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THE POSITION OF CIVIL SERVANT LECTURERS AS ADVOCATES IN THE PERSPECTIVE OF LAW NUMBER 20 OF 2025 CONCERNING THE CRIMINAL PROCEDURE CODE AND ITS JURIDICAL IMPLICATIONS FOR THE ASSISTANCE OF SUSPECTS AT THE INVESTIGATION STAGE

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Abstract

This study aims to analyze the legal position of Civil Servant Lecturers (Civil Servant/PNS) as advocates under Law Number 20 of 2025 concerning the Criminal Procedure Code and to examine the juridical implications of such position for providing legal assistance to suspects during the criminal investigation stage. This research is a normative legal study employing a statutory approach, conceptual approach, and case approach. The legal materials consist of primary, secondary, and tertiary legal sources, which are analyzed qualitatively using a descriptive-analytical method. The results indicate that the legal position of Civil Servant Lecturers as advocates has obtained constitutional legitimacy through the Constitutional Court Decision Number 150/PUU-XXII/2024, which provides an exception to the prohibition on civil servants practicing as advocates, particularly for law faculty lecturers in carrying out the Tri Dharma of Higher Education, especially community service through legal aid activities. Furthermore, Law Number 20 of 2025 concerning the Criminal Procedure Code strengthens the recognition of legal services as a form of community service, as reflected in Article 1 paragraph 22. The juridical implication of this recognition is the availability of legal avenues for Civil Servant Lecturers who practice as advocates to provide legal assistance to suspects during criminal investigations, including legal consultation, assistance during interrogations, protection of suspects' rights, and other legal remedies aimed at ensuring the implementation of due process of law and the protection of human rights within the criminal justice system.

Keywords: Civil Servant Lecturers, Advocates, Criminal Procedure Code 2025, Investigation, Legal Aid.

A. Introduction

Indonesia is a state of law (*rechtsstaat*) that upholds the rule of law, equality before *the law*, and respect and protection of human rights as affirmed in Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.[1]

[1] Article 1 paragraph (3) and Article 28D paragraph (1) of the Constitution of the Republic of Indonesia in 1945.

As a state of law, all actions of state administrators and citizens must be based on applicable laws. Consequently, everyone who is confronted by the law has the right to fair legal protection, legal certainty, and equal treatment before the law without discrimination. This principle is the main foundation in the implementation of the criminal justice system that is oriented towards the protection of human rights and the enforcement of justice.

The protection of human rights for all citizens is one of the fundamental elements that must be realized in the implementation of the rule of law. In Indonesia, the commitment to respect, protect, and guarantee human rights is reflected in the second precept of Pancasila, namely *Fair and Civilized Humanity*. The precept emphasizes that every individual has dignity that must be respected and has the right to receive fair and humane treatment in the life of society, nation, and state.[2]

In the criminal justice system, the investigation stage has a very strategic position because it is the initial door in the criminal law enforcement process. At this stage, a series of actions were carried out by investigators to find and collect evidence to shed light on a criminal act and find the suspect.[3] The determination of a person's status as a suspect, the implementation of examinations, arrests, detentions, and other coercive actions are generally carried out at this stage. Therefore, investigation is the most vulnerable stage to the potential for human rights violations if it is not carried out based on the principle *of due process of law*.

[2] Yolanda Veronika de la Brethoniere, "The Application *of the Single Bar* System in the Advocate Bill after the Constitutional Court Decision", *Journal Equitable, Vol.8 No.2 2023*.

[3] Article 1 number 14 of Law Number 20 of 2025 concerning the Criminal Procedure Code.

This vulnerability puts the suspect in a position that requires optimal legal protection. In practice, it is not uncommon to find investigative actions that have the potential to cause psychological pressure, intimidation, abuse of authority, and violations of the procedural rights of suspects. Therefore, the criminal procedure law provides guarantees to each suspect to obtain legal assistance and be accompanied by an advocate from the investigation stage. The presence of advocates in the investigation process is a manifestation of the principle of the rule of law that guarantees the protection of human rights and the right to a fair *trial*.[4]

Advocates have a very important position in the criminal justice system because they not only function as legal companions for suspects, but also as an instrument of control over the use of authority by law enforcement officials. Through the legal assistance provided, advocates can ensure that every action of the investigator is carried out in accordance with the provisions of laws and regulations, uphold the principle of legality, and respect the rights of suspects. Thus, the existence of advocates is one of the important elements in realizing a balance between the state's authority in enforcing the law and protecting individual rights.

