

Ethics of the Legal Profession in the Digital Era

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ABSTRACT: The Society 5.0 era brings profound technological disruption, creating new ethical challenges for the legal profession. This article analyzes the complexity of legal professional ethics in the digital era using a normative juridical and philosophical approach. The research findings identify three critical areas: first, serious threats to the principle of confidentiality due to electronic communication, cloud storage, and digital footprints. Second, the widespread violation of ethics in the marketing and offering of legal services on social media, such as misleading advertisements and the exploitation of potential clients' emotions. Third, the emergence of dilemmas concerning professional responsibility and accountability in the use of artificial intelligence (AI), including the risks of algorithmic bias and the delegation of legal judgment duties. A critical analysis of the existing ethical regulatory framework, such as the Advocates' Code of Ethics, shows that these norms are too generic and not prospective, thus creating a regulatory gap in responding to digital dynamics. This article concludes that the adaptation of legal professional ethics requires a paradigm reconstruction, from a technology-neutral to a technology-specific approach. Key recommendations include the development of technical ethical guidelines, the strengthening of digital literacy obligations as part of professional competence, and the establishment of responsive oversight mechanisms. Thus, the integrity, public trust, and role of the legal profession as a pillar of justice can be maintained amid the acceleration of digital transformation.

KEYWORDS: Legal Professional Ethics, Digital Era, Confidentiality, Digital Marketing, Artificial Intelligence (AI), Code of Ethics, Regulatory Reform.

INTRODUCTION

The development of digital technology has disrupted various aspects of life, including the legal field. This transformation has brought a new paradigm to the practice of the legal profession, from how we communicate with clients, to document storage, legal research, and even to offering services through digital platforms. Digitalization offers unprecedented efficiency, accessibility, and expanded reach of legal services. However, behind this convenience, the digital revolution has also created a new landscape fraught with complex ethical challenges and dilemmas. Centuries-old principles of legal professional ethics, such as confidentiality, competence, conflicts of interest, and independence, are now being tested in a borderless, transparent, and technically vulnerable virtual environment.

The digital landscape has blurred traditional boundaries in legal practice. Communication that previously took place via formal letters or face-to-face meetings has shifted to email, instant messaging apps, or video conferencing. Physical document storage has shifted to cloud storage systems. Meanwhile, the marketing of legal services, once limited to directories or personal recommendations, has expanded to social media, websites, and digital advertising platforms. This shift in *modus operandi* has not only changed the way things work, but also fundamentally touched the very core of the fiduciary relationship between legal counsel and clients. In this context, a fundamental question arises: whether conventional ethical frameworks, formulated in the analog era, are still adequate to regulate professional behavior in the digital age. Or, is it necessary to reinterpret, adapt, and even create new norms that respond to today's technological realities.

Research by the American Bar Association in 2022 showed that more than 85% of legal practitioners use cloud storage services, but only about 60% have formal policies regarding the security and confidentiality of client data on these platforms. In Indonesia, a similar phenomenon is rapidly occurring. The rise of legal service advertisements on platforms like Instagram and TikTok, as well as the use of WhatsApp as a primary communication channel with clients, often lacks an adequate understanding of the ethical and legal risks involved. A study by Supriyono and Wulandari (2023) indicated the potential for ethical violations in digital advertising, such as exaggerated claims of success (guaranteed results) and a lack of clear cost information, which can mislead the public. This background confirms the significant gap between the speed of technology adoption and the maturity of ethical regulations regarding its use. Therefore, an in-depth study of legal professional ethics in the digital era is an academic and practical necessity to ensure that technological advancements do not erode the fundamental values of fairness and professional integrity.

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Based on this background, this study will critically examine three interrelated core issues. First, how digital transformation creates specific threats to the principle of client confidentiality and the integrity of client information. In practice, the use of electronic communications and cloud storage opens the door to the risk of hacking, accidental data leaks, or access by third-party service providers. Without strict security protocols and adequate technical knowledge, confidential client information is at risk, potentially violating an advocate's most sacred ethical obligations.

Second, how marketing activities and the offering of legal services in the digital space have the potential to violate ethical principles in advertising. The digital space, with its algorithms and dynamics, fosters competition that often triggers hyperbolic and unethical behavior. This problem includes analyzing misleading advertising practices, promising specific results, negatively comparing services with colleagues, or creating the impression that professional relationships can be built without careful consideration, solely through online transactions. Such advertising not only violates the code of ethics, as stipulated in Article 5 of Peradi Regulation Number 1 of 2022 concerning the Indonesian Advocates Code of Ethics, but also undermines the profession's dignity in the public eye.

