



Good Faith Without Guardrails: Advocate Immunity, Criminal Liability, and Legal Certainty in Indonesia and Selected Muslim-Majority Jurisdictions

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Abstract

Research Objective: This article examines why the immunity granted to Indonesian advocates under Article 16 of Law No. 18 of 2003 fails to deliver legal certainty, where its limits lie in relation to criminal liability, and what Indonesia can learn from four other member states of the Organization of Islamic Cooperation (OIC). **Research Method:** The study combines doctrinal analysis of Law No. 18 of 2003, Constitutional Court Decision No. 26/PUU-XI/2013, the new Criminal Code and Criminal Procedure Code, and the Advocates' Code of Ethics with a functional comparison of Türkiye, Saudi Arabia, Malaysia, and Pakistan. **Results:** Indonesia grants the broadest substantive immunity among the compared jurisdictions, covering conduct inside and outside court, yet provides no procedural filter before criminal investigation. Because "good faith" is defined only teleologically and assessed after proceedings have begun, immunity operates as a defense at trial rather than a bar to prosecution. Türkiye alone couples immunity with prior authorization of investigation, but vests that power in the executive. **Findings and Implications:** Legal uncertainty stems less from the lack of a definition than from the absence of a designated decision-maker and a defined moment of decision. **Conclusion:** The article proposes an operational good-faith test built on five indicators and an independent pre-investigation screening mechanism that excludes flagrant offenses against the administration of justice. **Limitations:** The analysis is doctrinal and relies partly on translated foreign sources; an empirical study of enforcement practice is needed.

Introduction

The independence of advocates is a structural condition of a fair trial rather than a professional privilege. International standards therefore require states to ensure that lawyers can act without intimidation or improper interference, that lawyers are not identified with their clients' causes, and that they enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings.¹ The European

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¹ Lore Mergaerts, "Defence Lawyers' Views on and Identification of Suspect Vulnerability in Criminal Proceedings," *International Journal of the Legal Profession* 29, no. 3 (September 2, 2022): 281-301, <https://doi.org/10.1080/09695958.2021.1982719>; Kristin Bergtora Sandvik, "Digital Refugee Lawyering: Risk,

Court of Human Rights has similarly treated the freedom of defense counsel as integral to the administration of justice, while insisting that such freedom remains subject to limits.² Advocate immunity thus protects a function, and the recurring question is how legal systems draw the boundary between protected representation and criminal conduct.

Indonesia's Law No. 18 of 2003, Article 16, states advocates can't be civilly or criminally prosecuted for acting in good faith to defend clients. The Constitutional Court, in Decision No. 26/PUU-XI/2013, extended this protection outside court. Article 149(2) of Law No. 20 of 2025 reaffirmed this in criminal procedures. Still, advocates face criminal reports for defamation or obstruction of justice, showing that legal protections lack consistency. The weak point is the phrase "good faith" (*iktikad baik*). The Elucidation of Article 16 defines it only teleologically, as the performance of professional duties "for the upholding of justice based on law in order to defend the client's interests."³ This formula restates the purpose of advocacy but offers no criteria for distinguishing zealous representation from abuse. More importantly, the law does not say who decides whether good faith exists or when. In practice, investigators and courts resolve the question after criminal proceedings have already begun, so immunity cannot prevent the investigation it was meant to forestall.⁴

Indonesian scholarship has documented the existence and constitutional basis of advocate immunity, the effect of Decision No. 26/PUU-XI/2013, and the loss of immunity in obstruction and ethics cases.⁵ Three gaps remain. First, most studies treat good faith as self-evident or as a purely subjective state of mind and do not propose operational criteria. Second, they rarely distinguish substantive immunity, which bars liability, from procedural immunity, which filters proceedings, even though foreign

Legal Knowledge, and Accountability," *Refugee Survey Quarterly* 40, no. 4 (December 16, 2021): 414–32, <https://doi.org/10.1093/rsq/hdab013>.

² Sebastián Rivero Silva, "Toward a Necessary Right to Self-Representation in European Civil Law," *Frontiers in Sociology* 11 (May 18, 2026), <https://doi.org/10.3389/fsoc.2026.1742364>; Robert Spano, "The Rule of Law as the Lodestar of the European Convention on Human Rights: The Strasbourg Court and the Independence of the Judiciary," *European Law Journal* 27, no. 1–3 (January 4, 2021): 211–27, <https://doi.org/10.1111/eulj.12377>.

³ Fajar Rachmad Dwi Miarsa et al., "COMPARATIVE STUDY OF THE GOOD FAITH CONCEPT BETWEEN INDONESIA AND THE NETHERLANDS IN CIVIL LAW," *Journal of Court and Justice*, February 28, 2024, 1–17, <https://doi.org/10.56943/jcj.v3i1.481>; Leilani Alysia Hapsari and Anang Setiyawan, "Penerapan Asas Itikad Baik Dalam Penyelesaian Sengketa Perdata," *Zaaken: Journal of Civil and Business Law* 4, no. 3 (October 17, 2023): 436–54, <https://doi.org/10.22437/zaaken.v4i3.31365>.

⁴ Manoj Bhat, Moh. Taufik, and Siti Marwiyah, "Immunity of Advocates In The Criminal Investigation Process," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (June 30, 2025): 7391–7403, <https://doi.org/10.31941/pj.v24i2.6507>; D. Djunaedi, "Advocates' Immunity Rights in Indonesia: Why This Protection Is Often Forgotten," *KnE Social Sciences* 10, no. 28 (November 3, 2025): 316–23, <https://doi.org/10.18502/kss.v10i28.20126>.

⁵ Oey Valentino Winata and Wisnu Aryo Dewanto, "BATASAN TERHADAP IMUNITAS ADVOKAT YANG DIPERLUAS BERDASARKAN PUTUSAN MAHKAMAH KONSTITUSI NOMOR 26/PUU-XI/2013," *DiH: Jurnal Ilmu Hukum* 16, no. 1 (January 24, 2020): 38–48, <https://doi.org/10.30996/dih.v16i1.2974>.

literature identifies this as a key design choice.⁶ Third, comparative analysis largely confines itself to single-country comparisons with Malaysia or to non-Muslim-majority systems.⁷

This article addresses these gaps through three research questions. To what extent does Article 16 deliver legal certainty, and where precisely does uncertainty originate? What are the normative limits of immunity in relation to criminal liability? What can Indonesia learn from how Türkiye, Saudi Arabia, Malaysia, and Pakistan protect advocates? The article argues that Indonesia's uncertainty is a problem of institutional design rather than of vocabulary: it combines broad substantive immunity with no procedural gatekeeping. It makes three contributions. It reconceptualizes the good-faith problem as one of allocating the decision and fixing its timing. It proposes an operational good-faith test. Moreover, it draws on comparative evidence to show both the value of pre-investigation screening and the risk of entrusting it to the executive.

Methods

The study uses doctrinal legal research, understood as the systematic interpretation of authoritative legal materials against a normative benchmark, here the requirements of legal certainty.⁸ Primary materials comprise Law No. 18 of 2003 and its Elucidation, Constitutional Court Decision No. 26/PUU-XI/2013, Law No. 1 of 2023 (the new Criminal Code), Law No. 20 of 2025 (the new Code of Criminal Procedure), Article 21 of the Anti-Corruption Law, the Indonesian Advocates' Code of Ethics, and the 2012 memorandum of understanding between the National Police and PERADI. Decision No. 26/PUU-XI/2013 is the only Constitutional Court ruling that directly interprets Article 16, and its *erga omnes* effect makes it binding on subsequent interpretation.⁹ Reported criminal cases against advocates are used illustratively through published case commentaries, not as a representative dataset.

The comparative component uses the functional method. It asks one question of each system: what legal mechanism protects an advocate against criminal process for acts performed in representing a client? The functional method suits this question because protection may take the form of immunity, evidentiary privilege, or procedural

⁶ David Christie, Séverine Saintier, and Jessica Viven-Wilksch, "Industry-Led Standards, Relational Contracts and Good Faith: Are the UK and Australia Setting the Pace in (Construction) Contract Law?," *Liverpool Law Review* 43, no. 2 (August 20, 2022): 287–310, <https://doi.org/10.1007/s10991-022-09307-5>; Brighton M Mupangavanhu, "Evolving Statutory Derivative Action Principles in South Africa: The Good Faith Criterion and Other Legal Grounds," *Journal of African Law* 65, no. 2 (June 26, 2021): 293–311, <https://doi.org/10.1017/S0021855321000115>.

