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Discrepancy in the Legislative Regulations Governing the Education of Advocates in Indonesia*

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Abstract
This paper aims to describe the legal confusion that arose after the Minister of Research and Technology of Higher Education Regulation No. 5 of 2019 on the Advocate Professional Program was passed. One of the clauses in this regulation has stipulated that the Advocate Education Program is organized by a tertiary institution that has the accreditation value "B" and collaborates with advocate organizations while the Constitutional Court Decision stipulates that Advocate Professional Special Education is organized by Advocate Organizations in collaboration with tertiary institutions that have the accreditation value "B". In addition, the factors that cause the legal confusion and how it affects the advocate education after disharmony are also the focus of this article. To reveal the various legal perceptions related to this theme, the author uses a qualitative method with a juridical normative approach. The data and information can be had by data of library and the several articles related to up-to-date themes in Indonesia. The conclusion in the article is that the legal chaos that occurred was caused by the factor of sectoral ego, the law-making factor, the weakness of Legal education, and the accountability of Advocate Education Financing. second, the implementation of advocate education had not yet had the formulation and standards, both for the Ministry of Research, Technology and Higher Education, that it is all legal education in tertiary institutions and for the various advocate organizations. To anticipate the four issues that have been discussed, it is deemed necessary to conduct legal deliberations in providing win-win solutions.
Keywords: Legal Disharmony; Advocate Education; Higher Education; Advocate Organizations

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Kesenjangan Peraturan Perundang-Undangan Yang Mengatur Pendidikan Advokat Di Indonesia

Abstrak
Tulisan ini bertujuan untuk mendeskripsikan kesimpangsiuran hukum yang timbul pasca disahkannya Peraturan Menteri Riset dan Teknologi Pendidikan Tinggi Nomor 5 Tahun 2019 tentang Program Profesi Advokat. Salah satu pasal dalam peraturan ini telah mengatur bahwa Program Pendidikan Advokat diselenggarakan oleh perguruan tinggi yang mempunyai nilai akreditasi "B" dan bekerjasama dengan organisasi advokat sedangkan Putusan Mahkamah Konstitusi mengatur bahwa Pendidikan Khusus Profesi Advokat diselenggarakan oleh Organisasi Advokat di Indonesia. kerjasama dengan perguruan tinggi yang memiliki nilai akreditasi "B". Selain itu, faktor penyebab terjadinya kerancuan hukum dan pengaruhnya terhadap pendidikan advokat pasca disharmoni juga menjadi fokus artikel ini. Untuk mengungkap berbagai persepsi hukum terkait tema ini, penulis menggunakan metode kualitatif dengan pendekatan yuridis normatif. Data dan informasi tersebut dapat diperoleh dari data perpustakaan dan beberapa artikel yang berkaitan dengan tema-tema terkini di Indonesia. Kesimpulan dalam pasal tersebut, kisruh hukum yang terjadi disebabkan oleh faktor ego sektoral, faktor pembuat undang-undang, lemahnya pendidikan Hukum, dan akuntabilitas Pembiayaan Pendidikan Advokat. kedua, penyelenggaraan pendidikan advokat belum memiliki rumusan dan standar, baik bagi Kementerian Riset, Teknologi, dan Pendidikan Tinggi, yang semuanya merupakan pendidikan hukum di perguruan tinggi maupun bagi berbagai organisasi advokat. Untuk mengantisipasi keempat permasalahan yang telah dibahas, dipandang perlu dilakukan musyawarah hukum dalam memberikan win-win solution.
Kata Kunci: Disharmoni Hukum; Pendidikan Advokat; Perguruan Tinggi; Organisasi Advokat

