



DECISION

Number 015/PUU-IV/2006

FOR THE SAKE OF JUSTICE UNDER THE ONE ALMIGHTY GOD

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA

Examining, hearing, and deciding upon constitutional cases at the first and final level, has passed a decision in the case of Petition for Judicial Review of the Law of the Republic of Indonesia Number 18 Year 2003 concerning Advocates (hereinafter referred to as the Advocate Law) against the Constitution of the State of the Republic of Indonesia 1945 (hereinafter referred to as the 1945 Constitution), filed by:

Fatahilah Hoed, S.H, born in Jakarta, on August 22, 1977, occupation: Legal

Consultant at the Law Firm of Lubis Ganie Surowidjojo,
address: Jalan Benda Raya II Number 35, Tugu Sub-District,
Cimanggis District, Depok Municipality 16951, Telephone
Number: 0815-926-5756, E-mail:fatah_fh98@yahoo.com;
fatahillah@lgslaw.co.id;

Hereinafter referred to as **Petitioner**;

Having read the petition of the Petitioner;

Having heard the statement of the Petitioner;

Having examined the evidence of the Petitioner;

PRINCIPAL CASE

Considering whereas the Petitioner filed a petition dated July 10, 2006 which was received at the Registrar's Office of the Constitutional Court of the Republic of Indonesia (hereinafter referred to as the Court Registrar's Office) on August 7, 2006 with case registration Number 015/PUU-IV/2006, describing as follows:

1. Whereas pursuant to Article 24C of the 1945 Constitution and Article 10 Paragraph (1) of Law Number 24 Year 2003 concerning the Constitutional Court (hereinafter referred to as the Constitutional Court Law) there are authorities of the Constitutional Court, among other things, the authority to hear at the first and final level the decision of which shall be final, to conduct judicial review of laws against the Constitution of the Republic of Indonesia Year 1945. The judicial review by the Constitutional Court based on Article 51 Paragraph (3) of the Constitutional Court Law is described into judicial review of the formulation of Law and judicial review of the substance of Law, which are described further by the Regulation of the Constitutional Court of the Republic of Indonesia Number 06/PMK/2005 concerning Guidelines on Judicial Review Proceedings in the Case of Judicial Review of Law

(hereinafter referred to as PMK No.6 Year 2005) and the judicial review of the formulation of Law is defined as formal review and judicial review of the substance of Law as substantive review. Therefore, pursuant to such regulations, the Petitioner knows and understands that the substantive review of Article 32 Paragraph (3) of Law Number 18 Year 2003 concerning Advocates against the 1945 Constitution, can be filed to the Constitutional Court having the absolute competence in the review.

2. Whereas Article 28C Paragraph (1) of the 1945 Constitution reads, "*Every person shall have the right to develop him/herself through the fulfillment of their basic needs, shall have the right to obtain education and to enjoy the benefits of science and technology, arts and culture, for the enhancement of the quality of their life and for the welfare of humankind.*" Such Article provides every citizen with the guarantee of the right to develop through the fulfillment of his/her basic needs. The context of self development for the Petitioner is self development in the field of law, in which as a Law Graduate, the Petitioner is interested in developing himself in law both in practicing and in theory mastering. The Petitioner's occupation as a consultant in a Law Office gives sufficient learning in theory mastering. The problem is in practicing particularly to be involved in court hearings. Although the provision of Article 31 of Law Number 18 Year 2003 has been declared contradictory to the Constitution of the Republic of Indonesia Year 1945 and no longer has a binding legal effect pursuant to Decision of the Constitutional Court in Case Number 006/PUU-II/2004, it cannot be deemed as providing legitimacy

to every person who does not have an Advocate license to act on behalf of a client in the court proceedings as an Advocate. This is because Article 30 of Law Number 18 Year 2003 concerning Advocates requires that those who can perform Advocate's profession shall be those who are appointed in accordance with the provisions of the Advocate Law. Whereas, the criteria for appointment as an Advocate among other things pursuant to Article 2 Paragraph (1) and Paragraph (2) are being University Graduates from law background and having attended a special training for Advocate's profession organized by an Advocate Organization and appointed by the Advocate Organization. Hence, for the Petitioner to perform Advocate's profession, to give legal services inside and outside the Court in accordance with the Advocate Law, the Petitioner must have an Advocate Appointment Certificate, which, pursuant to the Advocate Law, can only be issued by the Advocate Organization. However, the problem is that the forum formed by the Advocate Organization mentioned in Article 32 Paragraph (3) has created many unclear matters and has no clear format and is in fact not a single forum as set forth by the Advocate Law (Exhibit A-1 Attached).

