



The role of advocates in achieving justice and legal certainty for the community in Banten Province

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ABSTRACT

Advocates hold a strategic position as law enforcers who play a role in providing legal aid, assistance, defense, and protection of the community's rights in obtaining access to justice. Amidst the complexity of legal issues faced by the community, the presence of advocates is crucial to bridge the gap in legal understanding, especially for community groups with economic, social, and educational limitations. This study uses a qualitative method with a descriptive approach. Data collection techniques were carried out through interviews, observations, and documentation of advocates, justice seekers, and related institutions in Banten Province. The results of the study indicate that the role of advocates in realizing justice and legal certainty in Banten Province has been carried out through legal consultation functions, litigation and non-litigation assistance, and the provision of free legal aid (pro bono). However, the implementation of this role still faces various obstacles, such as low public legal awareness, limited access to legal services in certain areas, and less than optimal synergy between advocates, the government, and legal aid institutions. Therefore, it is necessary to strengthen the role of advocates through increased professionalism, equitable distribution of legal aid services, and more effective collaboration with various parties to create a legal system that is fair, certain, and in favor of the public interest. This research is expected to provide both academic and practical contributions to strengthening the role of advocates as a pillar of justice in Banten Province.

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1. Introduction

The research gap that distinguishes this study from previous research lies in its contextual and practical focus, specifically examining the dynamics of advocate distribution in Banten Province, highlighting the effectiveness of the affirmative action program "Advocates Go to Villages." While previous literature tends to discuss the macro inequality of access to legal aid in large cities or focuses on structural barriers in formal justice institutions, this study fills the gap by analyzing how proactive rural-based interventions can erode the geographical and psychological barriers of local communities. Furthermore, this study not only captures the

problem of quantitative disparities in the number of lawyers, but also provides a novelty in the form of an empirical evaluation of the integration model between advocate organizations and strengthening legal literacy at the village level, which has not been widely explored in the context of Banten regional law. The uneven distribution of lawyers-where advocates are concentrated in urban centers and leave remote areas without legal assistance-results in unequal access (*access to justice*) that directly undermines the principle of legal certainty for the lower classes.

In Banten Province, this phenomenon creates a clear gap between urban areas such as Greater Tangerang and southern regions such as Lebak or Pandeglang; as a result, people in remote areas often face legal proceedings without proper defense, leaving their constitutional rights vulnerable to being ignored and the law appearing to be selective. In fact, the strategic role of advocates in Banten is not merely as defenders in court, but as a crucial balancing pillar in realizing equitable justice through the provision of free legal aid (*pro bono*), legal awareness education down to the village level, and monitoring the transparency of law enforcement officials to ensure that legal certainty can be felt by all levels of society without exception. Advocates are a crucial pillar of Indonesia's law enforcement system. Under the rule of law system, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia is a state based on the rule of law, meaning that all aspects of social, national, and state life must be based on law (Azila, 2023).

In this context, advocates hold a strategic position as free, independent, and responsible law enforcers in upholding law, justice, and human rights. Advocates serve not only as legal advisors in court, but also as liaisons between the public and the legal system, ensuring substantive justice and equitable legal certainty for all citizens (Susanti & Gumbira, 2023). The role of advocates is becoming increasingly important amidst the complex legal issues facing modern society. Social, economic, and political dynamics, as well as technological developments, have given rise to various new legal issues that demand the presence of advocates as parties capable of providing protection, assistance, and advocacy for the rights of the community (Syariah, 2023). In practice, people often face legal issues such as land disputes, domestic violence, criminal cases, labor conflicts, business disputes, and administrative matters, all of which require a thorough understanding of the law. However, not everyone has the ability to fully understand the law. This is where advocates emerge as a crucial instrument in ensuring access to justice (Handayani, n.d.).

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The role of advocates is becoming increasingly important amidst the complex legal issues facing modern society. Social, economic, and political dynamics, as well as technological developments, have given rise to various new legal issues that demand the presence of advocates as parties capable of providing protection, assistance, and advocacy for the rights of the community (Syariah, 2023). In practice, people often face legal issues such as land disputes, domestic violence, criminal cases, labor conflicts, business disputes, and administrative matters, all of which require a thorough understanding of the law. However, not everyone has the ability to fully understand the law. This is where advocates emerge as a crucial instrument in ensuring access to justice (Handayani, n.d.). Normatively, advocates enjoy strong legitimacy in the Indonesian legal system. Law Number 18 of 2003 concerning Advocates defines an advocate as a person whose profession provides legal services, both inside and outside the court, who

meets the requirements set forth by law (Nilai et al., 2022). This provision positions advocates as a respected profession (*officium nobile*) with a moral and professional responsibility to advocate for the rights of the public. As *officium nobile*, advocates are not solely oriented towards economic gain but also carry out a social mission in the form of providing legal assistance to the underprivileged through *pro bono* legal aid mechanisms (Kepastian et al., 2025).