Разрыв в законодательных положениях, регулирующих обучение адвокатов в Индонезии

Абстрактный
Резюме Этот документ направлен на описание правовой путаницы, которая возникла после принятия министром исследований и технологий высшего образования Положения No 5 2019 года о профессиональной программе адвоката. В одном из положений этого регламента предусмотрено, что Программа обучения адвокатов организуется высшим учебным заведением, которое имеет аккредитационную оценку «B» и сотрудничает с адвокатскими организациями, в то время как в решении Конституционного суда предусматривается, что Специальное профессиональное образование адвоката организуют адвокатские организации в сотрудничестве с высшими учебными заведениями, имеющими акредитацию «B». Кроме того, в центре внимания этой статьи также находятся факторы, вызывающие правовую путаницу и то, как она влияет на образование адвокатов после дисгармонии. Для раскрытия различных правовых представлений, связанных с этой темой, автор использует качественный метод с правовым нормативным подходом. Данные и информация могут быть получены из данных библиотеки и нескольких статей, связанных с актуальными темами в Индонезии. Вывод в статье заключается в том, что возникший правовой хаос был вызван фактором секторального эго, фактором законотворчества, слабостью юридического образования и подотчетности финансирования адвокатского образования. во-вторых, осуществление адвокатского образования еще не имело формулировки и стандартов, как для Министерства исследований, техники и высшего образования, что это все юридическое образование в высших учебных заведениях и для различных адвокатских организаций. В целях прогнозирования четырех обсуждаемых вопросов считается необходимым провести юридические обсуждения в целях обеспечения взаимовыгодных решений
Ключевые слова: Юридическая дисхармония, Образование адвокатов, Высшее образование, Адвокатские организации

A. INTRODUCTION

Legal disharmony often occurs in the legal system in Indonesia. Among the legal norms that contain disharmony between one of the legal norms and another are the laws and regulations related to Advocate education. The Advocate Professional Special Education, as referred to in Law Number 18 of 2003 concerning Advocates and Advocate Professional Programs as in Permenristekdikti Number 5 of 2019 concerning the Advocate Professional Program, is a forum for prospective graduates of the Faculty of Law who have the desire to become an advocate.

Advocate education is one branch of legal education that prospective advocates need to obtain in order to create credible law enforcement. The Management of advocate education with a standardized curriculum can certainly guarantee the quality of qualified advocates. Jimmy has explained that to improve the quality of advocates' professionalism is needed the system of national certification and standardization, including those related to their welfare system. In addition, an integrated education and training program is also needed that can continuously foster mental attitudes and increase the knowledge and professional skills of advocates. (Jimly; 2008)

The Advocate profession is an official noble profession. The existence of advocates is an inseparable part of the law enforcement process because police investigations and prosecutors 'demands in criminal cases, the representation of defendants in civil cases and judges' decisions in every judicial process do not exist without the advocate's defence and advocate's lawsuit. In addition, advocates can provide legal services to the public. The legal services as described in Article 1 Paragraph (1) of Law no. 18 of 2003 can be in the form of legal consultation, legal assistance, exercising power, representing, assisting, defending, and taking other legal actions for client legal interests. These Legal services are intended as an effort for law enforcement and justice because there is still a lack of legal knowledge and legal awareness in the community, so with advocacy provided by advocates, the law can work well.

The Advocate Law regulates that after participating in advocate education, participants can take professional examinations. Education and professional examinations are organized by advocate organizations. The oath of office is held in front of an open session of the High Court in the legal domicile area of a prospective advocate after the prospective Advocate has been apprenticed for at least 2 (two) years continuously at the Advocate's office. However, due to a judicial review of Article 2 paragraph (1), the Constitutional Court, in decision No. 95 / PUU-XIV / 2016, decided that advocate education can

be carried out by advocate organizations in collaboration with tertiary institutions that have an accreditation value "B".

In addition to the legal polemic that occurs as described above, if Advocate education is linked to the Implementation of Higher Education and Management of Higher Education as regulated in Government Regulation Number 4 of 2014 refers to Law No. 12 of 2012 on Higher Education where professional programs are part of higher education other than S1, S2, S3, and vocational programs by hence, the implementation of Advocate education by Advocate organizations as previously regulated in Article 2 Paragraph (1) of Law no. 18 of 2003 becomes irrelevant because, apart from professional education, it is organized by higher education institutions, to be precise the Study Program as in article 1 paragraph 3 and paragraph 13. The Professional Organization, as described in Article 1 Paragraph 18 of Government Regulation No. 4 of 2014only as a group of community members who carry out certain professions and are not-for-profit legal entities that are not educational providers. This disharmony is what encourages the author to conduct research and is written in an article with the theme of disharmony in advocating education law.

There are 3 questions that are the focus of this article, namely: first, how did the legal confusion related to advocate education occur? Second; What are the factors that cause legal disharmony regarding legal education? Third, what are the consequences of this advocate education when legal disharmony has not been able to provide legal certainty?

