



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 62/PUU-XXIII/2025**

Concerning

Internship Requirements for Advocate Candidates at Advocate's Offices

Petitioner	: Ericko Wiratama Sinuhaji
Type of Case	: Law Number 18 of 2003 concerning Advocates (Law 18/2003) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: the phrase "advocate's office" in the norms of Article 3 paragraph (1) letter g and its Elucidation, as well as Article 29 paragraph (5) and paragraph (6) of Law 18/2003 is contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 28H paragraph (2) of the 1945 Constitution
Verdict	: To dismiss the Petitioner's petition
Date of Decision	: Thursday, June 26, 2025
Overview of Decision	:

The Petitioner is an individual Indonesian citizen who feels that he has suffered constitutional loss as guaranteed in Article 28C paragraph (2), Article 28D paragraph (1), and Article 28H paragraph (2) of the 1945 Constitution, which is violated by the enactment of the phrase "advocate's office" in the norms of Article 3 paragraph (1) letter g and its Elucidation, as well as Article 29 paragraph (5) and paragraph (6) of Law 18/2003. The provisions *a quo* restrict the Petitioner from advancing himself in building society, the nation, and the state, do not provide recognition and fair legal protection, and do not provide convenience in obtaining equal opportunities and benefits to achieve equality and justice in relation to the Petitioner's desire to be appointed as an Advocate.

Regarding the Court's authority, since the Petitioner's petition is a review of law, *in casu*, Law 18/2003 against the 1945 Constitution, which is under the Court's authority, therefore under Article 24C paragraph (1) of the 1945 Constitution, Article 10 paragraph (1) letter a of the Constitutional Court Law, and Article 29 paragraph (1) of the Judicial Powers Law, the Court has the authority to hear the petition *a quo*.

Regarding legal standing, the Petitioner has clearly explained his qualifications as an individual citizen who considers himself to have suffered a constitutional loss due to the enactment of the statutory norms being petitioned for review. The alleged constitutional loss is specific and actual due to the enactment of the phrase "advocate's office" in the norms of Article

3 paragraph (1) letter g and its Elucidation, as well as Article 29 paragraph (5) and paragraph (6) of Law 18/2003. Therefore, the alleged constitutional loss as described by the Petitioner has a causal relationship (*causal verband*) with the enactment of the statutory norms being petitioned for review. Therefore, if the petition *a quo* is granted, the alleged constitutional loss as described by the Petitioner will no longer occur. Thus, regardless of whether the unconstitutionality of the norms being petitioned for review is proven or not, in the Court's opinion, the Petitioner has the legal standing to act as a Petitioner in the petition *a quo*.

Whereas, since the petition *a quo* is evident, the Court is of the opinion that there is no urgency and relevance in hearing the statements of the parties as referred to in Article 54 of the Constitutional Court Law.

Regarding whether the resubmission is allowed or not, the Court has already decided on a case for review of the constitutionality of the norms of Article 3 paragraph (1) letter g and Article 29 paragraph (5) of Law 18/2003. Before examining the constitutionality of the norms being petitioned for review, the Court will first consider the Petitioner's petition in relation to the provisions of Article 60 of the Constitutional Court Law and Article 78 of Constitutional Court Regulation Number 2 of 2021 concerning Procedures in Judicial Review of Laws (CCR 2/2021). Considerations regarding these provisions are necessary to determine whether the norms *a quo* can be again petitioned for review. After examining the Petitioner's petition in this case *a quo*, it is clear that it has a different basis and reason for review than previous petitions. Therefore, regardless of whether the substance of the petition is justifiable or not, the petition *a quo* is, formally, not hindered by the provisions of Article 60 of the Constitutional Court Law and Article 78 of CCR 2/2021. Thus, the Petitioner's petition may be resubmitted.