3. Whereas Article 28C Paragraph (2) reads, "*Every person shall have the right to improve him/herself in striving for his/her rights collectively for building his/her society, nation, and state.*" It can be ascertained that compliance with law can give a positive contribution to the development of Indonesian society, nation and state. Such compliance is realized by the Petitioner that had to file this petition individually. However, it is inevitable that this petition

will enforce collective rights of citizens particularly in the context of creating compliance with laws and regulations. In respect of compliance with the relevant regulations, in the context of this petition, the Advocate Law will enforce the rights of citizens having the educational background of Law Graduate who have followed or who intend to follow the profession, who have performed or intend to perform the profession of advocate while they are faced with the factual reality of the present Indonesian Legal practices with the existence of Article 32 Paragraph (3) of the Advocate Law as manifested in the establishment of Peradi through the consensus of Advocates' Organizations mentioned in Article 32 Paragraph (3). In addition, it would be ridiculous if the organization which is considered as a forum for Advocates Organizations based on Law has managed to endure without first having Articles of Association. Certainly, it is difficult to accept based on logic of law that an organization can endure and conduct its activities without Articles of Association. This would be like a country established and conducting state activities without a Constitution or like a Limited Liability Company which is established and conducting its business activities in Indonesia without having a Deed of Establishment. Thus, it is very difficult to acknowledge the existence of Peradi whose chairperson was elected through consensus by Advocate Organizations referred to in Article 32 Paragraph (3) without having Articles of Association as an Advocate Organization in accordance with the Advocate Law (Exhibits A-2 Attached).

4. Whereas Article 28F of the 1945 Constitution states, *“Every person shall have the right to communicate and to obtain information to develop him/herself and his/her social environment, and shall have the right to seek, obtain, possess, store, process and convey information by using all available kinds of channels”*. Whereas the existence of Article 32 Paragraph (3) of the Advocate Law has hampered the Petitioner in communicating and obtaining information to develop himself and his social environment. Due to such article the Advocate Organization as intended in Article 32 Paragraph (3) has hampered the Petitioner in processing information obtained while taking high education in law for the Petitioner personally or for helping professionally the people in the Petitioner’s social environment who need law services in the Court, because the organizations mentioned in Article 32 Paragraph (3) are only busy with themselves and do not carry out the message of the Advocate Law (Exhibit A-1 Attached).

5. Whereas the Advocate Organizations mentioned in Article 32 Paragraph (3) have misused their duties and authorities and have particularly violated Article 32 Paragraph (4) of the Advocate Law stating that an Advocate Organization must be established by no later than two years after the Advocate Law enters into force. The Advocate Organization should have been founded in Year 2005, but it was only an organization without Articles of Association which was established and its chairperson was not from the lower position, namely the Association of Indonesian Advocates (Peradi) and it has no representatives in regions. Such form of organization like Peradi is

not recognized in Law No. 18 Year 2003 concerning Advocates (Exhibit A-1 Attached). In addition, the arrogance of Peradi is obvious from its reluctance to form its Regional Executive Board (DPD) and by not taking the legal entity status. The leaders of Peradi should realize that before enforcing the law and creating legal compliance among Advocates towards their organizations, Peradi must first comply with and obey the law (Exhibit A-2 Attached).

6. Whereas the establishment of Peradi and the active existence of Advocate Organizations mentioned in Article 32 Paragraph (3) are not more than a form of implementation of duties and authorities set forth by the Advocate Law in Article 32 Paragraph (3), while in fact the implementation of such duties and authorities should have ended in Year 2005. And the implementation of duties and authorities in the form of Peradi needs an in-depth evaluation to see whether the implementation has been in accordance with the Advocate Law and did not violate the constitutional rights of citizens in the field law as well as improved the compliance with law, because Article 28 Paragraph (1) of the Advocate Law states that "*Advocate Organization shall be the sole forum for Advocates' profession which is free and independent and established in accordance with the previous Law for the purpose and objective of improving the quality of Advocates' profession*". Hence, such article clearly states that when the Advocate Organization as set forth in the Advocate Law has been established, such organization is certainly not an Advocate Organization mentioned in Article 32 Paragraph

