasnya pembagian kewenangan, standar profesi, mekanisme pengawasan, dan hubungan kelembagaan antara organisasi advokat, regulator, dan negara. Berdasarkan temuan tersebut, penelitian ini menawarkan Model Representasi Plural–Regulasi Profesi Terpadu, yang tetap mengakui keberagaman organisasi advokat dalam fungsi representasi dan pengembangan profesi, tetapi menempatkan standardisasi, registrasi, pengawasan, disiplin, dan penegakan etika dalam sistem regulasi yang independen dan akuntabel. Model ini diharapkan dapat memperkuat kebebasan berserikat, independensi advokat, kepastian hukum, serta perlindungan kepentingan masyarakat pencari keadilan. Penelitian ini memberikan kontribusi bagi pengembangan hukum tata negara dan menjadi kerangka normatif bagi pembaruan Undang-Undang Nomor 18 Tahun 2003 tentang Advokat.

Kata kunci: kelembagaan konstitusional, organisasi advokat, regulasi profesi

1. INTRODUCTION

The development of a democratic constitutional state places the advocate profession in a strategic position in upholding the rule of law, protecting human rights, and ensuring access to justice. In modern legal systems, advocate organizations do not merely function as professional associations but also play an important role in maintaining professional independence, developing ethical standards, supporting professional competence, and

ensuring accountability in the provision of legal services.¹ Accordingly, the institutional design of advocate organizations forms part of the broader constitutional architecture because it directly affects the protection of citizens' rights to legal representation, a fair trial, and legal certainty.² The governance of the advocate profession must therefore be assessed not only from the perspective of organizational autonomy but also through the principles of independence, accountability, transparency, legal certainty, and protection of the public interest.

Comparative practice demonstrates that advocate professions are governed through different institutional models, including single-bar, multi-bar, and regulated multi-bar systems. England and Wales separate professional representation from regulatory functions through an independent regulatory structure, while the United States recognizes both integrated and voluntary bar associations at the state level. Australia and Canada similarly employ professional regulatory mechanisms that distinguish, to varying degrees, professional representation from public-interest regulation.³ These variations indicate that effective professional governance is not determined solely by whether one or several advocate organizations exist, but by how authority over representation, professional standards, supervision, discipline, and accountability is institutionally distributed. This comparative perspective provides an analytical basis for evaluating the institutional problems of advocate governance in Indonesia.

In Indonesia, the governance of advocate organizations has developed dynamically since the enactment of Law Number 18 of 2003 concerning Advocates. The Law was initially constructed around the idea of a single professional forum, while subsequent institutional practice has resulted in the emergence of multiple advocate organizations. This development reflects the exercise of freedom of association guaranteed under Article

¹Public Defender's Office, E N El, And Estado D E Derecho, "Active Citizenship And Access To Justice : The Centrality of," 1988.

²Achmad Fauzan Ramadhan, "Law and Democracy: Synergy of the State of Law and Citizen Participation," *Islamic Law: Siyasa Journal* 10, no. 2 (2025): 192–202, <https://doi.org/10.53429/iljs.v10i2.1814>.

³Rakhmonova Surayyo Makhmudovna, "The American Journal of Political Science Law and Criminology Institutional Status Of Advocacy Strengthened At The American Journal Of Political Science Law And Criminology" 05, no. 04 (2023): 119–23.

28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, but it has also generated institutional fragmentation, differences in professional education and supervision, uncertainty regarding organizational authority, and inconsistencies in professional governance. The central problem is therefore no longer merely whether Indonesia should adopt a single-bar or multi-bar system, but whether the existing institutional structure can ensure uniform professional standards while respecting organizational plurality and professional independence.

Constitutional Court Decision Number 126/PUU-XXIV/2026 represents an important constitutional development in addressing these institutional problems. The Decision places greater emphasis on the governance of the advocate profession, particularly the need to distinguish representative functions from regulatory, standard-setting, supervisory, and disciplinary functions.⁴ Importantly, the Decision should not be interpreted as constitutionally mandating either a single-bar or multi-bar model. Rather, it establishes constitutional parameters for lawmakers to redesign advocate governance in a manner that ensures legal certainty, professional independence, institutional accountability, and protection of justice-seeking communities. In this respect, the significance of the Decision extends beyond organizational legitimacy and concerns the broader constitutional relationship among the state, professional organizations, professional regulators, and citizens who depend on legal services.

Previous studies have largely concentrated on the debate between single-bar and multi-bar systems, conflicts of authority among advocate organizations, professional independence, and the implementation of the Advocate Law.⁵ These studies provide an important basis for understanding the institutional development of the advocate profession, but they have not sufficiently examined advocate organizations through an integrated constitutional governance framework that connects freedom of association, professional independence, regulatory neutrality, accountability, legal certainty, and

⁴Courtesy of Sanjaya, "As-Syar ' I : Journal of Family Guidance & Counseling As-Syar ' I : Journal of Family Guidance & Counseling" 7 (2025): 160–73, <https://doi.org/10.47476/assyari.v7i4.9353>.

