

Juridical Implications for Advocates Who Are Unwilling to Provide Legal Aid to Indigent Justice Seekers

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Abstract. *The current problem of poverty in Indonesia is closely related to the law enforcement process so that it has a very big impact on the process of law enforcement decisions, especially in relation to efforts to defend what has become one's rights. The aim of writing this legal thesis is to find out the juridical implications of this. advocates who are unwilling to provide legal assistance to indigent justice seekers. The approach method used in writing this legal thesis is normative juridical, which means the approach is carried out by examining theoretical approaches, concepts, studying statutory regulations related to this research or a statutory approach. Normative juridical research is legal research that places law as a building system of norms. The norm system in question is about principles, norms, rules of laws and regulations, agreements and doctrines (teachings). This normative research is research on legal systematics, namely research whose main aim is to identify meanings or bases in law. The results of this Legal Thesis Writing state: First, Law No. 18 of 2003 concerning Advocates regulates the role of Advocates as providers of legal assistance, including in the form of Pro bono or providing free legal services to those who do not have financial means. Apart from that, regulations related to Requirements and Procedures for Providing Free Legal Aid in Government Regulation Number 83 of 2008 also direct Advocates to make a positive contribution in ensuring equal access to justice for people who are financially disadvantaged. This has implications for the important role of Advocates in providing fair opportunities for those in situations of financial limitations to obtain quality legal services. Second Advocates who are unwilling to provide legal assistance to indigent justice seekers may be subject to legal sanctions because they have violated the law or code of ethics. Legal sanctions that can be imposed on advocates who do not provide free legal assistance are regulated in Law No. 18 of 2003 concerning Advocates. Article 22 paragraph (2) of Law No. 18 of 2003 concerning Advocates*

states that advocates who do not provide free legal assistance may be subject to sanctions in the form of a written warning, temporary dismissal from the advocate profession, and dismissal from the advocate profession.

Keywords: Advocate; Crime; Free, Justice Indigent.

1. Introduction

The 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia Article 1 paragraph (3) firmly states that the State of Indonesia is a state of law. This shows that Indonesia is a state of law (rechtstaat).¹Law enforcement agencies that are generally known to the public are the Police, Prosecutor's Office and Judiciary. The work of the apparatus of these three institutions is often referred to as law enforcement in the narrow sense. Meanwhile, in a broad sense, apart from these three institutions, the community is also included in the law enforcement component. The working/functioning of these three law enforcement agencies is very visible in the criminal justice system. The criminal justice system in Indonesia adheres to the concept that criminal cases are disputes between individuals and society or the public.²

Law enforcement is an effort to enforce legal norms and at the same time the values behind these norms. For this reason, law enforcers must truly understand the legal spirit that underlies the legal regulations that must be enforced and in this case it will be related to the various dynamics that occur in the law-making process. Furthermore, ideal law enforcement must be accompanied by an awareness that law enforcement is a social sub-system, so that environmental influences are quite significant, such as the influence of political, economic, social and cultural developments, defense and security, science and technology, education and so on. In the criminal justice system in Indonesia, the authority to examine and try cases is carried out by the court (judicial body) led by a single judge or panel,³

Legal aid itself is in the general provisions of Law No. 18 of 2003 concerning Advocates explains that legal aid is legal services provided by advocates free of

¹Many, Nirmala, "Free Legal Assistance (Pro Bono) as a Realization of Access to Justice for the Poor in Indonesia", Journal of Social Welfare Research Information Media, No.3 (2021): 269-278, p. 2, p. 44.

²Soedjono Dirdjosisworo, Implementation of Advocate Missions in Criminal Justice, Paper on Training for Candidate Advocates, Bandung, 2005. Page 1

³Muladi, Human Rights, Politics and the Criminal Justice System, Diponegoro University Publishing Agency, Semarang, 1997, p. 58.

charge to clients who cannot afford it. Then legal services themselves are services provided by advocates in the form of providing legal consultations, legal assistance, exercising power of attorney, representing, assisting, defending and carrying out other legal actions for the client's legal interests. It is clear that a positive value must be maintained in the essential law enforcement process so that discrimination and irregularities do not occur in the law enforcement process so that truth and justice can be felt by the public. The role of an advocate in handling a case, whether criminal or civil, is one of law enforcement efforts in society through judicial channels or outside the court as an advisor in the field of law. Advocates are not civil servants, not employees of any body or agency but are private workers. Advocates are not paid by the government, so the remuneration fees they receive come from clients and are incidental, they may not receive other honoraria in other cases that conflict with the case being defended, and attract multiple honorariums and profits.