⁷ Ali Abdul Wakhid et al., "Reactualization of Contemporary Fiqh Siyasah within the Ethical-Digital Islamic Leadership Paradigm," *MILRev: Metro Islamic Law Review* 5, no. 2 (August 14, 2026): 1517–35, <https://doi.org/10.32332/milrev.v5i2.13004>; Manal Mohammed Hamoudah et al., "Ethical Leadership, Ethical Climate and Integrity Violation: A Comparative Study in Saudi Arabia and Malaysia," *Administrative Sciences* 11, no. 2 (April 16, 2021): 43, <https://doi.org/10.3390/admsci11020043>.

⁸ Stefan Theil, "Carefully Tailored: Doctrinal Methods and Empirical Contributions," *Oxford Journal of Legal Studies* 45, no. 4 (December 10, 2025): 1047–75, <https://doi.org/10.1093/ojls/gqaf029>.

⁹ Giovani D.B. Nggabut et al., "Penegakan Hukum Terhadap Pelanggaran Kode Etik Advokat," *Perkara: Jurnal Ilmu Hukum Dan Politik* 2, no. 1 (January 15, 2024): 300–310, <https://doi.org/10.51903/perkara.v2i1.1679>.

authorization, and transplanting any of these carries context-specific risks.¹⁰ Türkiye, Saudi Arabia, Malaysia, and Pakistan were selected to cover the principal legal families represented in the OIC: civil law (Türkiye, alongside Indonesia), a Sharia-based system (Saudi Arabia), and common law (Malaysia and Pakistan).¹¹ The sample is illustrative, not representative of all 57 OIC member states. Foreign materials were analyzed in official English versions or, where available, authoritative translations. This reliance on translations, along with the lack of empirical data on enforcement, is the study's principal limitation.

Results and Discussion

The Normative Architecture of Advocate Immunity in Indonesia

Article 16 of Law No. 18 of 2003 must be read together with Article 15, which guarantees advocates freedom in handling their cases “while adhering to the code of professional ethics and statutory regulations.”¹² Immunity therefore sits within a framework of accountability, not outside it. In its original wording, Article 16 protected only conduct “in court proceedings.” Decision No. 26/PUU-XI/2013 extended protection to conduct “both inside and outside court proceedings,” recognizing that representation increasingly takes place in negotiations, correspondence, media statements, and administrative fora.¹³ Because the decision has *erga omnes* effect, investigators and courts must apply the extended reading.¹⁴ Article 149(2) of the 2025 Code of Criminal Procedure now restates the same formula.¹⁵ The phrase “cannot be

¹⁰ Fahrizal S. Siagian and Andi Hakim Lubis, “Review of the Applicability of Advocate Immunity Rights in Indonesia,” *Neoclassical Legal Review: Journal of Law and Contemporary Issues* 1, no. 1 (July 9, 2024): 7–20, <https://doi.org/10.32734/nlrjolci.v1i1.16858>; Agustini Andriani, “Criminal Acts Against the Judicial Process (Contempt of Court) According to the New Criminal Code about the Right to Immunity of Advocates in Court,” *Jurnal Indonesia Sosial Teknologi* 5, no. 6 (June 19, 2024): 2847–60, <https://doi.org/10.59141/jist.v5i6.1113>.

¹¹ Haged A. Alotaibi, “The Challenges of Execution of Islamic Criminal Law in Developing Muslim Countries: An Analysis Based on Islamic Principles and Existing Legal System,” ed. Francis D. Boateng, *Cogent Social Sciences* 7, no. 1 (January 1, 2021), <https://doi.org/10.1080/23311886.2021.1925413>; Fernanda Pirie, “Global Comparative Law?,” *Oxford Journal of Legal Studies* 45, no. 2 (June 12, 2025): 506–24, <https://doi.org/10.1093/ojls/gqae038>.

¹² Law No. 18 of 2003, arts. 15–16.

¹³ M Rudi Hartono and Radi Candra, “Analisis Hukum Terhadap Hak Imunitas Advokat Dalam Beracara Memberikan Bantuan Hukum,” *Wajah Hukum* 5, no. 1 (April 23, 2021): 94, <https://doi.org/10.33087/wjh.v5i1.350>; Robert Robson et al., “Legal Privilege Legislation: Consequences for Patient Safety,” *Healthcare Quarterly* 25, no. 1 (April 27, 2022): 21–27, <https://doi.org/10.12927/hcq.2022.26811>.

¹⁴ Hendry Julian Noor, Kardiansyah Afkar, and Henning Glaser, “Application of Sanctions Against State Administrative Officials in Failure to Implement Administrative Court Decisions,” *BESTUUR* 9, no. 1 (August 12, 2021): 72, <https://doi.org/10.20961/bestuur.v9i1.49686>; Obonye Jonas, “Res Interpretata Principle: Giving Domestic Effect to the Judgments of the African Court on Human and Peoples’ Rights,” *African Human Rights Law Journal* 20, no. 2 (March 23, 2021): 1–20, <https://doi.org/10.17159/1996-2096/2020/v20n2a17>.

¹⁵ Simon Butt, “Indonesia’s Criminal Justice System on Trial,” *New Criminal Law Review* 24, no. 1 (January 1, 2021): 3–58, <https://doi.org/10.1525/nclr.2021.24.1.3>.

prosecuted” (*tidak dapat dituntut*) suggests a bar to proceedings. However, no provision specifies a procedure, an authority, or a moment at which the bar is to be tested. The immunity therefore functions as a substantive defense raised during investigation or trial. Between 2012 and 2017, a memorandum of understanding between the National Police and PERADI partially filled this gap by requiring police summonses to advocates designated as suspects to be channeled through PERADI with a summary of the case.¹⁶ Table 2 traces how the framework has evolved and shows that each development widened or restated the substantive guarantee without adding a durable procedural filter.

Table 2. Evolution of the Indonesian Legal Framework on Advocate Immunity, 2003–2025

Year	Instrument	Development	Effect on legal certainty
2003	Law No. 18 of 2003, arts. 15–16 and Elucidation	Substantive immunity for good-faith acts in court; good faith defined teleologically	Clear purpose, but no criteria, decision-maker, or procedure
2012	Police–PERADI MoU	Police summonses of PERADI members as suspects channeled through PERADI	Partial, non-statutory filter limited to one organization
2014	Constitutional Court Decision No. 26/PUU–XI/2013	Immunity extended to acts outside court proceedings	Wider scope without a matching procedural safeguard
2015	Supreme Court Letter No. 73/KMA/HK.01/IX/2015	Oaths of advocates proposed by any organization admitted	Fragmentation of ethics oversight
2017	Expiry of the 2012 MoU	Five-year term ends without renewal	No screening mechanism remains in force
2023	Law No. 1 of 2023 (new Criminal Code), art. 282	Fraudulent conduct by advocates criminalized	Clearer outer limit of immunity
2025	Law No. 20 of 2025 (new Code of Criminal Procedure), art. 149(2)	Immunity restated in the procedural code	Guarantee reaffirmed, but no screening procedure established

Source: Authors’ compilation from Law No. 18 of 2003, Constitutional Court Decision No. 26/PUU–XI/2013, the 2012 Police–PERADI MoU, Supreme Court Letter No. 73/KMA/HK.01/IX/2015, Law No. 1 of 2023, and Law No. 20 of 2025.

Legal certainty, in Radbruch’s formulation, requires law to be positive, stable, and practicable, so that those subject to it can anticipate its application.¹⁷ Contemporary scholarship distinguishes the clarity of norms from the predictability of their application

¹⁶ Ucuk Agiyanto et al., “Advocate Legal Education in Indonesia: The Need of Spiritual Dimensions Approach,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (June 30, 2021): 111–20, <https://doi.org/10.30631/al-risalah.v21i1.742>.

¹⁷ Ulhaq Ulhaq, Isis Ikhwanasyah, and Tri Handayani, “From Moral Threshold to Measurable Parameter, Reconstruction of Extremely Unjust Law (Gustav Radbruch) Through the Layered Justice Index,” *Journal of Law and Social Politics* 4, no. 3 (August 4, 2026): 413–28, <https://doi.org/10.59261/jlsp.v4i3.112>; Seow Hon Tan, “Radbruch’s Formula Revisited: The *Lex Injusta Non Est Lex Maxim* in Constitutional Democracies,” *Canadian Journal of Law & Jurisprudence* 34, no. 2 (August 26, 2021): 461–91, <https://doi.org/10.1017/cjlj.2021.12>.

and the protection of legitimate expectations.¹⁸ Measured against these criteria, Article 16 is reasonably clear about what it protects, namely representation in good faith. It is unpredictable at the point that matters most: the decision to open a criminal investigation. An advocate cannot know in advance whether a given act will be treated as protected representation or as an offense, because whichever authority first encounters the complaint decides the question.¹⁹

“Good Faith” as an Open-Textured Standard: Locating the Source of Uncertainty

Good faith is an open-textured standard. Its core application is clear, but its periphery can be settled only through decisions in individual cases.²⁰ Private law has developed tools for this, notably the distinction between subjective good faith (honest belief) and objective good faith (conduct conforming to the standards of a reasonable actor). Criminal law is less tolerant of open texture because the principle of legality requires *lex certa*. Where good faith operates as an element that determines criminal exposure, its vagueness raises legality concerns of its own.²¹ The Indonesian standard generates uncertainty along three dimensions.

