

The Potential of Sharia Advocates in Increasing Community Legal Awareness

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Abstract

The increase of public awareness about law is an important issue in building the progress of the nation. The emergence of law advocates signifies the contribution on legal aids and community services among the advocates, one of which is in the form of increasing legal awareness. This study aims to analyze the potential of sharia advocates in increasing legal awareness for the community. This study is qualitative research with a sociological juridical approach. The results of the study concluded that the emergence of the advocate law guarantees advocates an active role both in litigation and non-litigation. In terms of litigation, advocates do not merely provide legal assistance to paid clients, but advocates are required to provide free legal assistance to poor people who need legal services (pro bono). Meanwhile, in non-litigation terms, advocates have the responsibility to assist disputing parties to resolve their cases outside the court. Sharia advocates, in addition to providing legal assistance through litigation and non-litigation, also have the potential to carry out Islamic da'wah by conducting education and counseling on sharia laws, both formally and non-formally as a form of effort to increase legal awareness in the Muslim community regarding legal culture.

1. Introduction

Indonesian society adheres to the principle of equality before the law or what is more familiarly known as equity before the law. This principle implies that all Indonesian citizens are treated equally without discrimination and are guaranteed justice and legal certainty. This is expressly contained in the 1945 Constitution which is the constitution of the State of Indonesia [1]. The upholding of the rule of law principle in society cannot be separated from the role and function of law enforcers. Advocates who are among other law enforcers such as police, prosecutors, and judges (Catur Wangsa), are free and independent and responsible professions [2].

While in Malaysia, legal practitioners are known as Advocate and Solicitor. Currently, there are 20,384 Advocates and Solicitors in Malaysia [3]. Advocate and solicitor as defined under section 3 of the Legal LPA 1976 is an advocate and solicitor of the High Court admitted and enrolled under the LPA 1976 or under any other written law prior to the coming of the said LPA 1976. In the public eye, an advocate and solicitor are more

commonly known as a lawyer. Importantly, one of the roles of a lawyer is to promote the public interest, serving the cause of justice. In addition to this, a lawyer must be faithful to the client's trust but not limited to uphold his professional, justice without fear [4].

An advocate is required to be able to flexibly mingle in the community to provide understanding so that people have legal awareness. The role of advocates as law enforcers represents the interests of society at large so that in carrying out their functions in seeking justice they represent the interests of clients as legal services. In addition, advocates are the only law enforcers who are always in contact with the community, which makes them very effective in empowering the community to be aware of their fundamental rights before the law.

In addition, the role of advocates outside the judiciary is very necessary considering that not all cases faced by the community must end in settlement in the courtroom (litigation). In the case of non-litigation settlements, advocates can play a role in providing consulting services on legal issues. In addition to consulting, other services such as negotiation, mediation, assistance in making contract, drafting and other interests related to economic, business, and social matters, both individual and legal entities.

The profession that received a very high social appreciation with the title of *Officium Nobile*, which means a noble or honorable profession is not just a job that is solely for earning a living, but a profession that has high spiritual values in society. So that advocates have a responsibility for the realization of law-aware public behavior and the realization of a legal culture. The embedding of a noble profession in advocates is inseparable from their obligation to defend all members of society without discrimination, regardless of religious, cultural, political, socio-economic, ideological, gender differences, race, skin color and so on [3].

The activities of advocates in carrying out legal assistance in the society are not only limited to fulfilling their needs in the process of solving the problems they face, but advocates must also be able to do more than that, namely by conducting legal socialization so that people are able to understand and criticize various applicable legal products. Therefore, in other words, "advocates have carried out legal education and civic education for the community" [4].

In practice, advocates have double potential roles which are in line with the double-meaning of advocacy. The first meaning is advocacy that is litigation in nature, namely the role of an advocate who is providing a defense for various legal cases in the community that is in contact with legal issues whose settlement is in court. The second one is non-litigation in nature, namely the role of an advocate who is providing solutions to legal issues that can be resolved outside the court. Besides, that advocates can also seek to improve public policy and foster legal awareness for the community. These two meanings are relevant as it is found that the condition of the community has proven to be very weak in awareness and legal culture [5].

