



Law enforcement professional ethics in the perspective of history and philosophy of law/Islamic law and law enforcement code of ethics

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ABSTRACT

The purpose of this paper is to discuss the professional ethics of law enforcement from various perspectives, especially in terms of history and law, including Islamic law, which is then harmonized with the ethics set by each legal institution in order to raise awareness of the importance of the code of ethics in carrying out the mandate of the law enforcement. The research method uses a method with the type of literature. The author seeks to explore primary data in the form of the Qur'an, Hadith and the Positive law, as well as secondary data in classical jurisprudence books, journals and supporting books, which are then discussed from the perspective of Islamic law. The article is expected to be an input for the government in considering several points of the Law Enforcement Code of Conduct, in addition to the usefulness of this research so that laws that have been inaugurated can be developed with renewal ijtihads.

Keywords: Code of ethics; philosophy of law; professional ethics

1. INTRODUCTION

Law enforcement is the central shield in maintaining justice and security in Indonesia. The actions of every law enforcer to always be on the path desired by each agency are determined by various ethics to control the personality of each law enforcement agency and its members. S. Salle explained that the function of legal ethics for enforcers is to control and correct the actions of members of law enforcement agencies who often leave the ethical corridor and as a means of harmonizing relations between peers (2020, p. p. 95).

Ethics that function as a control tool for law enforcers then face many challenges in their application, starting from the presence of law enforcement members who need to heed various legal ethics set by each legal institution. This can be seen in various news when law enforcement individuals are involved in criminal acts such as corruption, immorality, crime and even murder. Of course, it is not out of their nature as humans. The case that shocked me was when one of the prosecutors in Indonesia who turned out to be involved in corruption cases, police arrested for embezzling cars and involved in drugs to judges arrested by the KPK. This was so sad because the function of ethics as a means of control could not run properly and thoroughly.

The Judicial Commission asserted that the causes of ethical violations in judicial matters were the lack of maximum application of integrity checks and lack of guidance. The Judicial Commission in 2018 had already received 30 judges who were problematic because they went against the professional ethics they were supposed to bear (Farid Wajdi, 2023). Of course, these two causes are inseparable from the lack of socialization and repeated affirmation to law enforcers to heed the ethics they should uphold in their personalities to the institutions that overshadow them. Therefore, it is necessary to discuss the professional ethics of law enforcement from various perspectives, especially in terms of history and law, including Islamic law, which is then harmonized with the ethics set by each institution in order to raise awareness of the importance of the code of ethics in carrying out the mandate of law enforcement. According to the explanation of the background of the problem already mentioned, the following are some formulations of the problem: What is the historical perspective on the ethics of the law enforcement profession? What is the perspective of legal philosophy on the ethics of the law enforcement profession? What is the code of ethics for law enforcement agencies in Indonesia?

2. METHODS

The research method uses a method with the type of literature. The author seeks to explore primary data in the form of the Qur'an, Hadith and the Positive law and secondary data in classical jurisprudence books, journals and supporting books. Researchers use a juridical approach by examining the positive law, comparing it with the Qur'an and Hadith, and making approaches through Islamic law regulating minimum wage matters. The purpose of this study is expected to be an input for the government in considering several points of the Law Enforcement Code of Conduct, in addition to the usefulness of this research so that laws that have been inaugurated can be developed with renewal *ijtihad*s.

3. RESULTS AND DISCUSSION

Law Enforcement Professional Ethics Historical Perspective

Ethics is critical thinking of views and teachings related to morals. Ethics has always been concerned with man and morality. In addition, morals are always universal, but because of cultural differences, ethics are relative, and nothing is universally true. At least

morals can be interpreted into three things: Norms and moral values that each individual or group holds, a collection of various fundamental values and morals and the science of good and bad things (Sulasmı, 2020).

The profession is Latin from *Professio*, which means the language of pledges and works. Profession, according to Prakoso and Tobing, is a position where the holder has special knowledge gained from unique experience such as Training so that it can serve people in advising in their field. Suseno clarified that professional ethics is a sub-system of social ethics, a professional attitude in serving others (Purba et al., 2020).

