

The Violation of the Dignity of the Advocate Profession in the Perspective of Deontological Ethics Immanuel Kant: A Philosophical and Juridical Study of the Phenomenon of "Lawyers at the Table"

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Abstract

This study aims to analyze the violation of the ethics of the advocate profession which is metaphor as the phenomenon of "Lawyer at the Table" through the perspective of Immanuel Kant's deontological morality. The research uses normative legal research methods with legislative, conceptual, and philosophical approaches, and is analyzed qualitatively through literature studies. The results of the study show that the phenomenon reflects the crisis of moral obligations in the practice of the legal profession which is characterized by the dominance of instrumental rationality, the weak internalization of professional ethics, and the shift in professional orientation from moral obligations to pragmatic interests. Based on Kant's theory of deontology, these actions are contrary to the principle of categorical imperative, especially the Universality Formula and the Humanity Formula, because they cannot be universalized as moral law and reduce human dignity and judicial institutions as a means of certain interests. This study also found that resolving violations of the ethics of the advocate profession is not enough through a disciplinary sanctions approach, but requires the reconstruction of professional ethics through the universalization of actions, respect for human dignity, and the internalization of universal moral obligations. The implications of the study confirm that Immanuel Kant's deontological theory is relevant as a philosophical foundation for establishing universal, rational, and justice-oriented standards of ethics for the legal profession.

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1. INTRODUCTION

The advocate profession has a very strategic position in the modern legal state system because it functions as one of the important instruments in upholding the rule of law, justice, and the protection of human rights. In the concept of *the rule of law*, the existence of advocates is not only a representation of the interests of clients, but also as an integral part of the justice system that contributes to ensuring due process of law and access to justice. Therefore, the advocate profession has long been seen as (Lubis, 1986; Rahardjo, 2009) *officium nobile* or noble profession, which normatively contains the consequence that advocates are not only required to have technical competence and professional capacity in providing legal assistance, but also moral integrity, independence, and high ethical commitment in carrying out their professional functions. The glory of the profession lies not only in the function of the advocate as a defender of the client's legal interests, but also in

his moral responsibility in maintaining the honor of the judiciary, upholding substantive justice, and protecting human dignity as a subject of law. (Shidarta, 2006)

In this framework, advocate professional ethics are a fundamental element that cannot be separated from the practice of the legal profession. Professional ethics cannot be reduced simply as a set of disciplinary rules or administrative norms that govern the behavior of advocates, but rather as a moral foundation that supports the legitimacy of the profession while maintaining public trust in the judicial system. Professional ethics are normative guidelines for how an advocate should act, both in his relationships with clients, fellow advocates, law enforcement officials, and judicial institutions. In this context, the Indonesian Code of Ethics for Advocates (KEAI) is not only an instrument for supervising professional behavior, but is a manifestation of professional moral values that demand honesty, responsibility, independence, honor, and respect for the law and the dignity of the judiciary. (Fuller, 1964; Rhodes, 2000) (PERADI, 2002)

However, the ideality of the advocate profession as *an officium nobile* in practice is often faced with various challenges that show the existence of ethical degradation in the legal profession. Various forms of ethical deviations are still found, ranging from conflicts of interest, violations of client confidentiality, bribery practices, manipulation of legal processes, to actions that can be categorized as *contempt of court* (Hazard et al., 2001; Luban, 1988). This phenomenon shows that the ethical issue of the advocate profession is not only a matter of compliance with the code of ethics, but also related to a moral crisis in the practice of the legal profession. In some cases, the behavior of advocates not only violates ethical norms, but also reduces the dignity of the profession and threatens the legitimacy of the judicial system itself.

One of the symbolic representations of the deterioration of professional ethics can be described through the metaphorical phenomenon of "Lawyers Sitting on the Table". This term describes the actions of advocates who are aggressive, emotional, inappropriate, and degrade the dignity of the profession and the authority of the court in courtrooms or other professional forums. Symbolically, these actions reflect a serious violation of professional ethics because they place personal expressions, emotions, or litigation interests above respect for legal procedure, judicial dignity, and professional obligations. From the perspective of professional law, such behavior not only violates the oath of advocates and the Indonesian Advocate Code of Ethics, but also contradicts the basic principles of legal professionalism that prioritizes rationality, integrity, and respect for judicial institutions. (Luban, 2007)

The phenomenon of "Lawyers Sitting at the Table" cannot thus be understood simply as a form of disciplinary violation or spontaneous expression due to the dynamics of the trial. Such an approach is too reductionistic because it ignores the philosophical dimension of the unethical act itself. The fundamental issue is not only whether the act violates the rules of positive ethics, but why it is morally intrinsically wrong. This question is important because strong professional ethical standards are not enough to be built solely on the basis of positive rules, but require universally accepted philosophical legitimacy. This is where the urgency of the study of normative ethics, especially the deontological approach, becomes relevant to provide a deeper moral foundation for the profession of advocates.