There are many proves of law violation acts in society. This problem arises from many backgrounds such as ignorance or deceptive actions (by certain persons/parties) from the application of various applicable laws and regulations [6]. Therefore, the participation of law enforcers, especially advocates, is urgently needed, which is the hope of justice seekers in giving color as a form of professional responsibility by carrying out various legal counseling activities in the society. By carrying out litigation and non-litigation activities, the wider community will understand the importance of law for the orderly life of the nation and state so that the community is empowered and understands the various legal products that are enforced.

With the enactment of Law Number 18 of 2003 concerning advocates [7], it has become a legal basis for advocates in advocating various legal problems in society to become legal, whether carried out in litigation or non-litigation. This legality is important because legally advocates have protection in applying their knowledge as proof of the existence of just law enforcement in carrying out the life of the nation and state according to the mandate of the constitution.

Besides, the legality brings the potential for sharia scholars to take part in building and empowering Muslim community legal awareness since they have the provision of expertise in the field of sharia science. The Advocate Law has provided a broad space by equating sharia graduates with non-shariah law graduates, both of whom have the same opportunity to become advocates and carry out the function of advocates both in litigation and non-litigation terms. Hence, sharia scholars who become advocates have a moral responsibility to provide legal education and counseling, both state law and sharia law, which have become positive law of Indonesia.

In the last few decades, along with the rapid development of the advocate profession, which is increasingly in demand, a new variant has emerged in the world of advocates with the term sharia advocate. As a newcomer, of course, the nomenclature has not yet been included in the law, which is almost twenty years old and has never

been revised. Sharia advocates are increasingly popular in society as they can prove their existence in providing legal services in various courts, especially in religious courts [8].

This situation sparked researchers to study various matters related to sharia advocates so that it would enrich the world of literacy in Indonesia. Sharia advocates are a new phenomenon that appears only in Indonesia. Nevertheless, the term sharia advocate remains unknown even in Islamic countries. In the world of literacy, the standard definition of a sharia advocate has not yet been found. However, the term sharia in Indonesia is very familiar because the term sharia has been attached to various objects such as sharia banks, sharia hotels, sharia tourism and others.

Sharia advocates was started with the founding of the Association of Indonesian Sharia Lawyers (APSI) on February 8, 2003, which was declared in the Hall of Campus 1 IAIN Walisongo Semarang [9]. This advocate organization has been explicitly recognized by law. This organization was also considered successful in fighting for sharia scholars to get the same opportunities in pursuing the advocate profession as non-sharia graduates. Since then, many advocates were graduated from the sharia faculty so that a new term emerged in the world of advocates known as sharia advocates [10].

In terms of qualifications, sharia advocates have competence in the field of sharia law as they have an educational background from the sharia faculty. The competence of sharia advocates is more relevant in handling cases that are under the authority of the Religious Courts [11]. Such conditions indicate that the presence of sharia advocates is urgently needed in Indonesia because the majority of Indonesian citizens are Muslim. In addition to its existence in litigation cases, non-litigation sharia advocates are expected to be able to solve various problems in Muslim society with the provision of sharia-based knowledge and knowledge. Apart from having advocacy roles, sharia advocates also have da'wah roles since they understand fiqh laws, both religious fiqh and fiqh muamalah which are applied by Muslim communities in their daily lives.

The application of the knowledge of sharia advocates both in the settlement of litigation and non-litigation cases as mandated by the advocate law is highly expected for the Muslim community. It is important for the Muslim community to know the extent to which the potential of sharia advocates is contained in the advocate law and its implementation in the field. Therefore, the potential of sharia advocates is expected to be optimized in order to create public legal awareness, especially the Muslim community in Indonesia.