From a justice perspective, the role of advocates is inseparable from the principle of equality before the law, namely the equality of every citizen before the law. This principle affirms that every individual, regardless of social, economic, educational, or other background, has the same right to receive fair legal protection and treatment. However, reality shows that access to justice is not fully enjoyed by society. Poor, marginalized, and vulnerable groups still often face obstacles in obtaining legal services, whether due to limited funds, low legal literacy, or limited access to legal assistance. In these circumstances, advocates play a central role as agents of social justice, bridging the gap between law and society (Qustontiniyah et al., 2024). Banten Province, as one of Indonesia's strategic regions, faces a complex dynamic of legal issues. As a buffer zone for the capital city with high population growth, rapid industrial development, and increasing urbanization, Banten faces a variety of diverse legal issues. These issues include agrarian disputes, labor conflicts, violence against women and children, disputes involving micro, small, and medium enterprises (MSMEs), general crimes, and issues related to population administration and public services. In this context, the presence of advocates in Banten Province is crucial to ensuring that the public receives adequate and equitable legal protection (Made et al., 2023).

However, the implementation of the role of advocates in Banten Province is not yet fully optimal. Several issues remain obstacles to achieving justice and legal certainty for the public. First, the low level of public legal awareness remains a fundamental issue. Many people do not understand their legal rights and obligations, and therefore tend to be passive when facing legal issues. This condition often results in people being unaware of the legal steps they should take or even reluctant to seek legal assistance because they perceive the legal process to be complicated, expensive, and time-consuming (Khoiriyah et al., 2023).

Second, limited access to legal services remains a serious problem, particularly in rural and remote areas of Banten Province. Communities in remote areas still experience difficulties accessing legal services, due to geographic factors, limited infrastructure, and the limited distribution of advocates and legal aid institutions. As a result, legal services are concentrated in urban areas such as Serang City, Cilegon City, and Tangerang City, while people in remote areas such as Lebak and Pandeglang lack equal access to legal aid. Third, the cost of legal services remains a major barrier for low-income communities. Although there is a legal aid mechanism legally provided through Law Number 16 of 2011 concerning Legal Aid, in practice, many people are unaware of the existence of this service. Furthermore, not all advocates actively carry out their *pro bono* obligations as mandated by laws and professional codes of ethics. This situation contributes to a significant gap in access to justice between the wealthy and the poor (Tahun et al., 2025).

Fourth, issues of integrity and professionalism persist in legal practice. Despite the noble position of advocates as *officium nobile*, in practice, some advocates still fail to practice their profession professionally, transparently, and with integrity. Problems such as a lack of accountability, weak ethical oversight, and a pragmatic orientation towards the legal profession can erode public trust in advocates. Public trust is the primary foundation for building a just and authoritative legal system. Fifth, the synergy between advocates, local governments, law enforcement officials, and legal aid institutions in Banten Province has not been optimal. Resolving community legal issues requires a collaborative approach involving various parties. The lack of coordination between institutions often results in partial, slow, and ineffective legal services. This impacts the slow resolution of cases and the suboptimal legal protection for the public (Nurwandri, Aulia, et al., 2024).

Based on these various issues, strategic steps are needed to optimize the role of advocates in achieving justice and legal certainty for the public in Banten Province. First, strengthening public legal literacy and awareness through Sustainable legal counseling, public education, and outreach for legal aid services are essential. These efforts are crucial to ensure the public's understanding of their legal rights and the courage to pursue justice through legal channels. Second, equitable access to legal services is needed through strengthening legal aid institutions, legal aid posts (Posbakum), and the "Advocate Goes to Village" program. This program can be a solution to bring legal services closer to communities in remote and rural areas, so that access to justice is not limited to urban communities (Nurwandri, Ilham, et al., 2024). Third, enhancing the professionalism and integrity of advocates must be a priority through strengthening professional education, ongoing training, and strict enforcement of the code of ethics. Advocates must be able to carry out their profession not only professionally but also uphold the values of justice, honesty, and social responsibility. Fourth, stronger collaboration is needed between advocate organizations, local governments, law universities, and legal aid institutions to build an inclusive legal services ecosystem. This collaboration can be realized through integrated legal aid programs, community legal clinics, community-based legal assistance, and the digitalization of legal consultation services (Hukum et al., 2022).