In this context, Immanuel Kant's moral philosophy offers a significant theoretical framework for assessing the actions of the advocate profession from the perspective of moral obligation. For Kant, morality is not determined by the consequences of an action, but by the motive of *the duty* that underlies the action. An action is moral if it is carried out out of moral obligation, not by the impulse of personal interests, emotions, or pragmatic calculations. This principle is known through the concept (Kant & Ellington, 1993) of *categorical imperative*, which is a universal moral imperative that requires a person to act

414 | **The Violation of the Dignity of the Advocate Profession in the Perspective of Deontological Ethics Immanuel Kant: A Philosophical and Juridical Study of the Phenomenon of "Lawyers at the Table"** (Alex Togaraja Simanjorang)

only according to principles that can be desired to be universal laws. In the context of the advocate profession, this principle demands that every action of an advocate must be based on a principle that, if applied universally, does not damage the integrity of the profession or the judicial system.

This Kantian approach becomes very relevant in assessing unethical behavior such as "Lawyers Sitting at the Table". If aggressive actions, demeaning the court, or ignoring trial ethics are made universal principles for the advocate profession, then what happens is the destruction of the moral order of the profession and the delegitimization of judicial institutions. Thus, such actions are deontologically unjustified. Furthermore, the second formulation of the categorical imperative emphasizes that human beings must always be treated as ends in themselves, and not merely as tools. In the context of the advocate profession, this implies that clients, judges, opponents, and judicial institutions must be respected as dignified subjects, not used as instruments for personal interests, litigation strategies, or emotional expressions of advocates. (Kant & Sullivan, 1996; O'Neill, 1989)

In addition to the concept of obligations and categorical imperatives, Kant also emphasized the importance of *good will* as the core of morality. Good will is the basis of ethical action because it shows a commitment to what is right for the sake of truth itself, not because of the consequences or benefits that may be obtained. In the advocate profession, this principle demands internal integrity that advocates carry out their defense duties based on a moral commitment to justice and the law, not solely for the sake of winning cases, client interests, or professional gains. This perspective is important because in modern legal practice, ethical violations are often born precisely from instrumental rationality that sacrifices principles for the sake of results.

Using the framework of Kantian deontology, the ethics of the advocate profession is no longer understood solely as a matter of compliance with the code of ethics, but as an expression of the universal moral obligation inherent in the dignity of the profession. This approach also broadens the understanding that the integrity of the advocate profession is not sufficiently maintained through the mechanism of disciplinary enforcement, but also through the internalization of moral values that are philosophical. This is especially important in the midst of the increasingly complex challenges of the contemporary legal profession, where pragmatic pressures, political interests, and the commercialization of the profession have the potential to erode the idealism of *officium nobile*.

Based on this description, the study of the ethics of the advocate profession through the perspective of Immanuel Kant's deontology is important, not only to provide criticism of various forms of ethical violations in the practice of the legal profession, but also to formulate the ethical foundation of the advocate profession that has universal philosophical legitimacy. With this foundation, the advocate profession is not only placed as a profession that is subject to positive ethical rules, but as a moral profession oriented towards obligation, human dignity, and justice. In the end, strengthening professional ethics based on Kantian deontology is expected to contribute to strengthening the integrity of advocates, maintaining the honor of the profession, and strengthening the legitimacy of the judicial system in a democratic legal country.

2. METHOD

This study uses a qualitative approach with normative *legal research* methods to analyze the ethics of the advocate profession in the perspective of Immanuel Kant's deontology. The approaches used include a statutory *approach*, a *conceptual approach*, and a philosophical *approach* to examine legal norms, doctrines, and moral foundations related to the ethics of the advocate profession. The research data is sourced from primary, secondary, and tertiary legal materials obtained through (Marzuki, 2017; Soerjono & 415 | **The Violation of the Dignity of the Advocate Profession in the Perspective of Deontological Ethics Immanuel Kant: A Philosophical and Juridical Study of the Phenomenon of "Lawyers at the Table** (Alex Togaraja Simanjorang)

Soekanto ., 2010) *library research*, including laws and regulations, professional codes of ethics, scientific literature, and the works of moral philosophy of Immanuel Kant. The data obtained were analyzed qualitatively descriptive-interpretive to assess violations of the ethics of the advocate profession through the perspective of Kantian deontology and formulate the foundation of professional ethics that has universal normative and philosophical legitimacy. (Kant & Sullivan, 1996)

