

ETHICS AND PROFESSIONALISM OF JUDGES IN DEALING WITH NON-PROCEDURAL LAWYERS: A CASE STUDY IN RELIGIOUS COURTS PURBALINGGA

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Abstract

This study aims to analyze the dynamics of disorderly conduct by legal counsel during court proceedings and examine the ethical and professional responses of judges to such non-procedural behavior. Disruptions caused by legal counsel in the courtroom not only hinder the judicial process but also pose significant challenges for judges in maintaining the dignity and order of the proceedings. Using a qualitative approach through case studies within the religious court system, this research explores various forms of misconduct, judicial responses, and the extent to which the principles outlined in the Code of Ethics and Judicial Conduct (KEPPH) are practically implemented. Furthermore, a theoretical analysis of judicial professionalism and ethics is conducted to assess the alignment between normative ideals and actual courtroom practices. The findings indicate that misconduct by legal counsel manifests in various forms, ranging from breaches of decorum to non-procedural interruptions. Judicial responses vary depending on the severity of the misconduct and the individual character of each judge. This study concludes that the synergy between professionalism and judicial ethics is fundamental to maintaining the credibility of the judicial system. Therefore, the development of guidelines for handling non-procedural behavior, along with the enhancement of ethical and character-based training for legal practitioners, is strongly recommended.

Keywords: Judicial Ethics, Professionalism, Legal Counsel, Misconduct, Judicial System

Abstrak

Penelitian ini bertujuan untuk menganalisis dinamika ketidaktertiban kuasa hukum dalam proses persidangan serta menelaah respons etis dan profesionalisme hakim terhadap perilaku non-prosedural tersebut. Ketidaktertiban kuasa hukum yang kerap terjadi di ruang sidang tidak hanya berdampak pada jalannya proses peradilan, tetapi juga menimbulkan tantangan bagi hakim dalam menjaga marwah dan ketertiban persidangan. Melalui pendekatan kualitatif dengan studi kasus di lingkungan peradilan agama, penelitian ini mengkaji berbagai bentuk ketidaktertiban, sikap hakim dalam meresponsnya, serta sejauh mana prinsip-prinsip dalam Kode Etik dan Pedoman Perilaku Hakim (KEPPH) diimplementasikan secara nyata. Selain itu, analisis teoretis mengenai profesionalisme dan etika kehakiman juga dilakukan untuk menilai kesesuaian antara nilai ideal dan praktik di lapangan. Hasil penelitian menunjukkan bahwa ketidaktertiban kuasa hukum terjadi dalam berbagai bentuk, mulai dari pelanggaran tata krama hingga interupsi yang tidak prosedural. Respons hakim pun beragam, tergantung pada tingkat pelanggaran dan karakteristik pribadi masing-masing hakim. Penelitian ini menyimpulkan bahwa sinergi antara profesionalisme dan etika kehakiman menjadi kunci utama dalam menjaga kredibilitas sistem peradilan. Oleh karena itu, diperlukan pedoman penanganan perilaku non-prosedural serta penguatan pelatihan etika dan karakter bagi para penegak hukum.

Kata Kunci: Etika Kehakiman, Profesionalisme, Kuasa Hukum, Ketidaktertiban, Sistem Peradilan

1. Introduction

In judicial practice, the role of lawyers or advocates has an important position as legal representation for justice seekers.(Amatahir, 2021) As one of the elements of law enforcement, advocates should uphold professionalism and comply with the rules and code of ethics in trials. However, in reality, there are not a few legal professionals who act non-procedurally.