(3) of the Advocate Law. So, it would be proper that all Advocate Organizations mentioned in Article 32 Paragraph (3) of Advocate Law should dissolve themselves. Thus, the failure of those organizations to establish an Advocate Organization required by Article 32 Paragraph (4) should draw the proper attention of legislators to take correctional actions in the form of Regulation in Lieu of Law or the assignment of duties and authorities to appoint Advocates to the Supreme Court or to facilitate the establishment of Advocate Organization as required by the Advocate Law and dissolution.

7. Whereas the failure to establish an Advocate Organization required by the Advocate Law and the active existence of Advocate Organizations mentioned in Article 32 Paragraph (3) have hampered the Petitioner in exercising his constitutional rights, because the arrangement of special education for Advocate profession and Advocate examination have become uncertain and there is no standard regulation concerning apprenticeship. The Petitioner even felt doubtful about whether the Special Education for Advocate profession and Advocate Examination that has been taken are really in accordance with the Advocate Law. This is because the organizer of such education and examination does not fulfill the criteria of Advocate Organization as the sole forum for Advocates' profession. Such sole forum, if it were in the form of country, would have to be like the Unitary State of Republic of Indonesia and not the United States of America which is a federal country. In the context of this petition, if the name of the Advocate Organization as intended in the Advocate Law is Peradi, hence the Advocate

Organizations mentioned in Article 32 Paragraph (3) should have automatically dissolved themselves.

Accordingly, based on the foregoing matters, it is reasonable for the Petitioner to file the petition to the Constitutional Court:

1. To declare that the duties and authorities of Advocate Organizations referred to in Article 32 Paragraph (3) of Law No.18 Year 2003 concerning Advocates expired by the end of Year 2005, and hence every activity in relation to the implementation of duties and authorities including the establishment of Peradi and the election of Peradi administrators through consensus shall have no binding legal effect because two years have elapsed as set forth in Article 32 Paragraph (4) of Law No.18 Year 2003 because it did not comply with law, in this matter the Advocate Law, so as to cause the foregoing impacts, and it is contradictory to the Petitioner's constitutional rights in the 1945 Constitution;
2. To declare that the Advocate Organizations mentioned in Article 32 Paragraph (3) have violated the Advocate Law in performing their duties and in this way have impaired the Petitioner's rights as regulated by the 1945 Constitution and have caused a bad precedent in creating compliance with law;
3. To declare that the Association of Indonesian Advocates (Peradi) is not an Advocate Organization which meets the criteria in the Advocate Law because the existence of Peradi is not in accordance to Advocate Law and has

impaired the constitutional rights of the Petitioner due to lack of certainty and it has created many problems that impair the constitutional rights of the Petitioner pursuant to Article 24C and Article 28C Paragraph (1) and (2) as well as Article 28F of the 1945 Constitution.

Or it is requested that the Constitutional Court passes a Decision which is as fair as possible (*ex aequo et bono*)

Considering whereas to support the arguments the Petitioner submitted written evidence attached to the petition and marked P– A-1 through P– A-4.8, as follows:

- P - A-1 : Document of *Legal Standing*;
- P - A-1 . 1 : Photocopy of Resident Identity Card;
- P - A-1 . 2 : Photocopy of Diploma of High Education in Law;
- P - A-1 . 3 : Photocopies of Amendments I through IV to the Constitution of the Republic of Indonesia Year 1945;
- P - A-1 . 4 : Photocopy of Law Number 24 Year 2003 concerning the Constitutional Court;
- P - A-1 . 5 : Photocopy of Regulation of the Constitutional Court Number 6 Year /PMK/2005 concerning Guidelines on Judicial Review Proceedings in the Constitutional Court;
- P - A-1 . 6 : Photocopy of Law Number 18 Year 2003 concerning Advocates;
(Stamped)