Ethics, in general, is divided into four subs (Adetary, 2017), namely:

- a. Descriptive ethics is based on ethical findings from empirical and factual investigations of morality, such as life practices, principles and beliefs of society. Descriptive ethics are based on the culture and traditions of the community as polite speech becomes etiquette of courtesy for the community.
- b. Normative ethics is based on established norms or theories. Theories are constantly varied and provide arguments to justify their views on the ethics taught so that the good and bad views return to the perspective of the bearer, such as the ethical theory that achieving pleasure will create happiness.
- c. Metaethics is a branch of analytic philosophy that has a relationship with ethics. A function of Metaethics is to question the meaning of morals and how to interpret them so they can be reasoned.
- d. Applied ethics are applicable and practical, such as investigating controversial and dilemmatic cases at certain times and conditions. In the case of terrorism, human rights and religious tolerance require clarity in deciding what ethics should be.

When viewed from a historical point of view, Britain became the first country to establish ethical traditions to become standards in the behaviour of members or professional communities as well as positions to gain public trust, then modernly developed in the United States. The world of medicine first initiated the writing of professional ethics. Even Muslim scientists such as al-Rāzī and al-Ruhawī were involved in preparing ethics with the book *Medical Ethics*, written in the form of *The Conduct of a Physician* by al-Ruhawī (Asshiddiqie, 2021). These ethics are then applied to various aspects of life, including in the realm of ethics for law enforcement. The legal ethics profession was at least first initiated in 1854 by George Sharswood with his book *Legal Ethics*. The idea arose to compile codes of ethics from various states so that Alabama, in 1887, became the first country to regulate ethics in law. Then, in 1908, a code of professional ethics was drawn up with the title *Canons of Professional Ethics*. After that, ethics with all branches of science developed so that in the United States itself, it has been applied and spread to all countries (Asri, 2015).

Indonesia is a country that prioritizes ethics. Although it is not conceptualized in the form of theories, the customs built in society have illustrated the value of ethics. As for professionalism, ethics emerged along with the progress of science. In the world of law enforcement in Indonesia, the development of professional ethics can be seen from various law enforcement agencies such as the National Police of the Republic of Indonesia has been seen from the Tribrata principle, which became the three principles of obligations of the National Police of the Republic of Indonesia which are symbolized by stars formulated on July 1, 1955, by R.S. Soekanto Tjokro Diatmodjo which was initially a disciplinary principle in a police-owned university. After that, it develops with three basic principles: Rastra Sewakottama or the principal servant of Nusa and the nation. Nagara Janottama, or the principal citizen of the state and Yana Anucasama Darma, are obliged to maintain public order. However, Tribrata in 2002 changed with three basic principles: divinity, upholding truth, justice and humanity in upholding the law in Indonesia and always protecting and protecting the community (National Police Training and Training Working Group, 2019).

Furthermore, the police professional code of ethics is stipulated in regulation No. Pol. 7 of 2006. Furthermore, the history of the advocate code of ethics in Law No. 18 of 2003 begins with the desire for advocates to be legally protected by advocate organizations or the Indonesian Advocates Association. Similarly, the history of the Judicial Code of Ethics compiled by the Association of Judges in Indonesia on November 23-30, 1965 and stipulated at the National Deliberation No. 21 of 1966 concerning the Code of Honor of Judges and the Honorary Panel of Judges was subsequently issued until in 2012 a Joint Regulation of the Chief Justice of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia No. 02/PB/MA/IX/2012-02/PB/P.KY/09/2012 concerning Guidelines for Enforcement of the Code of Ethics and Code of Conduct for Judges. The Notary history of the code of ethics was formulated in various congresses, namely the Congress of the Indonesian Notary Association (INI) I in Surabaya on November 13-16, 1974, then in Bandung on January 27, 2005, and the INI Extraordinary Congress on May 29-30, 2015 which changed the Notary code of ethics (Horadin Saragih, n.d.).