B. METHODS

The research methodology employed in this work is a qualitative technique that combines a literature review and a conceptual analysis. The qualitative research approach was selected due to its capacity to offer a comprehensive comprehension of the variations and contradictions in the legal provisions that control education for advocates in Indonesia. Qualitative research is centered around investigating and interpreting social and legal events, with a particular emphasis on gaining a thorough grasp of the context and intricacies of the topics being examined. The literature approach entails the gathering and examination of pertinent textual materials, including law, policy papers, academic literature, and scientific articles. Using this methodology, researchers can discern, examine, and assess diverse legislation pertaining to the promotion of education in Indonesia, while also comprehending scholarly

discussions and their tangible consequences. A conceptual approach is employed to establish a coherent and methodical conceptual framework pertaining to the regulations governing advocate education. Researchers endeavor to evaluate and establish fundamental concepts, principles, and standards that serve as the foundation for these regulations. This method aids in the detection of discrepancies, vulnerabilities, and possible enhancements in current legislation. This research seeks to gain a thorough and comprehensive understanding of the discrepancies in legislative regulations regarding advocate education in Indonesia. It employs qualitative research methods along with a literature and conceptual approach. The ultimate goal is to offer evidence-based recommendations for enhancing future policy in this area.

C. RESULTS AND DISCUSSION

1. Confusion of Law about Advocate Education

The Head of the Indonesian Law College Leaders (ILCL) Association Stefanus Leksanto Utomo and Lisa Marina submitted a judicial review of Law no. 18 of 2003 concerning Advocates against the 1945 Constitution of the Republic of Indonesia with legal considerations that Article 2 paragraph (1) and Article 3 Paragraph (1) letter f contradict Article 28 C Paragraph (1), 28D Paragraph (1), and Article 31 Paragraph (3) The 1945 Constitution of the Republic of Indonesia. Among the legal arguments, representatives of ILCL state that: First, Article 28 C Paragraph (1) means that the state provides facilities and freedom for every citizen to fulfil his basic needs in developing his potential, skills and expertise through tiered education according to the standards set out in the legislation –invitation. Second, Article 28D Paragraph (1) had been delivered that every person has the right to recognition of every status inherent in himself, including recognition of the profession and career that are attached to him. This recognition also requires guarantees, protection and legal certainty as well as equal treatment before the law. Third, Article 31, paragraph (3), implies that the government has the duty to organize a national education system in order to increase faith, piety, noble character and the intellectual life of every citizen. The national education system is based on the Law on the national education system which contains teaching standards, curricula, institutions that have an obligation to educate, and other contents.

Therefore, the implementation of advocate education cannot stand alone because the education process is part of the bachelor degree (S1) education process in law. It should be carried out by a legal science study program that has

been accredited by the National Accreditation Board for Higher Education (NABHC) and collaborates with advocate professional organizations. This is in line with Article 21 paragraph (1), paragraph (2), paragraph (3), and paragraph (4) of Law Number 20 of 2003 concerning the National Education System, which states that the implementation of education, both academic, professional and vocational is a higher education institution. Thus, granting academic, professional and vocational degrees also by educational institutions.

Fourth, eight Advocate Organizations have the authority to organize Advocate education with their respective non-standardized curricula. In fact, to obtain the legality of the Advocate organization in accordance with Article 2 Paragraph (1), all of the advocate organizations were competing to recruit advocates through Advocate Professional Special Education and sometimes even lowering standards. This has implications for the lack of good human resources of advocates, so law enforcement is also less qualified. In addition, there is no unified standard curricula for advocate education so it is difficult for advocate education to be evaluated and audited for learning outcomes so that the results of the advocate professional education do not have quality standards that can be accounted for.

The Constitutional Court in its Decision No. 95 / PUU-XIV / 2016 decided that those who have the right to hold Advocate Professional Special Education are advocated organizations with the obligation to cooperate with universities that have a minimum accreditation value of B or a law college that is at least accredited B with the consideration that the right of the advocate organization to organize Special Professional Education Advocates is based on Article 28 paragraph (1) of the Advocate Law and the Decision of the Constitutional Court Number 066/PUU-II/2004 which in essence confirms that the Advocate Organization was formed with the intent and purpose of improving the quality of the Advocate profession. In addition, to maintain the role and function of Advocates as a free, independent and responsible profession as mandated by the Advocate Law, the implementation of Special Professional Education Advocates should indeed be carried out by an organization or professional organization of advocates with the obligation to cooperate with universities.

