

## **Abstract**

Khoirul Umam, Adib. 2014. Potition Advokat of Verse 5 Constitution Number 18-th 2003 explained that advocate Islamic LAW Perspective. Skripsi. Jurusan Al-Ahwal Al-Syakhshiyah. Fakultas Syari'ah. Universitas Maulana Malik Ibrahim Malang. Pembimbing Dr. Hj. Tutik Hamidah, M.Ag

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Verse 5 of Constitution number 18 tahun 2003 explained that advocate's position is equal with other law enfocers such as judges, prosecutors and police. But in practice, there is "black" advocates who didn't enforce the law, however became law of mafia and ignored the justice. Because of that, what is Islamic view about advocate's position will be reviewed.

This study is conducted to explore Islamic perspective about advocate as enforce of law by only four Mazhaab. There is no "advocate" term in Islam but legal assistance providers was existed. It had the same function with advocate in this era.

This is normative research with descriptive method which analyze the comparation among positive law and Islamic law. Both of them are represented by Undang-undang nomor 18 tahun 2003 and the scholars of four mazhaab's perspective about this matter as primary data. On the other side, secondary data is taken from Islamic books and law theories which provide more explanation of primary data.

This study found that four scholars of mazhaab agreed that advocate was equal with judge. But it was because advocates in that era had high quality of their profession such as intellectuality and morality. There is also supervision and control for their performance.