The first dimension is semantic. Neither the Law nor its Elucidation indicates whether good faith is a subjective or an objective test. Indonesian commentators are divided: some equate it with the absence of malice, others with compliance with the Code of Ethics.²² The second dimension is institutional. The Law does not designate who determines good faith. The Honorary Council (*Dewan Kehormatan*) of the advocate organization assesses ethical violations, but criminal liability may be imposed without any prior ethics examination, so the two assessments can diverge.²³ The third dimension

¹⁸ Karen Yeung and Lee A. Bygrave, “Demystifying the Modernized European Data Protection Regime: Cross-disciplinary Insights from Legal and Regulatory Governance Scholarship,” *Regulation & Governance* 16, no. 1 (January 4, 2022): 137–55, <https://doi.org/10.1111/rego.12401>; Giulia Andrighetto and Eva Vriens, “A Research Agenda for the Study of Social Norm Change,” *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences* 380, no. 2227 (July 11, 2022), <https://doi.org/10.1098/rsta.2020.0411>.

¹⁹ Michael A Newton, “Absolutist Admissibility at the ICC: Revalidating Authentic Domestic Investigations,” *Israel Law Review* 54, no. 2 (July 16, 2021): 143–73, <https://doi.org/10.1017/S0021223720000278>.

²⁰ Clement Guitton et al., “The Challenge of Open-Texture in Law,” *Artificial Intelligence and Law* 33, no. 2 (June 17, 2025): 405–35, <https://doi.org/10.1007/s10506-024-09390-1>; Fabian Pregel, “Three Faces of Open Texture: A Unified Framework,” *Journal of Philosophical Logic* 55, no. 3 (June 22, 2026): 759–804, <https://doi.org/10.1007/s10992-026-09850-w>.

²¹ Francesco Viganò, “The Remains of Exceptionalism in Criminal Law,” *Criminal Law and Philosophy* 17, no. 1 (April 26, 2023): 71–81, <https://doi.org/10.1007/s11572-021-09615-3>; Loresta Cahyaning Lintang, Adriano Martufi, and J.W. Ouwerker, “The Alternative Concepts of Blasphemy Law in Indonesia: Legal Comparison with Ireland and Canada,” *BESTUUR* 9, no. 1 (August 12, 2021): 17, <https://doi.org/10.20961/bestuur.v9i1.51632>.

²² Nicholas Mouttotos, “Control of Unfair Terms Under Cypriot Contract Law,” *Liverpool Law Review* 43, no. 2 (August 14, 2022): 311–38, <https://doi.org/10.1007/s10991-022-09304-8>; Suwinto Johan and Markoni Markoni, “Does Material Adverse Change (MAC) Fulfill the Principles of an Agreement?,” *Jurnal IUS Kajian Hukum Dan Keadilan* 9, no. 1 (April 1, 2021): 1–17, <https://doi.org/10.29303/ius.v9i1.813>.

²³ Meydora Cahya Nugraheni and Ari Hernawan, “Good Faith Principle in Indonesian Contract Law: How to Set the Definition and Its Benchmarks,” *Journal of Infrastructure Policy and Development* 8, no. 10

is temporal. The determination occurs after a complaint is registered and an investigation opened, when the reputational and professional harm the immunity was meant to prevent has already occurred.²⁴

Reported cases illustrate each dimension. Advocates have faced criminal complaints under the Electronic Information and Transactions Law for public statements made on behalf of clients. Here, the protective scope of the out-of-court extension was contested, not clear criminal conduct.²⁵ In the e-KTP case, Fredrich Yunadi's conviction for obstruction under Article 21 of the Anti-Corruption Law shows that conduct designed to frustrate an investigation falls outside immunity. Yet his defense relied on Article 16, showing how the open standard invites strategic invocation.²⁶ Ethics-based cases, such as that of Razman Arif Nasution, show that ethical findings can indicate bad faith without resolving criminal liability.²⁷

From a Kelsenian perspective, every general norm leaves a frame of possible meanings within which the applying organ must choose.²⁸ Indeterminacy is therefore unavoidable. Legal certainty depends on who fills the frame and how. Article 16 leaves the frame to whichever investigator receives the complaint, without prior input from the profession or an independent authority. Hence the central claim of this article: uncertainty arises less from the missing definition of good faith than from the missing allocation of the decision and its timing.

(September 26, 2024): 7358, <https://doi.org/10.24294/jipd.v8i10.7358>; Sryani Br. Ginting and Christina N.M. Tobing, "The Implementation of the Good Faith Principle in Unbalanced Banking Credit Agreements Based on Substantive Justice," *Global Legal Review* 6, no. 1 (May 11, 2026), <https://doi.org/10.19166/glr.v6i1.10929>.

²⁴ Robson et al., "Legal Privilege Legislation: Consequences for Patient Safety"; Maria Aluaş et al., "Romanian Dentists' Perception of Legal Liability Related to COVID-19 Infection during Dental Treatments in Times of the Pandemic Outbreak," *Sustainability* 14, no. 15 (August 8, 2022): 9744, <https://doi.org/10.3390/su14159744>.

²⁵ Agiyanto et al., "Advocate Legal Education in Indonesia: The Need of Spiritual Dimensions Approach"; Abdul Kadir Jaelani and Resti Dian Luthviati, "The Crime Of Damage After the Constitutional Court's Decision Number 76/PUU-XV/2017," *Journal of Human Rights, Culture and Legal System* 1, no. 1 (March 30, 2021), <https://doi.org/10.53955/jhcls.v1i1.5>.

²⁶ R.A Rahadjeng Endah KS, "THE INCONVENIENT PROBLEMS OF LAW ENFORCEMENT IN INDONESIA IN RELATION TO THE CASE OF BIBIT-CHANDRA," *Indonesian Journal of International Law* 7, no. 3 (August 12, 2021), <https://doi.org/10.17304/ijil.vol7.3.235>.

²⁷ Fikry Haznul, "The Role of Mens Rea as a Condition for Punishment: A Case Study of Tom Lembong from the Perspective of Indonesian Criminal Law," *KRTHA BHAYANGKARA* 19, no. 3 (December 12, 2025): 762–71, <https://doi.org/10.31599/krtha.v19i3.4632>; Elizabeth Griffiths, Heather L. Scheuerman, and Sandy Xie, "Prosecutorial Actus Reus: Appellate Review of Prosecutorial Misconduct and the Diminishment of Responsibility," *International Journal on Responsibility* 6, no. 1 (August 18, 2023), <https://doi.org/10.62365/2576-0955.1083>.

²⁸ Ícaro Felipe Alves Ferreira De Brito, "INTERPRETAÇÃO DO DIREITO E A MOLDURA INTERPRETATIVA KELSENIANA," *ARACÊ* 6, no. 3 (November 13, 2024): 6604–14, <https://doi.org/10.56238/arev6n3-138>; Erick Almeida Silva, "Por Que 'Aplicar a Letra Da Lei' Não é Ser Kelseniano?," *Revista Sociedade Científica* 8, no. 1 (August 27, 2025): 1600–1612, <https://doi.org/10.61411/rsc2025110818>.

The Normative Limits of Immunity in Relation to Criminal Liability

Advocate immunity is functional, not personal. It protects acts of representation, not the person of the advocate, and presupposes that advocates are not identified with their clients' conduct.²⁹ Under the dualistic conception of criminal liability adopted in the new Criminal Code, liability requires both a wrongful act and culpability, irrespective of professional status.³⁰ Immunity does not alter these elements. Instead, it provides a specific justification: conduct that might formally satisfy an offense definition, such as a sharply worded allegation against an opposing party, is lawful when it is necessary of represent a client.³¹

This understanding clarifies the limits of immunity. Protected conduct includes giving legal advice, formulating arguments, choosing defense strategies, making written and oral submissions, and making proportionate public statements connected to a pending case.³² Unprotected conduct includes fabricating or concealing evidence, influencing witnesses, bribing officials, colluding with the opposing party, and obstructing investigations. The legislature has specifically criminalized such conduct through Article 21 of the Anti-Corruption Law and Article 282 of the new Criminal Code, which penalizes advocates who fraudulently collude with the opposing party or improperly influence judicial officers, witnesses, or investigators.³³ The Code of Ethics provides additional reference points. Breaches of ethical duties may indicate bad faith, but they neither establish criminal liability on their own nor exhaust the inquiry.³⁴

The limits of immunity can therefore be stated as three cumulative conditions,

²⁹ Wieke Dewi Suryandari and Naya Amin Zaini, "Legal Protection of Advocates' Immunity Rights," *International Journal of Law Social Sciences and Management* 2, no. 1 (February 20, 2025), <https://doi.org/10.69726/ijlssm.v2i1.89>; Djunaedi, "Advocates' Immunity Rights in Indonesia: Why This Protection Is Often Forgotten."