In reality, when the Regulation of the Minister of Research and Technology for Higher Education No. 5 of 2019 concerning the Advocate Professional Program (APP) was published, Article 2 Paragraph 2 points a, b, and c are different from the decision of the Constitutional Court No. 95/PUU-XIV/2016. This clause explains that the Advocate Professional Program is organized by Higher Education Institutions, in this case, the Law Studies

Program, which has a minimum accreditation rating of B and collaborates with Advocate Organizations which are responsible for the quality of professional services.

In fact, Article 3 Paragraph (1, 2, and 3) states that the Advocate Professional Program (APP) was held for at least two semesters, with a load of 24 credits and a maximum study period of three years, and was held as a separate advanced program from the Undergraduate Program.

The issuance of the regulation by the Minister of Research and Technology of Higher Education to a reaction from advocacy organizations in the form of opposition that the Kemenristekdikti regulation had erased the advocacy professional education pattern through Advocate Professional Special Education which had long been managed and held by advocate organizations, in this case the Indonesian Advocates Association (IAA) and also inappropriate. with the decision of the Constitutional Court No. 95 / PUU-XIV / 2016. On November 12, 2019, four Advocates, namely TM Luthfi Yazid, Vice President of the Advocate Organization of the Indonesian Advocates Congress; Jesi Arianto, a member of the Indonesian Advocates Association; Mardani Wijaya as a member of the Indonesian Advocates Congress, and Heri Hermawan as a legal consultant and candidate for an advocate. filed a judicial review on Permenristekdikti Number 5 of 2019 concerning the Advocate Professional Program to the Supreme Court.

One of the legal arguments put forward is that the collaboration between Advocate Organizations with State Universities and Private Universities is only limited to the curricula of Special Professional Education Advocates. The previous Constitutional Court decision had not been integrated the curricula with the Semester Credit System for at least 2 semesters. Therefore, what is regulated in this regulation of the Minister of Research and Technology of Higher Education is carelessness and over-regulation. However, in the decision of the Supreme Court Number 87 P / HUM / 2019, it was decided that the petition for objections to the judicial review rights of the applicants could not be accepted on the basis of the regulation of the Minister of research and technology of Higher Education being tested was the statutory regulation under law, namely Law No. 12 of 2012 and the Supreme Court is not authorized to test it as referred to in the provisions of Article 31 paragraph (1) of Law Number 5 of 2004 concerning the first amendment to Law Number 14 of 1985 concerning the Supreme Court and the second amendment to Law Number 3 of 2009 and Article 1 paragraph (1) of the Supreme Court Regulation Number 01 of 2011 concerning the Right to Material Test.

It can be understood that with the rejection of the applicant's judicial review of the Supreme Court decision Number 87 P / HUM / 2019, the regulation of the Minister of Research and Technology of Higher Education No.5 Year 2019 applies. Specifically, Advocate education had been organized by tertiary institutions, in this case, the Legal Studies Program, with a minimum accreditation of B and to Collaborate with advocate organizations.

2. The Factors raising to Legal Confusion regarding Advocate Education

The legal disharmony of advocate education has created confusion and legal turmoil among stakeholders of higher education. The author will explore several factors that trigger this confusion, including:

a. Sectoral Ego

Wasis Susetio explained that one of the main causes of regulatory disharmony is sectoral egos between ministries or state institutions when planning the formation of laws and regulations. (Susetio, 2013) If you pay attention to the process of its formation, the advocate law is based on Law Number 35 of 1999 concerning Amendments to Law Number 14 of 1970 concerning Basic Provisions of Judicial Power, Law Number 14 of 1985 concerning the Supreme Court, and several laws that regulate concerning Courts within the scope of the Supreme Court of the Republic of Indonesia. Meanwhile, this law did not have any reference to the laws and regulations governing higher education as a legal consideration.