Law Enforcement Professional Ethics Legal Philosophy Perspective

Philosophy is a science that examines everything that exists and may exist with the mind, including human behaviour, which is called ethics. The process of ethical development is closely related to philosophy, but because of its more comprehensive development, it created its own scientific discipline. Ibn Sina says that the relationship between ethics and philosophy is like a shared sense and estimation that drives the human soul to acquire concepts and ideas from the nature around it (Adhitya, 2020).

The philosophy of law is in the sub-philosophy of man, which is positioned as a Genus, then ethics as a Species and law as a Subspecies. Thus, the philosophy of law as Genus occupies the level of theoretical abstraction whose level of abstraction occupies the highest place. So, the philosophy of law tidied up all forms of theoretical legal

exploitation or intellectual mastery activities with systematic and critical logical methods and practical law, which is the application of laws relating to human life, including ethics (Adhitya, 2020) so that the philosophy of law has a position above the science of law.

The relationship between ethics and the legal profession is a life attitude to provide professional services in law to the community with full involvement and service. Of course, these services must always be accompanied by expertise in performing duties to the community accompanied by careful reflection so that the main rules called professional ethics are established. Professional ethics is a science that emphasizes the rights and obligations obtained by people with specific expertise to avoid deviations that impact the loss of legal function to gain distrust from the public. Therefore, professional ethics in law serves as a protector and testament to professional development. So, in legal philosophy, there are three things to avoid deviations in terms of legal services, namely oriented to legal services with complete devotion in order to create selfless sincerity, not discriminating in legal services in order to create equality and collaboration with colleagues in legal service work in order to exchange ideas (Adhitya, 2020).

Islam pays excellent attention to the law in various lines of life so that ethics are created in doing or avoiding it. Ethics in Islam is called the word morals (أخلاق), which means shyness, temperament, character or manners, which are then described as forms outwardly human. Morals and ethics have similarities and differences, and the similarity is the discussion about good or bad deeds. In contrast, the difference in ethics is parameterized on reason, while morals are based on religion (Nasri, 1991).

Professional ethics in Islam is based on two things, namely the Qur'an and al-Sunnah. Even though both only explain the concept of ethics in Islam, the explanation is based on Islamic ethics, and very few explain ethical theories by default. The general nature of the Qur'an and Sunnah requires detail or interpretation in order to develop in various lines. According to Madjid Fakhri, the Islamic ethical system has four types: Scripturalist morals, teleological ethics, philosophical ethical theories and religious ethics. Religious ethics is widely used as a basis for the theory of ethical values because it is based on the Qur'an, which is then excavated to be applied to legal ethical problems (Fakhri, 1996).

Religion, which sometimes only takes care of spiritual needs, experiences tension with laws that deal with social needs. Therefore, in order to avoid collisions, legal norms are often set by religion. So, in the application of ethics from the perspective of Islamic law, there must be a relationship between worldly and Ukhrawi. Law enforcement must always pay attention to the worldly aspects of the law and its implications for the afterlife. This aligns with al-Ghazali's opinion, which emphasizes that Islamic ethics, especially in the legal profession, always rests on God and makes the salvation of the world and the Hereafter a top priority. For example, in justice, the Qur'an affirms that judges must uphold justice, truth, free will and accountability because their relations are always present in the world and the Hereafter (Abdullah, 2002).

Code of Ethics for Law Enforcement Agencies in Indonesia

The code of ethics in law enforcement agencies in Indonesia discussed in this paper includes Advocates, judges, prosecutors, police and notaries.

1. Advocate

Advocate is a Latin word for advocating or assisting someone in a case or being a mitigating witness (Sinaga, 2011). The advocate profession was originally a standard word at the birth of Law No. 18 of 2003, so advocates are also referred to as lawyers or legal advisers.

The advocate code of ethics first appeared in 2003 in Law No. 18 of 2003, intending to work as an advocate getting protection from the state. The formation of this law is also inseparable from the organization that houses advocates on March 4, 1963, in Jakarta under the name of the Indonesian Advocates Association.

Advocate is a profession with the main task of caring for legal clients who have rights and obligations. These rights and obligations include:

- a. Freedom for advocates to express their opinions to defend the cases they defend but must always prioritize the code of professional ethics and applicable laws (Muhammad, 2006). In Islam, this activity is often referred to as good debate. As in QS al-Nahl/16:125.

... وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ... (16)

Translation:

".. And argue with them in a good way..." (RI., 2023)

The debate referred to in the tafsir is when arguing with people who know. Quraish Shihab's opinion emphasizes that smooth and ethical dialogue must be prioritized when arguing with people who know advocates. (Quraish Shihab, n.d.)

- b. Advocates have freedom in defending cases that are their responsibility and have the right to obtain information, data and other documents in extracting information to defend cases defended by advocates.
- c. As in Article 18 number 1 of Law No. 18 of 2003, advocates may not distinguish the treatment of clients in terms of religion, gender, descent, politics, race or cultural background. This is also in line with the ethics found in Islam that humans, as in QS al-Hujurat/4:13, emphasize that racial differences are to know each other.
- d. As in Article 19 No. 1 of Law No. 18 of 2003, advocates must always keep their client's secrets except those provided by law. This is also as Fatimah, the daughter of the Prophet (peace be upon him), said:

مَا كُنْتُ لِأُقَشِّبِي عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سِرَّهُ (رواه مسلم)

Means:

"I will not broadcast what the Holy Prophets kept secret" (Saltanera Technology Production, 2023).

Ibn Baṭāl interpreted this hadith as a prohibition to divulge other people's secrets, especially if it endangers the secret owner (Ibn Ḥajar, 2015).

- e. The ethics of a judge's personality are mentioned in Chapter II Article 2 in the code of ethics established by the Advocates on May 23, 2002, namely fearing God Almighty, being chivalrous, honest in defending justice and truth based on high, noble and noble morals and upholding the law, the 1945 Constitution, the code of ethics and the oath of advocates (Indonesian Advocates Committee, n.d.).
- f. Advocates should not give priority to seeking material but to enforce the law as in Chapter II Article 3.
- g. In addition, in the personality of the advocate, the struggle for human rights is emphasized as the maintenance of solidarity among colleagues, upholding work as an advocate so as not to look for other jobs that can harm the dignity, freedom and status of advocates and the prohibition for advocates to work if they get state duties, all of this is affirmed in the advocate code of ethics. This is certainly very ideal for an advocate because ethical values are built in harmony with Islamic law which is very concerned about justice.
- h. In building relationships with clients, an advocate must pay attention to the interests of his client, strive for peaceful means, not provide misleading information, not guarantee client victory to ask for payment beyond the client's ability, must retreat from other matters that are contrary to the interests of the client, if handling cases for free must be the same service as those charged (Supriyadi, 2006). These human values align with Islamic principles that uphold a sense of justice and always pay attention to those who are hit by disaster (Billah et al., 2022).
- i. Colleagues in the advocate code of ethics have a close relationship. Even if facing each other in court, one must always use polite words, and financial rights and documents must be fulfilled if there is a change of advocate. As in Ali 'Imrān\3:159.

فَمَا رَحْمَةً مِنَ اللَّهِ لَئِنْ لَمْ يَكُنْ لَكُمْ حَوْلٌ فَكُنْتُمْ فِي الْكَلْبِ لَأَنْقَضُوا مِنْ حَوْلِكُمْ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ (159)

Translation:

"So thanks to Allah's grace you (Muhammad) behaved meekly towards them. If you are harsh and harsh-hearted, they will naturally distance themselves from your surroundings. Therefore forgive them and ask forgiveness for them, and consult with them in that matter. Then, when you have made up your mind, then put your trust in God. Truly, God loves the captive" (RI., 2023).

Wahbah Zuhaili revealed in his tafsir that rude interactions lead to more excellent quarrels and divisions. Therefore, Islam exists to minimize more significant conflict using polite da'wah, including in the ethics of advocates (Wahbah Zuhaili, 2011).