- P - A- 2 : Issues in relation to the arrangement of Advocate education, compiled from *hukum online*:
- P - A-2 . 1 : Photocopy of Who Benefits From PKPA Business?;
- P - A-2 . 2 : Photocopy of Participants of Advocate Education Are Anxious, Organizers Approached Peradi Chairperson;
- P - A-2 . 3 : Photocopy of Kalabahu and Complaints about Expensive Advocate Education;
- P - A-2 . 4 : Photocopy of Peradi: Ideally, Apprenticeship First Then Advocate Examination;
- P - A-2 . 5 : Photocopy of Apprenticeship for Prospective Advocates is conducted After Passing the Exam;
- P - A-2 . 6 : Photocopy of Ikadin of Central Jakarta: We Will Surely Get Accreditation;
- P - A-2 . 7 : Photocopy of Participants View that PKPA Instructors' Quality Value is Far Below Expectation;
- P - A-2 . 8 : Photocopy of Two Years of Advocate Law: Tightening Selection, Reducing Competition;
- P - A-2 . 9 : Photocopy of Peradi Prohibits Advocate Education Organizers from Promising the Accreditation of Their Institutions;
- P - A-2 .10 : Photocopy of Only One Advocate Education Organizer has been approved by Peradi;
- P - A-2 . 11 : Photocopy of Peradi Set Advocate Educational Fee in DKI around Rp 4-5 million;

P - A-2 .12 : Photocopy of Peradi Denied Issue of Advocate Exam Fee of Rp 5 million;

P - A-2 .13 : Photocopy of Regretted, the Action of KP2AI Chairperson Related to PKPA Guideline Book. (Stamped)

P - A- 3 : Peradi-related Issues:

P - A -3 .1 : Photocopy of Open Letter of Dr. Iur. Adnan Buyung Nasution, SH;

P - A -3 .2 : Photocopy of Despite many Urges, Peradi Will Not Establish DPD Soon;

P - A -3 .3 : Photocopy of Advocate Uproar in Jakarta Demanding Democratization in Peradi;

P - A -3 .4 : Photocopy of Peradi, among Sparkling Light and Camera Flashes;

P - A -3 .5 : Photocopy of Senior Advocates Requested Eight Organizations to Merge Immediately;

P - A -3 .6 : Photocopy of Peradi Does Not Have to have a Legal Entity Status; (Stamped).

P - A- 4 : Additions as Comparison:

P - A -4 .1 : Photocopy of Law Number 29 Year 2004 concerning Medical Practice; (Stamped);

P - A -4 .2 : Photocopy of Law Number 18 Year 1999 concerning Construction Service;

- P - A -4 . 3 : Photocopy of Government Regulation Number 28 Year 2000 concerning Business And Role of Construction Service Communities;
- P - A -4 . 4 : Photocopy of Scheme of Physicians' Practice;
- P - A -4 . 5 : Photocopy of Institution in Physicians' Profession;
- P - A -4 . 6 : Photocopy of Scheme of Construction Service Provider;
- P - A -4 . 7 : Photocopy of Institution in Construction Service;
- P - A -4 . 8 : Photocopy of Scheme of Profession and Institution.

Considering whereas in the hearings on August 24, 2006 and on September 18, 2006 the Petitioner were consistent with his arguments and would not correct the petition;

Considering whereas to make this decision brief, everything happening in the hearing is sufficiently referred to in the minutes of hearing which constitutes an inseparable part of this decision.

LEGAL CONSIDERATIONS

Considering whereas the purpose and objective of the petition of the Petitioner are as described above;

Considering whereas prior to examining the principal case, the Constitutional Court (hereinafter referred to as the Court) needs to first take the following matters into account:

1. The authority of the Court to examine, hear, and decide upon the petition filed by the Petitioner;
2. The legal standing of the Petitioner to file the *a quo* petition;

Considering whereas with respect to the foregoing two matters the Court is of the following opinion:

1. Authority of the Court

Considering whereas pursuant to Article 24C Paragraph (1) of the Constitution of the State of the Republic of Indonesia Year 1945 (hereinafter referred to as the 1945 Constitution) the Court shall have the authorities, *“to hear at the first and final level the decision of which shall be final, in conducting judicial review of laws against the Constitution, to decide upon authority disputes of state institutions whose authorities are granted by the Constitution, to decide upon the dissolution of political parties, and to decide upon disputes concerning the results of general elections”*. Such provision is reaffirmed in Article 10 Paragraph (1) of the Law of the Republic of Indonesia Number 24 Year 2003 concerning the Constitutional Court (State Gazette of the Republic of Indonesia Year 2003 Number 98, Supplement to State Gazette of the Republic of Indonesia Number 4316, hereinafter referred to as the Constitutional Court Law);