The aim of bringing in a lawyer, apart from fulfilling Article 56 of the Criminal Procedure Code mentioned above, is also to provide legal assistance to the defendant and to assist the judge in finding the legal truth which has justice as its core.⁴Law No. 18 of 2003 concerning Advocates, the advocate profession is now increasingly dynamic in the context of law enforcement in the country. Providing free legal assistance to people seeking justice is one of the obligations of advocates. The obligation to provide free legal assistance is also strengthened in Law No. 18 of 2003 concerning advocates. Article 22 paragraph (1) states that "advocates are obliged to provide free legal assistance to those seeking justice who cannot afford it." The obligation to provide free legal assistance to the lawyer profession cannot be separated from the principle of equality before the law and the right of everyone to be accompanied by an advocate without exception.

2. Research Methods

The approach method used in writing this legal thesis is normative juridical, which means the approach is carried out by examining theoretical approaches, concepts, studying statutory regulations related to this research or a statutory approach. Normative juridical research is legal research that places law as a building system of norms. The norm system in question is about principles, norms, rules of laws and regulations, agreements and doctrines (teachings). This normative research is research on legal systematics, namely research whose main aim is to identify meanings or bases in law.

3. Results and Discussion

⁴Rusli Muhammad, Indonesian Criminal Justice System, UII Press, Yogyakarta, 2011, p. 58.

3.1. The Authority of Advocates in Providing Legal Assistance to Underprivileged Justice Seekers

Based on Law No. 16 of 2011 concerning Legal Aid, Article 1 paragraph (1) states that Legal Aid is legal services provided by Legal Aid Providers free of charge to Legal Aid Recipients⁵. Recipients of Legal Aid are poor people or groups of people who cannot fulfill basic rights properly and independently who face legal problems. Meanwhile in SEMA No. 10 of 2010 concerning Guidelines for Providing Legal Aid, Article 27 states that those entitled to receive services from Legal Aid Posts are people who cannot afford the services of advocates, especially women and children and people with disabilities, in accordance with applicable laws and regulations.⁶

This legal assistance includes exercising power of attorney, accompanying, representing, defending, and/or carrying out other legal actions for the legal interests of the Legal Aid Recipient, which aims to:⁷

1. Guarantee and fulfill the rights of Legal Aid Recipients to obtain access to justice.
2. Realizing the constitutional rights of all citizens in accordance with the principle of equality under the law.
3. Ensure certainty that the implementation of Legal Aid is carried out evenly throughout the territory of the State of Indonesia.
4. Realizing an effective, efficient and accountable judiciary.

Article 25 SEMA No. 10 of 2010 states that the Legal Aid services that can be provided by the Legal Aid Post are in the form of providing information, consultation and advice as well as providing free accompanying Advocates to defend the interests of the Suspect/Defendant in the event that the Defendant is unable to afford his own legal counsel. .⁸

Law No. 16 of 2004 concerning Legal Aid regulates the legal aid system in Indonesia. Article 1 of Law No. 16 of 2004 concerning Legal Aid states that legal aid is the provision of free legal assistance to people who are unable to obtain

⁵Law no. 16 of 2011 concerning Legal Aid Article 1 paragraph (1)

⁶Supreme Court Circular No. 10 of 2010 concerning Guidelines for Providing Legal Aid Article 27

⁷ Abdau Chaniago Abdi, Mahdi Nasution, and Fauziah Lubis, "The Role of Advocates in Providing Legal Assistance to the Community from a Human Rights Perspective", *El-Mujtama: Journal of Community Service* 3.3, 2023, Page. 705.

⁸Supreme Court Circular No. 10 of 2010 concerning Guidelines for Providing Legal Aid Article 25

access to justice.⁹Article 2 of Law No. 16 of 2004 concerning Legal Aid states that legal aid is provided by legal aid institutions formed by the government and legal aid institutions formed by the community.¹⁰

Government Regulation Number 83 of 2008 concerning Procedures for Providing Free Legal Aid further regulates the mechanism for providing free legal aid.¹¹This Government Regulation regulates the criteria for people who are entitled to free legal aid, procedures for submitting applications for free legal aid, and mechanisms for paying free legal aid fees.

