

ABSTRAK

YOLANDA VERONIKA DE LA BRETHONIERE (01659220001)
**PENERAPAN *SINGLE BAR* SISTEM DALAM RANCANGAN
UNDANG-UNDANG ADVOKAT PASCA PUTUSAN
MAHKAMAH KONSTITUSI**

(xv + 108 halaman)

Kata Kunci: *Single Bar*, Advokat, Mahkamah Konstitusi

Merujuk Pasal 28 ayat (1) UU Advokat sebagai dasar hukum didirikannya wadah tunggal profesi advokat yang bernama PERADI sebagai perwujudan dari *single bar association*. Namun pihak Kongres Advokat Indonesia (KAI) dan Persatuan Advokat Indonesia (PERADIN) menyetujui sistem multi bar karena dianggap sesuai dengan amanah Pasal 28E ayat (3) UUD 1945. Hal ini menimbulkan sengketa antara kedua belah pihak sehingga terjadi sengketa di Mahkamah Konstitusi yang menghasilkan enam (6) putusan. Namun masih ditemukan putusan Mahkamah Konstitusi yang tidak dijalankan secara konsekuen akibatnya keberadaan putusan Mahkamah Konstitusi hanya mengambang (*floating execution*). Penelitian ini akan mengkaji penerapan *single bar* sistem dalam RUU Advokat pasca putusan Mahkamah Konstitusi. Penelitian ini bertujuan untuk memecahkan persoalan hukum dalam penerapan *single bar* sistem dalam rancangan Undang-Undang Advokat Pasca Putusan Mahkamah Konstitusi dan untuk melakukan penemuan ide/teori hukum dalam penerapan *single bar* sistem dalam rancangan Undang-Undang Advokat Pasca Putusan Mahkamah Konstitusi. Penelitian ini menggunakan metode analisis data kualitatif yang didasarkan pada pendekatan undang-undang yang mengacu pada Pasal 28 ayat (1) UU Advokat, Pasal 28E ayat (3) UUD 1945, dan peraturan terkait. Penelitian ini menyimpulkan bahwa Di Indonesia, implementasi prinsip *single bar* dalam sistem hukum advokat terkendala oleh pemisahan organisasi advokat dari pelatihan hingga pelantikan, menuntut penyatuan struktur untuk lingkungan hukum yang lebih terstruktur dan independen dan Undang-undang advokat ideal harus merumuskan langkah-langkah konkret yang mengintegrasikan seluruh organisasi advokat dari awal pelatihan hingga pelantikan. Ini harus memperhatikan aspek hukum progresif, kebutuhan masyarakat, serta mengambil contoh sukses dari profesi lain seperti Ikatan Notaris Indonesia (INI) untuk menciptakan struktur organisasi advokat yang lebih merdeka dan sesuai dengan kepentingan publik.

Referensi: 40 (1924-2021)

ABSTRACT

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APPLICATION OF THE SINGLE BAR SYSTEM IN THE DRAFTING OF THE ADVOCATES' LAW POST THE CONSTITUTIONAL COURT RULING

(xv + 108 pages)

Keywords : Single Bars, Advocates, Constitutional Court

Referring to Article 28 paragraph (1) of the Advocate Law as the legal basis for the establishment of a single forum for the advocate profession called PERADI as the embodiment of a single bar association. However, the Indonesian Advocates Congress (KAI) and the Indonesian Advocates Association (PERADIN) agreed to the multi-bar system because they considered it in accordance with the mandate of Article 28E paragraph (3) of the 1945 Constitution. This gave rise to a dispute between the two parties resulting in a dispute at the Constitutional Court which resulted in six (6) decision. However, it is still found that Constitutional Court decisions are not implemented consistently, as a result, the existence of Constitutional Court decisions only floats (floating execution). This research will examine the implementation of the single bar system in the Advocate Bill after the Constitutional Court decision. This research aims to solve legal problems in the application of the single bar system in the draft Law on Advocates Post-Decision of the Constitutional Court and to discover legal ideas/theories in the application of the single bar system in the draft Law on Advocates Post-Decision of the Constitutional Court. This research uses a qualitative data analysis method which is based on a legal approach which refers to Article 28 paragraph (1) of the Advocate Law, Article 28E paragraph (3) of the 1945 Constitution, and related regulations. This research concludes that in Indonesia, the implementation of the single bar principle in the legal system of advocates is hampered by the separation of advocate organizations from training to inauguration, requiring unification of structures for a more structured and independent legal environment and the ideal advocate law must formulate concrete steps that integrate the entire advocate organization from the beginning of training to inauguration. This must pay attention to progressive legal aspects, community needs, and take successful examples from other professions such as the Indonesian Notary Association (INI) to create an advocate organizational structure that is more independent and in line with the public interest.

References: 40 (1924-2021)