- j. Even in handling cases, advocates are equipped with ethics to express their opinions freely to defend cases proportionately and not exaggerate, provide free assistance for the indigent, not see letters that say "sans prejudice", and not relate to opposing party witnesses to hear their statements. Implementing this ethic will build justice and social values within the scope of the law.
- k. The Honor Board then supervises the implementation of the code of ethics by sanctioning violations made (Kansil, 2003). Violating the code of ethics will result in a verbal reprimand until permanent dismissal from his profession as an advocate.

Advocate ethics that are ideal in describing advocates' personalities do not guarantee that advocates become ideal. There are still various things that injure the value of an advocate's ethics, such as the involvement of advocates in falsifying cases, such as those that occurred in Indonesia involving advocates with the initials FY who were involved in forging a pole hit case on one of the state officials arrested for the E-KTP corruption case with the initials SN (BBC News, 2021), this certainly deeply hurts the hearts of the Indonesian people. However, some experts then assume that with a code of ethics alone, what happens without a code of ethics?

2. Judge

The judge is an official who performs judicial duties. The judge is tasked with resolving legal problems he faces, both concerning individual rights and the rights of his God (Editorial Board, 2001).

As God's representatives on earth, judges' authority is extraordinary when done correctly and becomes a disaster if done wrongly. It is known that judges have the right to determine divorce, imprison people, seize wealth, confiscate or auction property, ask to pay fines and even sentence death.

Therefore, an ethical norm is needed to ensure judges behave commendably. In Indonesia itself, the code of ethics was formulated on March 30, 2001, in Bandung regarding judges' code of professional ethics. It has been enacted and ratified in the XIII National Conference of the Indonesian Judges Association in Bandung. Besides that, several codes of ethics were also found in joint regulations between the Supreme Court and the Judicial Commission of the Republic of Indonesia. This code of ethics aims to

foster and shape judges' character and supervise judges' behaviour, means of social control, prevention of extrajudicial interference, prevent conflicts between judges and the community, foster public trust and improve judge morality.

Chapter II in the ethics of conduct, which in Article 3 regulates the Nature of Judges, it is stated that judges must always uphold the value of believing in God Almighty (Star), destroy immorality (Chakra), wise and authoritative (Moon), behave well (Star) and honest (Water). As for the behaviour of the judge in the trial (Supreme Court of the Republic of Indonesia, n.d.):

- a. In procedural law, it must not reject the person who submits the case for trial, give the right to the sensitive to be heard, defend themselves and obtain information, decisions that are always objective without being tainted by personal interests (no bias) and uphold the principle (nemo judex in resud), and decisions must be systematic, argumentative that can be supervised and accountable, open and have legal certainty and end high human rights. The nature of this court is in line with the content in the Qur'an, which always clarifies the news as best as possible as the word of Allah Almighty. in al-Ḥujurāt/49:6.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَنْ تُصِيبُوا قَوْمًا بِمِجَالَةٍ فَتُصِحُّوا عَلَىٰ مَا فَعَلْتُمْ نُدْمِينَ (6)

Translation:

"O believers! If an ungodly person comes to you with a message, then examine the truth, so that you do not harm a people through ignorance (carelessness), which you end up regretting your deed" (RI., 2023).

Tafsir al-Muyassar states that what is meant is a side effect of fake news that may be able to destroy individuals or groups even though the news is not accurate. Therefore, judges must sift through the news (Ministry of Religious Affairs of Saudi Arabia, n.d.).

- b. Another attitude that a judge must have is impartial, polite but firm and wise in presiding over the trial and earnestly seeking the truth. A hadith narrated by al-Tirmizī mentions that a just judge will be spared from evil.
- c. Relationships between colleagues must maintain good cooperation between judges and loyal friends, respect each other reasonably and maintain a good name outside the service.
- d. Subordinates must always have leadership qualities, guide, uphold family attitudes and can be an example.
- e. The community must always respect and appreciate, not be arrogant and always show a straightforward attitude.

- f. The obligation of judges must also be considered to always listen to both parties in a balanced, polite manner, examine wisely and patiently and carefully, decide on the basis of law and a sense of justice and always maintain dignity.
- g. The prohibition for judges is to collude, accept gifts from litigants, discuss cases outside the court, precede the verdict in submitting, and harass judges, prosecutors, legal counsel and litigants. Even judges are forbidden to do politics and use their office for personal purposes.

