

Malpraktik advokat dan sanksi kode etiknya (sudi kasus komparatif antara Indonesia dan Jepang = Malpractice by lawyers and its ethical sanctions (comparative case studies between Indonesia and Japan)

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Abstrak

Skripsi ini membahas tentang malpraktik advokat yang terjadi di Indonesia dan Jepang. Penelitiannya bersifat normatif-komparatif dengan desain studi kasus. Hasil penelitian memperlihatkan persamaan dan perbedaan malpraktik advokat antara kedua negara ditinjau dari perspektif peraturan perundang-undangan, acara peradilan kode etik dan penerapan sanksinya. Hasil perbandingan mengungkapkan bahwa masing-masing sistem hukum mempunyai kelebihan dan kelemahan. Belajar dari pengalaman Jepang, penulis mengemukakan beberapa saran tentang revisi UU Advokat Indonesia, tentang pembenahan organisasi profesi advokat, dan partisipasi masyarakat dalam upaya mengurangi malpraktik advokat.

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This undergraduate thesis discussed about malpractice by lawyers in Indonesia and Japan. The research was carried out in a normative comparative form with case study design. Its result revealed some similarities and differences between malpractice by lawyers in the two countries viewed from the perspective of law and regulation, ethical trial procedure and application of sanctions. Comparisons disclosed that each legal system has its own strength and weakness. Learning from the experience of Japan, the author put forward some suggestions in revising Indonesia's Attorney Act, in rearranging the lawyers' organization and participation of the society in abating malpractice by lawyers.