An advocate is a person whose profession is to provide legal services, both inside and outside the court. Advocates have the authority to provide legal assistance to people who cannot afford it. Legal aid is assistance provided by advocates to people who are unable to obtain access to justice. Legal assistance can be provided in various forms, such as:¹²

1. Litigation assistance, namely assistance provided by advocates to defend the legal interests of incapacitated people in the judicial process.
2. Non-litigation assistance, namely assistance provided by advocates to help people who are unable to resolve their legal problems outside the judicial process.
3. Preventive assistance, namely assistance provided by advocates to prevent people who are unable to fall into legal problems.

There are many legal aid services, including Litigation and Non-Litigation, non-Litigation includes consultation, legal guidance and others, while Litigation can be done in court. The Semarang Legal Aid Institute in providing legal aid applies 3 (three) schemes, namely:¹³

- 1) Legal Aid Services in the form of consultations.
- 2) Legal aid services in the form of Ghost Lawyers.
- 3) Direct assistance.

⁹ Law Number 16 of 2004 concerning Legal Aid Article 1

¹⁰ Law Number 16 of 2004 concerning Legal Aid Article 7

¹¹ Government Regulation Number 83 of 2008 concerning Procedures for Providing Free Legal Aid

¹² Achmad Farid Miftah, "The Existence of Legal Aid Institutions and Community Legal Awareness", *Strata Social and Humanities Studies* 1.1, 2023, Page. 10-18.

¹³Rudi Setiawan Sukarno, Indah Setyowati, Implementation of Legal Aid for the Poor in the Criminal Justice System, *Unissula Student Scientific Conference (Kimu)* 2, 2019, p.525.

Several laws and regulations that regulate legal assistance by an advocate include:

1. Law No. 18 of 2003 concerning Advocates

Law No. 18 of 2003 concerning Advocates regulates the advocate profession and its obligations. Article 22 paragraph (1) of Law No. 18 of 2003 concerning Advocates states that advocates are obliged to provide free legal assistance to indigent justice seekers.¹⁴

2. Law No. 16 of 2004 concerning Legal Aid

Law No. 16 of 2004 concerning Legal Aid regulates the legal aid system in Indonesia. Article 1 of Law No. 16 of 2004 concerning Legal Aid states that legal aid is the provision of free legal assistance to people who are unable to obtain access to justice.¹⁵ Article 2 of Law No. 16 of 2004 concerning Legal Aid states that legal aid is provided by legal aid institutions formed by the government and legal aid institutions formed by the community.¹⁶

3. Government Regulation Number 83 of 2008 concerning Procedures for Providing Free Legal Aid

Government Regulation Number 83 of 2008 concerning Procedures for Providing Free Legal Aid further regulates the mechanism for providing free legal aid.¹⁷ This Government Regulation regulates the criteria for people who are entitled to free legal aid, procedures for submitting applications for free legal aid, and mechanisms for paying free legal aid fees.

M. Hadjon's Theory of Authority states that authority is the power given by law to a person or institution to carry out certain actions.¹⁸ Gustav Radbruch's Legal Certainty Theory states that law must fulfill the elements of certainty, justice and expediency.¹⁹

The authority of advocates in providing legal assistance is one form of manifestation of M. Hadjon's theory of authority. This authority is given by law to

¹⁴ Invite-Law Number 18 of 2003 concerning Advocates Article 22 paragraph (1)

¹⁵ Law Number 16 of 2004 concerning Legal Aid Article 1

¹⁶ Law Number 16 of 2004 concerning Legal Aid Article 2

¹⁷ Government Regulation Number 83 of 2008 concerning Procedures for Providing Free Legal Aid

¹⁸ Hadjon M, Philipus, Introduction to Indonesian Administrative Law, (Yogyakarta: Gadjah Mada University Press), 1993, p. 78.