In various courtrooms, including in the Religious Court, advocates are often found who interrupt excessively, show the client's emotions in his speaking style, and even attend without bringing the necessary documents in the evidentiary process. It is not uncommon for there to be legal representatives who still insist on proceedings even though their Advocate Identity Card (KTA) has expired. (Saefudin, 2025)

Phenomena like this certainly pose its own challenges for the panel of judges. On the one hand, judges must continue to uphold the values of justice and keep the atmosphere of the trial conducive. On the other hand, they are required to respond to these unprocedural behaviors wisely, fairly, and within the ethical corridor of the judicial profession.(Rosadi, 2016) Maintaining the dignity of the trial to remain dignified is not only a moral responsibility, but also part of the legal mandate attached to the position of judge. In this context, the professionalism of judges is tested, not only in the aspect of mastery of the law, but also in the aspects of attitude, communication, and the ability to maintain the integrity of the judicial forum.

In the practice of trials, the existence of a lawyer as part of the judicial process often causes its own dynamics, especially when there is an act that is not in accordance with procedures or shows an disorderly attitude. Therefore, this study aims to identify the forms of disorder committed by lawyers in the courtroom and examine how these actions can be categorized as non-procedural behavior. In addition, this research will also examine the ethical response and professionalism shown by judges in dealing with such situations, as well as examine the extent to which the judge's attitude reflects the application of the principles in the Code of Ethics and the Code of Conduct for Judges.

In addition, it is important to analyze theoretically how judicial professionalism and ethics are applied in real practice, especially in the face of challenges in the courtroom. Ultimately, this study will also evaluate the implications of this phenomenon on the justice system in general and formulate constructive recommendations to improve the order, integrity, and effectiveness of the trial process in Indonesia.

This research aims to uncover and classify various forms of disorder committed by legal counsel in the trial process, especially behavior that deviates from the established procedures. In addition, this study also aims to analyze how the response shown by judges both ethically and professionally in dealing with legal counsel who acts non-procedurally, as well as assess the extent to which these attitudes reflect the values contained in the principles of judicial ethics.

Furthermore, this research is also aimed at exploring theoretical understanding of the professionalism and ethics of judges in judicial practice, as well as examining the alignment between ideal norms and the reality in the field. Finally, through these findings, this study is expected to be able to provide an overview of the implications of legal counsel's behavior and judges' responses to the justice system as a whole, as well as formulate relevant recommendations to strengthen order and integrity in the judicial process.

2. Literature Review

To strengthen the theoretical basis in this study, the researcher refers to several previous studies that are directly and indirectly related to the topic discussed. These studies provide an initial perspective on the ethics and professionalism of judges as well as the dynamics of interaction in the courtroom, especially those involving lawyers. Here are some of the studies that are references and comparisons in the preparation of this research:

- a. Maulina and Satya Putra in an article entitled "*Juridical Studies on Professional Ethics of Judges*"

This study examines in depth the basic principles of the judge's code of ethics as stipulated in the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia, including the values of justice, integrity, responsibility, and professionalism that must be upheld by every judge in carrying out his duties. This study provides a strong normative understanding of how a judge should behave in maintaining the dignity of the profession and the authority of the court. (Maulina, 2015)

However, this research is still conceptual and has not examined concrete dynamics in the field, especially in dealing with non-procedural legal behavior. This is what distinguishes it from this study, which directly examines the practice at the Purbalingga Religious Court.

- b. Kriswanto in his article *"Maintaining the Professionalism of Judges through the Basic Principles of the Judge Code of Ethics"*

In the article, the author emphasizes the importance of applying the principles of the code of ethics by judges, both in decision-making and in maintaining independence and avoiding outside intervention. This research highlights how a judge's professional attitude is the main foundation in realizing substantive justice in the courtroom. (Kriswanto, 2024)

However, the focus is more on the ideal aspect of the professionalism of judges in general, and has not reviewed specifically how judges respond when dealing with advocates who act in violation of procedure. Therefore, this research remains relevant as a theoretical foundation, but it has not touched on case studies as will be studied in this paper.

- c. Ahmad Maskur Khoirul Fatah entitled *"Ethics of Advocates in the Case of Wrongful Arrest at the Yogyakarta District Court"*

It is an interesting study that critically reviews the behavior of advocates in defending clients in criminal cases of wrongful arrest. The author examines how the application of the ethics of the advocate profession has a great effect on public trust in the judicial system, especially when advocates show non-compliance with the code of ethics or abuse their role in the court.