³⁰ Victor Tadros, "Two Grounds of Liability," *Philosophical Studies* 178, no. 11 (November 5, 2021): 3503–22, <https://doi.org/10.1007/s11098-021-01611-6>.

³¹ MARY ILIADIS, OLIVIA SMITH, and JONATHAN DOAK, "Independent Separate Legal Representation for Rape Complainants in Adversarial Systems: Lessons from Northern Ireland," *Journal of Law and Society* 48, no. 2 (June 30, 2021): 250–72, <https://doi.org/10.1111/jols.12295>; Qian Liu, "Challenges Faced by Lawyers Representing Chinese Immigrants in Canada: Understanding Lawyer-Client Relationships Through Legal Consciousness," *Social & Legal Studies* 35, no. 3 (June 13, 2026): 331–49, <https://doi.org/10.1177/09646639251366476>.

³² Jamillah Jamillah and Maswandi Maswandi, "Advocate Immunity Is Active When Integrity In The Exercise Of The Profession," *Legalpreneur Journal* 2, no. 1 (October 1, 2023): 152–57, <https://doi.org/10.46576/lpj.v2i1.3722>; Septian Dwi Anggraini, Gunawan Hadi Purwanto, and M Yasir, "Penerapan Hak Imunitas Advokat Dalam Memberikan Argumentasi Hukum Kepada Klien," *JUSTITIA Jurnal Ilmu Hukum Dan Humaniora* 8, no. 1 (February 8, 2025): 238, <https://doi.org/10.31604/justitia.v8i1.238-248>.

³³ Anna Wong, Katrina Perehudoff, and Jillian Clare Kohler, "Legislating for Good Governance in the Pharmaceutical Sector through UN Convention Against Corruption (UNCAC) Compliance," *Global Public Health* 19, no. 1 (December 31, 2024), <https://doi.org/10.1080/17441692.2024.2350649>; Olusola Joshua Olujobi, "Recouping Proceeds of Corruption: Is There Any Need to Reverse Extant Trends by Enacting Civil Forfeiture Legal Regime in Nigeria?," *Journal of Money Laundering Control* 24, no. 4 (October 21, 2021): 806–33, <https://doi.org/10.1108/JMLC-09-2020-0107>.

³⁴ Jonathan Lilleker, "A Betrayal of Trust? Back to the Drawing Board for Medical Manslaughter," *The Journal of Criminal Law* 85, no. 5 (October 20, 2021): 335–61, <https://doi.org/10.1177/00220183211009319>.

shown in Figure 1: (1) the act is performed in good faith; (2) it has a direct and demonstrable nexus with the representation of a client; and (3) it is not directed at subverting the administration of justice through fraud, falsification, bribery, or obstruction. The third condition deliberately departs from the formulation “absence of criminal elements.” If immunity applied only where no offense elements were present, it would protect nothing that general criminal law already protects. Its value lies in covering conduct that formally resembles an offense but is justified by the representational function.

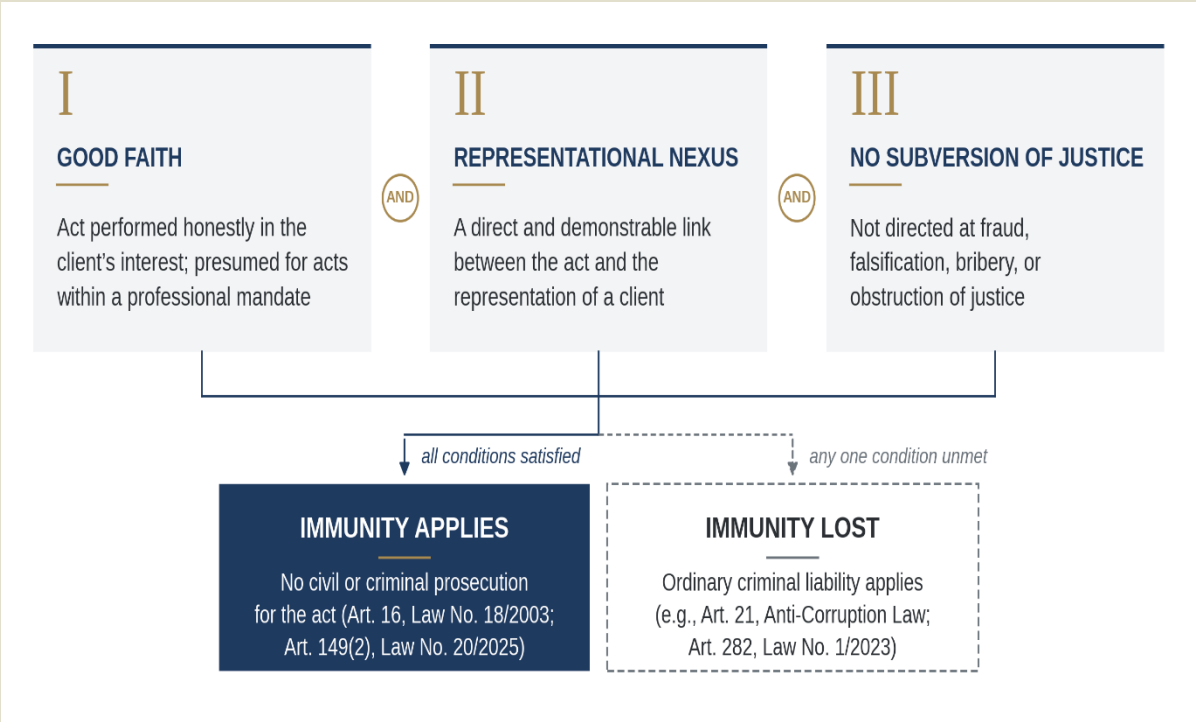


Figure 1. Cumulative conditions for advocate immunity under Article 16 of Law No. 18 of 2003—source: Authors’ analysis.

Advocate Protection in Selected Muslim-Majority Jurisdictions

Table 3 compares the Indonesian model with four OIC jurisdictions, applying the functional question set out in the Methods section. The comparison concerns legal design and does not assess the quality of protection in practice.

Table 3. Functional Comparison of Advocate Protection in Five OIC Jurisdictions

Jurisdiction (legal family)	Legal basis	Form of protection	Scope and condition	Filter before criminal process
Indonesia (civil law)	Law No. 18/2003, arts. 15–16; CC Decision 26/PUU–XI/2013; Law No. 20/2025, art. 149(2)	Substantive immunity (civil and criminal)	Acts in good faith for client’s defense, inside and outside court; good faith defined only teleologically	None in force (Police–PERADI MoU lapsed in 2017)
Türkiye (civil law)	Attorneyship Law No. 1136, arts. 58–59	Procedural immunity (prior authorization)	Offenses arising from or committed during professional duties; flagrante delicto of serious offenses excepted	Authorization by Ministry of Justice (executive)
Saudi Arabia (Sharia-based)	Code of Law Practice, Royal Decree M/38 (1422H) and Implementing Regulations	Substantive non-liability for pleadings; protection of office and papers	Written and oral pleadings within limits of defense and professional decorum	None identified in reviewed sources
Malaysia (common law)	Legal Profession Act 1976; Evidence Act 1950, s. 126	Evidentiary privilege; disciplinary regime	Confidential lawyer–client communications; no immunity clause	None; conduct assessed by disciplinary bodies
Pakistan (common law)	Legal Practitioners and Bar Councils Act 1973; Qanun-e-Shahadat Order 1984	Evidentiary privilege; common-law privilege for statements in proceedings; disciplinary regime	No codified immunity clause	None; conduct assessed by bar councils

Source: Authors’ analysis of the primary legislation cited in this section.