¹⁹ Arum Tarina, Muhammad Luthfi Radian, and Meri Andriani, "Legal Certainty regarding the Dsn-Mui Fatwa in the Sharia Banking Sector After the Constitutional Court Decision Number 65/Puu-Xix/2021", Sasana Law Journal 9.1, 2023, Page. 210.

advocates to realize justice and benefit. Legal assistance provided by advocates can help people who cannot afford it to gain access to justice and legal certainty.²⁰

The authority of advocates in providing legal assistance is also a manifestation of Gustav Radbruch's theory of legal certainty. Legal assistance provided by advocates must be provided professionally and ethically. This provides legal certainty for people who cannot afford quality legal assistance. The authority of advocates in providing legal assistance is very important to realize justice and legal certainty in Indonesia. Legal aid can help people who cannot afford it to gain access to justice and legal certainty. Legal aid is also a form of realization of human rights. Everyone has the right to access justice, including people who cannot afford it.

The provisions of Article 5 paragraph (1) of the Advocate Law give Advocates status as law enforcers whose position is equal to other law enforcers in upholding law and justice.²¹This position requires an organization which is the only professional forum for Advocates as intended in Article 28 Paragraph (1) of the Law on Advocates, namely that the Advocate Organization is the only free and independent professional forum for Advocates which was formed in accordance with the provisions of this Law with the aim of and the aim of improving the quality of the Advocate profession.²²

The advocate profession has an important role in law enforcement efforts. Every legal process, whether criminal, civil, state administration or state administration, always involves the advocate profession, whose position is equal to that of other law enforcers. In efforts to eradicate corruption, especially judicial mafia practices, advocates can play a big role by breaking the chain of judicial mafia practices that occur. Whether this role is carried out or not depends on the advocate profession and advocate organizations whose independence and freedom are guaranteed in the Advocate Law.

The easiest thing to see is from the oath or promise an advocate takes before carrying out their profession, namely:²³

1. That advocates will adhere to and practice Pancasila as the basis of the state and the Constitution of the Republic of Indonesia;

²⁰ Hadjon M, Philipus, Op. Cit., Pg. 96.

²¹Law no. 18 of 2003 concerning Advocates Article 5 paragraph (1)

²²Law no. 18 of 2003 concerning Advocates Article 28 paragraph (1)

²³ Meilisa Naiborhu, Fauza Az-Zahra Jambak, and Fauziah Lubis, "The Government's Role in the Process of Providing Free Legal Aid", *As-Syar'i: Journal of Family Guidance & Counseling* 5.2, 2023, Page. 387-398.

2. That advocates for obtaining this profession, either directly or indirectly using any name or method, do not give or promise anything to anyone;
3. That advocates in carrying out their professional duties as providers of legal services will act honestly, fairly and responsibly based on law and justice;
4. That an advocate, in carrying out his professional duties inside or outside the court, will not give or promise anything to a judge, court official or other official to win or benefit a client's case which is or will be handled by the advocate;
5. That the advocate will maintain the advocate's behavior and will carry out the advocate's obligations in accordance with the honor, dignity and responsibility of the advocate as an advocate;
6. That the advocate will not refuse to defend or provide legal services in cases which in the advocate's opinion are part of the advocate's professional responsibilities as an advocate.

3.2. Juridical Implications for Advocates Who Are Unwilling to Provide Legal Aid to Indigent Justice Seekers

The Advocate Organization determines the role of the Advocate Organization to create an advocate profession that functions as an enforcer of law and justice. The Law on Advocates regulates supervision, action against violations, and dismissal of advocates, the implementation of which is carried out by Advocate Organizations. The provisions of Article 6 of the Law on Advocates, for example, regulate that advocates can be charged for the following reasons:²⁴

1. Ignoring or neglecting the interests of his clients
2. Acting or behaving inappropriately towards opponents or colleagues
3. Acting, behaving, speaking, or making statements that do not respect the law, regulations, or the courts
2. Doing things that are contrary to the obligations, honor or dignity of the profession
3. Violating the law and/or disgraceful acts
4. Violating the Advocate's oath/promise and/or the Advocate's professional code of ethics

²⁴UU no. 18 of 2003

Advocates who are unwilling to provide legal assistance to indigent justice seekers may be subject to legal sanctions because they have violated the law or code of ethics. Legal sanctions that can be imposed on advocates who do not provide free legal assistance are regulated in Law No. 18 of 2003 concerning Advocates. Article 22 paragraph (2) of Law No. 18 of 2003 concerning Advocates states that advocates who do not provide free legal assistance may be subject to sanctions in the form of a written warning, temporary dismissal from the advocate profession, and dismissal from the advocate profession.²⁵