2. Methodology Research

This research is qualitative research focusing on literature study. The researcher classifies data based on research formulas. Furthermore, the data is processed and cites references are displayed as research findings. The findings will be abstracted in order to obtain complete information to be interpreted later so that the results will become knowledge in drawing conclusions. The research approach used is a sociological juridical approach through literature, namely, to find out and analyze societal cues of law through literature study [12].

3. Results and Discussion

3.1 Community Legal Awareness

The steps taken by the government to issue various laws and regulations have not showed the result yet. The problem of law enforcement that has become so severe has resulted in a decline in public trust in the government. Law enforcement cannot only be handled by the government but must involve the participation of all components of the state. Among the components related to law enforcement are laws and regulations, law enforcement officials, the applicable justice system and awareness of the participation of all levels of society [13].

So far, community participation in law enforcement is still very low [14]. The factor that causes low community participation is the low awareness of law and legal culture in society. There are too many cases that make people tend to stay away, especially for those who are unfamiliar with the law. This attitude of the community is indicated by the behavior of the people who are reluctant to take care of it when they encounter problems and even feel reluctant to be witnesses in court, including their reluctance to participate in law violation prevention activities. In principle, common people will try their best to encounter the law [13].

For developed societies, those who understand the importance of law in all aspects of life will comply and have law-obedient behavior. They will always be critical and active in responding to various social phenomena and applicable laws and regulations. With this attitude, the government is not too preoccupied with law

enforcement affairs so that it will focus more on implementing its programs in the context of the welfare of its people. From that statement, it is illustrated that public participation in achieving law and order is very important in realizing a just and prosperous country. According to John Rawls, all legal systems will fail if they do not have a true personal moral attitude motivation (justice as fairness) in the society [14].

The lack of respect and awareness of the law among the society is not without a cause. It must be understood that Indonesia has a very long history of civilization. In the ancient empires' history of Indonesia, they were known as being friendly and having high moral. Many empires in the past succeeded in implementing the law with great success. One of the most famous kingdoms in law enforcement was during the Kalingga Kingdom with its very famous queen, Ratu Sima. In his time, even valuables (gold) that fell on the road would not be picked up by anyone [15]. It showed how high morals and morals of the ancestors of this nation was. However, all this history has sunk due to various things. One among the causes is the law that was made not based on the values of social justice.

Lately, political issues have become very popular in Indonesia. People are always shown political intrigues that are far from the noble attitude of this nation's character. The loss of legal justice is not far from political affairs. Law is seen as the variable that is affected, while politics is seen as the variable that is influential. It can be interpreted that a legal product really depends on the political power that influences it. The placement of law as a variable that depends on politics can be understood by considering the reality that law is an abstract rule, namely imperative articles, or verses, in the form of crystallization of political desires that interact and compete. It can be witnessed in the mainstream media that the procession of parliamentary sessions with the government in the context of making laws as legal products is essentially a scene of contestation that aims so that the interests and aspirations of all political forces can be accommodated in the final decision to become law [1]. Due to its full of the interests of various parties, the relationship between the law that has been made and the moral values and norms that apply in society is not achieved. Even though these laws are applied to the community, there many laws that are harmful in their applications and do not protect the community.

Thomas Hobbes, a Greek sophist [16], states that "the true law that must be obeyed is positive law since it has moral values and justice". Meanwhile, Immanuel Kant considers the law that must be obeyed is not the positive law of a country but a law that applies universally where there are moral values and justice [17]. In addition, Friedman argues that morality and positive law cannot be separated. The meaning is that both will always exist along with efforts to create justice and prosperity in society [18]. From the discussion above, we can say that the context of creating social justice law, both the government and parliament (executive and judiciary) are equally aware that the product produced in the form of a law should not harm the people who use the law. It is because their existence is observed by the people and the people have given them a mandate so that they are responsible for the people. If the products they produce are truly in accordance with the people's needs, then of course the people will carry them out properly. Hence, public legal awareness can be achieved [13].