Türkiye is the only compared jurisdiction that couples’ protection with a procedural filter. Under Articles 58 and 59 of Attorneyship Law No. 1136, investigation of an advocate for offenses arising from or committed during professional duties requires authorization from the Ministry of Justice, except in cases of in flagrante delicto involving serious offenses.³⁵ The mechanism screens complaints before they reach investigation, which is precisely the stage at which Indonesian advocates are exposed. However, the authorizing body is part of the executive, and the protective value of the filter therefore depends on the gatekeeper’s independence. A transplant that reproduced the mechanism without addressing this risk could turn a safeguard into an instrument of control.³⁶

³⁵ Zeynep Esra Tarakçıoğlu, Bora Özdemir, and Mehmet Necmeddin Sutaşır, “Evaluation of Problems Arising in Emergency Services from the Perspectives of Medical and Criminal Law: The Example of Türkiye,” *Heliyon* 10, no. 22 (November 2024): e39492, <https://doi.org/10.1016/j.heliyon.2024.e39492>; Müjgan Solak and Nebahat Kayaer, “Criminal Responsibilities of Nurses in Turkish Criminal Law and Determining the Awareness Levels of Senior Nursing Students Regarding This Responsibility,” *BMC Nursing* 23, no. 1 (October 16, 2024): 761, <https://doi.org/10.1186/s12912-024-02418-6>.

³⁶ Lorna Woods, Lawrence McNamara, and Judith Townend, “Executive Accountability and National Security,” *The Modern Law Review* 84, no. 3 (May 22, 2021): 553–80, <https://doi.org/10.1111/1468->

Saudi Arabia's Code of Law Practice protects advocates against liability for statements made in written or oral pleadings within the limits required by the defense, and it protects advocates' offices and papers against search except under prescribed conditions.³⁷ The substantive protection is narrower than Indonesia's, centering on pleadings before judicial bodies, and it is conditioned on professional decorum. As in Indonesia, the controlling standard is not operationalized, and the sources reviewed disclose no pre-investigation filter. Comparable scholarship from Jordan and Kazakhstan shows that Muslim-majority systems increasingly frame lawyer protection as both a procedural and a substantive question.³⁸

Malaysia and Pakistan, both common-law systems, contain no dedicated statutory immunity clause. Protection runs through evidentiary privilege for lawyer-client communications, the common-law privilege attaching to statements in judicial proceedings, and bar-council disciplinary regimes that also define misconduct.³⁹ Privilege-based protection shields the confidentiality of representation but does not prevent investigation of the advocate. Its strength lies in allocating the assessment of professional conduct to a disciplinary body with defined procedures.⁴⁰

Three findings follow. First, protection can be substantive (Indonesia, Saudi Arabia), procedural (Türkiye), or privilege-based (Malaysia, Pakistan), and these forms are not tied to whether a system is influenced by Islamic law. They track legal-family origins instead.⁴¹ Second, Indonesia offers the broadest substantive protection but the weakest procedural protection. The broader the substantive immunity, the more its

2230.12624; Yseult Marique and Emmanuel Slautsky, "Resistance to Transplants in the European Administrative Space: An Open-Ended Reading of Legal Changes," *Review of European Administrative Law* 14, no. 1 (May 14, 2021): 7–36, <https://doi.org/10.7590/187479821X16190058548718>.

³⁷ Kingdom of Saudi Arabia, Code of Law Practice, Royal Decree No. M/38 of 28/7/1422H (2001), and its Implementing Regulations.

³⁸ Haged A. Alotaibi and Motaz T. Alotaibi, "Professional Boundaries and Ethical Obligations in Saudi Arabia An Integrated Sharia–Saudi Legal–Clinical Framework," *F1000Research* 15 (April 1, 2026): 461, <https://doi.org/10.12688/f1000research.178561.1>; Roger O'Keefe, "Roger O'Keefe, Review of Tom Ruys and Nicolas Angelet (Eds), Luca Ferro (Assistant Ed.), The Cambridge Handbook of Immunities and International Law," *European Journal of International Law* 32, no. 2 (August 19, 2021): 709–15, <https://doi.org/10.1093/ejil/chab044>.

³⁹ Muhammad Asif Safdar, Waqas Rafiq, and Farhana Aziz Rana, "Legal Ethics and Privilege Communication," *Journal of Law & Social Studies* 4, no. 3 (September 30, 2022): 449–57, <https://doi.org/10.52279/jlss.04.03.449457>.

⁴⁰ Adriana Almășan and Horia Banciu, "Legal Professional Privilege in EU Competition Investigations: Striking a Balance Between Duty and Protection," *Comenius: Bratislava Legal Forum* 1 (December 31, 2025): 580–600, <https://doi.org/10.46282/bpf.2025.34>; Arstan Nokeshevich Akhpanov, Alexander Leonidovich Khan, and Gulnar Zhakhanovna Suleimenova, "ACTIVITY OF A LAWYER-DEFENDER IN THE PRE-TRIAL STAGES OF THE CRIMINAL PROCEDURE AND BORDERS HER IMMUNITY," *Bulletin of the Institute of Legislation and Legal Information of the Republic of Kazakhstan* 80, no. 1 (March 28, 2025): 123–34, https://doi.org/10.52026/2788-5291_2025_80_1_123.

⁴¹ Muktashim Billah et al., "Islamic Law Perspectives and Social Experiences on Stigma toward Disabled People in Indonesia," *Frontiers in Sociology* 10 (March 12, 2025), <https://doi.org/10.3389/fsoc.2025.1479243>.

effectiveness depends on a filter that prevents premature criminalization.⁴² Third, who controls the filter matters as much as whether one exists. The Turkish model demonstrates the value of screening, and its reliance on executive authorization demonstrates the risk.

Toward Operational Guardrails: A Good-Faith Test and Pre-Investigation Screening

The analysis supports two complementary reforms. The first is an operational good-faith test, to be adopted by government regulation implementing Article 16 or, pending legislation, by a Supreme Court guideline. Acts performed within a professional mandate should be presumed to be in good faith, and the presumption should be rebuttable only by reference to the objective indicators in Table 4. A presumption of this kind allocates the burden to the party alleging bad faith and gives investigators concrete questions rather than an open standard.

Table 4. Proposed Indicators for Assessing Good Faith under Article 16

Indicator	Operational question	Normative anchor
1. Representational nexus	Was the act performed under a valid mandate and directly connected with advancing the client's legal position?	Law No. 18/2003, art. 16 and Elucidation; CC Decision 26/PUU-XI/2013
2. Relevance and proportionality	Was the statement or act relevant to the case and proportionate to the representational aim?	UN Basic Principles, Principle 20; Morice v. France
3. Absence of deception	Did the advocate knowingly present false facts or evidence, or conceal evidence?	Law No. 1/2023, art. 282; Code of Ethics
4. Non-obstruction	Was the act aimed at frustrating an investigation or trial (e.g., hiding a suspect, influencing witnesses)?	Law No. 31/1999, art. 21
5. No improper personal gain	Did the advocate seek a benefit beyond the lawful fee, or act for a personal interest in conflict with the client?	Code of Ethics; Law No. 18/2003, art. 6

Source: Authors' proposal, derived from the analysis in the preceding sections.

The second reform is pre-investigation screening. Before investigators treat an advocate as a suspect for acts connected with representation, an independent body should give a reasoned preliminary opinion within a fixed period, for example, 30 days, on whether the conduct falls within Article 16. To avoid the Turkish problem of executive control and Indonesia's problem of competing advocate organizations, the screening body should be either a joint panel including members from outside the profession or a pretrial judge acting under the 2025 Code of Criminal Procedure.⁴³ The opinion should bind investigators unless they give written reasons for departing from it, and it should be subject to review. Flagrant offenses against the administration of justice, including bribery, falsification of evidence, and obstruction, should be excluded

⁴² Laras Susanti, "WHEN CHILDREN'S RIGHTS ARE AT STAKE, SHALL COURT REMAIN SILENT? ANALYSIS ON THE IMPLEMENTATION OF PASSIVITY OF JUDGE PRINCIPLE IN CHILD MARRIAGE DISPENSATION IN INDONESIA," *Indonesia Law Review* 11, no. 1 (April 30, 2021), <https://doi.org/10.15742/ilrev.v11n1.693>.

⁴³ Muh Endriyo Susila, "Medical Malpractice System in the United States of America: Lesson to Learn for Indonesia," *Yuridika* 36, no. 2 (May 1, 2021): 367, <https://doi.org/10.20473/ydk.v36i2.24591>.

from screening so that it cannot shelter the conduct that immunity was never meant to protect.⁴⁴ Finally, the Code of Ethics should be harmonized with Articles 16 and 149 of the 2025 Code of Criminal Procedure so that ethics findings are admissible, though not conclusive, evidence of bad faith.⁴⁵

Conclusion

Article 16 of Law No. 18 of 2003, as extended by Decision No. 26/PUU-XI/2013 and restated in Article 149(2) of the 2025 Code of Criminal Procedure, provides a clear substantive foundation for advocate immunity. It does not provide legal certainty, because the good-faith condition is defined only teleologically, no authority is designated to assess it, and the assessment occurs after criminal proceedings have begun. Immunity is conditional and functional. It applies where an act is performed in good faith, has a demonstrable nexus with representation, and is not directed at subverting the administration of justice. Comparison with four OIC jurisdictions shows that Indonesia combines the broadest substantive protection with the weakest procedural protection, and that the Turkish model of prior authorization is valuable only if the gatekeeper is independent.