The sanction of temporary dismissal from the advocate profession can be imposed on advocates who do not provide free legal assistance for a maximum of 1 (one) year. Sanctions for dismissal from the advocate profession can be imposed on advocates who do not provide free legal assistance for a maximum of 5 (five) years. Apart from legal sanctions, advocates who do not provide free legal assistance can also be subject to sanctions by advocate organizations. Advocate organizations can impose sanctions in the form of verbal warnings, written warnings, temporary suspension from membership in advocate organizations, and dismissal from membership in advocate organizations.²⁶

Legal sanctions and sanctions from advocate organizations against advocates who do not provide free legal assistance aim to provide a deterrent effect to advocates and to protect the rights of indigent justice seekers. Everyone has the right to equal access to justice, including people who cannot afford it. Advocates have an important role in realizing this human right by providing free legal assistance to people who cannot afford it. Apart from sanctions imposed by advocate organizations or by the state, advocates who do not provide legal assistance to indigent justice seekers may also be subject to sanctions by society. Society can impose moral sanctions on advocates who do not provide legal assistance to indigent justice seekers, such as not using the services of the advocate,²⁷

M. Hadjon's theory of authority and Gustav Radbruch's theory of legal certainty can be used to understand the juridical implications of advocates who are unwilling to provide legal assistance to indigent justice seekers. M. Hadjon's Theory of Authority states that authority is the power given by law to a person or institution to carry out certain actions.²⁸In this case, advocates are given the authority by law to provide legal assistance to people who cannot afford it.

²⁵ Law Number 18 of 2003 concerning Advocates Article 22 paragraph (2)

²⁶Solehoddin, SH The Authority of Advocates in the Law Enforcement System: Urgency and Problems. Sidoarjo: Thalibul Ilmi Publishing & Education, 2023, p. 88.

²⁷Ibid.

²⁸M. Hadjon, Philipus. 1993. Introduction to Indonesian administrative law. Yogyakarta : Gadjah Mada University Press, Pg. 39.

Gustav Radbruch's theory of legal certainty states that law must fulfill the elements of certainty, justice and expediency.²⁹In this case, the law governing the provision of legal assistance to people who cannot afford it must fulfill the elements of certainty, justice and benefit. Advocates who do not provide legal assistance to indigent justice seekers have violated legal provisions governing the provision of legal assistance to indigent people. This can be categorized as a violation of the principle of legal certainty, because advocates have not carried out their obligations as regulated in law. Apart from that, advocates who do not provide legal assistance to indigent justice seekers also violate the principles of justice, because advocates do not provide opportunities for indigent people to gain access to justice.

The provision of legal aid must take into account that those receiving legal aid are poor people and this assistance is provided free of charge. Based on considerations of Article 27 paragraph (1) of the 1945 Constitution, poor people have the constitutional right to be represented and defended by advocates or public defenders both inside and outside the court (legal aid) as the people can obtain. legal services from advocates (legal services).³⁰

Legal aid funding as regulated in the Legal Aid Law is borne by the State Revenue and Expenditure Budget, the distribution of which is carried out by the Ministry of Law and Human Rights, in this case BPHN, involving the Regional Offices of the Ministry in each province. Meanwhile, the Provincial Government has budgeted Legal Aid funds in the implementation of Regional Regulation Number 7 of 2014. With this guarantee of legal aid funding from the Government/Regional Government, it is hoped that poor or unable people will have to pay for it. any costs if they are faced with the law.

Implementing regulations for the Legal Aid Law, the Government has issued Government Regulation of the Republic of Indonesia Number 42 of 2013 concerning Provisions and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds as well as Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 22 of 2013 concerning Implementing Regulations of Government Regulation Number 42 of 2013 concerning Provisions and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds which was later replaced by Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Republic of Indonesia Number 10 of 2015 concerning Implementing Regulations of Government Regulation Number 42 of 2013

²⁹Asni, Muhammad Ramadhani. "The Role of the Borneo Community Advocacy Network Legal Aid Institution in Providing Legal Aid for Underprivileged Communities." *Journal Of Law (Journal of Legal Studies)* 8.2 (2023): 133.