Although there was no law specifically regulating higher education prior to Law No. 12 of 2012 however, there has been a Decree of the Minister of Education and Culture of the Republic of Indonesia Number 002/U/1996. It was been the answer to the reorientation of the Higher Education system in Law since 1993. The reorientation was previously carried out as an effort to answer the competency problems of Law Faculty graduates who did not meet the needs of society. It can be understood that in the process of making this law, there was no coordination with the Ministry of Education and Culture, which has the authority in the world of education. **Simon Butt** criticized that one of the reasons that the legislature was unable to make laws that were in accordance with the original objectives, such as the Prolegnas, was because it was obstructed by complicated processes and procedures, including coordination with relevant ministries. Bureaucratic interests and political interests constantly triggered the process of law formation. (Simon Butt, 2018)

Furthermore, the authors understand that legal practice was one of the factors that initiated the dichotomy between law and higher education, which is a theoretical-based academic strengthening with practical law. Legal higher education was separated from practical legal studies, including advocate education.

Otherwise, when administrators of higher education and management of tertiary institutions had included professions as a component of higher education in higher education based on Government Regulation Number 4 of 2014 where the Advocate Profession was part of professional education, Higher Education also does not coordinate with competent parties in charge of advocate profession such as the Supreme Court and the judiciary within the scope of the Supreme Court of the Republic of Indonesia. In the process of the Ministry of Research and Technology of Higher Education in regulating higher education governance according to the needs of the community, the advocate profession was one that was considered very important to make adjustments by synergizing with the higher education managers. So, the representation from higher education directly submitted a judicial review of Article 2 paragraph (1) of Law no. 18 of 2003 concerning Advocates because it is considered irrelevant to several laws and the regulations governing the Higher Education system in Higher Education.

b. Law Making

The law-making concerning the advocate education was not general. Prior to Law No. 18 of 2008 was issued, there was no law in the field of education that covered the higher education system in tertiary institutions, including professional education. Even though there has been a Decree of the Minister of Education and Culture No. 002/U/1996, apart from having a limited scope only within the scope of the Ministry of Education and Culture, it was also not firm in regulating the legal profession education, especially lawyers. Because the demands of the advocate profession at that time demanded a legal provision that guarantees legal certainty for lawyers as a component of law enforcement apart from the police, prosecutors and judges Law Number 18 of 2003 was born partially.

It could be understood that the process of the law-making and regulations on higher education, including professional education, especially the advocate profession, had violated several of the eight principles of legality formulated by Lon L. Fuller - professor at Harvard Law School. (Fuller; 1964) Among the eight

principles in question are: first, generality that it's the regulations formulated must be general in nature not ad hog. If this principle was not fulfilled in the making of the statutory rules, it could result in asynchrony of the rules made with the other regulations. The disharmony in the rules of advocate education, which is caused by the failure to fulfil the principles of generality, also results in the second principle, namely, no contradiction. The contradiction of Law No. 18 of 2003, which regulates advocate education, was proven by the emergence of 22 requests for judicial review of Law No. 18 of 2003 with 33 norm indicators and 2 explanations of norms.

Maruarar Sihaan had viewed this phenomenon as a strong reason that there was a very basic problem in the Advocate Law. (Maruarar, 2020) The Problems included the process of law-making, places in power organizations, drafting techniques, philosophical, sociological and juridical considerations, as well as a number of other issues that must be related to the Indonesian constitutional system in the 1945 Constitution.

Third, no retroactive laws, which means Government Regulation Number 4 of 2014, which refers to Law No. 12 of 2012 concerning Higher Education, includes professional education to be managed by higher education, including advocate professional education, which is factually regulated in Kepmenristekdikti No. 5 of 2019. Obviously, this rule is retroactive for advocate education, which was de jure regulated in Law No. 18 of 2003. Lon L Fuller had explained that the retroactivity could damage the integrity of regulations that was intended to apply in the future. Lon L Fuller's analysis could be seen in the phenomenon of legal disharmony regarding advocate education today in Indonesia.

c. Authority and Division of Advocate Organizations

Some of the public authority given to the Advocate Organization to carry out advocate education, and appoint and dismiss advocates had showed that it was born some of the powers previously exercised by the Ministry of Law and the Supreme Court. This means that it was part of the power of the state even though its independence was guaranteed by law. However, its power was not connected with the other state powers, so with that independence, it had run independently of other state powers.

