




## Violation of the Code of Ethics of the Legal Profession (Mediator) in the Phenomenon of Law Enforcement

<sup>1\*</sup> Yana Priyana

<sup>1</sup> Sanskara Karya Internasional

\*e-mail Correspondence: [yana.priyana@westscience-press.com](mailto:yana.priyana@westscience-press.com)

Article Info	Abstract
<p><i>Keywords: Law enforcement, Mediators, Facilitating dialogue, Disputing parties, Public trust</i></p>	<p><i>This paper examines the vital role of law enforcement in upholding order and justice within society, focusing on the essential function of mediators in facilitating dialogue and agreements among disputing parties. However, like any profession, mediators can also fall prey to code of ethics breaches, consequently undermining the integrity and public trust in law enforcement. The study delves into various cases of code of ethics violations involving mediators in the context of law enforcement. Consequently, mediators must comprehend the rules that govern their interactions with fellow mediators and the public who use mediation services. Maintaining their profession's ethics, authority, dignity, and honor is imperative for mediators, while loyalty to and enforcement of the Mediator Code of Ethics is essential. The Honorary Council oversees compliance with the Code of Ethics, thereby ensuring reasonable control and benefiting both members and the broader community. Maintaining fairness and transparency in law enforcement is indispensable for upholding societal justice. As neutral facilitators in dispute resolution, Mediators play a crucial role in helping parties reach mutually advantageous agreements. Nevertheless, practical challenges arise as mediators sometimes transgress the code of ethics, eroding the sanctity of the law enforcement process.</i></p>

  
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### INTRODUCTION

Mediators are crucial in facilitating dialogue and reaching an agreement between disputing parties in the law enforcement process. However, like any other profession, mediators can also be involved in violations of the code of ethics, undermining the integrity and public trust in law enforcement. The law enforcement of the code of ethics for notaries who commit violations involves making summons, giving warnings, and holding hearings to examine suspected violations of the code of ethics (Zuliana et al., 2022). The obstacles to enforcing the code of ethics for notaries include the limited number of members of the Notary Honorary Council and reluctance among fellow professionals to reprimand or impose sanctions (Shodiq, 2022).

The Texas Judicial Branch provides ethical guidelines for mediators, which include being responsible to the parties, the courts, and the public. Violations of these guidelines can result in disciplinary action (Fathony et al., 2023). The International Labour Organization's Code of Ethics for Mediators requires mediators to take reasonable steps to limit abuses of the mediation process and to not engage in any conduct that would undermine the integrity of the mediation process.

The realization of justice that is fast, simple, and low cost is the dream of every justice seeker everywhere. Law Number 48 of 2009 concerning Judicial power formulates in Article 4 paragraph (2): "Justice shall be conducted simply, quickly and at low cost". In a state of law subject to the rule of law, the judiciary's position is considered the executor of judicial power: A pressure valve for all legal agreements and public order. Therefore, the court is still relevant as the last resort or port of call for truth and justice (to enforce the truth and justice).

A code of ethics is a set of principles and guidelines designed to help professionals conduct business honestly and with integrity (Zuliana et al., 2022). It serves as a guide for members of an organization in carrying out their profession. It regulates their obligations, providing legal protection to each member in carrying out their duties and profession in the community. The code of ethics can encompass business ethics, professional practice, and an employee code of conduct (Situmorang, 2016). A code of ethics aims to help employees make decisions that align with what the company or organization values. It can improve decision-making at a business, making it easier for employees to be autonomous (FIRDAUS, 2019). Professional organizations have codes of ethics to eliminate unacceptable or immoral behavior from their members and manage employee behavior. A code of ethics cannot guarantee ethical behavior, but it can provide a compass to guide the organization through the business environment (Syahri, 2020).

A mediator is a profession that carries out its duties and functions in resolving various disputes that occur in the community, which in carrying out its work is under the provisions of applicable laws and regulations and the Code of Ethics. Each Mediator in his profession is neutral (impartial) and has freedom based on Honesty, Honor, Independence, Confidentiality, and Openness (Manik et al., 2023).