⁵Anna Hulu and Herlina Manullang, "The Role of Advocates as Law Enforcers in Assisting Suspects," *ISO Journal: Journal of Social, Political and Humanities* 5, no. 2 (2025): 9, <https://penerbitadm.pubmedia.id/index.php/iso/article/view/3053>.

protection of the public interest. Existing studies also provide limited analysis of how Constitutional Court Decision Number 126/PUU-XXIV/2026 changes the focus of the debate from organizational legitimacy toward the constitutional design of professional governance.⁶ This gap is particularly significant because the Decision requires legislative reform, making it necessary to distinguish clearly between the constitutional principles established by the Court and the specific institutional model that may be developed by lawmakers.

Based on this gap, this study aims to analyze the ratio decidendi of Constitutional Court Decision Number 126/PUU-XXIV/2026 from the perspective of constitutional law, examine its constitutional implications for the governance of advocate organizations in Indonesia, and formulate a model for reconstructing advocate governance that balances professional independence, freedom of association, legal certainty, institutional accountability, and protection of the public interest.⁷ This study lies in two aspects. First, it develops a constitutional governance framework for analyzing advocate organizations through the interrelated principles of independence, accountability, regulatory neutrality, legal certainty, freedom of association, and public protection. Second, it proposes the Plural Representation–Unified Professional Regulation Model, which separates the representative role of advocate organizations from independent regulatory functions while maintaining nationally applicable professional standards.⁸ The proposed model constitutes the authors' normative reconstruction derived from the constitutional parameters of Decision Number 126/PUU-XXIV/2026 and comparative professional-governance practices, rather than an institutional model expressly mandated by the

⁶Harlina Hamid and Nurasia Natsir, "Reform of the Judicial Review System: Evaluation of the Constitutional Court's Authority in Maintaining Constitutional Supremacy," *Proceeding of the International Conference on Law and Human Rights* 2, no. 1 (2025): 43–48, <https://doi.org/10.62383/iclehr.v2i1.58>.

⁷Dini Shantya, Riyan Ramdani, and Ali Khosim, "AS- SYAR ' I : The Journal of Family Guidance & Counseling AS- SYAR ' I : Journal of Family Guidance & Counseling," *AS- SYAR ' I : Journal of Family Guidance & Counseling* 5, no. 3 (2025): 533–44, <https://doi.org/10.47476/assyari.v7i4.9356>.

⁸Dr. Pushkar Shankar Shukla et al., "The Evolution of Constitutional Law in the 21St Century: A Comprehensive Research Study on Judicial Interpretation, Democratic Governance, and Fundamental Rights," *Lex Localis - Journal of Local Self-Government* 23, no. S6 (2025): 6690–98, <https://doi.org/10.52152/d95h2z58>.

Constitutional Court.⁹ Theoretically, this study contributes to constitutional-law scholarship on the governance of legal professions, while practically it provides a normative framework for lawmakers in reforming the Advocate Law toward a more independent, accountable, and constitutionally coherent professional-governance system.

2. RESEARCH METHODS

This study employs normative legal research to examine Constitutional Court Decision Number 126/PUU-XXIV/2026 from the perspective of constitutional law and to develop a normative model for reconstructing the governance of advocate organizations in Indonesia. This method is appropriate because the research focuses on legal norms, constitutional principles, statutory regulations, judicial decisions, and legal doctrines governing the relationship among the state, advocate organizations, professional regulators, and the protection of citizens' constitutional rights.¹⁰ The analysis therefore treats law as a normative system and examines the coherence, hierarchy, interpretation, and interaction of legal rules relevant to the governance of the advocate profession. Normative legal research is particularly relevant for identifying legal principles, examining inconsistencies among legal norms, and formulating prescriptive solutions to institutional legal problems.

The research applies statutory, case, conceptual, and comparative approaches.¹¹ The statutory approach examines the 1945 Constitution of the Republic of Indonesia, Law Number 18 of 2003 concerning Advocates, and other relevant regulations, while the case approach focuses primarily on the ratio decidendi and constitutional implications of Constitutional Court Decision Number 126/PUU-XXIV/2026 and relevant preceding Constitutional Court decisions. The conceptual approach is used to analyze professional

⁹Oleksandr Lavryk et al., "The Role of Advocacy in the Investigation of Crimes against the Life and Health," *Multidisciplinary Science Journal* 8, no. 4 (2026): 1–12, <https://doi.org/10.31893/multiscience.2026258>.

¹⁰Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2, 2023): 1–9, <https://doi.org/10.22219/aclj.v4i1.24855>.

¹¹P. Ishwara Bhat, "Doctrinal Legal Research as a Means of Synthesizing Facts, Thoughts, and Legal Principles," in *Idea and Methods of Legal Research* (Oxford University Press Delhi, 2020), 143–68, <https://doi.org/10.1093/oso/9780199493098.003.0005>.

independence, freedom of association, constitutional governance, accountability, legal certainty, regulatory neutrality, and protection of the public interest. The comparative approach examines selected models of professional regulation in England and Wales, the United States, Australia, and Canada, particularly regarding the institutional separation between professional representation and regulatory functions. Primary and secondary legal materials are analyzed qualitatively through systematic, historical, teleological, and comparative interpretation. The results of these analyses are subsequently synthesized to distinguish the constitutional parameters established by the Constitutional Court from the institutional reconstruction proposed by the authors and to formulate the Plural Representation Unified Professional Regulation Model as a prescriptive governance framework.