Considering whereas the petition of the Petitioner is concerning judicial review of Article 32 Paragraph (3) of the Law of the Republic of Indonesia Number 18 Year 2003 concerning Advocates (State Gazette of the Republic of

Indonesia Year 2003 Number 49, Supplement to State Gazette of the Republic of Indonesia Number 4282, hereinafter referred to as the Advocate Law), hence *prima facie* the Court has the authority to examine, to hear, and to decide upon the *a quo* petition. However, since the review pertains to the substance of Article 32 Paragraph (3) of the Advocate Law which has been reviewed and decided by the Court in Case Number 019/PUU-I/2003, whether or not the Court can or has the authority to conduct the review on the *a quo* petition based on different constitutional reason as intended in the Court's opinion on Article 60 of the Constitutional Court Law in Decision Number 011/PUU-IV/2006 will be taken into further consideration;

2. Legal Standing of the Petitioner

Considering whereas pursuant to Article 51 Paragraph (1) of the Constitutional Court Law, Petitioners in the judicial review of a Law against the 1945 Constitution shall be parties who deem that their constitutional rights and/or authorities are impaired by the coming into effect of a Law, namely:

- a. individual Indonesian citizens (including group of people having a common interest);
- b. customary law community units insofar as they are still in existence and in accordance with the development of the communities and the principle of the Unitary State of the Republic of Indonesia regulated in law;
- c. public or private legal entities; or

- d. state institutions.

Hence, for a person or a party to be accepted as Petitioner in the judicial review of a Law against the 1945 Constitution, the person or party must first explain and prove:

- a. his qualifications as Petitioner in the *a quo* petition;
- b. the impairment of constitutional rights and/or authorities due to the coming into effect of the Law petitioned for review;

Considering whereas in addition, since the pronouncement of Decision Number 006/PUU-III/2005 and subsequent decisions, the Court has determined 5 criteria of the impairment of constitutional rights as intended in Article 51 Paragraph (1) of the Constitutional Court Law, as follows:

- a. The Petitioners must have constitutional rights and/or authorities granted by the 1945 Constitution;
- b. Such constitutional rights and/or authorities are deemed to have been impaired by the coming into effect of a law petitioned for review;
- c. The impairment of such constitutional rights and/or authorities is specific and actual in nature, or at least potential in nature which according to logical reasoning, will take place for sure;

- d. There is a causal relationship (*causal verband*) between the impairment of constitutional rights and/or authorities and the law petitioned for review;
- e. If the petition is granted, it is expected that, the impairment of such constitutional rights and/or authorities will not or does not occur any longer.

Considering whereas Petitioner Fatahilah Hoed, S.H. based on the evidential photocopy of Resident Identity Card (KTP) without sufficient stamp, it is indicated that he is an individual Indonesian citizen who argued the following matters:

- a. whereas the Petitioner has constitutional rights granted by Article 28C Paragraph (1) of the 1945 Constitution which reads, "*Every person shall have the right to develop him/herself through the fulfillment of their basic needs, shall have the right to obtain education and to enjoy the benefits of science and technology, arts and culture, for the enhancement of the quality of their life and for the welfare of humankind*", and Article 28C Paragraph (2) the 1945 Constitution which reads, "*Every person shall have the right to improve him/herself in striving for his/her rights collectively for building his/her society, nation, and state*".
- b. whereas the Petitioner is a Graduate from Faculty of Law (SH) of the University of Indonesia and in the written petition stated to work as a Legal Consultant in *Law Firm Lubis Ganie Surowidjojo*, while in the hearing he introduced himself merely as a regular employee in the *Law Firm* concerned;