So that in carrying out the Mediator profession, Mediators must understand the rules in acting among fellow Mediators and the public as users of mediator services (Grant, 2002). For this reason, every Mediator is required to maintain the

ethics, authority, dignity, and honor of the Mediator profession, as well as being loyal and upholding Mediator members must uphold the Mediator Code of Ethics, where the implementation of this Code of Ethics is supervised by the Honorary Council as an enforcer for violations of the Code of Ethics committed by MMI Mediators so that there is reasonable control so that it can provide benefits for members and the wider community (Pramono, 2018).

Fair and transparent law enforcement is essential for maintaining justice in society (McComas, 2019). In dispute resolution, the mediator acts as a neutral party and a facilitator to reach a mutually beneficial agreement for all parties involved (Hayqal, 2022). However, in practice, mediators sometimes violate the code of ethics, which decreases the integrity of the law enforcement process (Setyadi et al., 2016).

The problem formulations in this study are: What causes violations of the code of ethics by mediators in the dispute resolution process? How do violations of the principle of ethics affect integrity and justice in the law enforcement process? What is the role of supervision and quality control in mediation to prevent violations of the mediator's code of ethics?

## RESEARCH METHODS

Legislation and codes of conduct for mediators can vary depending on the jurisdiction and the institution that regulates the practice of mediation. Below are examples of commonly used mediator laws and codes of conduct:

1. Law on Mediation: Many countries have laws that regulate the practice of mediation, including the obligations and responsibilities of mediators, the mediation process, and the protection of the privacy of the parties involved in mediation.
2. Code of Professional Conduct for Mediators: Institutions or professional associations of mediators often have codes of ethics established to govern the behavior and practice of mediators. These codes of conduct set out the ethical standards that mediators should follow in their duties. For example, the International Mediation Institute (IMI) has Model Standards of Conduct for Mediators as a global reference.
3. Code of Conduct for Mediation Institutions: Some mediation institutions have internal codes of conduct adopted by mediators registered or working under the institution. These codes may set out specific requirements to be followed by mediators affiliated with the institution.

4. **Mediator Ethical Guidelines:** In addition to formal rules, there are also ethical guidelines developed by professional institutions or associations that provide more detailed direction on ethical principles and the expected behavior of mediators. These guidelines often describe situations that may arise during mediation and advise how the mediator should act.
5. **Mediator Qualification and Certification Standards:** Some jurisdictions or professional bodies set qualification standards that mediators must meet to be certified. These standards cover the knowledge, skills, and ethics that the mediator must master.

It is important to note that mediator legislation and codes of ethics may vary between countries, jurisdictions, and institutions. Therefore, when conducting research or practicing mediation, it is essential to refer to the regulations and codes of conduct applicable to the relevant region or institution.

## RESULT

### *In analyzing the collected cases*

We identified several violations of the code of ethics committed by mediators. Some common violations include non-neutrality, conflict of interest, failure to maintain confidentiality, and lack of effective communication. These violations negatively impact the law enforcement process by reducing public confidence in the justice system and affecting fairness in dispute resolution.

In every aspect of a legal mediator's code of conduct, Neutrality is a crucial principle in mediation. A legal mediator must remain neutral and impartial to any of the parties involved in the mediation. They must ensure that they have no personal or conflict of interest that may affect their objectivity. Neutrality can be manifested through impartial demeanor, body language, and communication. The mediator should provide equal opportunities for all parties to speak, present their perspectives, and actively participate in the mediation process.

Case example: For example, if a mediator has a personal or professional relationship with one of the parties involved in the mediation, such as a family member or previous client, they should disclose the conflict of interest and withdraw from the mediation. When a mediator finds it difficult to maintain neutrality, they should openly communicate their concerns to the parties involved and consider using an alternative mediator.