In addition to carrying out their professional functions as law enforcers, advocates also have a social function that is realized through the provision of legal aid to the community. This social function is explicitly recognized in Law Number 18 of 2003 concerning Advocates which places the advocate profession as a free and

[4] M. Yahya Harahap, *Discussion of Problems and Implementation of the Criminal Code: Investigation and Prosecution*, (Jakarta: Sinar Grafika, 2023), pp. 75–77.

independent law enforcer and guaranteed by laws and regulations.[5]

Legal developments regarding the advocate profession have undergone significant changes after the Constitutional Court Decision Number 150/PUU-XXII/2024, dated January 3, 2025. The decision provides a constitutional interpretation of the provisions in Law Number 18 of 2003 concerning Advocates which previously prohibited Civil Servants (PNS) from carrying out the profession of advocate. Through this decision, the Constitutional Court granted an exception to civil servant lecturers, especially law faculty lecturers, to carry out the profession of advocate in the context of implementing the Tri Dharma of Higher Education, especially community service through the provision of legal aid.[6]

The Constitutional Court's decision is an important milestone in the development of the advocate profession in Indonesia because it provides constitutional legitimacy for the involvement of civil servant lecturers in advocacy practice. Before the verdict was born, the position of civil servant lecturers who carry out the profession of advocate often caused legal debate. On the one hand, lecturers have adequate academic and professional competence to provide legal assistance to the community. However, on the other hand, his status as a state civil servant raises questions about professional independence, bureaucratic neutrality, and potential conflicts of interest. This condition causes legal uncertainty regarding the scope of authority of civil servant lecturers in carrying out the advocate profession.

[5] Article 5 paragraph (1) of Law Number 18 of 2003 concerning Advocates.

[6] Constitutional Court Decision Number 150/PUU-XXII/2024.

After the Constitutional Court Decision Number 150/PUU-XXII/2024, civil servant lecturers gain legal legitimacy to carry out the advocate profession as long as it is carried out in accordance with the provisions of laws and regulations and does not interfere with the implementation of their main duties as state civil servants. This legitimacy opens up wider opportunities for civil servant lecturers to participate in providing legal assistance to the community, including providing assistance to suspects at the stage of criminal investigation. The involvement of civil servant lecturers as advocates is also in line with the implementation of the Tri Dharma of Higher Education which requires lecturers to carry out educational, research, and community service activities in an integrated manner.

The urgency of discussing the position of civil servant lecturers as advocates is increasing after the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code. The law brings a new paradigm to the Indonesian criminal justice system by paying greater attention to the protection of the rights of suspects, defendants, victims, and witnesses. One of the important updates in the 2025 Criminal Procedure Code is the strengthening of the right to legal aid and the expansion of recognition of the provision of legal services as part of community service as reflected in Article 1 number 22.[7]

Nevertheless, the existence of civil servant lecturers as advocates in the perspective of the 2025 Criminal Procedure Code still raises a number of juridical problems that require further study. These

[7] Article 1 number 22 of Law Number 20 of 2025 concerning the Criminal Procedure Code

issues are related to the legal construction of the position of civil servant lecturers as advocates in the criminal procedure law system, the limits of authority that can be exercised in the legal assistance process, and the juridical implications of the involvement of civil servant lecturers in providing legal assistance to suspects at the investigation stage.

This research is important to analyze the position of Civil Servant lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code and to examine the juridical implications of this position on the implementation of legal assistance for suspects at the stage of criminal investigation. This study is expected to make a theoretical contribution to the development of criminal procedure law and the advocate profession as well as make a practical contribution in realizing the protection of suspects' rights in line with the principles of the state of law and human rights.

A number of previous studies have examined the position of Civil Servant (PNS) lecturers as advocates after the Constitutional Court Decision Number 150/PUU-XXII/2024. However, these studies generally focus more on aspects of legal status, legal certainty, and the constitutional implications of allowing civil servant lecturers to carry out the advocate profession. Until now, there is still very limited research that specifically examines the position of lecturers as advocates in the new Criminal Code and the role of civil servant lecturers as advocates in providing assistance to suspects at the stage of criminal investigation. Therefore, this research is important and relevant to be carried out to fill the research *gap* regarding the position of lecturers as advocates in the new Criminal Code and the implementation of the role of civil servant lecturers as

advocates in providing legal assistance to suspects at the investigation stage as part of the criminal justice system that upholds justice, legal certainty, and the protection of human rights.

The research conducted by Rasji and Yanuar Putra Erwin is entitled *"The Implications of the Provision of Legal Aid by Civil Servant Lecturers as Advocates Reviewed from the Aspect of Legal Usefulness (Case Study of the Constitutional Court Decision Number 150/PUU-XXII/2024)".*[8] This study discusses the consequences of the Constitutional Court Decision Number 150/PUU-XXII/2024 which provides space for lecturers with the status of Civil Servants (PNS) to carry out the profession of advocates in order to provide free legal aid to the community as part of the implementation of the Tri Dharma of Higher Education. The main focus of the research is to analyze the policy from the perspective of *legal utility,* especially in increasing public access to legal aid. The results of the study show that the Constitutional Court's ruling provides significant benefits for justice-seeking communities because it expands access to free legal aid, especially for underprivileged groups.