The law grows and develops from the social development of society. The development of this law is based on various social needs and desires of the community, so whether the law is necessary or not, which is then referred to in writing as a law, rule or regulation, whatever the form of legislation is the community, which then in large communal communities in the form of a state is referred to as the people [19]. The existence of law in society arises through some social processes. The close relationship between social processes and social phenomena is inseparable. The stages of the social process are interpreted as a relationship between one individual and another and a group of individuals or communities, one and the other individual communities meet each other to form a system. These relationships determine the outcomes that caused by the changes of previous interactions. These social processes, in other words, can be interpreted as a mutual influence between various aspects of life together [20].

As social beings, humans continue to establish relationships with each other which is part of the nature. Humans need one another to meet their needs in order to maintain their existence in the universe. Hence, they will need cooperation and assistance from other humans [21]. Such a process then forms the law for the benefit of the common good. The attempt to stabilize society is not solely managed by law since social interactions and society are also influenced by social order, which therefore are called social norms [22].

Meanwhile, there are social relations that require distribution and solutions that can only be carried out by legal institutions. Procurement of law in this sense of legal development makes the legal development process unique and complicated. That is, there is a very significant relationship between law and society, between legal norms and social norms. The relationship between the two is synergistic, mutually beneficial and fills the void in their respective disciplines. In other words, law requires support from social institutions, including the sciences, such as anthropology, sociology, psychology and so on.

One part of the social institution that has the potential to carry out legal development is an advocate. Seeing the importance of this potential, the enthusiasm of the legislators with the support of motivation coming from various parties, eventually announced an advocate law which became the legal basis for advocates to play a more active role in society. Various potentials can be developed by advocates in interpreting and applying their knowledge in society that requires increased legal knowledge and awareness so that law can become a habit in

everyday life and culture. Legal awareness of society which has become a culture is a hallmark of the progress of a civilization of an advanced nation.

3.2 Advocate Acts

The long journey of the birth of the advocate law through various debates and various consolidations of many parties. When it had not been ratified and was still in the form of a bill, it had taken more than 2 years in the Prolegnas waiting for discussion at the People's Representative Council of the Republic of Indonesia (DPR-RI). It is not an easy thing to be able to reach agreement on the articles and problems contained in the draft advocate law under discussion. This problem is not uncommon considering the backgrounds of board members are very diverse, both political and professional. With various arguments in the discussion, in the end gave birth to a law which was later called Law Number 18 of 2003 concerning Advocates even though it was still surrounded by various controversies [23].

The contents of the articles in this law are 36 articles with added explanations for each of the articles. The sequence of arrangements for each article illustrates that there is a strong motivation to reject all forms of intervention from the government. It even demands equality with other law enforcers, namely the police, prosecutors and judges. The firmness of this phrase appears in article 5 paragraph (1) which states that advocates have the status of law enforcers who are independent and guaranteed by laws and regulations [7].

Since the law mandates that advocates' approval must be carried out by an advocate's organization, the law limits the time limit of 2 years for advocates to form an organization. Before the advocate organization was formed, matters relating to the duties and authorities of the advocate organization were carried out by several organizations, namely the Indonesian Advocates Association (IKADIN), Indonesian Advocates Association (AAI), Indonesian Advocates/Lawyers Association (HAPI), Indonesian Legal Advisors Association (PHI), the Indonesian Lawyers' Union (SPI), the Association of Indonesian Legal Consultants (AKHI), the Association of Capital Market Legal Consultants (HKHPPM), an organization that already exists in one forum, the Indonesian Advocates Congress (KAI), plus the Association of Indonesian Sharia Lawyers (APSI). This last organization was only formed at the same time or before the Advocate Law was approved by the DPR [8].