Judges who do not heed the above ethics will be processed by the Professional Honor Commission of Judges, giving recommendations to the relevant institutions or dismissing them from membership in the Indonesian Judges Association.

Ethical violations committed by judges are less destructive for judges who do not uphold judge ethics. Their work as a judge will not be threatened if they commit violations. The overseeing institution can only recommend dismissal.

3. Police

The National Police of the Republic of Indonesia is a state instrument whose role is to maintain public security and order, enforce the law and provide protection and services to the community to maintain internal security (Chief of the National Police of the Republic of Indonesia, 2011). Members of the National Police are members of the police from the lowest to the highest degree who have the duties, functions and authorities of the police.

Professional ethics in the National Police Department includes several scopes: State ethics, institutional ethics, social ethics and personality ethics. Details are as follows:

- a. State ethics at least contain guidelines in terms of the establishment of the Unitary State of the Republic of Indonesia, Pancasila, the 1945 Constitution and diversity in the form of loyalty, maintaining order and upright, protecting, protecting and serving the community with the above principles by taking into account human rights. In addition, in state ethics, the National Police is also tasked with maintaining the integrity of the nation and maintaining the spirit of unity and unity within the framework of unity in diversity by upholding the sovereignty of the people. In addition, the Chief of Police must also always prioritize the nation over himself and maintain the national emblem with various types. Maintaining the integrity of the state is a noble obligation that must be maintained, especially since the formation of the Republic of Indonesia is the result of the agreement of various ethnic, racial and religious elements. The Holy Prophet (peace be upon him) said:

مَنْ أْتَاكُمْ وَأَمْرُكُمْ جَمِيعٌ عَلَى رَجُلٍ وَاحِدٍ، يُرِيدُ أَنْ يَشُقَّ عَصَاكُمْ، أَوْ يُفَرِّقَ جَمَاعَتَكُمْ، فَاقْتُلُوهُ (رواه مسلم)

Means:

"If anyone comes to you, when you have agreed with one person (as leader), and he wants to break your unity or divide your congregation, then fight him" (Saltanera Technology Production, 2023).

Based on the hadith above, it is known that anyone who tries to disrupt the Republic of Indonesia, which all tribes, races and religions have agreed, must be put in order for the sake of the security, stability and unity of the country.

- b. Institutional ethics includes several things, namely making the National Police a field of service to the community, nation and state by upholding Tribrata and Catur Prasetya. Maintain and improve the image, solidarity, credibility of honour and reputation of the National Police, always professional, proportional and procedural. The established institutional ethics are pretty detailed, leading to adherence to the institution. As for superiors, they are emphasized to show leadership that is always serving, exemplary, and solutive, guarantees the quality of subordinates' performance, follows up on subordinates' duties and challenges according to authority, and resolves any allegations of violations committed by subordinates. As for subordinates, they must always report their duties to superiors, especially if they encounter obstacles, obey orders, refuse orders if they are contrary to the law and get legal protection from superior orders if arbitrary.
- c. Community ethics, in which the Chief of Police, through its members, must always respect human dignity and dignity based on human rights, uphold human equality before the law, serve the community optimally, and take the first action of the police when on duty or not. Serving the needs of the public for information, always honest, upholding the truth, fair and maintaining honour in dealing with the community.
- d. Personality ethics must always have faith and fear in God Almighty, honest, trusted, responsible, disciplined, cooperative, fair, caring, responsive, firm and humanist. Divine ethics prove that the course of life of police members always upholds religious values to balance religion and state.
- e. The prohibition for police members in general is against established ethics such as fighting the state, corruption, releasing prisoners without orders and propagating religions prohibited by the state.

Enforcement of the code of ethics is carried out by the National Police Propam in the field of Professional Accountability, KKEP, the Appeal Commission, carrying out the functions of the National Police, Human Resources of the National Police and the Propam Polri in the field of personnel rehabilitation. The trial procedure begins with a preliminary examination, KKEP Hearing, Appeal Commission Hearing, determination of the administration of sentencing, execution of the verdict and rehabilitation of personnel. Sanctions are given in the form of reprimands to dishonourable termination.