Although the context is in the realm of general and criminal justice, and the main focus is on the advocates, this research enriches the understanding of the importance of professionalism of all actors in the trial. (Kriswanto, 2024) The main difference with this study lies in the subject of the study, where this paper focuses on the response and professionalism of judges when dealing with advocates who act non-procedurally in the courtroom of religious courts.

- d. Putri Abella, Niken Dayu, and Heki Marzadi through an article entitled *"Analysis of Violations of the Advocate Code of Ethics and Its Role in Improving the Professionalism of the Advocate Profession"*

In this study, it systematically examines various violations committed by advocates ranging from conflicts of interest, violations of client confidentiality, to abuse of the profession and its impact on the image of professionalism of advocates and the level of public trust in the judicial system. Through the *Systematic Literature Review (SLR)*, they found that real-life examples such as the case of OC Kaligis, Todung Mulya Lubis, and Hotman Paris provide a strong picture of how violations of the code of ethics damage the reputation of advocates collectively. The main objective of this research is to encourage stricter enforcement of the code of ethics and provide recommendations such as supervision by the Honorary Council of Advocates as well as more intensive ethics education. (Abella, 2025)

In contrast to this study, this research focuses on the behavior of advocates, not on the response of judges; whereas your research examines how professional judges respond to advocates acting outside the procedure in the context of religious justice.

- e. Raisha Tiara Hasnakusumah and Kayus Kayowuan Lewoleba wrote the study *"The Crisis of Ethical Enforcement and Responsibility of the Legal Profession in the Judicial Sphere: A Case Study of Judge 'DA' of the Rangkasbitung District Court"*

This study reveals how violations of the judge's code of ethics, such as narcotics abuse and infidelity by a judge known as Judge "DA" show weak enforcement of ethics even though the guidelines already exist. The study identified structural and cultural obstacles such as the limited authority of the Judicial Commission, permissive institutional culture, and weak sanctions, so that professional ethics are not effectively enforced in daily judicial practice. (Hasnakusumah, 2025)

The difference with this study lies in the object of the unethical behavior of the judge himself, not the interaction of the judge with the advocate; whereas your research focuses on how judges remain instantly professional when dealing with non-procedural advocates. From the five previous studies that have been described, it appears that the issue of ethics of the legal profession, both from the side of judges and advocates, has been studied from various perspectives. However, most of those studies place more emphasis on normative aspects, ideal concepts, or case studies that focus on individual transgressions. Not

many have specifically discussed how judges directly face the practical challenges of lawyers who are non-procedural in the courtroom, especially in the context of religious courts. (Saefudin, 2025)

Therefore, this research is here to fill this gap, by raising the dynamics that occurred in the Purbalingga Religious Court as a case study. The approach used emphasizes not only normative aspects, but also on empirical experience in the field, so that it is expected to make a real contribution to the discourse of professionalism and ethics of judges in daily judicial practice.

3. Research Methods

This research was conducted with an empirical juridical approach combined with a sociological perspective in looking at the legal reality in society. This approach was chosen because the research not only relies on written legal norms, but also aims to understand how the law operates in practice, particularly in the interaction between judges and lawyers in the courtroom. (Suganda, 2022) The main focus is to illustrate how the ethical values and professionalism of judges are applied in real terms when dealing with lawyers who are non-procedural.

The location of this research was carried out at the Purbalingga Religious Court, as one of the judicial institutions that directly handles religious matters of the community, and has a distinctive dynamic in the process of proceedings, including in terms of the relationship between judges and advocates. (Purbalingga, 2025)

The data collection technique in this study is carried out through several methods. (Romdona, 2025) First, in-depth interviews were conducted with several judges who actively examined cases to obtain their views, experiences, and attitudes in responding to the behavior of lawyers that were not in accordance with procedures. Second, direct observation was carried out in the courtroom to see empirically how the interaction occurred between the judge and the lawyer during the trial. Third, documentation of relevant court documents or internal court reports is also used, in order to strengthen the data from interviews and observations.

