

ABSTRAK

Profesi advokat berperan penting dalam menjamin hak warga negara untuk memperoleh keadilan, namun Undang-Undang Nomor 18 Tahun 2003 tentang Advokat melarang Pegawai Negeri Sipil (PNS) termasuk dosen Aparatur Sipil Negara (ASN) untuk diangkat dan berpraktik sebagai advokat. Ketentuan ini menimbulkan persoalan, terutama bagi dosen hukum yang berkewajiban melaksanakan pengabdian masyarakat melalui pemberian bantuan hukum. Putusan Mahkamah Konstitusi Nomor 150/PUU-XXII/2024 menjadi titik balik dengan memberikan pemaknaan baru terhadap larangan tersebut.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan konseptual. Bahan hukum primer meliputi peraturan perundang-undangan, putusan Mahkamah Konstitusi, serta dokumen resmi, sedangkan bahan hukum sekunder berupa literatur, jurnal, dan pendapat para ahli. Analisis dilakukan secara kualitatif dengan menghubungkan ketentuan hukum dengan teori peran, teori pendidikan, dan teori etika profesi untuk memperoleh pemahaman komprehensif mengenai posisi dosen ASN dalam praktik advokasi.

Hasil penelitian menunjukkan bahwa Putusan MK membuka ruang bagi dosen ASN berstatus PNS untuk menjalankan advokasi secara terbatas dalam bentuk bantuan hukum pro bono. Kebijakan ini selaras dengan Tri Dharma Perguruan Tinggi dan memperluas akses keadilan. Namun, implementasinya menimbulkan tantangan berupa potensi konflik kepentingan, beban ganda, serta tumpang tindih pengawasan etik. Karena itu, diperlukan regulasi lanjutan dan sistem pengawasan terintegrasi agar dosen ASN tetap menjaga netralitas, integritas profesi advokat, serta kualitas pelayanan hukum.

Kata Kunci: Dosen ASN, Advokat, Mahkamah Konstitusi

ABSTRACT

The legal profession plays a crucial role in guaranteeing citizens' rights to obtain justice. However, Law Number 18 of 2003 on Advocates prohibits Civil Servants (PNS), including lecturers as State Civil Apparatus (ASN), from being appointed and practicing as advocates. This provision creates issues, particularly for law lecturers who are obliged to carry out community service through the provision of legal aid. The Constitutional Court Decision Number 150/PUU-XXII/2024 serves as a turning point by providing a new interpretation of this restriction.

This research employs a normative juridical method with statutory and conceptual approaches. Primary legal materials consist of legislation, Constitutional Court decisions, and official documents, while secondary materials include literature, journals, and expert opinions. The analysis is conducted qualitatively by linking legal provisions with role theory, educational theory, and professional ethics theory to provide a comprehensive understanding of the position of ASN lecturers in advocacy practices.

The findings indicate that the Constitutional Court's decision opens opportunities for ASN lecturers, particularly those with PNS status, to engage in advocacy in a limited form, namely pro bono legal assistance. This policy aligns with the Tri Dharma of Higher Education and enhances access to justice. Nevertheless, its implementation poses challenges such as potential conflicts of interest, dual responsibilities, and overlapping ethical supervision. Therefore, further regulations and an integrated monitoring system are required to ensure ASN lecturers maintain neutrality, uphold advocate professional integrity, and guarantee the quality of legal services.

Keywords: *Civil Servant Lecturer, Advocate, Constitutional Court*