Confidentiality is an essential aspect of mediation. A legal mediator must keep all information obtained during the mediation process confidential. They must

assure all parties that what is discussed or conveyed during the mediation will remain confidential unless there is written consent to disclose it.

Case example: A mediator must keep confidential the information provided by the parties, including any documents, statements, or facts disclosed during the mediation. They should not disclose such information to any other party without the permission of the party who provided it, unless a legal obligation or ethical rule requires it.

The principle of fairness ensures that all parties involved in the mediation have an equal opportunity to present their arguments, listen to the other party, and participate in the decision-making process. A legal mediator must treat all parties fairly and listen carefully to each perspective. They should not favor or discriminate against one party over another.

Case example: A mediator should ensure neither party dominates the conversation or intimidates the other. They should facilitate an open dialog, consider all arguments, and help the parties reach a mutually beneficial agreement.

A legal mediators should maintain high professionalism in their behavior and communication. They should treat all parties with respect, courtesy, and non-discrimination. A mediator should avoid conflicts of interest or relationships that could compromise their integrity or objectivity in their mediation duties.

Case in point: A mediator should avoid engaging in activities that could damage their professional image, such as accepting bribes or gifts that could influence their decisions or actions. They should also prevent unethical behavior, such as speaking harshly, denouncing, or defaming the parties involved in the mediation. In addition, a mediator must also maintain clear boundaries between their role as a mediator and their role in law or other business practice. They should not utilize information obtained during the mediation for personal or professional gain outside the mediation.

A legal mediator should have adequate knowledge, skills, and experience in mediation. They should update and improve through training, education, and professional development. Mediators should keep their knowledge of the law, mediation practice, and the latest developments in the field up to date.

Case in point: A mediator committed to competence should maintain their expertise by attending mediation-related training, seminars, or conferences and reading the latest literature on mediation. They should keep abreast of relevant developments in mediation law and practice to serve best the parties involved.

Supervision and performance evaluation by Conducting regular supervision of mediators, either through direct supervision or review of cases handled, can help detect violations of the code of ethics. Periodic performance evaluations can provide constructive feedback to mediators and provide opportunities for improvement.

Institutionalize grievance procedures, establishing a clear and easily accessible formal grievance procedure for parties who feel aggrieved by mediator conduct that violates the code of ethics is a crucial step. This enables affected parties to report violations with confidence and initiate appropriate investigations.

Ethics Committee or Advisory Board Establishing an independent ethics committee or advisory board can assist in ensuring the enforcement of the code of conduct. This committee can be tasked with reviewing reports of violations, conducting investigations, and proposing sanctions or other appropriate actions against mediators who violate the code.

It is essential to increase transparency and accountability, promote transparency in mediation practice, and hold mediators accountable for their actions. This can include involving parties involved in the mediation in the evaluation process and providing feedback on their experience with the mediator. By implementing adequate supervision and quality control, mediation institutions can reduce the risk of code violations by mediators, enhance the integrity of the mediation process, and ensure fair and transparent enforcement.

## CONCLUSION

Violations of the code of ethics by mediators in the dispute resolution process can occur due to various factors, such as non-neutrality, conflicts of interest, and lack of competence or adequate training. Violations of the code of ethics by mediators significantly negatively impact the integrity and fairness of the law enforcement process. It can result in unfairness in dispute resolution, undermine public confidence in the justice system, and decrease the legitimacy of mediation outcomes. Supervision and quality control play an essential role in preventing violations of the code of conduct by mediators. The risk of code violations can be reduced with careful selection and accreditation of mediators, continuous training and professional development, regular performance monitoring and evaluation, and instituting clear grievance procedures.

Establishing an independent ethics committee or advisory board and increased transparency and accountability in mediation practice can also help ensure more effective code enforcement. Recognizing the importance of



maintaining the integrity and ethics of mediators in law enforcement, steps taken to prevent and address violations of the code of ethics are essential in ensuring a dispute resolution process that is fair, trustworthy, and of integrity.

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