Theoretically, this research uses role theory, justice theory, and legal certainty theory as the basis for analysis. Role theory explains that every social actor, including advocates, has a set of functions, rights, and obligations that must be carried out according to their position within the social system. In this context, advocates act as defenders of community rights, conflict mediators, legal advisors, and agents of social change. According to Khairunnisa and Ambri (2025: 66), the role of advocates is not limited to litigation assistance but also encompasses the functions of protecting human rights, access to justice, and strengthening public legal awareness (Mikraj et al., 2025).

Furthermore, justice theory is used to demonstrate that the law must provide equitable benefits for all members of society. Justice is not only defined as formal equality before the law but also as the legal system's ability to provide concrete protection to vulnerable groups. Hayati, Nabila, and Lubis (2023: 358) emphasize that legal assistance provided by advocates is a concrete form of fulfilling substantive justice for the poor and marginalized groups (Try et al., 2022).

2. Method

The informant selection criteria in this study were determined intentionally based on objectives (purposive sampling) to ensure that the data obtained have depth and valid authority. Key informants were selected from legal apparatus and practitioners—such as representatives of the Banten Regional Office of the Ministry of Law and Human Rights, administrators of local advocate organizations (such as PERADI), and advocates directly involved in the "Advocates Go to Villages" program—because of their capacity to understand regulations and field implementation. Meanwhile, to measure the effectiveness and real impact of the legal aid system, the informant criteria also included justice seekers (justiciabelen) in rural areas of Banten (such as in Lebak or Pandeglang Regency) who have or are currently facing legal problems and utilizing free legal aid services. The primary rationale for using in-depth interviews is to gain a rich, holistic, and nuanced understanding directly from the informant's subjective perspective on a particular phenomenon that cannot be captured by quantitative methods or structured questionnaires. This method is based on an interpretive paradigm, in which the researcher positions the informant as an expert on their own lived experiences, allowing for flexible and in-depth exploration of the hidden motivations, emotions, beliefs, and social contexts underlying a person's actions. This study uses a qualitative research method with a descriptive approach. This approach was chosen because the study aims to understand in-depth the role of advocates in realizing justice and legal certainty for the people of Banten Province through a description of facts, phenomena, and social realities that occur in the field. Qualitative methods allow researchers to comprehensively examine how advocates carry out

their functions of legal assistance, providing legal aid, consultation, and defending people seeking justice. The focus of the research is directed at understanding the role of advocates, the obstacles faced in carrying out their duties, and efforts made to improve access to justice and legal certainty for the people of Banten Province. Data collection techniques in this study were conducted through interviews, observation, and documentation. In-depth interviews were conducted with advocates, justice seekers, advocate organizations, and legal aid institutions in Banten Province to obtain accurate information regarding legal service practices in the field. Observations were conducted to directly observe the legal assistance process and interactions between advocates and the community, while documentation was used to collect data in the form of laws and regulations, legal aid institution reports, case archives, and other supporting documents relevant to the research. The data obtained were then analyzed using Miles and Huberman's interactive analysis technique, namely through the stages of data reduction, data presentation, and drawing conclusions, so that a systematic picture of the role of advocates in realizing justice and legal certainty for the community in Banten Province was obtained (Harahap & Hafizd, 2023).