After carefully reading the Petitioner's petition and the submitted evidence, there are two main issues raised by the Petitioner. *Firstly*, regarding the unconstitutionality of the phrase "advocate's office" in the norms of Article 3 paragraph (1) letter g and its Elucidation, as well as Article 29 paragraph (5) and paragraph (6) of Law 18/2003, which requires internships for advocate candidates only in advocate's offices. *Secondly*, regarding the unconstitutionality of the norms of Article 29 paragraph (5) and paragraph (6) of Law 18/2003, where the Petitioner expects it to determine the form of competency that needs to be achieved as a result of an internship at an advocate's office, legal institution, company, organization, or another place of work, and then to issue an internship letter. The provisions *a quo*, in the Petitioner's opinion, have restricted the Petitioner's right from advancing himself in building society, the nation and the state, does not provide recognition and fair legal protection, and does not provide convenience in obtaining equal opportunities and benefits to achieve equality and justice in relation to the Petitioner's desire to be an Advocate as guaranteed in Article 28C paragraph (2), Article 28D paragraph (1), and Article 28H paragraph (2) of the 1945 Constitution. However, because the two issues above stem from the requirement that Advocate candidates complete an internship only at advocate's offices, the Court will consider them a single issue.

Whereas the Petitioner's argument regarding the review of Article 3 paragraph (1) letter g of Law 18/2003 which, in essence, states that a continuous internship of at least two (2) years at an advocate's office, after the Court carefully studies and examines the Petitioner's argument *a quo* regarding the constitutionality of the norm requiring an internship to be carried out at an advocate's office, has been considered in Constitutional Court Decision Number 79/PUU-XVI/2018, Constitutional Court Decision Number 138/PUU-XXI/2023, Constitutional Court Decision Number 106/PUU-XXII/2024, and Constitutional Court Decision Number 148/PUU-XXII/2024, so that the Court's stance in these decisions remains relevant to be used as a basis for considering the petition *a quo*. Therefore, it is inevitable that part of the Court's considerations

in the petition *a quo* refers back to several legal considerations in the decisions in question, as follows.

1. Constitutional Court Decision Number 79/PUU-XVI/2018, the verdict of which, in principle, is to reject the Petitioners' petition, however, its considerations, among other things, state that one of the requirements to be appointed as an advocate is to complete a continuous internship of at least two (2) years at an advocate's office, with the legal considerations of Constitutional Court Decision Number 79/PUU-XVI/2018, among other things, state:

[3.10.1] Whereas to become an advocate in Indonesia, every law graduate must follow the stages, namely the stages of taking the Special Education for the Advocate Profession (PKPA), taking the Advocate Professional Examination (UPA), completing a continuous internship at an advocate's office for at least 2 (two) years at an advocate's office, then appointment and oath of advocates. Choosing a career as an advocate is a decision made by legal graduates themselves. This is different from other countries, such as Japan. In Japan, after students graduate from university with a law degree, they can enter the legal profession as an advocate, prosecutor, or judge, which is preceded by a national general examination conducted in stages. After passing the national general exam, legal professional candidates have the status of judicial/legal apprentice who will enter the internship period. The legal profession to be undertaken will be determined according to the test results after completing the internship period.

[3.10.2] Whereas the Elucidation of Article 3 paragraph (1) letter g of the Advocates Law states that,

An Internship is intended to enable advocate candidates to gain practical experience that supports their abilities, skills, and ethics in carrying out their profession.

Internships are conducted before Advocate candidates are appointed as advocates and take place in advocates' offices. The internship does not have to be completed at one advocate's office, but it must be conducted continuously for at least 2 (two) years.

Thus, the essence of implementing the internship process is to gain cultural awareness, honor, and capacity as a legal professional, and to recognize the mission of the legal profession.

In general, it can be concluded that the internship process aims to provide knowledge and practical skills so that advocate candidates can perform their functions to provide legal services as advocates after officially taking the oath. By participating in an internship, an advocate candidate will understand the advocacy management carried out in a law firm and the operational management of an advocate's office. Given the importance of the knowledge and skills acquired during the internship, it is understood that this should be done continuously. It is in this context that the phrase "continuous" must be understood for the purpose that the knowledge and skills acquired are not interrupted.