Article 28 of the Advocate Law stipulates that advocate organizations are the sole forum for the advocate profession so that they can improve the quality of their profession by establishing the structure set out in the articles of association and bylaws. The ideal conditions for the advocate profession or advocate organization are in the form of a single bar with the principle of *primus inter pares*. In this way, the noble profession that has been pinned on advocates, which is a scientific community and fraternal or peer-to-peer society, can be maintained. However, until now, along with the development of the organizational dynamics of advocates with various controversies using a multi-bar system, it still requires a long, calm, and peaceful process.

In line with the controversial advocate organizations, the advocate law in the eyes of the academic community also has diverse opinions. Among the differences, the first most prominent one is regarding the non-regulation of multiple positions so that there are members of the board and politicians who become advocates. The second difference is that there is no maximum age limit for advocates which causes many judges, police, prosecutors, and other officials to become advocates after their retirement. Of course, this condition is unfair for newcomers and weakens the spirit of regeneration of advocates because they already have stronger relationships. The third difference of opinion regarding the permissibility of sharia graduates is that graduates of military law colleges and graduates of police science colleges are eligible to the advocate profession. Among the three graduates allowed by the law, the most interesting and lively debate is the permissibility of sharia graduates to become advocates. The crucial reason is that sharia undergraduate graduates are considered not qualified in terms of legal technical knowledge so that it makes it risky to be held in courts that require technical expertise in proceedings [8].

However, apart from various controversies, the reality on the ground proves that sharia advocates are capable of handling litigation cases just like non-sharia advocates. This has been proven in various studies, including research on sharia advocates in handling civil and criminal cases, the conclusion of this study shows that sharia advocates are able to handle both formal and material aspects and even have more value than non-sharia advocates because they are able to apply Islamic philosophical values [24]. Another research is about the alumni of sharia faculty advocates in dealing with the General Courts. The results of the study stated that sharia advocates are not much different from general law advocates and even the attitude of the community is very

enthusiastic about the presence of sharia advocates [25] and there are many other studies that have proved the existence of sharia advocates who are growing from time to time.

3.3 Advocates in Islam

Basically, the term advocate is not found in classical Islamic literature, but the provision of legal services to parties to a dispute has been going on for a long time. Before Islam was born, the practice of providing legal aid was known to the Arabs. Like other regions that have more advanced civilizations, in Arab lands there are also frequent disputes between individuals such as inheritance disputes, sale and purchase disputes and various other disputes both civil and criminal in nature. At that time, various problems in traditional Arab society were resolved using peacemakers. The representative assigned as the peacemaker is appointed by the parties to the dispute. A peacemaker who serves as a mediator is taken from among people who have influence in society, usually people who are considered to have supernatural abilities or someone who has advantages in certain matters [26].

An important requirement for a person deemed to have the qualifications to provide legal aid to Arab society before Islam was that the person had prowess in magical powers so that the provision of legal aid could only be performed by astrologers. Therefore, in examining and resolving disputes between them by means of supernatural abilities, namely intuition and not being argumentative based on skill in arranging words, supported by evidence in the form of testimonies and confessions. The place they use for mediation is not a meeting place in general, but a place that is considered sacred, such as under a tree, a place of worship or even in a camp. At one time, an influential figure in the city of Makkah named Qusay bin Ka'ab built a building they called Darul al-Adawah, the position of the building was made to face the Ka'bah which was considered the holiest place for them. They then use this place as a meeting place for mediators who will carry out examinations to resolve disputes [26].

With the arrival of Islam in Arab lands brought by the Prophet Muhammad, the practice of providing legal aid remained valid and was even further developed with changes made. The mediators that were originally carried out by astrologers were later removed so that they did not have a mystical, superstitious nuance and smelled of envy. Gradually law enforcement is based on the Holy Quran and As-Sunnah as material law. The city of Mecca, which has developed very rapidly in the field of business or trade, has become a center for resolving trade or business disputes. While the city of Medina was more developed as an agricultural area, it later became a center for resolving agricultural disputes. The Prophet Muhammad, who became the center of attention of the Islamic community, often played the role of a mediator who provided legal assistance to his followers. He does not only act as an advocate, but also a place where people ask for guidance so that he acts as a legal consultant, legal adviser and an arbitrator [26].