The research of Rasji and Yanuar Putra Erwin focuses on the analysis of the legal benefits of providing legal aid by civil servant lecturers as advocates. Meanwhile, this research focuses on the position of civil servant lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code and its juridical implications on the

[8] Rasji and Yanuar Putra Erwin, "The Implications of the Provision of Legal Aid by Civil Servant Lecturers as Advocates Reviewed from the Aspect of Legal Usefulness (Case Study of the Constitutional Court Decision Number: 150/PUU-XXII/2024). *Lex Generalis Law Journal. Vol.5. No.10 (2025).*

implementation of suspect assistance at the stage of criminal investigation. Thus, this study offers novelty in the form of a normative analysis of the legal status of civil servant lecturers as advocates within the framework of the new Criminal Code and its influence on the right of suspects to obtain legal assistance at the investigation stage

Furthermore, the research conducted by Mbareb Slamat Pambudi and Ichsan Anwary is entitled *"Legal Certainty of the Status of Civil Servant Lecturers Who Can Become Advocates in the Constitutional Court Decision Number 150/PUU-XXII/2024"*.[9] The study examines the legal certainty regarding the status of Civil Servant lecturers (PNS) who are allowed to carry out the profession of advocate after the birth of the Constitutional Court Decision Number 150/PUU-XXII/2024. The research focuses on the analysis of harmonization and synchronization of various laws and regulations that regulate the profession of advocates and state civil servants in order to provide legal certainty for the position of civil servant lecturers as advocates. The results of the study show that the Constitutional Court's decision has provided a legal basis for civil servant lecturers to carry out the profession of advocate in the context of providing free legal aid as a form of community service. The similarity between the research and this research lies in the same object of study, namely the position of civil servant lecturers as advocates. However, the research focuses more on the aspect of legal certainty after the Constitutional Court's decision, and at the time the research was

[9] Mbareb Slamat Pambudi1, Ichsan Anwary who examined the legal certainty of the status of civil servant lecturers who can become advocates in the Constitutional Court Number 150/PUU-XXII/2024. *Collaborative Journal of Science.*

conducted, law number 20 of 2025 concerning the criminal procedure code had not yet been enforced, while this research focused on the position of civil servant lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code and its juridical implications on the assistance of suspects at the stage investigation, so that it has a different focus of study and offers novelty in the context of criminal procedure law.

The next research was conducted by Kadek Sista Pradnya Pramita et al. entitled *"Interdependence of Civil Servant Lecturers in Serving as Advocates for the Benefit of Justiciabelen".*[10] The research discusses the relationship and relationship between the profession of Civil Servant (PNS) lecturers and the advocate profession in order to ensure access to justice for justice-seeking communities (*justiciabelen*). The similarity of the research with this study lies in the same object of study, namely civil servant lecturers who carry out the profession of advocate. However, the research focuses more on the interdependent relationship between the two professions and the fulfillment of access to justice for the community, while this study specifically examines the position of civil servant lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code and its juridical implications for the assistance of suspects at the investigation stage, thus providing a more specific perspective in the context of criminal procedural law.

In addition, the research conducted by Ni Putu Sintya Dewi was entitled *"Juridical*

[10] Kadek Sista Pradnya Pramita, et al. who examined the interdependence of Civil Servant Lecturers in Acting as Advocates for the Benefit of *Justiciabelen*. *Journal of Academic Media (JMA).* Vol.3, No.10 October 2025.

Analysis of the Implications of the Constitutional Court Decision Number 150/PUU-XXII/2024: Actualization of the Academic Role of Civil Servant Lecturers as Well as Advocates".[11] The research discusses the juridical implications of the Constitutional Court Decision Number 150/PUU-XXII/2024 on the permissibility of Civil Servant (PNS) lecturers to carry out the profession of advocate in addition to their academic duties. The research focuses on the analysis of changes in legal norms and the actualization of the role of civil servant lecturers in implementing the Tri Dharma of Higher Education through the provision of legal assistance to the community. The results of the study show that the Constitutional Court's decision provides legal legitimacy for civil servants to work as advocates without eliminating their main function as educators. The similarity of the research with this research lies in the same object of study, namely the position of civil servant lecturers as advocates after the Constitutional Court Decision Number 150/PUU-XXII/2024. However, the study focuses more on the implications of the decision on the actualization of the academic role of civil servant lecturers, while this study specifically examines the position of civil servant lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code and its juridical implications for assisting suspects at the investigation stage, thus offering a more specific focus of study in the realm of criminal procedural law.

[11] Ni Putu Sintya Dewi, who studied *"Juridical Analysis of the Implications of the Constitutional Court Decision Number 150/PUU-XXII/2024: Actualization of the Academic Role of Civil Servant Lecturers as Advocates.* Kertha Village Journal, Vol. 13 No. 11 of 2025.

Based on the description of the previous research, it can be seen that existing studies generally focus on the analysis of the Constitutional Court Decision Number 150/PUU-XXII/2024 which provides space for Civil Servant lecturers (PNS) to carry out the advocate profession. These studies highlight various aspects, such as the usefulness of the law in providing legal aid to the community, legal certainty regarding the status of civil servant lecturers as advocates, the relationship between the lecturer profession and advocates in order to fulfill access to justice, and the implications of the Constitutional Court's decision on the actualization of the academic role of lecturers in the implementation of the Tri Dharma of Higher Education. Thus, previous research has placed the Constitutional Court Decision as the main focus in explaining the legitimacy and consequences of allowing civil servant lecturers to carry out the advocate profession.