3. RESULTS AND DISCUSSION

The results of the study show that the phenomenon of "Lawyers at the Table" and various forms of violations of the ethics of the advocate profession reflect the crisis of the meaning of moral obligations in the practice of the legal profession. The main findings of the study show that aggressive actions, inappropriate behavior in trials, abuse of the profession, and pragmatic orientations that prioritize the victory of cases over professional integrity, are substantively contrary to the deontological morality principles of Immanuel Kant, especially the concepts of *categorical imperative*, *good will*, autonomy of will, and universal moral obligation (*duty*). Thus, the ethical problem of the advocate profession does not only stem from weak compliance with the code of ethics, but from the absence of internalization of moral obligations as the basis for professional actions. (Bertens , 2011; Kant & Ellington, 1993; Kant & Paton, 2005) (Luban, 1988; Sidharta, 2012)

Philosophically, these findings suggest that the root of the problem of ethical violations of the advocate profession lies in the shift in the orientation of action from obligation-based ethics to instrumental rationality. In Kant's perspective, moral action is not determined by consequences or benefits, but by the underlying motive of obligation. However, this study finds that violations of advocate ethics often occur when professional actions are driven by pragmatic interests, litigation pressures, excessive loyalty to clients, or an outpouring of emotions, so that moral obligation is no longer the basis of action. Scientifically, the dominance of instrumental rationality in modern professional practice has shifted the advocate profession from a moral orientation to a utilitarian orientation, thus triggering the degradation of professional ethics. (Kant & Ellington, 1993; O'Neill, 1989) (Bello, 2024; Luban, 1988)

Within the framework of Immanuel Kant's theory, the phenomenon of "Lawyers Sitting at the Table" shows the failure of advocates to act based on *autonomy of will*. Kant views human beings as rational subjects who establish moral laws for themselves through practical reason. However, anarchist, intimidating, and emotional behavior in the courtroom actually shows the dominance of impulses over moral rationality. This finding confirms that violations of the ethics of the advocate profession are essentially a failure (Kant & Paton, 2005; O'Neill, 1989) of *moral agency*, namely the failure to carry out the profession based on reason, obligation, and respect for the law as a rational institution. (Sidharta, 2012)

This research also found that the *Formula of Universal Law* is the main basis for philosophically assessing the moral fallacy of such actions. The maxim of action "when dissatisfied with the judicial process I can act anarchically to protest" cannot be universalized without undermining the legal order itself. If this principle applies universally, then the judicial system as a prerequisite for the upholding of justice will collapse. In Kant's perspective, this is a *contradiction in will* and therefore morally forbidden. This finding is in line with studies that affirm that the moral legitimacy of professional actions depends on the rational universality of their actions. (Kant & Paton, 2005) (Bello, 2024; O'Neill, 1989)

In addition, the Humanity Formula (*Humanity as an End in Itself*) shows that the unethical actions of advocates are also a form of instrumentalization of the law and human dignity. Research has found that behaviors such as "Lawyers At the Table" treat judges, 416 | **The Violation of the Dignity of the Advocate Profession in the Perspective of Deontological Ethics Immanuel Kant: A Philosophical and Juridical Study of the Phenomenon of "Lawyers at the Table** (Alex Togaraja Simanjorang)

judicial institutions, and even the law itself only as a means for a specific purpose, whether it is a case victory, strategic pressure, or an expression of frustration. This is contrary to the Kantian principle that requires human beings and institutions that represent rational dignity to be treated as ends in themselves. These findings reinforce the view that the ethics of the advocate profession has a dimension of public moral responsibility that should not be sacrificed for the sake of litigation. (Kant & Paton, 2005) (Luban, 1988; Wendel, 2005)

Furthermore, the study found that the concept of *good will* is the main variable that determines the ethical quality of an advocate's actions. When a profession is run based on good will, i.e. a commitment to justice, integrity, and obligation, the profession's behavior tends to be consistent with ethics. In contrast, when actions are determined by calculations of benefits, external pressures, or emotions, the tendency for ethical violations increases. These findings confirm Kant's thesis that the morality of actions is not determined by results, but by the underlying motives of obligation. (Bertens , 2011; Kant & Ellington, 1993)

Based on these findings, this study identifies that the obligation (*pflicht*) of advocates in the perspective of Kant's deontology at least includes the obligation to be civilized and the obligation to be rational. The obligation to be civilized demands respect for judicial procedures and institutions as a condition for the upholding of justice, while the obligation to be rational demands the use of legal arguments and reason, not intimidation or physical action. Thus, the ethics of the advocate profession are understood as a reflection of the quality of the moral rationality of the profession itself. (Kant & Paton, 2005; Sidharta, 2012)