Article 32 Paragraph (4) of the Advocate Law has really not been able to realize a single advocate organization. The Indonesian Advocates Association was divided into three administrations. Maruarar explained that there were two

things that triggered The Indonesian Advocates Association. First, the Articles of Association of The Indonesian Advocates Association were not given a legal basis and legal force as a product of statutory regulations that were binding and subject to Law Number 15 of 2019 as an amendment to Law Number 12 of 2011 concerning the law-making and Regulations. As a result, the managers or leaders easily changed the rules regarding terms of office and election of the managers. Second, the split was triggered by the enthusiasm of the board who wanted to occupy a position for more than the stipulated term of office.

The management of the Indonesian Advocates Association had claimed that, according to the law, to recruit and educate prospective advocates and appoint them. One of the negative impacts that arise is the weakening of the quality of management and implementation of advocate education. Each faction of the Indonesian Advocates Association will simplify the educational aspects and examination of prospective advocates as they are competing to recruit prospective advocates. This phenomenon will certainly weaken the level of public trust as legal objects for the abilities of young advocates.

The existence of government policies through the Regulation of the Minister of Research and Technology for Higher Education can restore the professionalism of prospective advocates by strengthening their competence of prospective advocates through a curriculum design that was created jointly by universities and advocate organizations. Furthermore, this government effort can reduce the tension that occurs in the three fictions of the Indonesian Advocates Association clashes

The Constitutional Court Decision No. 014 / PUU-IV / 2004 and No. 66 / PUU-VIII / 2010) had stated in their legal considerations that the eight founding Advocate Organizations of the Indonesian Advocates Association still had the same authority as the Indonesian Advocates Association in carrying out special education for the Advocate profession (article 1 paragraph 1), Testing prospective advocates (Article 3 paragraph (1) letter f), appoint an advocate (Article 2 paragraph 20, create a code of ethics (Article 26 paragraph 1), form an Honorary Council (Article 27 paragraph 1), establish a Supervisory Commission (Article 27 paragraph 1), Conduct Supervision (Article 12 paragraph 1), and Dismissing advocates (Article 9 paragraph (1).

d. Weaknessless Legal Education

Jimly explained that to create a just legal system, the Law socialization and law education) is needed because even though the theory of legal fiction is

taught in the civil law system, this theory cannot yet be applied in the Indonesian legal environment. Legal education in this context is that advocate education has not provided an ideal portion when a single advocate organization, in this case of the Indonesian Advocates Association, has not actually materialized in the implementation of advocate education. The eight advocate organizations and three fictions of the Indonesian Advocates Association both claim to have the competence to organize advocate education. The fact that all advocate organizations compete to Advocate Professional Special Education in order to recruit prospective advocates can lower the education administration standards so that there is no standard unit that can measure the competence of prospective advocates. Meanwhile, Article 14 Paragraph 1 of Government Regulation Number 4 of 2014 explained that the type of professional education must not only have educational standards but also must have quality assurance standards.

e. the Accountability of Advocate Education financing

The rise of advocate education by all advocate organizations while there was no standard unit for education management, the financial management system that comes from participant contributions was also diverse. This condition causes the financial management system to be unaccountable because supervision becomes weak when the advocate profession becomes independent. Prior to the issuance of the Law on Advocates, the financial management of advocate education was handled by the Supreme Court and the Ministry of Law, and the funds went to the Non-Tax State Opinion, which was paid to the state. (Maruarar, 2020)

3. The Phenomenon of Advocate Education After the Higher Education Regulations were Issued

The Regulation of the Minister of Research and Technology of Higher Education Number 5 of 2019 stipulated that the implementation of advocate education in tertiary institutions, to be precise, the Law Science Study Program, which has an accreditation value of at least B and collaborates with advocate organizations. This rule is based on several statutory provisions including Article 1 paragraph (3), Article 1 paragraph (13), Article 2 and Article 14 paragraph (2) Government Regulation Number 4 of 2014 concerning Implementation of Higher Education and Management of Higher Education. Meanwhile, Article 14 paragraph 1 explains that the Study Programs and Higher

Education programs in the types of professional and specialist education cover at least: a. National Higher Education Standards; b. opening and closing procedures; c. procedures for implementing cooperation; and D. quality assurance. Meanwhile, Article 19 Paragraph (3) explains that the professional certificate, as referred to in paragraph (1), is issued by Tertiary Education Institutions together with Ministries, Other Ministries, LPNK, and / or Professional Organizations.