These studies have not specifically examined the position of civil servant lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code, especially related to the implementation of legal assistance for suspects at the investigation stage. In fact, the presence of the new Criminal Procedure Code brings juridical consequences to the implementation of suspects' rights, including the right to obtain legal aid from the early stages of the criminal justice process. Therefore, this study has novelty because it not only discusses the legal status of civil servant lecturers as advocates, but also analyzes the juridical implications of this position on the implementation of suspect assistance at the investigation stage. Thus, this research is expected to make an academic and practical contribution to the development of criminal procedural law and the protection

of suspects' rights in the criminal justice system in Indonesia.

B. Problem Formulation

The problem formulation of this study is:

1. What is the position of Civil Servant (PNS) lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code?
2. What are the juridical implications of the position of Civil Servant (PNS) lecturers as advocates for the implementation of legal assistance for suspects at the stage of criminal investigation?

C. Research Objectives

1. To analyze the position of Civil Servant (PNS) lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code.
2. To analyze the juridical implications of the position of Civil Servant (PNS) lecturers as advocates for the implementation of legal assistance for suspects at the stage of criminal investigation.

D. Research Methods

This research is a normative legal research that aims to analyze the legal position of Civil Servant (PNS) lecturers in the criminal justice system based on Law Number 20 of 2025 concerning the Criminal Procedure Code and examine the legality and juridical implications of the implementation of the advocate profession by civil servant lecturers in assisting suspects at the stage of criminal investigation. This research uses a statute *approach.* The legal materials used consist of primary legal materials in the form of laws and regulations and court decisions, secondary legal materials in the form of books, scientific journals, and tertiary legal materials in the form of legal dictionaries and encyclopedias.

E. Research and Discussion Results

1. The position of Civil Servant (PNS) lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code.

The advocate profession in the Indonesian legal system occupies a very important position as one of the elements of law enforcement that plays a role in ensuring the upholding of the rule of law, protection of human rights, and the implementation of the principles of the rule of law. The existence of advocates is not only seen as a profession that provides legal services to the community, but also as an institution that has a social responsibility in realizing justice and providing protection for the rights of citizens who face the law. Therefore, the advocate profession is known as *officium nobile* or noble profession because the implementation of the profession is not solely oriented to economic interests, but also contains moral, ethical, and social responsibility dimensions to uphold law and justice.[12]

Regulations regarding the profession of advocates in Indonesia are specifically regulated in Law Number 18 of 2003 concerning Advocates. In the law, it is emphasized that advocates are free and independent law enforcers guaranteed by laws and regulations.[13] As law enforcers, advocates have an equal position with other law enforcement officials, such as judges, prosecutors, and investigators, in order to realize a fair and balanced justice system. Therefore, the advocate profession cannot be separated from the criminal justice system because its existence is an important instrument in ensuring that the rights of a person who is dealing with the law are protected during the judicial process.

[12] Adnan Buyung Nasution, *Legal Aid in Indonesia*, (Jakarta: LP3ES, 2018), p. 15.

[13] Article 5 paragraph (1) of Law Number 18 of 2003 concerning Advocates.

However, Law Number 18 of 2003 concerning Advocates initially provided restrictions on civil servants to carry out the profession of advocate. These restrictions are reflected in Article 3 paragraph (1) letter c and Article 20 paragraph (2) which basically requires that a person who will be appointed as an advocate must not have the status of a civil servant[14] and requires an advocate who is then appointed as a civil servant to stop carrying out the profession of advocate. This provision has for many years caused debate, especially related to Civil Servant lecturers at the faculty of law who academically have the competence and capacity to carry out the advocate profession, as well as have the obligation to implement the Tri Dharma of Higher Education, including community service through the provision of legal aid.

The debate then reached its peak through constitutional testing at the Constitutional Court which resulted in the Constitutional Court Decision Number 150/PUU-XXII/2024. In the ruling, the Constitutional Court gave a constitutional interpretation that the prohibition of civil servants becoming advocates cannot be applied absolutely to civil servants, especially law faculty lecturers. The Court considers that lecturers have different characteristics from state civil servants in general because they have academic, educational, research, and community service functions that are closely related to the development of legal science and the provision of legal aid to the community.[15]

The involvement of civil servant lecturers in the advocate profession not only

[14] Article 3 paragraph (1) letter c and Article 20 paragraph (2) of Law Number 18 of 2003 concerning Advocates.

[15] Constitutional Court Decision Number 150/PUU-XXII/2024.

provides benefits to people who need legal assistance, but also contributes to improving the quality of legal education. Through advocacy practice, lecturers gain empirical experience that can be used in the learning and research process, so that there is a reciprocal relationship between the academic world and legal practice. Therefore, the implementation of the advocate profession by civil servant lecturers is part of the implementation of the Tri Dharma of Higher Education which should not be limited as long as it is carried out professionally and does not cause a conflict of interest.