Juridically, this study also found that the act of "Lawyers Sitting at the Table" has implications for a serious violation of the Indonesian Code of Ethics for Advocates, potentially qualifies as *contempt of court*, and can be subject to ethical and disciplinary sanctions. But more importantly, this study shows that such juridical sanctions derive philosophical legitimacy from Kantian deontological principles, since the legal profession essentially operates within the framework of universal moral obligations. (Code Ethics Advocate Indonesia, 2002; Law No.18 Year 2003; Law No. 48 Year 2009) (Kant & Paton, 2005; O'Neill, 1989)

Based on all these findings, this study emphasizes that the resolution of the problem of violations of the ethics of the advocate profession is not enough to be carried out through the approach of disciplinary sanctions alone, but must be through the reconstruction of professional ethics based on Immanuel Kant's theory of deontology. The first solution is carried out through the application of the Universality Formula, which is to make moral universality a test for every professional action. Every advocate's behavior must be tested whether it can be made a universal law without damaging the legal order. This principle is the basis for the formation of universal and rational professional ethical standards. (Kant & Paton, 2005; O'Neill, 1989)

The second settlement is carried out through the Humanitarian Formula, which is to place judges, clients, opponents, and judicial institutions as goals that must be respected, not just a means of achieving the victory of the case. This approach places professional ethics on the basis of respect for human dignity and the honor of the judiciary. (Kant & Paton, 2005; Luban, 1988)

The third solution is carried out through the strengthening of *good will* and the internalization of moral obligations (*pflicht*), namely building awareness that advocates act ethically not because they are afraid of sanctions, but because ethics are a moral obligation inherent in their profession. In this context, the development of the advocate profession must be directed at strengthening (Bertens , 2011; Kant & Ellington, 1993) *moral reasoning*,

ethical education based on legal philosophy, and internalizing professional integrity, not just the enforcement of formal discipline. (Bello, 2024; Sidharta, 2012)

Based on this analysis, this study formulated four universal ethical standards based on Kantian *good ethical practice*, namely the principle of procedural honor, the principle of dignity, the principle of rationality, and the principle of absolute honesty. These four principles become universal ethical standards that place the advocate profession not only as a technical profession, but as a moral profession that is carried out on the basis of respect for reason, human dignity, and justice. (Kant & Paton, 2005; Luban, 1988; O'Neill, 1989)

Thus, the results of this study answer the research hypothesis that Immanuel Kant's theory of deontology can be a philosophical foundation to analyze and offer solutions to the ethical violations of the advocate profession. The core of the problem lies in the crisis of moral obligation; and its solution, according to Kant, is carried out through three main paths: the universalization of action, respect for human dignity, and the internalization of universal moral obligations. Through this approach, the ethics of the advocate profession are no longer understood as limited to compliance with the code of ethics, but as an absolute moral obligation to maintain the rationality, justice, and honor of the legal profession. (Bello, 2024; Bertens, 2011; Kant & Paton, 2005)

4. CONCLUSION

Based on the results of the research and discussion, it can be concluded that the phenomenon of "Lawyers Sitting on the Table" as a representation of violations of the ethics of the advocate profession is a manifestation of a moral crisis in the practice of the legal profession which is rooted in the weakening of the internalization of moral obligations, the dominance of instrumental rationality, and the shift in the orientation of the profession from moral obligations to pragmatic interests. This action is not only a violation of the professional code of ethics, but also reflects a moral failure in carrying out the profession of advocate as a profession based on honor, integrity, and responsibility for justice.

This research shows that Immanuel Kant's theory of deontology is relevant as a philosophical foundation in analyzing as well as offering solutions to the ethical problems of the advocate profession. Through the principle of universality, every professional action must be accounted for as a generally accepted principle without damaging the legal order and justice. Through the principle of respect for human dignity, the advocate profession must be carried out by upholding the honor of the judiciary, respecting all legal subjects, and rejecting all forms of legal instrumentalization for pragmatic interests. Meanwhile, through the concepts of moral obligation and good will, professional actions are understood as ethical obligations that are carried out out of moral awareness, not just because of formal compliance with rules.

Thus, the settlement of violations of the ethics of the advocate profession is not enough to be pursued through disciplinary sanctions alone, but requires a reconstruction of professional ethics that relies on the universalization of actions, respect for human dignity, and the internalization of universal moral obligations. The implications of this study emphasize the importance of strengthening moral reasoning, professional ethics education based on legal philosophy, and the establishment of universal ethical standards oriented towards rationality, integrity, and justice. In the end, the integrity of the advocate profession can only be maintained if the profession is carried out not only as a technical practice of law, but as a moral practice that relies on obligations and responsibilities for justice.

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418 | **The Violation of the Dignity of the Advocate Profession in the Perspective of Deontological Ethics Immanuel Kant: A Philosophical and Juridical Study of the Phenomenon of "Lawyers at the Table"** (Alex Togaraja Simanjorang)

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