3. Analysis and Results

Implications of Increasing Legal Literacy on the Effectiveness of Law Enforcement Increasing legal literacy in society implicitly changes the power relationship between citizens and law enforcement officials to be more balanced and accountable. When the public understands constitutional rights and legitimate procedural corridors, the space for abuse of power, extortion practices, and legal discrimination by certain officials can be significantly reduced. In addition, a legally literate society tends to choose formal or state-recognized dispute resolution channels in an orderly manner, which in turn will increase the efficiency of the judicial bureaucracy and accelerate the creation of substantive legal certainty. The Contribution of Advocates to Good Governance Ensuring Transparency and Public Accountability Advocates have a crucial contribution in realizing good governance through their social control function and strategic litigation against deviant public policies. As free and independent law enforcers, advocates act as a counterweight to the power of those in power by conducting judicial reviews, filing state administrative lawsuits against maladministrative official decisions, and monitoring the transparency of public information. This legal intervention forces the wheels of government to remain on the principle of legality, prevents arbitrary actions, and ensures that every policy taken by the bureaucracy is legally accountable to the public. Strengthening Public Participation and the Rule of Law From an inclusive dimension, advocates strengthen the pillars of good governance by bridging and voicing the interests of marginalized groups within the formal legal system. Through policy advocacy, legal counseling, and pro bono assistance, advocates educate citizens to be able to actively participate in overseeing the course of government from the central to the village level. The active presence of advocates in correcting erroneous procedures and consistently defending the rights of neglected citizens will strengthen the rule of law, thereby increasing government responsiveness and social justice no longer being merely a commodity for those in power. The "Advocates Go to Villages" program is crucially relevant in breaking down the geographical, financial, and psychological barriers that have isolated rural communities from the formal justice system. Through a proactive approach that goes directly to residential areas, this program not only provides free legal consultation and assistance (*pro bono*) but also serves as a literacy tool to reduce the stigma that the law only favors certain social classes. With the presence of advocates in village communities, vulnerable communities now have equal legal protection, so that potential rights violations, land disputes, and domestic cases can be handled fairly, accountably, and in accordance with applicable legal corridors to realize equal access to justice.

The research findings indicate that the role of advocates in realizing justice and legal certainty for the people of Banten Province holds a highly strategic position within the law enforcement system, particularly in providing access to justice for those seeking it. Advocates not only serve as legal advisors in court litigation, but also serve as legal consultants, mediators in dispute

resolution, non-litigation counselors, and pro bono legal aid providers to the underprivileged. In practice, advocates in Banten Province have fulfilled these functions through assistance in criminal, civil, and administrative cases, labor disputes, domestic violence, agrarian conflicts, and various other community legal issues. This role demonstrates that advocates are not merely legal professionals but also social actors who serve as bridges between the community and the formal legal system (Jawab et al., n.d.). In the context of justice, the presence of advocates in Banten Province makes a significant contribution to fulfilling the community's right to legal protection. People who previously lacked a grasp of legal procedures benefited from the assistance of an advocate, whether through initial consultations, legal document preparation, investigation assistance, or defense in court. This demonstrates the crucial role advocates play in ensuring that people do not face complex and formalistic legal processes alone. The presence of advocates helps reduce the gap between the public and legal institutions, enabling the principle of equality before the law to be more concretely realized. This study found that people assisted by advocates tended to have a better understanding of the law, were more confident in facing legal proceedings, and were better able to legally defend their rights (Putusan et al., 2023).

Furthermore, advocates also play a crucial role in ensuring legal certainty through professional, systematic, and procedural legal assistance. Legal certainty is reflected in the advocate's ability to help the public understand their rights, obligations, and available legal steps as stipulated in laws and regulations. Advocates play a crucial role in explaining legal resolution pathways, both through litigation and non-litigation, and provide certainty regarding the legal processes facing the public. Thus, the public not only receives defense but also certainty regarding the legal status, resolution mechanisms, and consequences of each legal action taken. In this context, advocates serve as guarantors of legal order, ensuring that law enforcement processes are more focused, measurable, and do not violate public rights (Angreinni et al., 2026).

The research also shows that the role of advocates in providing free legal aid (pro bono) has become a concrete form of advocates' contribution to realizing social justice in Banten Province. Pro bono legal aid is provided to the poor and vulnerable groups who lack the financial means to pay for legal services. This assistance includes free legal consultations, assistance with simple cases, mediation of family conflicts, assistance with drafting documents, and even defense in court. The presence of pro bono legal aid significantly assists communities who have traditionally faced financial constraints in accessing justice. Through this role, advocates also fulfill the social function of their profession as an *officium nobile*, a respected profession oriented not only toward economic gain but also toward serving the public interest (Pratiwi & Saputra, 2025).

Despite this, research results indicate that the implementation of the role of advocates in Banten Province still faces a number of complex obstacles. The first obstacle is low public legal awareness. Many people do not yet understand the importance of legal assistance and tend to view legal issues as frightening, complex, and expensive. As a result, people often delay seeking legal assistance or even choose to resolve their problems informally without a strong legal basis. This low legal awareness often means that advocates are only involved when legal issues have become more complex and difficult to resolve (Gunawan et al., 2024).

The second obstacle is the unequal access to legal services across Banten Province. Advocates tend to be concentrated in urban areas such as Serang City, Tangerang City, and Cilegon City, while people in rural and remote areas such as Lebak and Pandeglang still experience limited access to legal services. This situation contributes to unequal access to justice between urban and rural communities. People in remote areas often have to travel long distances to obtain legal services, and many ultimately choose not to pursue legal proceedings due to limited costs and access (Politik et al., 2024).