3. RESULTS AND DISCUSSION

3.1. Constitutional and Institutional Problems in the Governance of Advocate Organizations

The advocate profession occupies a distinctive position within the Indonesian legal system because advocates perform functions that extend beyond the provision of private legal services. As part of the law-enforcement system, advocates contribute to the protection of individual rights, access to justice, and the effective operation of judicial institutions. This position requires a governance system capable of safeguarding professional independence while simultaneously ensuring competence, integrity, accountability, and adherence to professional ethics. Law Number 18 of 2003 concerning Advocates reflects this principle by recognizing advocates as a free and independent profession responsible for upholding law, justice, and human rights.¹² Accordingly, the governance of advocate organizations must be understood not merely as an internal professional matter but as an institutional component of the broader justice system and the protection of justice-seeking communities.

¹²Topan Oddye Prastyo Sunaryo et al., "Legal Certainty Advocate Organizational System Arrangements in the Implementation of Professional Quality with the Value of Justice," *Journal of Social and Environmental Management* 18, no. 2 (2024): e5762, <https://doi.org/10.24857/rgsa.v18n2-115>.

The normative structure established by the Advocate Law nevertheless creates an institutional problem because representative and regulatory functions are concentrated within advocate organizations. Article 28(1) constructs the Advocate Organization as the sole professional forum, while Article 12(1) places the supervision of advocates within the authority of the Advocate Organization. This arrangement was initially intended to establish an integrated system of professional self-regulation in which organizational unity would support uniform professional standards.¹³ However, the concentration of representation, professional development, supervision, and disciplinary authority within the same institutional structure creates questions regarding the distribution of authority, institutional accountability, and the potential conflict between protecting members and regulating their professional conduct.

These institutional tensions became increasingly apparent with the development of multiple advocate organizations in practice. Although the Advocate Law was initially designed around the concept of a single bar, the institutional reality has gradually evolved toward organizational plurality.¹⁴ Previous Constitutional Court decisions, including Decision Number 112/PUU-XII/2014, Decision Number 36/PUU-XIII/2015, and Decision Number 95/PUU-XIV/2016, have also influenced the institutional development of the advocate profession, particularly in relation to advocates' oaths and professional education.¹⁵ These developments demonstrate that the central legal issue can no longer be reduced to a binary choice between a single-bar and a multi-bar system; rather, the more fundamental question concerns how professional standards can remain consistent within a plural organizational environment.

Organizational plurality becomes problematic when statutory authority remains formulated on the assumption that there is only one "Advocate Organization." Under

¹³Nur Solikin and Anis Rohmatullah, "The Regulatory Reform of Advocate Organizations in Proposing Oath of Prospective Advocates in Indonesia," *Journal of Legal Reform Studies* 2, no. 2 (2022): 133–54, <https://doi.org/10.19184/jkph.v2i2.23400>.

¹⁴Sri Andini, Nur Fadhillah Ramadhani, and Faisal Lubis, "The Function of the Role and Responsibility of the Advocate Profession in the Criminal Justice Process," *ADIL: Legal Journal* 13, no. 2 (2022): 119–28, <https://doi.org/10.33476/ajl.v13i2.3089>.

¹⁵Alia Sanaya Ulfah, Dadang Supriyatna, and Mulyadi, "The Single Bar System Model of Indonesian Advocate Organizations in Improving Professionalism," *Karimah Tauhid* 3, no. 4 (2024): 5212–20, <https://doi.org/10.30997/karimahtauhid.v3i4.13094>.

these circumstances, differences among organizations may extend beyond internal organizational matters and affect professional education, membership requirements, supervision, codes of ethics, disciplinary procedures, and the recognition of professional authority.¹⁶ The existence of different internal standards may consequently produce uncertainty regarding which institution is authorized to supervise advocates, how ethical violations should be adjudicated, and whether disciplinary decisions issued by one organization have broader professional legitimacy.¹⁷ The fundamental problem is therefore not organizational plurality itself, but regulatory fragmentation arising from the absence of nationally consistent standards and clearly allocated institutional authority.

The governance problems described above demonstrate that the institutional challenges of advocate organizations arise from a mismatch between the normative construction of the Advocate Law and the plural organizational reality that has developed in practice. This mismatch affects not only organizational legitimacy but also the distribution of regulatory authority, professional standardization, supervision, ethical enforcement, and accountability. For analytical clarity, the principal governance problems can be mapped by comparing the existing normative framework, institutional reality, resulting legal consequences, and the direction of governance reform required to address each problem. Such a mapping is important because it demonstrates that the weaknesses of the current system are interconnected and cannot be resolved merely by determining whether Indonesia should adopt a single-bar or multi-bar organizational structure.

Table 1. Mapping of Governance Problems of Advocate Organizations in Indonesia

Governance Dimension	Existing Normative Framework	Institutional Reality	Main Legal and Governance Problem	Direction of Reconstruction
Organizational structure	Article 28(1) of the Advocate	Multiple advocate	A gap arises between the	Recognition of organizational

¹⁶Rio Saputra and Mokhammad Najih, "Is It Possible? The Improvements of Indonesian Advocate Code of Ethics (KEAI) during the Multi Organizational," *Varia Justice* 17, no. 3 (2021): 275–86, <https://doi.org/10.31603/variajusticia.v17i3.6306>.