The article contributes a reframing of the good-faith problem as one of allocating the decision and fixing its timing, together with two reform proposals: a rebuttable presumption of good faith assessed against five objective indicators, and an independent pre-investigation screening mechanism that excludes flagrant offenses against the administration of justice. The study is doctrinal and relies partly on translated foreign sources. Future research should test these findings empirically, for example by examining how investigators and courts have applied Article 16 since 2014 and how the 2025 Code of Criminal Procedure is implemented.

CRedit Authorship Contribution Statement

Hanny Hilmia Fairuza: Conceptualization, Methodology, Writing - original Draft.
Feny Yudhiana: Supervision, Methodology, Writing - review & editing; **Yurike Inna Rohmawati:** Supervision, review & editing

Declaration of Competing Interests

The authors declare that they have no competing financial interests or personal relationships that could influence the work reported in this paper.

Data Availability

Data will be made available on request.

⁴⁴ Dzaky ilham Bhayangkara, Fatahillah - Fatahillah, and Budi - Bahreisy, "Obstruction of Justice Oleh Advokat Terhadap Penyidikan Tindak Pidana Korupsi," *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 7, no. 4 (January 20, 2025), <https://doi.org/10.29103/jimfh.v7i4.18926>.

⁴⁵ Björn Hessert, "The Exchange of Self-Incriminating Information of Athletes between Sports Organisations and Law Enforcement," *The International Sports Law Journal* 22, no. 1 (March 20, 2022): 5–16, <https://doi.org/10.1007/s40318-021-00194-y>; Alexandre Chitov, "The Concepts of Truth and Fairness in Thai Criminal Procedure," *New Criminal Law Review* 24, no. 1 (January 1, 2021): 59–89, <https://doi.org/10.1525/nclr.2021.24.1.59>.

References

- Adriana Almäšan and Horia Banciu. "Legal Professional Privilege in EU Competition Investigations: Striking a Balance Between Duty and Protection." *Comenius: Bratislava Legal Forum* 1 (December 31, 2025): 580–600. <https://doi.org/10.46282/bpf.2025.34>.
- Agiyanto, Ucuk, Absori Absori, Natangsa Surbakti, Trisno Raharjo, and Afiful Ikhwan. "Advocate Legal Education in Indonesia: The Need of Spiritual Dimensions Approach." *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 21, no. 1 (June 30, 2021): 111–20. <https://doi.org/10.30631/al-risalah.v21i1.742>.
- Akhpanov, Arstan Nokeshevich, Alexander Leonidovich Khan, and Gulnar Zhakhanovna Suleimenova. "ACTIVITY OF A LAWYER-DEFENDER IN THE PRE-TRIAL STAGES OF THE CRIMINAL PROCEDURE AND THE BOUNDARIES OF HER IMMUNITY." *Bulletin of the Institute of Legislation and Legal Information of the Republic of Kazakhstan* 80, no. 1 (March 28, 2025): 123–34. https://doi.org/10.52026/2788-5291_2025_80_1_123.
- Ali Abdul Wakhid, Idrus Ruslan, Moh. Yasir Fauzi, Ali Ramadan Salih, and Waleed Msahir Hamad. "Reactualization of Contemporary Fiqh Siyasah within the Ethical-Digital Islamic Leadership Paradigm." *MILRev: Metro Islamic Law Review* 5, no. 2 (August 14, 2026): 1517–35. <https://doi.org/10.32332/milrev.v5i2.13004>.
- Alotaibi, Hajed A. "The Challenges of Execution of Islamic Criminal Law in Developing Muslim Countries: An Analysis Based on Islamic Principles and Existing Legal System." Edited by Francis D. Boateng. *Cogent Social Sciences* 7, no. 1 (January 1, 2021). <https://doi.org/10.1080/23311886.2021.1925413>.
- Alotaibi, Hajed A., and Motaz T. Alotaibi. "Professional Boundaries and Ethical Obligations in Saudi Arabia An Integrated Sharia-Saudi Legal-Clinical Framework." *F1000Research* 15 (April 1, 2026): 461. <https://doi.org/10.12688/f1000research.178561.1>.
- Aluaş, Maria, Sorana D. Bolboacă, Anca-Ştefania Mesaroş, and Patricia Ondine Lucaciu. "Romanian Dentists' Perception of Legal Liability Related to COVID-19 Infection during Dental Treatments in Times of the Pandemic Outbreak." *Sustainability* 14, no. 15 (August 8, 2022): 9744. <https://doi.org/10.3390/su14159744>.
- Alysia Hapsari, Leilani, and Anang Setiyawan. "Penerapan Asas Itikad Baik Dalam Penyelesaian Sengketa Perdata." *Zaaken: Journal of Civil and Business Law* 4, no. 3 (October 17, 2023): 436–54. <https://doi.org/10.22437/zaaken.v4i3.31365>.
- Andriani, Agustini. "Criminal Acts Against the Judicial Process (Contempt of Court) According to the New Criminal Code about the Right to Immunity of Advocates in Court." *Jurnal Indonesia Sosial Teknologi* 5, no. 6 (June 19, 2024): 2847–60. <https://doi.org/10.59141/jist.v5i6.1113>.
- Andrighetto, Giulia, and Eva Vriens. "A Research Agenda for the Study of Social Norm Change." *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences* 380, no. 2227 (July 11, 2022). <https://doi.org/10.1098/rsta.2020.0411>.
- Anggraini, Septian Dwi, Gunawan Hadi Purwanto, and M Yasir. "Penerapan Hak Imunitas Advokat Dalam Memberikan Argumentasi Hukum Kepada Klien." *JUSTITIA Jurnal Ilmu Hukum Dan Humaniora* 8, no. 1 (February 8, 2025): 238. <https://doi.org/10.31604/justitia.v8i1.238-248>.

- Bhat, Manoj, Moh. Taufik, and Siti Marwiyah. "Immunity of Advocates In The Criminal Investigation Process." *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (June 30, 2025): 7391–7403. <https://doi.org/10.31941/pj.v24i2.6507>.
- Bhayangkara, Dzaky ilham, Fatahillah – Fatahillah, and Budi – Bahreisy. "Obstruction of Justice Oleh Advokat Terhadap Penyidikan Tindak Pidana Korupsi." *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 7, no. 4 (January 20, 2025). <https://doi.org/10.29103/jimfh.v7i4.18926>.
- Bien, Mai Dac. "Presumption of Innocence – Application in Exercising Prosecution Rights, Supervising the Investigation and Adjudication of Criminal Cases under Vietnam Legal." *INTERNATIONAL JOURNAL OF MULTIDISCIPLINARY RESEARCH AND ANALYSIS* 04, no. 04 (April 15, 2021). <https://doi.org/10.47191/ijmra/v4-i4-06>.
- Billah, Muktashim, Abdul Qadir Gassing, Muammar Bakry, Kurniati Kurniati, Abdul Wahid Haddade, Darussalam Syamsuddin, La Ode Ismail Ahmad, and Ahmad Harakan. "Islamic Law Perspectives and Social Experiences on Stigma toward Disabled People in Indonesia." *Frontiers in Sociology* 10 (March 12, 2025). <https://doi.org/10.3389/fsoc.2025.1479243>.
- Brito, Ícaro Fellipe Alves Ferreira De. "INTERPRETAÇÃO DO DIREITO E A MOLDURA INTERPRETATIVA KELSENIANA." *ARACÊ* 6, no. 3 (November 13, 2024): 6604–14. <https://doi.org/10.56238/arev6n3-138>.
- Butt, Simon. "Indonesia's Criminal Justice System on Trial." *New Criminal Law Review* 24, no. 1 (January 1, 2021): 3–58. <https://doi.org/10.1525/nclr.2021.24.1.3>.
- Chitov, Alexandre. "The Concepts of Truth and Fairness in Thai Criminal Procedure." *New Criminal Law Review* 24, no. 1 (January 1, 2021): 59–89. <https://doi.org/10.1525/nclr.2021.24.1.59>.
- Christie, David, Séverine Saintier, and Jessica Viven-Wilksch. "Industry-Led Standards, Relational Contracts and Good Faith: Are the UK and Australia Setting the Pace in (Construction) Contract Law?" *Liverpool Law Review* 43, no. 2 (August 20, 2022): 287–310. <https://doi.org/10.1007/s10991-022-09307-5>.
- Dewi Suryandari, Wieke, and Naya Amin Zaini. "Legal Protection of Advocates' Immunity Rights." *International Journal of Law Social Sciences and Management* 2, no. 1 (February 20, 2025). <https://doi.org/10.69726/ijlssm.v2i1.89>.
- Djunaedi, D. "Advocates' Immunity Rights in Indonesia: Why This Protection Is Often Forgotten." *KnE Social Sciences* 10, no. 28 (November 3, 2025): 316–23. <https://doi.org/10.18502/kss.v10i28.20126>.
- Ginting, Sryani Br., and Christina N.M. Tobing. "The Implementation of the Good Faith Principle in Unbalanced Banking Credit Agreements Based on Substantive Justice." *Global Legal Review* 6, no. 1 (May 11, 2026). <https://doi.org/10.19166/glr.v6i1.10929>.
- Giovani D.B. Nggabut, Adean E. Berti Bano, Damianus Bria, Kathrine M. Mamengko, and Yuliiyana C.S. Mudamakin. "Penegakan Hukum Terhadap Pelanggaran Kode Etik Advokat." *Perkara: Jurnal Ilmu Hukum Dan Politik* 2, no. 1 (January 15, 2024): 300–310. <https://doi.org/10.51903/perkara.v2i1.1679>.
- Griffiths, Elizabeth, Heather L. Scheuerman, and Sandy Xie. "Prosecutorial Actus Reus: Appellate Review of Prosecutorial Misconduct and the Diminishment of Responsibility." *International Journal on Responsibility* 6, no. 1 (August 18, 2023). <https://doi.org/10.62365/2576-0955.1083>.