2. Constitutional Court Decision Number 138/PUU-XXI/2023 regarding the judicial review of Article 3 paragraph (1) letter g, the verdict of which, in principle, is to reject the Petitioner's petition, and also considers, among other things, the importance of the requirement for a 2 (two) year continuous internship at an advocate's office, with the legal considerations, among other things, state:

[3.12.1] ... whereas an internship is an important requirement, which is a series of stages that must be taken by someone to be appointed as an advocate. The PKPA is a mandatory study of legal theories needed by an advocate, and then in the UPA, the understanding regarding these theories is tested, meanwhile an internship is an opportunity to apply these legal theories in the form of application or implementation of such legal theories to concrete cases, so that the advocate candidate has the practical experience to support their abilities, skills and ethics in carrying out their profession. Therefore, the advocate candidate can understand the real problems that must be faced and addressed in carrying out their duties and work after being appointed as an advocate. Through an internship, the advocate candidate will also learn to position themselves as a professional who is free, independent, and responsible in upholding the law, behaves well, is honest, has high integrity, and always carries out their duties and obligations in accordance with the advocate's code of ethics applicable to them.

[3.12. 2] ... Whereas from the above legal considerations, although the law enforcement profession has similarities in terms of the scope of its duties and work, namely upholding the law and justice, the advocate profession has its own character, particularly regarding the responsibilities of the advocate profession, which is broader compared to other law enforcers. In criminal law enforcement, for example, advocates can provide legal assistance to clients at all levels of the judicial process, from investigation to court proceedings. Therefore, advocates must demonstrate professionalism and competence at all levels, each with its own characteristics in procedural law. Thus, having the experience as a law enforcer at one of the stages in the criminal justice system is not sufficient to prove that an advocate candidate is competent in carrying out the advocate profession comprehensively. Therefore, the Petitioner's argument that an advocate candidate who has experience as a law enforcer in a law enforcement institution, including in the administrative legal institution, should be excluded from the requirement of completing a continuous internship of at least 2 (two) years in an advocate's office, is an argument that is not entirely justifiable. Moreover, as stated in the Elucidation of Article 3 paragraph (1) letter g of Law 18/2003, one of the objectives of internship for advocate candidates is to learn to understand and also implement matters related to the advocate's code of ethics, this further proves that there are other objectives of the internship requirement for advocate candidates other than what is described above, which is also to understand matters relating to the advocate's code of ethics that are not found at the practical level when appointed as an advocate.

[3.12.3] Whereas The internship requirement demands that one always be professional and maintain integrity in accordance with the advocate's code of ethics. Therefore, eliminating the internship requirement, as desired by the Petitioner, for advocate candidates who have had experience as law enforcers, is an unjustifiable argument. Moreover, advocates not only have the potential to serve as legal representatives in criminal cases, which often involve the law enforcement profession, but they must also comprehensively master all types of laws, both material and formal, in the fields of public and private law. Therefore, if the advocate candidates who have experience as law enforcers in law enforcement institutions, including administrative legal institutions, are excluded from the internship requirement, such advocate candidates may not have comprehensive competence regarding the characteristics of procedural law and material law of all judicial bodies in Indonesia.

3. Constitutional Court Decision Number 106/PUU-XXII/2024 concerning the judicial review of Article 3 paragraph (1) letter g, the verdict of which, in principle, is to reject the Petitioner's petition, but reaffirming the importance of internships for advocate candidates with legal considerations, among other things, states:

[3.12.5] ... Pursuant to the legal considerations above, the Court has confirmed that an internship for advocate candidates: (1) is an opportunity to apply legal theories in the form of application or implementation of legal theories to concrete cases in all areas of law, both formal and material, in all judicial bodies; (2) has practical experience to support the ability, skills and ethics in carrying out the profession; (3) learn to position oneself as a professional that is free, independent, and responsible in upholding the law, behaving well, is honest, has high integrity, and always carries out one's duties and obligations in accordance with the advocate's code of ethics; (4) aims to be able to live the culture, honor, and capacity as a legal professional and to recognize the mission of the legal profession in order to obtain knowledge and practical skills so that advocate candidates are able to carry out their function of providing legal services after officially taking the oath as advocates; and (5) understands advocacy management carried out in law offices, and understanding the operational management of advocate's offices, the process of which must be carried out continuously.