¹⁷Aam Munawar Yasin, "Enforcement of the Code of Ethics in the Advocate Professional Environment on the Board of Management of the Indonesian Advocates Association Branch (DPC AAI)," *The Glorification of the Law* 7, no. 1 (2024), <https://doi.org/10.30999/ph.v7i1.3804>.

	Law constructs the Advocate Organization as a single professional forum.	organizations operate in practice.	statutory single-organization framework and organizational plurality.	plurality accompanied by nationally uniform professional regulation.
Representative function	Advocate organizations represent and develop the interests of their members.	Organizations differ in membership, institutional orientation, and internal governance.	Competition over organizational legitimacy may shift attention away from professional governance.	Representative autonomy should remain with each advocate organization.
Professional regulation	Regulatory authority is largely attached to the Advocate Organization.	Different organizations may apply different professional mechanisms and standards.	Fragmentation of standards creates legal uncertainty concerning professional status and regulatory authority.	Regulatory functions should be governed through nationally applicable standards.
Professional supervision	Article 12(1) assigns advocate supervision to the Advocate Organization.	Supervision is conducted within organizational structures that also represent members.	Potential conflict between member representation and objective professional supervision.	Separation between representative functions and independent professional supervision.
Ethical and disciplinary enforcement	Ethical enforcement is conducted through organizational honorary councils.	Organizational plurality may produce different disciplinary procedures and consequences.	Similar professional misconduct may be treated differently depending on organizational affiliation.	Establishment of uniform ethical and disciplinary standards applicable nationally.
Professional education and competence	The Advocate Law provides a general professional framework.	Professional education and qualification mechanisms may vary among organizations.	Differences in competency standards may affect professional quality and public confidence.	National minimum standards for education, examination, and professional competence.

Institutional accountability	Self-regulation gives substantial authority to professional organizations.	Representative, supervisory, and disciplinary functions may be concentrated within the same institutional structure.	Weak institutional checks and balances and potential conflicts of interest.	Independent, transparent, and accountable regulatory mechanisms.
Constitutional direction after Decision Number 126/PUU-XXIV/2026	The existing Advocate Law remains based on an institutional design requiring legislative reform.	Organizational plurality and fragmented governance continue to require regulatory clarification.	Continuing uncertainty may affect advocates and justice-seeking communities.	Legislative reconstruction based on separation of functions, regulatory independence, legal certainty, and public protection.

Source: Authors' analysis based on the Advocate Law and Constitutional Court Decision Number 126/PUU-XXIV/2026.

Table 1 demonstrates that the central weakness of the current governance framework lies not in organizational plurality itself, but in the absence of a clear institutional separation between professional representation and regulatory authority. The most significant problems emerge when organizational plurality operates within a statutory framework originally designed for a single professional forum, while supervision, ethical enforcement, professional standards, and disciplinary authority remain institutionally attached to advocate organizations. This configuration creates two interconnected risks: regulatory fragmentation across organizations and conflicts of interest within organizations that simultaneously represent and regulate their members. Therefore, the constitutional challenge identified in Decision Number 126/PUU-XXIV/2026 should be understood as a governance-design problem requiring clearer allocation of authority, nationally consistent professional standards, and independent accountability mechanisms rather than merely a dispute over organizational form.

The concentration of representative and regulatory functions also raises concerns regarding institutional independence and professional accountability. A professional organization is naturally expected to represent, protect, and advocate for the interests of

its members.¹⁸ A regulatory institution, by contrast, must objectively establish standards, investigate violations, and impose disciplinary consequences when professional obligations are breached. When these functions are exercised by the same institutional structure, a potential conflict of interest emerges between member representation and public-interest regulation.¹⁹ Good professional governance therefore requires mechanisms of institutional checks and balances capable of preserving advocates' freedom of association while ensuring that supervision and disciplinary enforcement remain independent, transparent, objective, and accountable.

Constitutional Court Decision Number 126/PUU-XXIV/2026 provides a new constitutional framework for evaluating these governance problems. The Decision examines, among other provisions, Article 12(1) and Article 28(1) of the Advocate Law and places particular attention on the institutional relationship between professional representation and regulatory authority.²⁰ The Court determined that the existing legal framework requires legislative reform and established a maximum period of two years for lawmakers to amend or replace the Advocate Law in accordance with the constitutional parameters established in relevant Constitutional Court decisions.²¹ The significance of the Decision therefore extends beyond disputes concerning organizational legitimacy, it identifies the governance of the advocate profession as a constitutional design problem requiring legislative restructuring to prevent continuing legal uncertainty for advocates and justice-seeking communities.

The need for reconstruction should consequently be directed toward institutional clarity, uniform professional standards, and accountable regulatory mechanisms rather than merely determining whether Indonesia should retain a single-bar or adopt a multi-

¹⁸Leo Nardo, "Accountability of the Advocate Code of Ethics for Violations Committed by Advocates," *Scientific Journal Publika* 11, no. 1 (2023), <https://doi.org/10.33603/publika.v11i1.8214>.