- Guitton, Clement, Aurelia Tamò-Larrieux, Simon Mayer, and Gijs van Dijck. "The Challenge of Open-Texture in Law." *Artificial Intelligence and Law* 33, no. 2 (June 17, 2025): 405–35. <https://doi.org/10.1007/s10506-024-09390-1>.
- Hamoudah, Manal Mohammed, Zaleha Othman, Rashidah Abdul Rahman, Nor Azila Mohd Noor, and May Alamoudi. "Ethical Leadership, Ethical Climate and Integrity Violation: A Comparative Study in Saudi Arabia and Malaysia." *Administrative Sciences* 11, no. 2 (April 16, 2021): 43. <https://doi.org/10.3390/admsci11020043>.
- Hartono, M Rudi, and Radi Candra. "Analisis Hukum Terhadap Hak Imunitas Advokat Dalam Beracara Memberikan Bantuan Hukum." *Wajah Hukum* 5, no. 1 (April 23, 2021): 94. <https://doi.org/10.33087/wjh.v5i1.350>.
- Haznul, Fikry. "The Role of Mens Rea as a Condition for Punishment: A Case Study of Tom Lembong from the Perspective of Indonesian Criminal Law." *KRTHA BHAYANGKARA* 19, no. 3 (December 12, 2025): 762–71. <https://doi.org/10.31599/krtha.v19i3.4632>.
- Hessert, Björn. "The Exchange of Self-Incriminating Information of Athletes between Sports Organisations and Law Enforcement." *The International Sports Law Journal* 22, no. 1 (March 20, 2022): 5–16. <https://doi.org/10.1007/s40318-021-00194-y>.
- ILIADIS, MARY, OLIVIA SMITH, and JONATHAN DOAK. "Independent Separate Legal Representation for Rape Complainants in Adversarial Systems: Lessons from Northern Ireland." *Journal of Law and Society* 48, no. 2 (June 30, 2021): 250–72. <https://doi.org/10.1111/jols.12295>.
- Jaelani, Abdul Kadir, and Resti Dian Luthviati. "The Crime Of Damage After the Constitutional Court's Decision Number 76/PUU-XV/2017." *Journal of Human Rights, Culture and Legal System* 1, no. 1 (March 30, 2021). <https://doi.org/10.53955/jhcls.v1i1.5>.
- Jamillah, Jamillah, and Maswandi Maswandi. "Advocate Immunity Is Active When Integrity In The Exercise Of The Profession." *Legalpreneur Journal* 2, no. 1 (October 1, 2023): 152–57. <https://doi.org/10.46576/lpj.v2i1.3722>.
- Johan, Suwinto, and Markoni Markoni. "Does Material Adverse Change (MAC) Fulfill the Principles of an Agreement?" *Jurnal IUS Kajian Hukum Dan Keadilan* 9, no. 1 (April 1, 2021): 1–17. <https://doi.org/10.29303/ius.v9i1.813>.
- Jonas, Obonye. "Res Interpretata Principle: Giving Domestic Effect to the Judgments of the African Court on Human and Peoples' Rights." *African Human Rights Law Journal* 20, no. 2 (March 23, 2021): 1–20. <https://doi.org/10.17159/1996-2096/2020/v20n2a17>.
- Khalikova, Yulia, and Anton Kazun. "Should I Stay, or Should I Go? Self-Legitimacy of Attorneys in an Authoritarian State." *Crime, Law and Social Change* 75, no. 4 (May 19, 2021): 373–95. <https://doi.org/10.1007/s10611-020-09930-1>.
- KS, R.A Rahadjeng Endah. "THE INCONVENIENT PROBLEMS OF LAW ENFORCEMENT IN INDONESIA IN RELATION TO THE CASE OF BIBIT-CHANDRA." *Indonesian Journal of International Law* 7, no. 3 (August 12, 2021). <https://doi.org/10.17304/ijil.vol7.3.235>.
- Lilleker, Jonathan. "A Betrayal of Trust? Back to the Drawing Board for Medical Manslaughter." *The Journal of Criminal Law* 85, no. 5 (October 20, 2021): 335–61. <https://doi.org/10.1177/00220183211009319>.

- Lintang, Loresta Cahyaning, Adriano Martufi, and J.W. Ouwerker. "The Alternative Concepts of Blasphemy Law in Indonesia: Legal Comparison with Ireland and Canada." *BESTUUR* 9, no. 1 (August 12, 2021): 17. <https://doi.org/10.20961/bestuur.v9i1.51632>.
- Liu, Qian. "Challenges Faced by Lawyers Representing Chinese Immigrants in Canada: Understanding Lawyer-Client Relationships Through Legal Consciousness." *Social & Legal Studies* 35, no. 3 (June 13, 2026): 331-49. <https://doi.org/10.1177/09646639251366476>.
- Marique, Yseult, and Emmanuel Slautsky. "Resistance to Transplants in the European Administrative Space: An Open-Ended Reading of Legal Changes." *Review of European Administrative Law* 14, no. 1 (May 14, 2021): 7-36. <https://doi.org/10.7590/187479821X16190058548718>.
- Mergaerts, Lore. "Defence Lawyers' Views on and Identification of Suspect Vulnerability in Criminal Proceedings." *International Journal of the Legal Profession* 29, no. 3 (September 2, 2022): 281-301. <https://doi.org/10.1080/09695958.2021.1982719>.
- Miarsa, Fajar Rachmad Dwi, Muhamad Saifudin, Hardi Anugrah Santoso, Nur Qoilun, and Sugiarto Raharjo Japar. "COMPARATIVE STUDY OF THE GOOD FAITH CONCEPT BETWEEN INDONESIA AND THE NETHERLANDS IN CIVIL LAW." *Journal of Court and Justice*, February 28, 2024, 1-17. <https://doi.org/10.56943/jcj.v3i1.481>.
- Mouttotos, Nicholas. "Control of Unfair Terms Under Cypriot Contract Law." *Liverpool Law Review* 43, no. 2 (August 14, 2022): 311-38. <https://doi.org/10.1007/s10991-022-09304-8>.
- Mula Warman Harahap, I Nyoman Nurjaya, and Faizin Sulistio. "The Application Of The Presumption Of Innocence By Judges In Indonesia's Criminal Justice Process: A Challenge." *International Journal Of Humanities Education and Social Sciences (IJHESS)* 6, no. 1 (August 13, 2026). <https://doi.org/10.55227/ijhess.v6i1.2514>.
- Mupangavanhu, Brighton M. "Evolving Statutory Derivative Action Principles in South Africa: The Good Faith Criterion and Other Legal Grounds." *Journal of African Law* 65, no. 2 (June 26, 2021): 293-311. <https://doi.org/10.1017/S0021855321000115>.
- Newton, Michael A. "Absolutist Admissibility at the ICC: Revalidating Authentic Domestic Investigations." *Israel Law Review* 54, no. 2 (July 16, 2021): 143-73. <https://doi.org/10.1017/S0021223720000278>.
- Noor, Hendry Julian, Kardiansyah Afkar, and Henning Glaser. "Application of Sanctions Against State Administrative Officials in Failure to Implement Administrative Court Decisions." *BESTUUR* 9, no. 1 (August 12, 2021): 72. <https://doi.org/10.20961/bestuur.v9i1.49686>.
- Nugraheni, Meydora Cahya, and Ari Hernawan. "Good Faith Principle in Indonesian Contract Law: How to Set the Definition and Its Benchmarks." *Journal of Infrastructure Policy and Development* 8, no. 10 (September 26, 2024): 7358. <https://doi.org/10.24294/jipd.v8i10.7358>.
- O'Keefe, Roger. "Roger O'Keefe, Review of Tom Ruys and Nicolas Angelet (Eds), Luca Ferro (Assistant Ed.), The Cambridge Handbook of Immunities and International Law." *European Journal of International Law* 32, no. 2 (August 19, 2021): 709-15. <https://doi.org/10.1093/ejil/chab044>.