[3.12.6] Whereas regarding the Petitioner's argument, the Court is of the opinion that the process of gaining knowledge in lectures at university and the application of knowledge in internships at an advocate's office is a process that needs to be differentiated, even though they cannot be separated from one another. During lectures, students learn to understand various legal theories and concepts, while during internships, they place more emphasis on activities of applying or implementing legal theories, science, and knowledge in concrete cases, so that advocate candidates can have practical experience to develop competence and skills, as well as ethics in carrying out the legal profession. The Court also follows developments in the current legal education process, where several universities have introduced internship programs, including at advocate's offices. However, the internship process while still a student is relatively short and is part of the educational process to graduate with a bachelor's degree in law. Meanwhile, the internship process at an advocate's office, which is a special requirement to become an advocate under Law 18/2003, is part of the practical process, which is more aimed at providing experience in the profession of being an advocate. ...

4. Constitutional Court Decision Number 148/PUU-XXII/2024 regarding eliminating the existence of the norm of Article 3 paragraph (1) letter g of Law 18/2003 or, alternatively, interpreting it as "Internships may be carried out at agencies that carry out Pro Justitia functions", the Court considers, among other things, that:

[3.14] ... In this regard, the essence of the internship process at an advocate's office is to experience the culture, honor, and capacity of a legal professional in practicing as an advocate. Not only that, but by doing an internship at an advocate's office, an advocate candidate will gain knowledge, understanding, and experience in managing advocacy and the operations of an advocate's office. In fact, in the context of the Elucidation of Article 3 paragraph (1) letter g of Law 18/2003, one of the aims of internships for advocate candidates is to learn to understand and also implement matters relating to the advocate's code of ethics.

According to the nature of the internship at the advocate's office, if the internship is replaced by an internship at another law enforcement office, even if the office carries out the same *pro justitia* function, an advocate candidate has the potential to face 3 (three) problems that could have an impact on them when they become advocates in the future. *Firstly*, the advocate candidate will not know how to grow as an advocate in a work environment with an advocate work culture. Because they did not grow up in an environment of advocates, within the limits of reasonable reasoning, an advocate candidate will have a different perspective on maintaining the honor of the advocate profession when entering the world of law enforcement.

In addition, the environmental factors of the internship location, which are far from the atmosphere of an advocate, may influence their professional capacity to practice as advocates, which, in many ways, differs from other law enforcement agencies.

Secondly, the internship requirement for advocate candidates at an advocate's office is intended, among other things, to understand matters related to the advocate's code of ethics [*vide* Constitutional Court Decision Number 138/PUU-XXI/2023]. This means that if the internship is carried out in another place, even if it is an institution that performs the same pro justitia function, the understanding of the advocate's code of ethics and how to implement and adhere to it cannot be optimally achieved. In fact, ideally, the understanding and adhering to a professional code of ethics is one of the fundamental keys to maintaining the dignity of a profession. In fact, if the internship is carried out in a place other than an advocate's office, an advocate candidate will grow and develop within the habits and culture of another institution, not those of an advocate. Within the limits of reasonable reasoning, as one of the elements of law enforcement, such an obligation is necessary because advocates are an honorable profession (*officium nobile*) to achieve and realize legal certainty that is just in the life of society, as mandated by Article 28D paragraph (1) of the 1945 Constitution.

Thirdly, internships for advocate candidates at advocates' offices will provide diverse and comprehensive experiences, including opportunities to transfer knowledge and pursue a career as an advocate. In this case, by participating in an internship at an advocate's office, an advocate candidate has the opportunity to acquire and simultaneously practice comprehensive competencies in all aspects of procedural law (formal) and material law in all judicial bodies in Indonesia [*vide* Constitutional Court Decision Number 138/PUUXXI/2023]. In addition, by participating in an internship/practice at an advocate's office, an advocate candidate has the opportunity to gain practical experience at all levels of the judiciary, from first instance courts to cassation courts, including judicial reviews at all courts under the Supreme Court.

...

Pursuant to the above legal considerations, the Court has not yet found a strong reason to change its stance in the legal considerations of the above decisions regarding the implementation of internships other than at advocate's offices for advocate candidates. Regarding the experience possessed by the Petitioner, which led to the petition to be permitted to do an internship at a place other than an advocate's office, this, in the Court's opinion, is an unfounded reason because legal institutions, companies, organizations, or other places of work that are not advocate's offices vary from one another and, when compared to advocate's offices, they are not as comprehensive in providing knowledge and internalization regarding professional ethics for an advocate.