¹⁹Vidi Galenso Syarif, "The Position of Advocate Organizations in the Judicial Power System," *Scientific Journal Publika* 11, no. 1 (2023): 42–51, <https://doi.org/10.33603/publika.v11i1.8200>.

²⁰Constitutional Court of the Republic of Indonesia, "Constitutional Court Decision Number 126/PUU-XXIV/2026" (Constitutional Court of the Republic of Indonesia, 2026), https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_14407_1781684918.pdf.

²¹Heqy Rioscar Bramanta, I Gede Widhiana Suarda, and Moh. Ali, "The Principle of Legal Certainty of Advocate Organizations in the Context of Legal Protection for Advocate Service Users," *As-Syar'i: Journal of Family Guidance & Counseling* 7, no. 3 (2025): 384–403, <https://doi.org/10.47467/as.v7i3.9218>.

bar system. A sustainable governance framework requires.²² First, clarity regarding the legal position and representative function of advocate organizations. Second, nationally applicable standards for education, competence, registration, supervision, discipline, and professional ethics, and third, an independent and transparent accountability mechanism capable of protecting both advocates and users of legal services.²³ This approach shifts the orientation of reform from “organizational unity” toward “unity of professional standards and governance,” thereby creating the conceptual basis for separating representative functions from regulatory functions in the reconstruction of advocate governance after Constitutional Court Decision Number 126/PUU-XXIV/2026.

3.2. Reconstruction of Functions and Regulatory Architecture of Advocate Governance

Constitutional Court Decision Number 126/PUU-XXIV/2026 marks an important shift in the governance of the advocate profession by moving the constitutional debate beyond the question of whether Indonesia should maintain a single-bar or accommodate a multi-bar system. The more fundamental concern identified by the Court relates to the institutional distribution of representative and regulatory functions within the advocate profession.²⁴ This shift requires the reconstruction of advocate governance to focus on the allocation of authority, regulatory independence, institutional accountability, and nationally consistent professional standards rather than merely determining which organization possesses professional legitimacy.²⁵ In this context, the constitutional direction of reform lies in establishing a governance structure capable of accommodating organizational plurality without producing fragmentation of professional regulation.

²²Ninik Mutiah et al., "The Authority of Advocates in Providing Legal Assistance to People Having Problems with the Legal," *Independent Judiciary: A Scientific Journal of Law* 11, no. 2 (2025): 83–91, <https://doi.org/10.33319/yume.v11i2.348>.

²³Sofia Nur Azizah Samsi and Rusli Subrata, "The Critical Role of Advocates and Professional Advocate Organizations in the Judicial System Regarding Challenges and Opportunities in the Modern Era," *Madani: A Multidisciplinary Scientific Journal* 2, no. 6 (2024), <https://doi.org/10.5281/zenodo.11520179>.

²⁴Adithiya Diar, Aqshal Habibillah Alifri, and Muhammad Bintang, "Single Regulator in Multi Bar Advocate Organizations for the Future of Independent Advocates," *The Face of the Law* 8, no. 2 (2024): 684–91, <https://doi.org/10.33087/wjh.v8i2.1589>.

²⁵Indonesia, "Constitutional Court Decision Number 126/PUU-XXIV/2026."

The first element of reconstruction concerns the representative function of advocate organizations. Advocate organizations remain essential as professional associations that represent members, articulate professional interests, develop professional capacity, provide internal guidance, and strengthen solidarity within the legal profession.²⁶ These functions are closely connected to advocates' constitutional freedom of association and should therefore remain within the autonomy of professional organizations.²⁷ However, organizational autonomy should not be interpreted as an exclusive authority to regulate all aspects of professional status, particularly when regulatory decisions affect advocates beyond the membership boundaries of a particular organization. A clearer distinction between representative autonomy and public regulatory authority is therefore necessary to maintain both freedom of association and institutional accountability.

The second element concerns the reconstruction of regulatory functions. Unlike representative functions, regulation of professional competence, education, registration, supervision, discipline, and ethical enforcement has broader public consequences because it affects the quality and integrity of legal services available to justice-seeking communities.²⁸ For this reason, regulatory functions require greater neutrality and independence from the organizational interests of particular professional associations.²⁹ The constitutional direction emerging from Decision Number 126/PUU-XXIV/2026 supports the establishment of a regulatory architecture in which nationally applicable standards are administered through mechanisms that are independent, objective, and

²⁶Bramedika Kris Endira et al., "The Position and Role of Advocate Professional Organizations for Advocates Facing the Law," *USM Law Review Journal* 5, no. 1 (2022): 389–400, <https://doi.org/10.26623/julr.v5i1.4841>.

²⁷Ristan B P Simbolon, Juwita, and Yusuf Gunawan, "The Responsibility of Advocate Professional Organizations to Their Members Who Face the Law in Carrying Out Their Profession in Good Faith," *Journal of Pro-Law: Research Journal of the Legal Field of Gresik University* 11, no. 3 (2022): 161–69, <https://doi.org/10.55129/v11i3.2138>.

