



Advocates ready to welcome globalization era

In 2020, the regulations of the World Trade Organization (WTO) will be applied all over the world. As of now there are only seven more years for countries to prepare themselves to enter the inevitable era of globalization.

Indonesia has ratified the WTO through Law Number 7 of 1994 on Ratification of the Agreement Establishing the World Trade Organization (WTO Agreement), which also acknowledges the General Agreement on Tariffs and Trade (GATT).

The acknowledgement of GATT by the government means that the field of services – legal services and other fields of trading included – must be ready to face the globalization era. Services of all kinds must be ready to enter the cross-border era, which stipulates a concept of free competition that is no longer conservative and restricted to only one jurisdiction.

Indonesian advocates, too, must prepare themselves for the implications of the globalization era. One way is to create young advocates who have integrity and are tough, professional and equipped with sufficient knowledge of the national and international legal systems. The English language, especially legal English, is another ability that must be possessed for the purposes of correspondence, providing legal opinions and advice, defense, or making reports to foreign clients and colleagues. Such skills must be emphasized in the

curricula of law faculties and advocate education programs if we wish to be the “host” in our own country. This is all the more urgent because, in reality, there are already many foreign advocates who practice in Indonesia, regardless of the fact that their existence is not completely supported with clear regulations.

Universally, a bar association should be able to get by on member contributions and non-binding donations but unfortunately, the existing bar association is too busy handling conflicts among members to look for income from courses and advocate training, and to provide sufficient skills for its members to compete globally.

Despite the urgent need to eradicate it, judicial corruption has actually become more rampant and unfortunately the existing bar association has allowed this to continue. It is not surprising that in some recent corruption cases, advocates were actually arrested for being intermediaries, used to lobby or bribe judges to win cases.

The currently-developing phenomenon is that advocates have transformed into “case brokers” who often meet with judges without the presence of the opposing party in the case. In fact, this practice slows down the improvement of the law enforcement system in our country.

It is not surprising that the international community often questions the application of the rule of law and law enforcement in Indonesia. This reality definitely harms



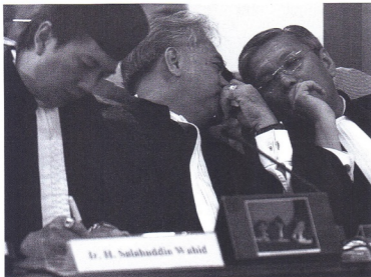
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Indonesia's position as a signatory and member of the WTO.

From the previously-mentioned chaos, it is reasonable to state that it is time for us to clean up our act and be ready to welcome the globalization era. Systems for legal education and the legal profession must be changed. One of the sources of change is the Advocate Bill, which has changed the single bar association system to the multi-bar association system.

In addition, the National Advocate Council has been established. Its duty is to set up the educational curriculum and bar exam, in addition to setting up, supervising and investigating violations of the advocate's code of ethics. Every existing bar association will now be given the opportunity to organize its own programs, under the condition that they meet the requirements for verification that have been standardized by the National Advocate Council.

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A fundamental change

The single bar concept originated in the New Order administration to achieve the goals of the corporatist regime at that time. It sought to control advocates in a single organization, like the labor movement and journalists, who were controlled via the Indonesian Workers Association (SPSI) and the Indonesian Journalists Association (PWI) respectively.

No organization can claim to be the dominant single bar association because of the conflicts and divisions in the 1990s and 2000s. These prolonged conflicts weaken the position and status of advocates and facilitates them becoming troublemakers and case brokers, which triggers the misuse of advocates by "black conglomerates" and "black businessmen," or opportunist justice seekers.

Fortunately this will soon become the multi-bar association concept. Under this new concept, existing bar associations will hopefully be able to compete freely and fairly. At the end of the day, a bar association whose management is good, clean and has the right qualities will end up on top and win the hearts of future advocates and graduates of the law faculties of the best universities.

Advocates are not law enforcement officials

We need to refer to the United Nations Convention on the Code of Ethics of Law Enforcement Officials, as adopted by General Assembly Resolution 34/169 of 17 December 1979, especially Article 1: "(a) The term "law enforcement officials," includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention."

This international convention clearly states that law enforcement officials have what is known as police powers – the right to arrest and the right to detain. As a result, only the police and prosecutors can be called law enforcement officials. This is where the Advocate Bill must be revised, so that it will not be in conflict with the principles of international law before it is enacted.

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