The Prophet Muhammad, before being appointed as Rosul, once played the role of arbitrator, namely the most famous story about a dispute between Quraysh figures that occurred when the Ka'bah was renovated and then they wanted to put the Black Stone in its original place, figures from various families mutually claimed that they were the most entitled. This dispute almost led to a fight, but in the end an agreement emerged between them, that is, the person who has the right to return the Black Stone is the person who arrives the earliest to enter the Kaaba through the Syaibah door. And that person was the Prophet Muhammad who then invited all representatives of the Quraysh family to jointly lift the Black Stone using a cloth and he put the Black Stone in its original place. Then they simultaneously gave the title Al-Amin [27].

The role of the Prophet Muhammad as a referee often occurred in resolving disputes among his companions. Examples of cases in cases of inheritance disputes between friends of Ka'ab ibn Malik and Ibn Abi Hadrad, disputes between Sa'id ibn Muaz, disputes between Umar bin Khattab and Ubay ibn Ka'ab [28]. However, when Islam had expanded to various regions, he authorized friends to act as mediators in seeking settlement of cases between the people. As for the dispute resolution institutions, some are permanent and some are ad-hock in nature to adjust to the conditions of society. In addition to the Al-Quran or As-Sunnah which form the basis of material law, friends are advised to perform ijthihad if a case is found whose legal basis is not contained in the Al-Quran and As-Sunnah. Companions of the Prophet who carried out ijthihad in legal settlements included Muaz ibn Jabal and Abu Syuraih.

It is described when Muaz ibn Jabal was about to be sent by Rasulullah to Yemen to become a qadli (judge), Rasulullah asked Muaz about the method of settlement that Muaz would do, then Muaz replied that he had to find a basis for settlement based on the arguments in the Al-Quran as a source of Islamic law. Then the Prophet asked

what if this matter was not found in the Koran, then Muaz answered based on the Sunnah of the Prophet. The Prophet asked again what if it was not found in the Sunnah of the Prophet, then Muaz replied that he would do *ijtihad* based on his thoughts. From this description, it can be seen that what is used as material law in solving cases for Muslims is the Al-Quran, As-Sunnah and *Ijtihad* of the scholars [29].

During the time of Caliph Umar bin Khattab, the provision of legal services was growing. He gave judicial authority to other parties who have the authority to adjudicate. Restoration of public trust is strengthened by reforming the judiciary, and an arbitration institution has even been established. Caliph Umar bin Khatab then compiled guidelines on the basics of court proceedings known as the *Risalat Qadha* and appointed a new *qodhi*, namely Abu Musa al Asy`ari. In the *Risalat Qadha*, the position of arbitration is confirmed [26].

In the period towards the end of Khulafaurrasyidin's rule, law had developed rapidly, the application of law was not limited to matters of *ahwalus sakhshiyah* (family law) and business (trade) law, but had expanded to the political field. The internal Islamic upheaval among influential figures made the political conditions even more turbulent. This situation resulted in the growth and development of legal services in the political field, especially at the end of the leadership of Usman bin Affan who was later killed so that the leadership shifted to Ali bin Abi Talib. This problem left disputes which resulted in many wars between fellow Islamic figures [30].

During the reign of the Umayyads and the Abbasids, the development of the role of legal aid was not very prominent. The causal factor was the existence of political stability in the two governments so that the judiciary formed by the government could function properly. Such a condition does not mean without causing negative effects, excessive domination of power results in judges not being able to exercise *ijtihad* so that the credibility of the judiciary established by the government is doubtful and the public lacks legitimacy in upholding justice. In this situation, the public longs for an alternative institution that is able to resolve disputes in an effective, fast and low-cost way and fulfills the elements of society's sense of justice [26].