The collected data is analyzed through a qualitative descriptive approach to gain an in-depth understanding of the phenomenon being studied. The analysis process is carried out through the stages of data reduction, data presentation, and conclusion drawn. The data is compiled and processed to fully describe the dynamics that occur, as well as relate them to the theory of professional ethics and the principles of professionalism of judges that have been stipulated in laws and regulations and judicial codes of ethics (Rahardjo, 2024).

4. Results and Discussion

4.1 Form of Disorderly Attorney in Trial.

Based on the results of observations and interviews conducted at the Purbalingga Religious Court, it was found that several forms of disorder were often shown by lawyers, especially those who did not fully understand the trial procedures in the religious court environment. These forms of disorder include:

a. Excessive or Out of Place Interruptions

In some trials, there are lawyers who interrupt too often, even at times that are irrelevant or have not been given the opportunity by the panel of judges. This attitude not only interferes with the course of the trial, but also reflects a lack of understanding of procedural ethics that an advocate should uphold. The judge in this case often has to remind the lawyer to maintain order and follow the applicable procedures. (Saefudin, 2025)

b. Bringing Personal or Client Emotions into the Trial

Other findings show that some lawyers tend to be carried away by emotions, both personal emotions and the emotions of the clients they represent. This is reflected in aggressive speaking styles, high tones, to statements that are not relevant to the subject matter. This behavior is contrary to the principle of professionalism, where a lawyer should be able to be objective and prioritize legal logic, not mere emotions. (Saefudin, 2025)

c. Not Bringing Complete Files or Evidence

In some cases, the lawyer comes to the trial without bringing complete documents, either in the form of copies of power of attorney, written evidence, or other supporting documents. This condition certainly hampers the case examination process, because it causes the trial to have to be postponed or continued on another day just because of the negligence of the lawyer. In addition to reflecting a lack of readiness, this also shows unprofessionalism in handling cases. (Sidik, 2025)

- d. We're out of the woods, but we still want to keep going.

It was also found that there was a lawyer who still insisted on wanting to attend the event even though the Member Identity Card (KTA) of the advocate organization he owned had expired. In fact, based on the provisions of the Supreme Court and the Advocate Code of Ethics, a lawyer whose membership period is inactive is not allowed to represent his client in court. The panel of judges ultimately refused the lawyer's presence at the trial, and asked the client to appoint a substitute or appear in person. (Sidik, 2025)

4.2 Ethical Response and Professionalism of Judges to Non-Procedural Legal Representatives.

The judiciary is the center of democratic life, where judges play the role of the main pillar who bears great responsibility in ensuring the upholding of justice. Their task is not only to enforce the law, but also to ensure that the judicial process runs fairly, orderly, and according to procedures. The success of the judicial system depends on the integrity of judges in carrying out their duties, especially when faced with challenges, such as the non-procedural behavior of legal representatives. The ethical response and professionalism of judges are crucial to maintain public trust and the integrity of the judiciary itself. (Surbakti et al., 2022)

Non-procedural behavior of legal counsel can vary, ranging from the submission of unauthorized evidence, intimidation of witnesses, to attempts to influence judges' decisions outside the legal channels. These actions not only disrupt the smooth running of the trial, but can also obscure the truth and harm the parties involved. In situations like this, judges are tested for their ability to act decisively but still fairly. They are required to be able to distinguish between strong legal arguments and manipulative attempts aimed at benefiting clients. (Arlina et al., 2025)

Judges, as guardians of justice, must be firm in the code of ethics and rules of the judiciary. They preside over trials fairly, ensure all parties have equal opportunities, and protect the rights of individuals. Firmness in enforcing the rule of law, including sanctioning violations, is important to prevent non-procedural behavior of legal representatives. However, this firmness must be balanced with objectivity and fairness. The judge must not be affected by pressure or emotions, and must decide the case based on the law and the available evidence. A wise and considerate attitude is the key to upholding judicial integrity. Justice and wisdom, that is the essence of a judge's professionalism. (Tedjosaputro, 2003)

The following are some practices applied by the judges of the Purbalingga Religious Court in responding to the non-procedural behavior of legal counsels in an ethical and professional manner.