In addition, the legal basis is also strengthened by The Regulation of the Minister of Research and Technology of Higher Education No. 44 of 2015 concerning National Standards for Higher Education as amended by The Regulation of the Minister of Research and Technology of Higher Education No. 50 of 2018 concerning National Standards for Higher Education, or regulations related to Certificate Companion Diploma, namely: the Minister of Education and Culture No. 73 of 2013, the Minister of Education and Culture No. 49 of 2014, and the Minister of Education and Culture No. 81 of 2014. All of these regulations lead to Law Number 12 of 2012 concerning Higher Education.

Although it is supported by another higher legal basis, technically there is no specific body that is trusted to make education management standards as well as Advocate Organizations as partners. In terms of the advocate organization model, Miko Ginting explained that there has not been a single study result that states that a particular advocate organization model is the ideal model. The ideal model, in this case, means success in organizational solidarity and the development of the advocate profession. Even in international standards, there is no mandatory provision which states that an advocate organization must be in a single or multi-bar form.

In addition, the meaning of single and multi-bar, which is understood, is still ambiguous. The Advocate Law, as referred to in Articles 28 and 32, paragraphs (3) and (4), encourages the existence of a forum for advocate organizations. The Constitutional Court Decision 019 / PUU-I / 2003 states that Article 28 and Article 32, paragraphs (3) and (4) are a transitional phase from a practising lawyer regime to an advocate organization. It needs scientific and empirical measurements to state the proper model of the advocate organization. (Ginting; 2020)

The Constitutional Court Decision No. 014 / PUU-IV / 2006 and No. 066 / PUU-II / 2004 explains that the model with one advocate organization is related to the status of an advocate as a law enforcer as referred to in Article 5 paragraph (1) of the Advocate Law and which mentions specifically that the only advocate organization is the Advocate Professional Special Education This is in line with

the characteristics of an advocate organization that must be free, independent, and free from the responsibilities of any party.

Apart from the issue of one single-bar association or multi-bar organization of advocates, the Advocate Professional Special Education curriculum must make adjustments to the educational curriculum formulation that is being designed and regulated by the government through several statutory regulations. Curriculum based on the Indonesian National Qualifications Framework as stipulated in Presidential Regulation No. 8 of 2012 as the implementer of the provisions of Article 5 paragraph (1) Government Regulation Number 31 of 2006 concerning the Job Training System is an educational curriculum in which the competency qualification framework can be juxtaposed, equalized, and integrated with the field of education and the field of job training as well as work experience in the context of providing recognition of job competencies in accordance with the structure of work in various sectors. The Presidential Regulation No. 8 of 2012 is in line with Regulation of the Minister of Research, Technology and Higher Education Number 44 of 2015 concerning National Higher Education Standards as amended by Regulation of the Minister of Research, Technology and Higher Education Number 50 of 2018 concerning National Standards for Higher Education.

Although there was no definite quality standard and curriculum in advocate education, there are several curriculum models that have been created and implemented by law education such as the Faculty of Law, University of Indonesia through a special unit, namely Continuing Legal Education, which in collaboration with the Advocate Professional Special Education and the Advocate Professional Special Education prepares curricula together. In addition, the views of Fauzi Yuisuf Hasibuan in his 2010 article explaining that the Advocate Professional Special Education curriculum is integrated with the Megister of Litigation Law is still quite relevant. To produce professional human resource advocates who can uphold the value of justice requires the ability to develop legal knowledge and use the right approach to legal issues in addition to having the ability to develop skills in the field of legal science in a broader spectrum. This means that advocates are required to have the ability to master legal science which is interdisciplinary and multi-disciplinary.

D. CONCLUSION

The Disharmony of law regarding advocate education creates legal chaos in legal higher education. Several factors trigger legal confusion, including

sectoral ego, the law-making factor, the weakness of Legal education, and the accountability of Advocate Education Financing. As a result of the implementation of the Minister of Research and Technology Regulation No. Higher Education. 5 of 2019, the attention of organizations and the world of higher education focuses on opinions about the ideal curriculum and several advocate organizations have explored several universities to organize Special Education for the Advocate Profession such as the Indonesian Advocates Association wants to collaborate with the Faculty of Sharia and Law and the Indonesian Sharia Lawyers Association. Establish cooperation for that, including with several of the state Islamic Universities in Indonesia.

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