In subsequent developments, advocates in Islam cannot be separated from the development of the civilization of Islamic society itself. The Prophet Muhammad, has brilliantly become a role model for the Islamic community in implementing forms of settlement of cases that occurred to his companions and followers at that time. Likewise in the generation of friends, they are exemplary figures who have participated in laying the foundations of the judiciary as a forum for settling cases for Muslims who have continued to experience development from time to time. In the end, history records that the complexity of the problems that have arisen with the development of Islam means that the jurisdiction for providing legal aid is growing rapidly, starting from family issues, politics, business and even war. Therefore, various social phenomena that occur among Muslims with their various problems become a field and hope for advocates, especially sharia advocates who have the responsibility to empower people to have legal awareness and have a good legal culture.

3.4 The Potential of Sharia Advocates in Increasing Public Legal Awareness

Legal aid or what is often known as advocacy has been practiced thousands of years ago, even since BC [31]. Advocate profession according to some experts is considered the oldest professional profession. At the time the advocate profession was born, it started with a passion to gain influence in the society or was more prestige in nature. Along with the development of human needs for the importance of professional legal services, the advocate profession is among the most sought after and a place for justice seekers to depend, considering that this profession requires skill and expertise as well as intelligence about legal knowledge.

There are various variations of the concept of legal aid. Cappelletti and Gordley divide legal aid provided to the public into two models: First, individual-juridical legal aid. This model of advocacy is only given to the community in order to protect their individual needs or interests. In its implementation, individual-juridical model advocacy depends on the active role of the community who needs assistance, litigants can ask for help from any advocate and the services of the advocate who provide assistance will be paid for by the state. Second, the welfare model legal aid. This model of advocacy is intended by the state to provide rights to welfare that citizens can obtain because welfare rights are part of the social protection framework [32].

In contrast to the opinion above, Scuvt, Groenenijk and Sloot divide legal aid into five types [33], namely: first, preventive legal assistance. This advocacy is carried out by providing legal information and counseling with the community, so that the community understands their rights and obligations as citizens. Second, diagnostic legal assistance. This advocacy is carried out using the method of giving advice or providing legal consultations to the community. Third, legal assistance for conflict control. This advocacy has the goal of carrying out active solutions

to real problems that occur in society. Fourth, legal assistance for legal formation. This advocacy aims to provoke a more precise, clearer, and more correct jurisprudence. Fifth, legal assistance for legal reform. This advocacy is intended for the purpose of law reform, both from judges and from legislators.

In addition to the two opinions above, legal experts in Indonesia classify legal aid into two types [34], namely: first, individual legal aid. This type of advocacy is intended for people who really cannot afford to be given legal assistance by advocates in court cases. Second, structural legal assistance. Structural advocacy is intended for a broader purpose than just helping the poor, namely carrying out activities that raise legal awareness for the community.

From the description above, it has summarized all the essence of the substance of legal aid, namely an effort to raise public awareness of the law. Departing from these legal aid concepts provided the motivation for the issuance of Law Number 18 of 2003 concerning Advocates which was ratified on April 5 2003 and came into effect. Even though the law is controversial, what deserves to be appreciated is that it contains values and the spirit of legal awareness in the community.

The concept of legal aid is expressly contained in the definition of legal services in article 1 paragraph (2), besides that the advocate law mandates that advocates have an obligation to uphold law and justice. The legal aid referred to in Article 1 paragraph (2) is clarified in paragraph (9) which is defined as a legal service provided free of charge to clients who can't afford it. A similar context is also mandated in another law, namely Law Number 4 of 2004 concerning Judicial powers which in Article 37 and Article 38 explains that everyone who is involved in a case has the right to receive legal assistance [35]. From the regulation of the law it is clear that an advocate is required to provide free legal assistance to people in need.