³⁰Mahmud, Mustakim, and Muhammad Salam Amrullah. "Implementation of Legal Aid for the Poor." *To Ciung Journal: Journal of Legal Studies* 2.1 (2022): 57.

concerning Provisions and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds.³¹

The government is trying to overcome the problem of lawyers' reluctance to help poor people due to the lack of economic benefits obtained from providing legal aid by issuing Law No. 16 of 2011 concerning Legal Aid. Through this law, the state provides funds for advocates who provide legal assistance to poor people. The law does not state whether these funds are honorariums or other fees/expenses required for providing legal assistance, but referring to the definition above, these funds must be allocated for honorariums and other fees/expenses. However, this government step also creates new problems, especially with requirements that are not easily met by advocates both as individuals and as members of legal aid institutions or organizations.³²

Arrangements for the expenditure of legal aid funds amounting to Rp. 1,000,000,- (one million rupiah) for the four components, each detailed as follows:³³

- a. Advocates amounting to Rp. 600,000,- (six hundred thousand rupiah);
- b. Maximum witness amount is IDR. 200,000,- (two hundred thousand rupiah)
- c. Maximum Expert Witness is IDR. 100,000,- (one hundred thousand rupiah).
- d. Maximum translator Rp. 100,000,- (one hundred thousand rupiah).

Withdrawal/disbursement of money by the District Court Expenditure Treasurer at the expense of the Adecharge Witness, or Expert Witness or Translator must be accompanied by a Decision of the Panel of Judges and/or minutes of the trial of the Adecharge Witness, or Expert Witness, or Translator and a signed receipt as proof of expenditure. The Expenditure Treasurer records and records all expenditures in a special register book and stores related evidence.³⁴

The government needs to carry out verification, selection and evaluation, as well as provide accreditation to legal aid institutions that meet or do not meet the

³¹ Muhammad Salda, Sanusi Bintang, and Teuku Muttaqin Mansur, "The Right to Free Legal Aid in Islamic Law and National Law", *Kanun Journal of Legal Studies* 22.1, 2020, p. 179.

³² Bambang Sutiyo, Atqo Darmawan Aji, and Guntar Mahendro, "The Role and Responsibilities of Legal Aid Organizations in Providing Free Access to Justice in the Special Region of Yogyakarta", *Ius Quia Iustum Law Journal* 30.1, 2023, Page. 200.

³³ Dhea Kinanty, Pramestia Andini Putri, and Fauziah Lubis, "The Role of Advocates in Providing Legal Aid to Disabled People Based on Law No. 16 of 2011 concerning Legal Aid", *As-Syar'i: Journal of Family Guidance & Counseling* 5.2, 2023, Page . 451-452.

³⁴Solehoddin, SH, Op. Cit., Pg. 135.

requirements as providers of legal aid. because it is related to the accountability of the implementation of the provision of legal aid by an institution, especially related to the accountability of the state finances it uses. Therefore, legal aid institutions to obtain legal aid funds from the APBN must carry out verification, selection and evaluation, as well as provide accreditation to legal aid institutions that meet or do not meet the requirements as legal aid providers.³⁵

4. Conclusion

Law No. 18 of 2003 concerning Advocates regulates the role of Advocates as providers of legal assistance, including in the form of Pro bono or providing free legal services to those who do not have financial means. Apart from that, regulations related to Requirements and Procedures for Providing Free Legal Aid in Government Regulation Number 83 of 2008 also direct Advocates to make a positive contribution in ensuring equal access to justice for people who are financially disadvantaged. This has implications for the important role of Advocates in providing fair opportunities for those in situations of financial limitations to obtain quality legal services. Advocates who are unwilling to provide legal assistance to indigent justice seekers may be subject to legal sanctions because they have violated the law or code of ethics. Legal sanctions that can be imposed on advocates who do not provide free legal assistance are regulated in Law No. 18 of 2003 concerning Advocates. Article 22 paragraph (2) of Law No. 18 of 2003 concerning Advocates states that advocates who do not provide free legal assistance may be subject to sanctions in the form of a written warning, temporary dismissal from the advocate profession, and dismissal from the advocate profession.

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³⁵Ibid.

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