In this context, in the Court's opinion, the fact that the Petitioner has had experience working in a company requiring competence that, according to the Petitioner, can be equated with experience working as a transaction lawyer in an advocate's office, is not immediately justifiable to assess that the phrase "advocate's office" in the norm of Article 3 paragraph (1) letter g of Law 18/2003 is unconstitutional to the extent that it is not interpreted as an advocate's office, legal institution, company, organization, or other place of work, as has been considered in the legal considerations above.

Pursuant to these legal considerations, the Court is of the view that the legal considerations of these decisions are still relevant to respond the constitutionality issue of the norm of Article 3 paragraph (1) letter g of Law 18/2003, and therefore the legal considerations of these decisions apply in a *mutatis mutandis* manner to the legal consideration of the petition for

review of the phrase “advocate’s office” in the norms *a quo* of Article 3 paragraph (1) letter g of Law 18/2003. Therefore, the Petitioner’s argument with respect to the phrase “advocate’s office” in the norm of Article 3 paragraph (1) letter g of Law 18/2003 is legally unjustifiable. Meanwhile, regarding the Petitioner’s argument with respect to the phrase “advocate’s office” in the Elucidation of Article 3 paragraph (1) letter g, Article 29 paragraph (5) and paragraph (6) of Law 18/2003 as has been considered above, because it has the same essence as the issue of the constitutionality of the norm of Article 3 paragraph (1) letter g of Law 18/2003, the unconstitutionality of which is also being challenged by the Petitioner, then within the limits of reasonable reasoning, it automatically becomes legally unjustifiable.

Furthermore, regarding the Petitioner’s argument with respect to the norms of Article 29 paragraph (5) and paragraph (6) of Law 18/2003, which petitions that the Advocate Organization determine the competency that needs to be achieved as a result of an internship at an advocate’s office, legal institution, company, organization, or other place of work, which is authorized to accept Advocate candidates who will undertake an internship as referred to in Article 3 paragraph (1) letter g and Advocates and/or Advocate’s Office, legal institution, company, organization, or other place of work, as referred to in paragraph (5) are required to provide guidance, training and practical opportunities for advocate candidates who undertake an internship and issue an internship letter relating to the implementation of the internship in question. In this regard, in the Court’s opinion, the Petitioner’s argument is relevant if the constitutionality issue of the norms of Article 3 paragraph (1) and its Elucidation, Article 29 paragraph (5) and paragraph (6) of Law 18/2003, which the Petitioner argues for, is legally justifiable and requires follow-up action due to changes in the validity of the statutory norms being petitioned for review. However, because the Petitioner’s argument regarding the norms of Article 3 paragraph (1) and its Elucidation, Article 29 paragraph (5) and paragraph (6) of Law 18/2003 have been declared legally unjustifiable, there is no relevance in considering the Petitioner’s argument *a quo*. In addition, the matter petitioned by the Petitioner is related to the implementation of norms, where the determination of internship practices is the area of supervision of each advocate organization/advocate’s office to ensure that, during the internship period, advocate candidates can have practical experience that supports their abilities, skills and ethics in carrying out their profession, as stated in the Elucidation of Article 3 paragraph (1) letter g of Law 18/2003. Therefore, the Petitioner’s argument regarding the norms of Article 29 paragraph (5) and paragraph (6) of Law 18/2003 is legally unjustifiable.

Pursuant to all the descriptions of the legal considerations above, the Court is of the opinion that the provisions of the norms of Article 3 paragraph (1) letter g and its Elucidation, as well as the norms of Article 29 paragraph (5) and paragraph (6) of Law 18/2003 do not limit the Petitioner in advancing himself and are not contrary to the principle of guarantee of legal certainty and equality for every citizen in the process of becoming an Advocate. Therefore, the provisions of the norms of Article 3 paragraph (1) letter g and its Elucidation, as well as the norms of Article 29 paragraph (5) and paragraph (6) of Law 18/2003 are not contrary to Article 28C paragraph (2), Article 28D paragraph (1), and Article 28H paragraph (2) of the 1945 Constitution, not as argued by the Petitioner. Therefore, the Petitioner’s petition is entirely legally unjustifiable.

Accordingly, the Court subsequently passes down a decision in which the verdict is to dismiss the Petitioner’s petition entirely.