With the advocate law, the potential of advocates, both sharia advocates and non-shariah advocates, is not only limited to providing legal assistance in litigation carried out in the judicial process, but must have the enthusiasm to provide legal assistance in a non-litigation manner by providing legal enlightenment to the wider community so that people are not legally blind and feel more comfortable with the presence of laws that regulate and protect citizens in order to realize the ideals of a just and prosperous country. All advocates have the burden and responsibility to increase legal awareness in society so that a legal culture can be realized. Increasing public awareness of law is very important and is not limited to intellectual circles, but must reach the lowest level because upholding the rule of law can only be built when all components of the state obey and comply with applicable laws.

In Islamic teachings, law enforcement and justice are the main essence of the revelation of Islamic treatises. Islamic treatise contains laws that regulate all aspects of human life so that the presence of Islam is called *rahmatan lil `alamin*. The presence of Islamic law in society is intended so that all forms of activity in fulfilling the necessities of life can take place regularly to create a society that is *maslahah `ammah* or the common good [36].

Allah in Qur'an Surah An-Nisa verse (4) conveys teachings to humans and orders them to convey the mandate to those who are entitled to receive it and establish laws among humans so that they determine them fairly. This verse is in accordance with the basic concept of sharia advocates, namely conveying the mandate of clients to judges in the fairest way possible. In another Surah, namely Surah Al-Hujurat verse (9), Allah commands that if there are two groups of those who believe in fighting, you should reconcile. in the context of this verse what is meant by the two groups of believers are fellow Muslims or fellow Muslim communities, while what you mean is of course all people who have expertise in providing mediation because the goal is to reconcile. Rasulullah SAW in the Hadith History of Bukhari number 6015 [37], explicitly gives instructions that if a case is handed over to someone who is not an expert, then wait for the moment of destruction. Thus, people who are deemed worthy of being peacemakers are sharia advocates who better understand the laws of both Islamic law and positive law in force in Indonesia.

A sharia advocate who has a background in sharia laws has great potential in realizing the common good (*maslahah `ammah*). This cannot be avoided because as part of the Muslim community, sharia advocates have a moral responsibility to spread their knowledge according to their competence. *Amar ma`ruf nahi munkar* in the field of sharia law will make a significant contribution in increasing legal awareness among Muslim communities. This contribution is not only limited to legal aid but in the form of Islamic da'wah. Da'wah is very important because the goals to be achieved are being preventive. The spirit of increasing legal awareness in the community as a preventive measure is the most effective step to avoid conflict between fellow Muslims or Muslim groups.

This can only be done by preaching, as the rule of fiqh in the book *Al-Asbah wa Nadhoir* page 62, namely "Rejecting damage takes precedence over attracting benefit" [38].

The real form that can be carried out by sharia advocates in increasing public legal awareness with da'wah is providing counseling in the field of sharia law, especially issues of marriage, inheritance, wills, grants, endowments, zakat, infaq, almsgiving and issues regarding sharia economics which is under the authority of the Religious Courts. Counseling can be done in various ways including through formal means, namely in collaboration with government agencies such as the Office of Religious Affairs, with higher education institutions and other institutions. In addition to the formal way, there are also non-formal methods, namely through lectures, community meetings, the media, litigants who must be reconciled and so on. Such a huge potential should be realized and implemented by sharia advocates so that the nation of Indonesia, which is predominantly Muslim, is even known as a country with the largest Muslim population in the world, to become a beacon as well as the role model for other Muslim countries.

4. Conclusion

The emergence of the advocate law guarantees advocates an active role both in litigation and non-litigation. In terms of litigation, advocates do not merely provide legal assistance to paid clients, but advocates are required to provide free legal assistance to poor people who need legal services (pro bono). In non-litigation terms, advocates have the responsibility to assist disputing parties to resolve their cases outside the court. Sharia advocates, in addition to providing legal assistance through litigation and non-litigation, also have the potential to carry out Islamic da'wah by conducting education and counseling on sharia laws, both formally and non-formally as a form of effort to increase legal awareness in the Muslim community regarding legal culture.

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