- a. Judges' Strategies in Reducing Conflict and Tension in the Trial

The judge's ability to control the course of the trial wisely is crucial. In the midst of heated debates or non-procedural behavior of lawyers, early intervention is key; The judge will immediately enter, reminding all parties to obey the rules strictly but remain polite. In some cases, the role of a judge as a mediator is needed to resolve disputes, seek solutions that benefit all parties and defuse tensions. However, when the atmosphere of the trial begins to heat up to the point of interfering with the smooth running of the process, a temporary postponement can be the right step to ease tension, while providing an opportunity for all parties involved to calm down before the trial resumes. (Bahrin, 2018)

- b. Use of authority to order the trial

The authority of judges in administering the trial is not just a formal authority, but an important instrument to maintain justice and order. The judge, as the presiding judge, has the authority to stop actions that violate the rules, whether it is the submission of unauthorized evidence, witness intimidation, or insulting arguments. This authority is exercised wisely, taking into account the context and degree of violation. Verbal warnings, written reprimands, and stricter sanctions such as contempt of court, are part of the scale of the application of this authority. The goal is not to punish, but to ensure that the judicial process continues to run according to the legal corridor and all parties get an equal opportunity to be heard. Thus, the judge's authority is a guarantee that justice is upheld in the midst of trial dynamics.

- c. Communicative or persuasive attitude of the judge

Effective communication is very important for a judge. He must be able to explain the rules clearly and patiently, ensuring that all parties understand them. A persuasive judge can ease tension and direct the discussion to stay focused. This ability creates a conducive atmosphere for the trial. All parties feel heard and appreciated. The judicial process was effective and fair. Judges need to have good communication

skills and a high level of emotional understanding. The communicative and persuasive attitude of judges maintains order and strengthens public trust. Justice is realized in a calm and orderly atmosphere.

d. Non-formal coaching steps (e.g. personal reprimands)

Non-formal coaching emphasizes guidance, not punishment. The judge gave a verbal reprimand personally. He explained the negative impact of non-procedural behavior. The goal is for legal counsel to understand the rules and ethics of the profession. Coaching can be done before, after the trial, or by mail. Judges build constructive and supportive relationships. This approach prevents the recurrence of inappropriate behavior. Commitment to professional ethics has become stronger.

4.3 Theoretical Analysis: Professionalism and Judicial Ethics in Practice.

Every individual, family, and community group in general upholds ethical values as a guideline in living life. These values serve not only as guidelines in relationships between individuals, but also in shaping patterns of social interaction in a broader scope. Ethics basically contains a set of norms that lead humans to distinguish between actions that are considered right and wrong. Ethics contains prescriptive principles, providing an overview of ideal behavior that should be followed. On the contrary, morality reflects the real application of these ethical values in daily life. (Andi Muhammad Aswin Anas, 2020)

In other words, a person can be called ethical if he understands and appreciates the values of goodness, while a moral person shows consistency in practicing those values in real actions. (Al Mustaqin, 2023) This understanding of ethics and morality is an important foundation in discussing professionalism and ethics in judicial practice. A fair and trustworthy judicial system is determined not only by the technical prowess of judges, but also by the ethical qualities they hold. In theory, the professionalism of a judge is shown through his intellectual ability, objectivity, and ability to manage the trial fairly and efficiently.