²⁸Abdullah Ahmad Mukhtarzain, "Policy Dualism Related to Advocate Organizations in the Decision of the Constitutional Court No. 101/PUU-VII/2009 and the Letter of the Chief Justice of the Supreme Court No. 73/KMA/HK.01/IX/2015," *As-Syar'i: Journal of Family Guidance & Counseling* 6, no. 1 (2024): 290–304, <https://doi.org/10.47467/as.v6i1.345>.

²⁹Yolanda Veronika de La Bethionore, "The Application of the Single Bar System in the Advocate Bill after the Constitutional Court Decision," *FAIR JOURNAL* 8, no. 2 (2023): 311–36, <https://doi.org/10.37859/jeq.v8i2.4950>.

accountable. Such separation does not diminish the importance of advocate organizations but places each function within an institution whose characteristics correspond to its regulatory purpose.

The separation of representative and regulatory functions is also necessary to prevent institutional conflicts of interest. An organization that simultaneously represents members, defends their professional interests, establishes regulatory standards, supervises conduct, and imposes disciplinary sanctions may face structural tension between advocacy for members and protection of the public interest.³⁰ The existence of this tension does not necessarily mean that professional organizations act improperly, but it demonstrates that institutional design itself may create conditions in which regulatory objectivity can be questioned.³¹ Therefore, functional separation should be understood as an application of checks and balances within professional governance, ensuring that member representation remains strong while decisions concerning professional status are subject to independent and accountable mechanisms.

A reconstructed governance model consequently requires a clear distribution of authority between advocate organizations and professional regulators. Advocate organizations may retain primary responsibility for member representation, professional advocacy, organizational development, internal capacity building, and participation in professional education.³² In contrast, an independent regulator should hold primary authority over competency standards, registration, professional supervision, discipline, ethical enforcement, and other regulatory matters that apply nationally.³³ Advocate

³⁰Bramedika Kris Endira et al., "The Position and Role of Advocate Professional Organizations for Advocates Facing the Law," *USM Law Review Journal* 5, no. 1 (2022): 389–400, <https://doi.org/10.26623/julr.v5i1.4841>.

³¹Yolanda Veronika de La Bethionore, "The Application of the Single Bar System in the Advocate Bill after the Constitutional Court Decision," *FAIR JOURNAL* 8, no. 2 (2023): 311–36, <https://doi.org/10.37859/jeq.v8i2.4950>.

³²Abdullah Ahmad Mukhtarzain, "Policy Dualism Related to Advocate Organizations in the Decision of the Constitutional Court No. 101/PUU-VII/2009 and the Letter of the Chief Justice of the Supreme Court No. 73/KMA/HK.01/IX/2015," *As-Syar'i: Journal of Family Guidance & Counseling* 6, no. 1 (2024): 290–304, <https://doi.org/10.47467/as.v6i1.345>.

³³Ristan B P Simbolon, Juwita, and Yusuf Gunawan, "The Responsibility of Advocate Professional Organizations to Their Members Who Face the Law in Carrying Out Their Profession in Good Faith," *Journal of Pro-Law: Research Journal of the Legal Field of Gresik University* 11, no. 3 (2022): 161–69, <https://doi.org/10.55129/v11i3.2138>.

organizations may continue to participate in standard-setting and professional development, but participatory involvement must be distinguished from final regulatory authority in order to prevent overlapping jurisdiction and renewed institutional dualism.

Regulatory independence constitutes a central requirement of this institutional reconstruction. Independence in this context means that the regulator must be sufficiently insulated from the dominance of individual advocate organizations and from direct governmental intervention in technical professional decisions. At the same time, independence cannot be understood as freedom from accountability.³⁴ The institutional design must therefore establish transparent appointment procedures, clear terms of office, objective qualification requirements, decision-making standards, reporting obligations, and mechanisms for reviewing regulatory decisions.³⁵ Such safeguards are necessary to prevent the transfer of concentrated authority from advocate organizations to a new regulator that lacks sufficient accountability.

The relationship among advocate organizations, professional regulators, and the state should ultimately be structured as a functional rather than hierarchical relationship. The state is responsible for establishing the constitutional and legislative framework, defining institutional authority, and guaranteeing accountability, while the professional regulator administers nationally applicable standards and advocate organizations perform representative and professional-development functions.³⁶ This arrangement reflects a transformation from organization-centered self-regulation toward a model of distributed professional governance in which organizational plurality remains protected, but regulatory authority is unified through independent standards and accountability

³⁴Yolanda Veronika de La Bethionore, "The Application of the Single Bar System in the Advocate Bill after the Constitutional Court Decision," *FAIR JOURNAL* 8, no. 2 (2023): 311–36, <https://doi.org/10.37859/jeq.v8i2.4950>.

³⁵Bramedika Kris Endira et al., "The Position and Role of Advocate Professional Organizations for Advocates Facing the Law," *USM Law Review Journal* 5, no. 1 (2022): 389–400, <https://doi.org/10.26623/julr.v5i1.4841>.

³⁶Andini, Ramadhani, and Lubis, "The Function of the Role and Responsibility of the Advocate Profession in the Criminal Justice Process."

mechanisms.³⁷ Such a framework provides the institutional foundation for what this study later formulates as the Plural Representation Unified Professional Regulation Model.