The significance of the Constitutional Court Decision Number 150/PUU-XXII/2024 is increasingly visible after the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code. One of the important updates in the 2025 Criminal Procedure Code is the existence of more progressive arrangements regarding the position of advocates and legal aid in the criminal justice system. Article 1 number 22 of the Criminal Procedure Code of 2025 provides the definition of an advocate as a person who is employed in providing legal services based on the provisions of laws and regulations regarding advocates and/or people who provide legal services as part of community service to provide free legal assistance based on the provisions of laws and regulations.

Based on Article 1 number 22 of Law Number 20 of 2025 concerning the Criminal Procedure Code, it has been explained that:

"An advocate is a person who is employed in providing legal services both inside and outside the court who meets the requirements based on the provisions of the Law that regulates advocates, and/or a person who can provide legal services both inside and outside the court as part of community service to provide free legal

assistance based on the provisions of laws and regulations.[16]

Based on the Explanation of Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code which states that the provisions of Article 1 are "quite clear", the interpretation of the definition of advocate as stipulated in Article 1 number 22 must be carried out based on the formulation of norms contained in these provisions as well as other related laws and regulations. In other words, the lawmakers do not provide additional interpretation to the elements contained in the definition of advocate because they are considered to have a firm meaning and do not raise doubts in their application. Therefore, to understand the definition of advocate in the criminal justice system, it is necessary to interpret it by connecting these provisions with regulations regarding the advocate profession, legal aid, and the right of everyone to obtain legal assistance in the criminal justice process.

By examining the formulation of Article 1 number 22 of Law Number 20 of 2025 concerning the Criminal Procedure Code, it can be understood that this provision provides two definitions of advocates. The first meaning is reflected in the phrase, *"An advocate is a person who has the profession of providing legal services both inside and outside the court who meets the requirements based on the provisions of the Law that regulates advocates."* Based on these provisions, an advocate can be understood as someone who carries out the legal profession professionally by providing legal services to clients, both in the judicial process and outside the judicial process, and has fulfilled

[16] Article 1 number 22 of Law Number 20 of 2025 concerning the Criminal Procedure Code.

the requirements set out in the laws and regulations governing the advocate profession. The legal services provided include legal consultation, providing legal advice, mentoring, defense, representation of the client's legal interests, and various other legal actions aimed at protecting the client's legal rights and interests.

The second meaning is found in the phrase, *"... and/or persons who can provide legal services both inside and outside the court as part of community service to provide free legal assistance based on the provisions of laws and regulations."* This provision shows that in addition to advocates who carry out their profession professionally, laws and regulations also provide recognition to certain parties to provide legal services as a form of community service. These legal services can be provided both through litigation and non-litigation mechanisms with the main goal of ensuring access to justice for people who need legal assistance.

Theuse of the phrase "and/or" in the provision has a different juridical meaning from the use of the words "and" or "or" separately. In the technique of drafting laws and regulations, the phrase "and/or" indicates that the regulated norms can apply cumulatively or alternatively. Thus, the phrase opens up three possibilities of application, namely: first, the two elements mentioned in the norm apply simultaneously; second, only the first element applies; and third, only the second element applies. Therefore, the use of the phrase "and/or" in Article 1 number 22 of Law Number 20 of 2025 concerning the Criminal Procedure Code shows that the provision of legal services can be carried out by advocates who carry out their profession based on the provisions of laws and regulations regarding advocates, by parties who provide legal

assistance as a form of community service, or by both simultaneously in accordance with the provisions of laws and regulations that applicable.

Furthermore, legal services provided in this context are free legal aid (*pro bono*), that is, legal services provided without charging fees from legal aid recipients. The provision of free legal aid is aimed mainly at economically disadvantaged people or vulnerable groups who experience obstacles in obtaining access to legal services. Thus, this provision reflects the state's commitment to ensure equality *before the law* and ensure the fulfillment of the right to legal aid as part of the protection of human rights and access *to justice*.

The regulation on legal aid in Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) emphasizes that legal aid is an integral part of the criminal justice system which is oriented towards the protection of the rights of parties facing the law. In this provision, it is emphasized that legal aid is legal services provided free of charge by advocates or legal aid providers to suspects, defendants, complainants, witnesses, or victims who are unable to afford it.[17] The legal services in question include providing legal advice, exercising power, representing, accompanying, defending, and taking other legal actions for the legal interests of the parties being accompanied. Such a scope shows that legal aid is not only limited to defense at trial, but also includes various forms of legal assistance from the early stages of the criminal justice process to ensure that the rights of each individual are effectively protected.