- Olujobi, Olusola Joshua. "Recouping Proceeds of Corruption: Is There Any Need to Reverse Extant Trends by Enacting Civil Forfeiture Legal Regime in Nigeria?" *Journal of Money Laundering Control* 24, no. 4 (October 21, 2021): 806–33. <https://doi.org/10.1108/JMLC-09-2020-0107>.
- Pirie, Fernanda. "Global Comparative Law?" *Oxford Journal of Legal Studies* 45, no. 2 (June 12, 2025): 506–24. <https://doi.org/10.1093/ojls/ggae038>.
- Pregel, Fabian. "Three Faces of Open Texture: A Unified Framework." *Journal of Philosophical Logic* 55, no. 3 (June 22, 2026): 759–804. <https://doi.org/10.1007/s10992-026-09850-w>.
- Rivero Silva, Sebastián. "Toward a Necessary Right to Self-Representation in European Civil Law." *Frontiers in Sociology* 11 (May 18, 2026). <https://doi.org/10.3389/fsoc.2026.1742364>.
- Robson, Robert, Carolyn Canfield, Darrell Horn, Allison Kooijman, Nelly Oelke, Sam Sheps, Ryan Sidorchuk, and Fiona MacDonald. "Legal Privilege Legislation: Consequences for Patient Safety." *Healthcare Quarterly* 25, no. 1 (April 27, 2022): 21–27. <https://doi.org/10.12927/hcq.2022.26811>.
- Safdar, Muhammad Asif, Waqas Rafiq, and Farhana Aziz Rana. "Legal Ethics and Privilege Communication." *Journal of Law & Social Studies* 4, no. 3 (September 30, 2022): 449–57. <https://doi.org/10.52279/jlss.04.03.449457>.
- Sandvik, Kristin Bergtora. "Digital Refugee Lawyering: Risk, Legal Knowledge, and Accountability." *Refugee Survey Quarterly* 40, no. 4 (December 16, 2021): 414–32. <https://doi.org/10.1093/rsq/hdab013>.
- Siagian, Fahrizal S., and Andi Hakim Lubis. "Review of the Applicability of Advocate Immunity Rights in Indonesia." *Neoclassical Legal Review: Journal of Law and Contemporary Issues* 1, no. 1 (July 9, 2024): 7–20. <https://doi.org/10.32734/nlrjolci.v1i1.16858>.
- Silva, Erick Almeida. "Por Que 'Aplicar a Letra Da Lei' Não é Ser Kelseniano?" *Revista Sociedade Científica* 8, no. 1 (August 27, 2025): 1600–1612. <https://doi.org/10.61411/rsc2025110818>.
- Solak, Müjgan, and Nebahat Kayaer. "Criminal Responsibilities of Nurses in Turkish Criminal Law and Determining the Awareness Levels of Senior Nursing Students Regarding This Responsibility." *BMC Nursing* 23, no. 1 (October 16, 2024): 761. <https://doi.org/10.1186/s12912-024-02418-6>.
- Solikin, Nur, and Anis Rohmatullah. "The Regulatory Reform of Advocate Organizations in Proposing Oath of Prospective Advocates in Indonesia." *Jurnal Kajian Pembaruan Hukum* 2, no. 2 (August 31, 2022): 133–54. <https://doi.org/10.19184/jkph.v2i2.23400>.
- Spano, Robert. "The Rule of Law as the Lodestar of the European Convention on Human Rights: The Strasbourg Court and the Independence of the Judiciary." *European Law Journal* 27, no. 1–3 (January 4, 2021): 211–27. <https://doi.org/10.1111/eulj.12377>.
- Susanti, Laras. "WHEN CHILDREN'S RIGHTS ARE AT STAKE, SHALL COURT REMAIN SILENT? ANALYSIS ON THE IMPLEMENTATION OF PASSIVITY OF JUDGE PRINCIPLE IN CHILD MARRIAGE DISPENSATION IN INDONESIA." *Indonesia Law Review* 11, no. 1 (April 30, 2021). <https://doi.org/10.15742/ilrev.v11n1.693>.
- Susila, Muh Endriyo. "Medical Malpractice System in the United States of America: Lesson to Learn for Indonesia." *Yuridika* 36, no. 2 (May 1, 2021): 367. <https://doi.org/10.20473/ydk.v36i2.24591>.

- Tadros, Victor. "Two Grounds of Liability." *Philosophical Studies* 178, no. 11 (November 5, 2021): 3503–22. <https://doi.org/10.1007/s11098-021-01611-6>.
- Tan, Seow Hon. "Radbruch's Formula Revisited: The Lex Injusta Non Est Lex Maxim in Constitutional Democracies." *Canadian Journal of Law & Jurisprudence* 34, no. 2 (August 26, 2021): 461–91. <https://doi.org/10.1017/cjlj.2021.12>.
- Tarakçioğlu, Zeynep Esra, Bora Özdemir, and Mehmet Necmeddin Sutaşır. "Evaluation of Problems Arising in Emergency Services from the Perspectives of Medical and Criminal Law: The Example of Türkiye." *Heliyon* 10, no. 22 (November 2024): e39492. <https://doi.org/10.1016/j.heliyon.2024.e39492>.
- Theil, Stefan. "Carefully Tailored: Doctrinal Methods and Empirical Contributions." *Oxford Journal of Legal Studies* 45, no. 4 (December 10, 2025): 1047–75. <https://doi.org/10.1093/ojls/gqaf029>.
- Ulhaq, Ulhaq, Isis Ikhwanasyah, and Tri Handayani. "From Moral Threshold to Measurable Parameter, Reconstruction of Extremely Unjust Law (Gustav Radbruch) Through the Layered Justice Index." *Journal of Law and Social Politics* 4, no. 3 (August 4, 2026): 413–28. <https://doi.org/10.59261/jlsp.v4i3.112>.
- Viganò, Francesco. "The Remains of Exceptionalism in Criminal Law." *Criminal Law and Philosophy* 17, no. 1 (April 26, 2023): 71–81. <https://doi.org/10.1007/s11572-021-09615-3>.
- Wahab, Mirnawanti, and Fahri Bachmid. "The Position of the Letter from the Chief of the Supreme Court and the Decision of the Constitutional Court in the Polemic on the Advocate's Oath." *Journal of Law, Politic and Humanities* 4, no. 2 (February 27, 2024): 82–89. <https://doi.org/10.38035/jlph.v4i2.319>.
- Winata, Oey Valentino, and Wisnu Aryo Dewanto. "BATASAN TERHADAP IMUNITAS ADVOKAT YANG DIPERLUAS BERDASARKAN PUTUSAN MAHKAMAH KONSTITUSI NOMOR 26/PUU-XI/2013." *DiH: Jurnal Ilmu Hukum* 16, no. 1 (January 24, 2020): 38–48. <https://doi.org/10.30996/dih.v16i1.2974>.
- Wong, Anna, Katrina Perehudoff, and Jillian Clare Kohler. "Legislating for Good Governance in the Pharmaceutical Sector through UN Convention Against Corruption (UNCAC) Compliance." *Global Public Health* 19, no. 1 (December 31, 2024). <https://doi.org/10.1080/17441692.2024.2350649>.
- Woods, Lorna, Lawrence McNamara, and Judith Townend. "Executive Accountability and National Security." *The Modern Law Review* 84, no. 3 (May 22, 2021): 553–80. <https://doi.org/10.1111/1468-2230.12624>.
- Yeung, Karen, and Lee A. Bygrave. "Demystifying the Modernized European Data Protection Regime: Cross-disciplinary Insights from Legal and Regulatory Governance Scholarship." *Regulation & Governance* 16, no. 1 (January 4, 2022): 137–55. <https://doi.org/10.1111/rego.12401>.