4. Notary

Notary Public is the only official authorized to issue an authentic deed either in terms of determination, deed or agreement bound by general regulations or interested who want it to be stated in authentic deed form, ascertain the date, keep the deed and give Grosse, copies and excerpts (Habib Adjie, 2008). The notary is one of the oldest professions in the world, even detected since the 3rd century AD. The notary's name goes back to the service of the writing world Notary (Naja, 2019).

Ethical determination of notaries is needed to protect the profession from unfair individuals because they are not honest in granting property status and rights of obligations, not by legal rules and principles. As a state of law, Indonesia then regulates ethics in the notary profession as stipulated in the Extraordinary Congress of the Indonesian Notary Association in Banten 29-30 May 2015 by the Indonesian Notary Association.

- a. The notary personality works individually, honestly, responsibly and impartially, uses one office established by law, holds a Representative Branch Office, and does not use intermediaries.
- b. The notary's obligations are not to promote his profession in print media, serve clients in counselling even though they do not do deeds, signal if there are notary relatives who are wrong in doing deeds, tell clients not to fall into more significant mistakes, complete the deed of CV, PT, Firm, foundation or association until the time of registration, submit the deed to the client.
- c. Notary ethics with its clients must serve the community as well as possible and not accept Stroman and provide legal services to the community as well as possible so that the community is aware of their rights and obligations as citizens. Community members provide services free of charge to people experiencing poverty.
- d. The ethics of fellow notaries are to respect each other in kinship, not criticize other notaries in other rooms, help and correct each other in mistakes and not be suspicious, not fight over notary staff with each other, not do actions or competition that harm other notaries, do not use brokers, do not underestimate costs and defend each other's honour of the notary corps.
- e. There is a prohibition for notaries, but the most important thing is that the prohibition has been mentioned in the previous ethics but then detailed, such as installing boards that exceed reasonable limits, submitting bids, not accepting other notary draft deeds and other prohibitions.

Ethics in the notary world leads to healthy competition between notaries, so no prolonged conflicts exist. It also aligns with the Islamic principle of competing with each other in all good things. In addition, notary work is not just writing; a moral responsibility must be upheld so as not to be involved in things that threaten notaries, as happened in

East Java. Sianturi reported notaries with the initials SR for not paying the entrustment of land and building rights acquisition duties (BPHTB), so they finally litigated in court.

CONCLUSION

From a historical perspective, ethics has existed since pre-modern times but became a guide when the British standardized ethics to build group traditions. As a state of law, Indonesia also emphasizes ethics in state, institutions and society. Ethics is also part of philosophy, so when brought into the realm of law or the legal profession, ethics and law have a close relationship, including in Islamic law. Ethics in legal institutions in Indonesia generally regulate the ethics of each institution. Although ethics are universal in detail, they are not comprehensive, but in general, all institutions want good ethics to create a positive tradition. In Islamic law, ethics then take root and even become an obligation. When drawn to the philosophy of law, the function of Islamic law always supports the ethics carried out by each institution. When drawn to the philosophy of law, the function of Islamic law always underpins the ethics carried out by each institution.