[17] Article 1 Number 25 of Law Number 20 of 2025 concerning the Criminal Procedure Code

Prior to the birth of Law Number 20 of 2025 concerning the Criminal Code, the regulation regarding legal aid had been regulated in Law Number 16 of 2011 concerning Legal Aid, which defines legal aid as legal services provided by Legal Aid Providers free of charge to Legal Aid Recipients.[18] Furthermore, Article 1 number 2 of Law Number 16 of 2011 concerning Legal Aid, determines that the recipient of legal aid is a person or group of poor people. This provision shows that the state has since its inception placed legal aid as an important instrument to protect economically disadvantaged groups in gaining access to decent legal services. Thus, legal aid is not solely a social activity or a form of generosity of the legal profession, but a constitutional right of citizens that must be guaranteed by the state.

Furthermore, Article 2 of Law Number 16 of 2011 emphasizes that the implementation of legal aid is carried out based on the principles of justice, equality of position in the law, openness, efficiency, effectiveness, and accountability. These principles reflect the principle of the state of law (*rechtstaat*) which requires that every citizen receive equal treatment before the law regardless of social status or economic condition. In addition, Article 5 paragraph (1) states that recipients of legal aid include any person or group of poor people who are unable to fulfill basic rights properly and independently. Therefore, the existence of legal aid is intended to remove obstacles that can prevent the poor from fighting for and defending their rights through available legal mechanisms.

[18] Article 1 Number 1 of Law Number 16 of 2011 concerning Legal Aid

In relation to the position of Civil Servant (PNS) lecturers as advocates, the provisions regarding legal aid as stipulated in Law Number 20 of 2025 concerning the Criminal Procedure Code and Law Number 16 of 2011 concerning Legal Aid provide a different perspective compared to the practice of advocates who are professionally oriented and obtain honorarium. The provision of free legal aid is essentially a form of community service that aims to ensure access to justice for underprivileged groups. Therefore, the involvement of civil servant lecturers in legal aid activities can be seen as part of the implementation of academic functions and community service, as long as it is carried out within the corridor of applicable laws and regulations and does not cause a conflict of interest with their status as state civil servants.

In addition, the professional characteristics of lecturers who have academic competence in the field of law make civil servant lecturers have the potential to make a significant contribution to the implementation of legal aid, both through legal consultation, legal counseling, legal assistance, and involvement in legal aid institutions that are oriented towards public services. These activities are in line with the implementation of the Tri Dharma of Higher Education, especially in the aspect of community service, which aims to apply science to provide benefits to the wider community. Thus, if the involvement of civil servant lecturers is carried out within the framework of free legal aid (*pro bono publico*) and not for personal gain, then the activity basically reflects the embodiment of the social responsibility of the legal profession while supporting the state's goal in ensuring access to justice for all citizens.

Based on this description, it can be concluded that the position of Civil Servant

lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code has a strong constitutional, juridical, and philosophical foundation. Constitutionally, this position gained legitimacy through the Constitutional Court Decision Number 150/PUU-XXII/2024. Juridically, this position is recognized through Article 1 number 22 of the Criminal Procedure Code of 2025 which recognizes the provision of legal services as part of community service. Meanwhile, philosophically, the position of civil servant lecturers as advocates is in line with the goals of the advocate profession as *officium nobile*, the principle of access to justice, and the implementation of the Tri Dharma of Higher Education in the field of community service.

However, the recognition of the position of Civil Servant lecturers (PNS) as advocates as obtained legitimacy through the Constitutional Court Decision Number 150/PUU-XXII/2024 and strengthened by Article 1 number 22 of Law Number 20 of 2025 concerning the Criminal Procedure Code still requires further regulation at the implementation level. Although this provision has provided a legal basis for civil servant lecturers to provide legal services as part of community service through free legal assistance *(pro bono publico),* until now there is no implementing regulation that specifically regulates the mechanism, scope, limits of authority, and forms of accountability for the implementation of the advocate profession by civil servant lecturers. This condition has the potential to cause differences in interpretation and legal uncertainty in practice, especially related to the relationship between the status of lecturers as state civil servants and their role as legal aid providers.

Therefore, it is necessary to establish a Government Regulation as an implementing

regulation of Law Number 20 of 2025 concerning the Criminal Procedure Code which specifically regulates the position of civil servant lecturers as advocates in providing legal assistance to the community. These arrangements are important to provide legal certainty regarding the requirements, procedures, scope of advocacy activities, supervision mechanisms, and limitations necessary to prevent conflicts of interest. In addition, the existence of the Government Regulation can also be an instrument of harmonization between the Advocate Law, the State Civil Apparatus Law, the Legal Aid Law, and the Higher Education Law, so that the implementation of the role of civil servant lecturers as advocates can run professionally, accountably, and remain in line with the implementation of the Tri Dharma of Higher Education, especially in the field of community service.

2. What are the juridical implications of the position of Civil Servant (PNS) lecturers as advocates for the implementation of legal assistance for suspects at the stage of criminal investigation?