- c. whereas as a graduate of law from a high education of law, the Petitioner is interested in developing himself in the field of law both in practicing and theory mastering;
- d. whereas the Petitioner deemed that his constitutional rights mentioned in Article 28C Paragraph (1) and Paragraph (2) of the 1945 Constitution have been impaired by Article 32 Paragraph (3) of the Advocate Law which reads, *“Temporarily the duties and authorities of Advocate Organization as intended in this Law, shall be performed collectively by Ikatan Advokat Indonesia (IKADIN), Asosiasi Advokat Indonesia (AAI), Ikatan Penasihat Hukum Indonesia (IPHI), Himpunan Advokat dan Pengacara Indonesia (HAPI), Serikat Pengacara Indonesia (SPI), Asosiasi Konsultan Hukum Indonesia (AKHI), Himpunan Konsultan Hukum Pasar Modal (HKHPM), and Asosiasi Pengacara Syariah Indonesia (APSI)”*. According to the Petitioner, this is because, such provisions were only valid for 2 years up to Year 2005 in accordance with the provision of Article 32 Paragraph (4) of the Advocate Law that an Advocate Organization which constitutes the sole forum for Advocates must be established, while the established Peradi does not meet the criteria of an organization as it was not formed by democracy through an Advocate congress (only based on consensus of the abovementioned eight organizations) and it does not have Articles of Association or By-Laws);

- e. whereas the condition in item d has created uncertainty for the Petitioner who is interested in developing himself as an Advocate that must attend the examination organized by the Advocate Organization, while the Advocate Organization intended in the Advocate Law has not existed, because the eight organizations mentioned in Article 32 Paragraph (3) of Advocate Law still exist;

Considering whereas although the Petitioner meets the qualifications as an individual Indonesian citizen and has constitutional rights granted by Article 28C Paragraph (1) and Paragraph (2) of the 1945 Constitution, there is no relationship between the constitutional rights and the coming into effect of Article 32 Paragraph (3) of the Advocate, neither is there any impairment of constitutional rights of the Petitioner, either actually and potentially, and **even if the petition is granted it will not make any difference** to the Petitioner;

Considering whereas accordingly, the Petitioner does not meet the criteria of legal standing to file the Petition for Judicial Review of Article 32 Paragraph (3) of the Advocate Law against the 1945 Constitution;

Considering whereas since the Petitioner has no legal standing the it is not necessary to consider the principal case any further and hence it must be declared that the petition of the Petitioner can not accepted (*niet ontvankelijk verklaard*);

In view of Article 56 Paragraph (1) of the Law of the Republic of Indonesia Number 24 Year 2003 concerning the Constitutional Court (State Gazette of the Republic of Indonesia Year 2003 Number 98, Supplement to State Gazette of the Republic of Indonesia Number 4316);

PASSING THE DECISION

To declare that the petition of the Petitioner can not be accepted (*niet ontvankelijk verklaard*).

Hence this decision was made in the Consultative Meeting on Monday November 27, 2006 of nine Constitutional Court Justices, namely Prof. Dr. Jimly Asshiddiqie, S.H. as the Chairperson and concurrent Member, Prof. H.A. Mukthie Fadjar, S.H., M.S., Soedarsono, S.H., H. Achmad Roestandi, S.H., Prof. Dr. HM. Laica Marzuki, S.H., Prof. HAS. Natabaya, S.H., LL.M, Dr. Harjono, S.H., MCL., I Dewa Gede Palguna, S.H., M.H., and Maruarar Siahaan, S.H. respectively as Members, and was pronounced in the Plenary Session open for public on Thursday, November 30, 2006 attended by seven Constitutional Court Justices namely Prof. Dr. Jimly Asshiddiqie, S.H. as the Chairperson and concurrent Member, Prof. H.A. Mukthie Fadjar, S.H., M.S., Soedarsono, S.H., H. Achmad Roestandi, S.H., Prof. Dr. HM. Laica Marzuki, S.H., Prof. HAS. Natabaya, S.H., LL.M, and I Dewa Gede Palguna, S.H., M.H. respectively as Members, assisted by Eddy Purwanto, S.H. as Substitute Registrar and in the presence of the Petitioner, the Government or its representative, the People's Legislative Assembly or its representative and the Related Parties.

CHIEF JUSTICE,

Prof. Dr. Jimly Asshiddiqie, S.H.

JUSTICES,

Prof. H. A. Mukthie Fadjar, S.H., M.S.

Soedarsono, S.H.

H. Achmad Roestandi, S.H.

Prof. Dr. H. M Laica Marzuki, S.H.

Prof. H.A.S. Natabaya, S.H., LL.M

I Dewa Gede Palguna, S.H., M.H.

SUBSTITUTE REGISTRAR,

Eddy Purwanto, S.H.