3.3. Reframing Advocate Governance: From Organizational Plurality to Unified Professional Regulation

The reconstruction of advocate governance after Constitutional Court Decision Number 126/PUU-XXIV/2026 should not be directed merely toward choosing between a single-bar and a multi-bar system. Each model offers certain institutional advantages but also creates different governance risks.³⁸ A single-bar system may facilitate organizational unity and professional standardization, whereas a multi-bar system provides greater space for freedom of association but may produce regulatory fragmentation when each organization independently exercises regulatory authority.³⁹ The more relevant constitutional objective is therefore to establish an institutional architecture that accommodates organizational plurality while maintaining nationally consistent professional standards, regulatory accountability, and protection of the public interest.

Based on this premise, this study proposes the Plural Representation Unified Professional Regulation Model as a normative reconstruction of advocate governance. Under this model, advocate organizations may remain plural and retain autonomy in representation, professional advocacy, internal development, continuing professional education, and community service.⁴⁰ Regulatory functions with public consequences, however, should be administered through an independent professional regulator operating

³⁷Paet Hasibuan, Muhammad Nurul Azmi, and Fauziah Lubis, "The Term of Office of the Leader of Advocate Professional Organizations through the Decision of the Constitutional Court of the Republic of Indonesia," *Journal on Education* 5, no. 2 (2023): 1850–54, <https://doi.org/10.31004/joe.v5i2.825>.

³⁸Grees Selly, "Comparison of the Law of the Regulation of Advocate Professional Organizations in Indonesia and Malaysia," *Constitutional Law Society* 4, no. 1 (2024), <https://doi.org/10.36448/cls.v4i01.98>.

³⁹Rakha Elwansyah Giri Subagja, Bambang Heriyanto, and Herli Antoni, "Juridical Analysis of the Constitutional Court Decision Number 150/PUU-XXII/2024 Regarding the Material Test of Article 3 Paragraph (1) Letter C of Law Number 18 of 2003 concerning Advocates," *QOSIM: Journal of Social Education & Humanities* 3, no. 3 (2025), <https://doi.org/10.61104/jq.v3i3.1869>.

⁴⁰Grees Selly, "Comparison of the Law of the Regulation of Advocate Professional Organizations in Indonesia and Malaysia," *Constitutional Law Society* 4, no. 1 (2024), <https://doi.org/10.36448/cls.v4i01.98>.

under nationally applicable standards.⁴¹ The proposed model is not intended as a simple compromise between single-bar and multi-bar systems but as a functional separation between organizational representation and professional regulation, allowing plural representation to coexist with regulatory unity.

An essential component of this model is an integrated system of supervision, discipline, and professional ethics. The independence of advocates cannot be interpreted as freedom from professional accountability because advocates exercise functions that directly affect clients, judicial institutions, and public confidence in the justice system.⁴² Professional regulation must therefore ensure that advocates comply with common standards of competence, integrity, confidentiality, independence, and ethical conduct regardless of their organizational affiliation.⁴³ A national ethical framework is particularly important in a plural organizational environment because differences in organizational membership should not result in different fundamental standards of professional conduct or inconsistent disciplinary consequences.

The disciplinary system within the proposed model must also guarantee procedural fairness and proportionality. Complaints against advocates should be examined by an independent body through clear procedures that provide notice of alleged violations, an opportunity to respond and present evidence, impartial adjudication, reasoned decisions, and an effective objection or appeal mechanism.⁴⁴ Sanctions should be proportionate to the seriousness and consequences of professional misconduct, ranging from corrective measures for minor violations to suspension or revocation of professional status for

⁴¹Paet Hasibuan, Muhammad Nurul Azmi, and Fauziah Lubis, "The Term of Office of the Leader of Advocate Professional Organizations through the Decision of the Constitutional Court of the Republic of Indonesia," *Journal on Education* 5, no. 2 (2023): 1850–54, <https://doi.org/10.31004/joe.v5i2.825>.

⁴²Grees Selly, "Comparison of the Law of the Regulation of Advocate Professional Organizations in Indonesia and Malaysia," *Constitutional Law Society* 4, no. 1 (2024), <https://doi.org/10.36448/cls.v4i01.98>.

⁴³Rakha Elwansyah Giri Subagja, Bambang Heriyanto, and Herli Antoni, "Juridical Analysis of the Constitutional Court Decision Number 150/PUU-XXII/2024 Regarding the Material Test of Article 3 Paragraph (1) Letter C of Law Number 18 of 2003 concerning Advocates," *QOSIM: Journal of Social Education & Humanities* 3, no. 3 (2025), <https://doi.org/10.61104/jq.v3i3.1869>.

⁴⁴Paet Hasibuan, Muhammad Nurul Azmi, and Fauziah Lubis, "The Term of Office of the Leader of Advocate Professional Organizations through the Decision of the Constitutional Court of the Republic of Indonesia," *Journal on Education* 5, no. 2 (2023): 1850–54, <https://doi.org/10.31004/joe.v5i2.825>.

serious breaches.⁴⁵ Such procedural safeguards are necessary because disciplinary authority directly affects an advocate's professional rights and must therefore satisfy minimum standards of due process of law, consistency, and accountability.