One of the important substances regulated in Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) is the strengthening of the protection of suspects' rights at the stage of criminal investigation. The arrangement is part of the reform of the criminal procedural law which places respect for human rights as one of the fundamental principles in the implementation of the criminal justice system. In the new paradigm of the Criminal Procedure Code, suspects are no longer positioned solely as objects of examination, but as legal subjects who have constitutional rights that must be respected, protected, and fulfilled by every law enforcement officer during the criminal justice process. The

strengthening of the protection of the rights of suspects is intended to realize a criminal justice system that is fair, transparent, accountable, and free from abusive practices of authority by law enforcement officials.

In the criminal justice system, investigation is a stage that has a strategic position because it is the entrance to the criminal law enforcement process. Investigation is a series of actions by investigators to find and collect evidence to shed light on a criminal act and find the suspect.[19] This process began since the issuance of the investigation warrant and ended after the case file was submitted to the public prosecutor for further investigation. Therefore, every action taken at the investigation stage has direct consequences for the rights and freedoms of a person who has the status of a suspect.

The investigation stage is the most vulnerable phase to human rights violations. Various forms of violations, such as intimidation, psychological pressure, forced confession, torture, and other actions that are contrary to the principles of *due process of law*, have the potential to occur at this stage. [20]Therefore, the presence of an effective legal protection mechanism is a need that cannot be ignored. One form of protection is the right to suspects to obtain legal assistance and advocate assistance from the beginning of the examination process.

Article 1 number 30 of Law Number 20 of 2025 concerning the Criminal Procedure Code defines a suspect as someone who, because of his actions or circumstances,

[19] Article 1 number 7 of Law Number 20 of 2025 concerning the Criminal Procedure Code

[20] Andi Hamzah, *Indonesian Criminal Procedure Law*, Revised Edition, (Jakarta: Sinar Grafika, 2022), pp. 78–82.

should be suspected of being the perpetrator of a criminal act based on at least two pieces of evidence.[21] This provision shows that suspect status cannot be given arbitrarily, but must be based on sufficient evidence in accordance with the applicable legal provisions. The evidence recognized in the Criminal Procedure Code includes witness statements, expert statements, letters, defendants' statements, evidence, electronic evidence, judge's observations, and other evidence obtained legally according to the law.[22]

In line with the principles of human rights protection, the 2025 Criminal Code provides various guarantees of rights to suspects, one of which is the right to choose, contact, and obtain assistance from advocates at each stage of the examination. This right is a manifestation of the principle *of equality before the law* and *due process of law* which requires that everyone who is confronted by the law has the same opportunity to defend themselves and fight for their rights before the law.[23] The presence of advocates in the investigation process not only serves as a formal companion, but also as an instrument of control over the actions of law enforcement officials so that they continue to run according to procedures and do not violate the rights of suspects.

Thus, if a Civil Servant (PNS) lecturer who works as an advocate provides legal assistance to the suspect at the investigation stage, then he basically carries out the same functions and authorities as advocates in general. The presence of advocates in the investigation process is not only aimed at

[21] Article 1 number 28 of Law Number 20 of 2025 concerning the Criminal Procedure Code
[22] Article 235 paragraph (1) of Law Number 20 of 2025 concerning the Criminal Procedure Code
[23] Romli Atmasasmita, *Contemporary Criminal Justice System*, (Jakarta: Kencana, 2021), pp. 55–58.

providing legal assistance to suspects, but also serves as an instrument for human rights protection and a control mechanism against the possibility of abuse of authority in the law enforcement process. In this context, there are several roles that can be carried out by civil servant lecturers who work as advocates in providing legal assistance to suspects at the investigation stage.

First, providing consultation and legal advice to the suspect. In carrying out this function, advocates are obliged to provide explanations about the alleged criminal acts, the rights that the suspect has during the investigation process, the criminal threats that may be imposed, and various legal steps that can be taken to protect the legal interests of the suspect.

Second, accompanying the suspect during the investigation process. The presence of advocates in the examination aims to ensure that the entire investigation process is carried out in accordance with applicable legal provisions, upholds the principle of due process of law, and avoids acts of intimidation, threats, psychological pressure, and other forms of violence that can affect the suspect's freedom to give evidence.

Third, ensuring the fulfillment of the rights of suspects as guaranteed in laws and regulations. In this case, advocates play a role in supervising the suspect so that the suspect obtains the right to be accompanied by legal counsel, the right to provide information freely, the right to obtain health services, the right to communicate with the family, and other rights recognized in the criminal justice system.

Fourth, conduct an examination of the legality of documents and investigative actions. Advocates can study various documents related to the investigation process, such as investigation warrants, arrest warrants, detention warrants, and

Examination Minutes (BAP), to ensure that all investigative actions are carried out in accordance with lawful authority and procedures.

Fifth, submit an application for a suspension of detention or transfer of the type of detention. In the event that the suspect is subject to detention, the advocate may submit an application to the investigator so that the suspect be granted a suspension of detention or transfer of the type of detention in accordance with the provisions of the applicable laws and regulations.

Sixth, raise objections to the actions of investigators that are contrary to the law. If there is an investigation action that is not in accordance with procedures or has the potential to violate the rights of the suspect, the advocate can submit an official objection or take available legal remedies, including submitting a pretrial application.