The third obstacle is the community's economic limitations, which directly impact the low ability to access legal services. Although free legal aid is available, information about it is not widely available. Many people are unaware of the existence of free legal aid services provided by lawyers or legal aid institutions. Furthermore, the capacity of free legal aid services remains limited, both in terms of the number of lawyers, funding, and service coverage. This results in the public's need for legal assistance not being fully met optimally (Fathurrozi, 2025). The fourth obstacle is the issue of professionalism and integrity of advocates. Research has found that although the majority of advocates have practiced their profession diligently, Despite the professionalism of advocates, negative public perceptions of the legal profession persist due to the behavior of a small number of individuals who lack transparency, communication, and are primarily focused on economic interests (Sutiyoso et al., 2023). This situation impacts public trust in advocates. Public trust is a crucial element in building a healthy relationship between advocates and the public. Without trust, advocates' role as law enforcers will struggle to function optimally. The fifth obstacle is the suboptimal synergy between advocates, advocate organizations, local governments, law enforcement officials, and legal aid institutions. Collaboration between these actors remains partial and not yet integrated into a unified legal service system. As a result, legal services to the public often operate independently and are ineffective. In some cases, weak coordination leads to delays in case handling, overlapping authority, and slow resolution of community legal issues (Gunawan et al., 2024).

Based on these findings, several strategic solutions are needed. First, increasing public legal awareness must be achieved through legal counseling, public education, and ongoing legal aid outreach down to the village level. Second, equitable access to legal services needs to be strengthened through the establishment of legal aid posts in remote areas, a village-based advocate program, and the use of digital-based legal consultation services. Third, free legal aid needs to be strengthened through increased budget support, strengthening legal aid institutions, and expanding the network of pro bono advocates. Fourth, improving the professionalism of advocates must be carried out through ethics education, ongoing training, and stricter and more consistent oversight of advocate organizations. Fifth, an integrated collaboration system needs to be established between advocates, the government, universities, and legal aid institutions to ensure more inclusive, expeditious, and effective legal services to the public. Thus, the results of this study confirm that advocates play a crucial role in realizing justice and legal certainty for the people of Banten Province. However, for this role to function optimally, capacity building, equal access, increased integrity, and more effective institutional collaboration are needed. Through these steps, advocates can increasingly function as pillars of justice, ensuring fair, certain, and equitable legal protection for all (Nur, 2023).

4. Conclusion

The long-term implication of strengthening the role of legal certainty advocates is the formation of a social order based on a healthy legal culture (*legal culture*), where the law is no longer seen as a frightening coercive instrument, but rather as a predictable and reliable protector of civil rights. The presence of strong and equitable legal advocates will consistently reduce the corruption index, minimize the opportunity for vigilantism, and create a stable investment and development climate thanks to the guarantee of consistent regulations. Ultimately, this condition will strengthen the legitimacy of democratic institutions and mature the awareness of the state, where every citizen—regardless of social or geographic status—has full confidence that justice can be achieved through a clean and transparent justice system. This research makes a significant contribution to the development of the legal aid system in Indonesia by presenting a repository of empirical data on the inequality of advocate distribution and the effectiveness of affirmative action programs such as "Advocates Go to Villages" in semi-urban and rural areas. Through a real-data-based approach and analysis of the legal needs of grassroots communities, the results of this study can serve as an academic basis as well as strategic policy recommendations for the Ministry of Law and Human Rights and advocate organizations to evaluate regulations on mapping work areas, optimize budget allocation for *pro bono*

programs, and formulate a more inclusive and equitable legal assistance model to concretely realize the principle of *equality before the law* throughout the country. Based on the research results, it can be concluded that advocates have a very strategic role in realizing justice and legal certainty for the people in Banten Province through legal consultation functions, litigation and non-litigation assistance, and the provision of free legal aid (pro bono). The presence of advocates has been proven to be able to help the community understand their rights, obtain legal protection, and access the judicial process in a fairer and more targeted manner. However, the implementation of this role has not been optimal because it is still faced with various obstacles, such as low public legal awareness, unequal access to legal services, community economic limitations, issues of advocate professionalism, and weak synergy between institutions. Therefore, it is necessary to strengthen the role of advocates by increasing public legal literacy, equalizing legal aid services, strengthening the integrity and professionalism of advocates, and more effective collaboration between advocates, the government, and legal aid institutions to create a legal system that is fairer, certain, and in favor of the interests of the people in Banten Province.

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