The unity of professional standards constitutes another fundamental element of the model. Organizational plurality can function effectively only when all advocates are subject to common national requirements concerning competence, professional education, examination, registration, continuing professional development, ethical standards, supervision, and discipline.⁴⁶ This approach does not require organizational uniformity because each advocate organization may continue to develop its own institutional identity, programs, and professional activities.⁴⁷ What must remain uniform are the minimum standards that determine professional qualification, integrity, and public protection, because professional regulation ultimately serves not only the interests of advocates but also the interests of users of legal services.

The relationship among advocate organizations, professional regulators, and the state should be structured through co-regulation with functional separation. Advocate organizations should participate in consultation, professional development, and the formulation of regulatory standards, while final regulatory authority remains with an independent regulator.⁴⁸ The state, meanwhile, should establish the statutory framework, define the regulator's authority, and provide accountability and review mechanisms without exercising direct administrative control over technical professional decisions.⁴⁹ This arrangement seeks to prevent both regulatory capture by professional organizations

⁴⁵Kyle Rozema, "Professional Discipline and the Labor Market: Evidence from Lawyers," *The Journal of Law and Economics* 67, no. 2 (2024): 371–414, <https://doi.org/10.1086/727683>.

⁴⁶Tracey L Adams, "What Is the Public Interest in Professional Regulation? Canadian Regulatory Leaders' Views in a Context of Change," *Professions and Professionalism* 12, no. 3 (2022), <https://doi.org/10.7577/pp.4962>.

⁴⁷Olga Gershuni et al., "A Systematic Review on Professional Regulation and Credentialing of Public Health Workforce," *International Journal of Environmental Research and Public Health* 20, no. 5 (2023): 4101, <https://doi.org/10.3390/ijerph20054101>.

⁴⁸Tracey L Adams, "Politics, Ecologies and Professional Regulation: The Case of British Columbia's Professional Governance Act," *The British Journal of Sociology* 75, no. 3 (2024), <https://doi.org/10.1111/1468-4446.13093>.

⁴⁹Krzysztof Szczygieski, "A Rent-Limiting Design of Professional Self-Regulation," *The Manchester School* 91, no. 6 (2023): 570–86, <https://doi.org/10.1111/manc.12453>.

and excessive governmental intervention, thereby balancing professional independence with public accountability.

The proposed model ultimately reflects a transition from organization-centered governance toward profession-centered and public-accountable governance. The constitutional significance of this reconstruction lies in protecting freedom of association without allowing organizational plurality to produce fragmented standards, inconsistent discipline, or uncertainty concerning regulatory authority.⁵⁰ Under the Plural Representation Unified Professional Regulation Model, professional associations maintain their representative autonomy, independent regulators safeguard nationally applicable professional standards, and the state provides the legal framework and accountability structure.⁵¹ This model therefore represents the authors' normative reconstruction derived from the constitutional parameters of Decision Number 126/PUU-XXIV/2026 and the broader principles of professional regulation, rather than an institutional arrangement expressly mandated by the Constitutional Court.

CONCLUSION AND SUGGESTION

The findings demonstrate that the governance problem of advocate organizations in Indonesia does not primarily concern the choice between a single-bar and a multi-bar system, but rather the absence of an institutional design capable of accommodating organizational plurality while maintaining nationally consistent professional standards. Constitutional Court Decision Number 126/PUU-XXIV/2026 provides an important constitutional basis for shifting advocate governance from an organization-centered model toward a profession-centered and publicly accountable regulatory framework. The Decision reinforces the need to distinguish the representative functions of advocate organizations from regulatory functions relating to professional standards, registration, supervision, discipline, and ethical enforcement. Based on this constitutional direction,

⁵⁰Lijana Valanciene and Dovile Valanciene, "Trends in Legal Ethics Research: A Bibliometric Analysis," *Legal Ethics* 25, no. 1–2 (2023): 109–33, <https://doi.org/10.1080/1460728X.2023.2208967>.

⁵¹Julien Prud'homme, Tracey L Adams, and Jean-Luc Bédard, "Professional Regulation and Change in Times of Crisis: Differing Opportunities Within and Across Ecologies," *Professions and Professionalism*, 2024, <https://doi.org/10.7577/pp.5555>.

this study proposes the Plural Representation–Unified Professional Regulation Model, in which advocate organizations retain autonomy in representation and professional development, while regulatory authority is exercised through an independent and accountable professional regulator. This model is intended to protect freedom of association and professional independence while simultaneously ensuring legal certainty, uniform professional standards, institutional accountability, and protection of justice-seeking communities.

Legislative reform following Constitutional Court Decision Number 126/PUU-XXIV/2026 should therefore prioritize the establishment of a clear regulatory architecture governing the division of authority among advocate organizations, professional regulators, and the state. The revision of Law Number 18 of 2003 concerning Advocates should regulate the institutional form, composition, authority, independence, and accountability of the professional regulator, as well as the mechanisms for competency standardization, registration, supervision, ethical enforcement, disciplinary sanctions, and appeals. National professional standards should apply equally to all advocates regardless of organizational affiliation, while regulatory independence should be balanced by transparency, procedural fairness, and effective oversight. Future legal reform should also ensure that the new governance framework does not merely resolve conflicts among advocate organizations, but strengthens the integrity of the legal profession, public confidence in the justice system, and access to professional, independent, and accountable legal services.

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