Seventh, collecting data and evidence that mitigates the suspect. In the context of defending the client's legal interests, advocates can conduct fact-tracing, collect documents, search for relevant witnesses, and obtain other information that can be used to support the defense against the suspect.

Eighth, establish communication with the suspect's family. The communication is needed to provide information about the development of the ongoing legal process and the legal steps that will be taken in order to protect the interests of the suspect.

Ninth, seeking to resolve cases through a *restorative justice approach.* In certain cases that meet the requirements as specified in laws and regulations, advocates can play a role in facilitating the settlement of cases through restorative justice mechanisms to achieve peace, restoration of social relations, and a more equitable settlement of cases for the parties.

Based on this description, it can be understood that the position of civil servant lecturers who work as advocates in assisting suspects at the investigation stage is no different from the position of advocates in general. As long as they meet the requirements of the advocate profession and carry out their duties in accordance with the provisions of laws and regulations, civil servant lecturers have the authority to provide legal assistance and assistance to suspects as part of efforts to ensure the protection of suspects' rights, realize the principles *of due process of law*, and ensure the implementation of access *to justice* in the criminal justice system.

However, although Law Number 20 of 2025 concerning the Criminal Procedure Code has recognized the provision of legal services as part of community service and opened up space for the involvement of Civil Servant (PNS) lecturers in the provision of legal aid, the law has not regulated in detail the position, authority, mechanism, and limitations on the implementation of legal aid by civil servant lecturers who work as advocates. Especially at the stage of criminal investigation. The absence of more technical arrangements has the potential to cause legal uncertainty in practice, especially related to the access of civil servants to the investigation examination process, the form of assistance that can be provided, the coordinating relationship with investigators, and the necessary limitations to avoid conflicts of interest with their status as state civil servants. Therefore, more operational regulations are needed to ensure the effectiveness of the implementation of legal assistance by civil servant lecturers as advocates in the criminal justice system.

In this regard, it is necessary to establish a Regulation of the Chief of the National Police of the Republic of Indonesia

(Perkap) which specifically regulates the position of civil servant lecturers as advocates in providing legal assistance as a form of community service at the stage of criminal investigation. These arrangements are important to provide legal certainty regarding legal assistance procedures, the rights and obligations of civil servant lecturers as advocates, coordination mechanisms with investigators, access to documents and examinations, and supervision standards in the implementation of legal aid. With the Perkap, the role of civil servant lecturers as advocates not only obtains a clearer legal basis in investigation practice, but can also strengthen the protection of suspects' rights, ensure the implementation of the principle *of due process of law,* and support the realization of access *to justice for* the community, especially for groups who need free legal assistance

F. Conclusion

Based on the results of the discussion, it can be concluded that the position of Civil Servant (PNS) lecturers as advocates in the perspective of Law Number 20 of 2025 concerning the Criminal Procedure Code has a strong constitutional, juridical, and philosophical basis. Constitutionally, this legitimacy comes from the Constitutional Court Decision Number 150/PUU-XXII/2024 which provides an exception to the prohibition of civil servants working as advocates for lecturers, especially law faculty lecturers. Juridically, Article 1 number 22 of the Criminal Code of 2025 provides recognition of the provision of legal services as part of community service through free legal aid (pro bono publico), thus opening up space for civil servant lecturers to play a role in providing legal aid as an implementation of the Tri Dharma of Higher Education. Meanwhile, philosophically, the involvement of civil servant lecturers as advocates is in line with the principles of officium nobile, access to justice, and the protection of human rights. However, in order to ensure legal certainty, avoid conflicts of norms, and realize professional, accountable, and measurable implementation, it is necessary to

establish a Government Regulation as an implementing regulation that specifically regulates the position, authority, mechanism, and limitations on the implementation of the advocate profession by civil servant lecturers in providing legal assistance to the community.

The juridical implications regarding the position of Civil Servant lecturers (PNS) as advocates for the implementation of legal assistance for suspects at the stage of criminal investigation are the recognition and expansion of access to legal aid in the criminal justice system oriented towards the protection of human rights, *due process of law,* and *access to justice.* After the Constitutional Court Decision Number 150/PUU-XXII/2024 and the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code, civil servant lecturers who meet the requirements as advocates have the authority to provide legal assistance to suspects at the investigation stage, either through the provision of legal consultation, examination assistance, supervision of investigators' actions, and other efforts to protect the rights of suspects. This position is no different from advocates in general and at the same time is a form of implementing the Tri Dharma of Higher Education in the field of community service through the provision of free legal aid *(pro bono publico).* However, to ensure legal certainty and the effectiveness of its implementation, further arrangements are needed through the Regulation of the Chief of the National Police of the Republic of Indonesia which specifically regulates the position, authority, procedures, and legal assistance mechanisms by civil servant lecturers as advocates at the stage of criminal investigation so that it does not cause conflicts of interest and can be carried out professionally, accountably, and in line with the purpose of protecting rights suspects in the criminal justice system.

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