But in reality, practice in the field often shows institutional and external pressures that affect the independence and integrity of judges. This is where the importance of ethics as a counterweight and guide in dealing with the complexity of real situations is important. The Code of Ethics and Code of Conduct for Judges (KEPPH) is a normative standard that contains fundamental principles such as honesty, fairness, integrity, independence, and accountability. These principles, theoretically, guarantee that a judge can be neutral, impartial, and maintain the dignity of the courtroom. (Anita Sinaga, 2020)

In practice, these principles are not always easy to apply perfectly. For example, in certain cases, there are findings that a judge's independent attitude can be disrupted by external pressure, either in the form of political influence, media pressure, or the internal dynamics of the judiciary itself. However, in the context of the responsibility to control the course of the trial, the judge still holds a central role. Judges do not solely play the role of implementers of legal norms, but also as guardians of substantive principles of justice. This is where the importance of integration between professionalism and ethics lies: judges who are professional but do not uphold ethics can be manipulative, while judges who are ethical but less professional can err in applying the law. (Sidik, 2025)

Thus, in the ideality of the system, the two aspects cannot be separated. Reflection on this reality shows that it is important for judges not only to understand the code of ethics as a formal rule, but also to internalize it as part of professional consciousness. The inculcation of ethical values from the beginning of the education and training of prospective judges must be developed through a practical approach, character building, and supervision that is constructive, not merely punitive. Thus, the judicial system is not only structurally strong, but also morally meaningful. (Sofwan, 2025)

4.4 Implications for the Judicial System and Recommendations

The problem of disorder carried out by non-procedural lawyers in the courtroom turns out to not only have a momentary impact, but also affects the running of the judicial system as a whole. (Kusumasari, 2011) When the lawyer behaves disorderly, for example by interrupting excessively or bringing personal emotions into the trial, it can make the atmosphere of the trial tense and uncondusive. In fact, the trial process can be delayed or run ineffectively due to the actions of a handful of unprofessional lawyers.

On the other hand, the judge is also in a quite difficult position. They must maintain the authority of the court and enforce the rules, but they are also required to be calm and professional, so as not to make a harsh or unwise impression. (Vinsensius Tamelab, 2023) Therefore, there needs to be more concrete efforts so that

situations like this can be handled better in the future. In this case, there are 2 recommendations that can be applied for further regulation, namely:

- a. The need for guidelines or protocols for handling non-procedural legal representatives.

So far, there has been no rule that details how judges must respond to legal counsel who violate the rules. Therefore, some kind of technical guidelines or special protocols are needed either in the form of internal rules or official circulars that can be a handle for judges when dealing with these situations. It is hoped that this guide can provide clarity and prevent actions that are too subjective or inconsistent. (Sofwan, 2025)

- b. Proposed improvement of advocate ethics training and judge coaching

Seeing that there are still lawyers who do not understand trial ethics, it is important to evaluate and improve the advocate training system, especially those related to the ethics of proceedings in religious courts. On the other hand, judges need to be debriefed on an ongoing basis, including communication skills, the ability to manage trial dynamics, and a thoughtful approach in responding to various situations that arise in the courtroom. If both are improved, then the quality of the judiciary will be much better and professional in the future. (Sofwan, 2025)

5. Conclusion

Based on the results of the research conducted, it can be concluded that the disorder of legal counsel in the trial is still a real problem that interferes with the course of the judicial process. These forms of disorder include violations of communication ethics, interruptions that are not in accordance with procedures, and uncooperative attitudes towards the panel of judges. In the face of this kind of situation, judges show a variety of responses, ranging from persuasive approaches to firm reprimands, while adhering to the principles of judicial ethics.

Theoretically, professionalism and judicial ethics are two aspects that complement each other in maintaining the quality of the judiciary. However, in practice, the application of these principles is often faced with various challenges, both from external pressures and technical regulatory limitations in dealing with non-procedural legal representatives.

Therefore, there is a need for special guidelines or protocols that can be used by judges to deal with disorderly conduct consistently, without overriding the principles of justice and judicial authority. In addition, it is also important to strengthen ethics training for advocates as well as character and integrity development for judges, in order to strengthen the harmony between professionalism and ethics in the judicial system.

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