REFERENCES

- Abdul Razak Asri, A. R. A. (2015). *Konstitensi Prof. Jimly Menggagas Peradilan Etik Etika & Pemilu 1 no. 1*.
- Abdulkadir Muhammad, A. M. (2006). *Etika Profesi Hukum*. PT. Citra Aditya.
- Albar Adetary, M. N. P. S. (2017). *Pengantar Studi Etika Kontemporer* (Vol. 1). UB Press.
- BBC News, B. N. (2021). *Fredrich Yuniadi: KPK Tetapkan Mantan Pengacara Setnov Sebagai Tersangka*.
- Billah, M., Alwi, Z., & Sakka, A. R. (2022). Hadith of the Prophet PBUH as a Remedy for Hedonism. *HIKMATUNA: Journal for* <https://e-journal.uingusdur.ac.id/index.php/hikmatuna/article/view/6238>
- Daeng Naja, D. N. (2019). *Fiqih Akad Notaris*. Uwais.
- Dewan Redaksi, D. R. (2001). *Ensklopedi Islam*. Ihtiar Baru.
- Emilda Sulasmi, E. S. (2020). *Manajemen dan Kepemimpinan* (Vol. 1). Rajawali Press.
- Farid Wajdi, F. W. (2023, June 20). Dua Faktor Penyebab Pelanggaran Etika Hukum. *Situs Resmi Komisi Yudisial*. https://www.komisiyudisial.go.id/frontend/pers_release_detail/77/dua-faktor-penyebab-pelanggaran-etika-hakim
- Habib Adjie, H. A. (2008). *Hukum Notaris Indonesia*. Refika Aditama.
- Horadin Saragih, H. S. (n.d.). *Etika Profesi*. Slideplayer. <https://slideplayer.info/slide/11875267>
- Ibn Hajar, I. Hajar. (2015). *Syarh Şahih al-Bukhārī*. Al-Salafiyah.
- Jimly Asshiddiqie, J. A. (2021). Sejarah Etika Profesi dan Etika Jabatan Publik. *Situs Resmi Jimly*.

- http://www.jimly.com/makalah/namafile/172/SEJARAH_ETIKA_PROFESI_DAN_ETIKA_JABATAN_PUBLIK.pdf
- Kansil, K. (2003). *Pokok-Pokok Etika Profesi Hukum*. Pradnya Paramita.
- Kementerian Agama Arab Saudi, K. A. A. S. (n.d.). *Quran Surat Al Hujurat 6*. <https://tafsirweb.com/9776-quran-surat-al-hujurat-ayat-6.html>
- Kepala Kepolisian Negara Republik Indonesia, K. K. N. R. I. (2011). *Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 14 Tahun 2011*. <https://ntb.polri.go.id/wp-content/uploads/2018/02/10.-perkap-14-tahun-2011.pdf>
- Komite Advokat Indonesia, K. A. I. (n.d.). *Kode Etik Advokat*.
- M. Amin Abdullah, M. A. A. (2002). *Filsafat Etika Islam*. Mizan.
- Madjid Fakhri, M. F. (1996). *Etika dalam Islam*. Pustaka Pelajar.
- Mahkamah Agung RI, M. A. R. (n.d.). *Kode Etik Hukum*. <https://www.pn-gunungsitoli.go.id/kode-etik-hakim>
- Produksi Saltanera Teknologi, P. S. T. (2023). *Aplikasi Hadis 9 Imam*.
- Quraish Shihab, Q. S. (n.d.). *Surat Al-Nahl Ayat 125*. <https://tafsirq.com/16-an-nahl/ayat-125#tafsir-quraish-shihab>
- RI., K. A. (2023). *Al-Qur'an dan Terjemahnya*. *Kemenag RI*. <https://quran.kemenag.go.id/quran>
- Rio Adhitya, E. A. (2020). *Filsafat Hukum* (Vol. 1). Rajawali Press.
- S. Salle. (2020). *Sistem Hukum dan Penegakan Hukum* (Vol. 1). SIGn.
- Salihun A. Nasri, S. A. N. (1991). *Tinjauan Akhlak* (Vol. 1). Al-Ikhlas.
- Sukarman Purba, dkk., S. P., dkk. (2020). *Etika Profesi: Membangun Profesionalisme Diri* (Vol. 1). Yayasan Kita Menulis.
- Supriyadi, S. (2006). *Etika dan Tanggungjawab Profesi Hukum di Indonesia*. Sinar Grafika.
- Tim Pokja Lemdiklat Polri, T. P. L. P. (2019). *Kode Etik Profesi Polri, Doktrin dan Tata Krama*. Lembaga Pendidikan dan Pelatihan Polri.
- V. Harlen Sinaga, V. H. S. (2011). *Dasar-Dasar Profesi Advokat*. Erlangga.
- Wahbah Zuhaili, W. Z. (2011). *Quran Surat Ali Imran 159*. <https://tafsirweb.com/1291-quran-surat-ali-imran-ayat-159.html>