Third, the use of artificial intelligence (AI) technology in legal practice, such as for jurisprudential research, legal document drafting, or risk analysis, raises new ethical dilemmas. These issues include accountability for errors generated by AI, the obligation to competently supervise the machine's work, and the potential for algorithmic bias that could result in unfair or discriminatory legal advice. This research will explore whether reliance on AI could erode lawyers' fundamental obligation to provide direct competence to their clients.

This research aims to achieve three main objectives. First, to systematically identify and analyze the most crucial and frequent challenges and ethical violations in the legal profession arising from the adoption of digital technology, with a focus on confidentiality, marketing, and the use of artificial intelligence. This objective is diagnostic in nature, allowing for a comprehensive mapping of the problem.

Second, to evaluate the suitability and adequacy of the current ethical regulatory framework, both contained in the Indonesian Advocates' Code of Ethics, the Judges' Code of Ethics, and other regulations, in addressing the dynamics and complexity of issues in the digital era. This evaluation will examine whether existing norms are sufficiently generic to encompass new technologies or whether they contain loopholes that need to be addressed immediately.

Third, as a final objective, this research aims to formulate constructive recommendations. These recommendations could include practical ethical guidelines for individual legal practitioners, proposed changes or additions to specific clauses in technology-related codes of ethics, or the sociology of the importance of ethical digital literacy in legal education curricula and continuing legal education programs. Therefore, this research is expected to contribute to building awareness and establishing clear guidelines so that technological advances can be utilized responsibly, without sacrificing the principles of integrity, trust, and fairness that are the foundation of the legal profession.

METHOD

This research employs a normative legal research method with a philosophical and conceptual approach. Normative research focuses on examining applicable legal principles and ethical norms, with the aim of identifying fundamental principles that serve as a framework for resolving ethical issues arising from digital technology. A philosophical approach is applied to examine ethical principles within the legal profession, such as fairness, confidentiality, and independence, and to explore their relevance and significance in the new context created by digital transformation. Furthermore, a conceptual approach is used to analyze key concepts such as "digital space," "electronic communication," and "online legal marketing" in relation to established ethical norms. This method is considered appropriate because ethical issues fundamentally involve assessing the suitability of an action to the ideal normative standards adopted by a profession. This type of research, as explained by Marzuki (2022), relies on primary, secondary, and tertiary legal materials to construct a coherent argument.

The primary legal materials reviewed include laws and professional codes of ethics, particularly Peradi Regulation No. 1 of 2022 concerning the Indonesian Advocates' Code of Ethics and the Judges' Code of Ethics. This primary material was analyzed using interpretative techniques, particularly extensive and teleological interpretations, to test the ability of these generic norms to address specific digital phenomena. Secondary legal materials consisted of academic literature, scientific journals, and textbooks on legal professional ethics, legal philosophy, and information technology law. Important references serving as a theoretical foundation include Tardjono's (2021) work on technological disruption to the legal profession and the ethical dilemmas of artificial intelligence in legal practice. Tertiary legal materials, such as legal dictionaries and encyclopedias, were used to clarify terminological definitions. To enrich the normative analysis, this study also integrated empirical findings from various survey reports, such as the ABA Legal Technology Survey Report (2022), as well as studies of actual cases published in journals (Azzuhdi et al., 2024).

RESULTS AND DISCUSSION

Digital Threats to the Principle of Confidentiality and Security of Client Information

In the era of Society 5.0, the principle of confidentiality, a cornerstone of legal professional ethics, faces existential challenges.

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Digital transformation has shifted communication and document storage practices from controlled physical spaces to vulnerable cyberspace. Communication, previously maintained through face-to-face meetings or official letters, has now shifted to instant messaging platforms like WhatsApp, email, and video conferencing. This shift, while offering efficiency, creates new vulnerabilities. The risk of interception, misdelivery, or unauthorized access by third parties to legal conversations has become real (Andriyana et al., 2024). Every connected device has the potential to become a loophole for the leakage of confidential client information.

A more systemic threat arises from the adoption of cloud storage and digital document management systems. While increasing accessibility and collaboration, these technologies shift control of sensitive client data to third-party service providers. This creates jurisdictional and data security dilemmas, where legal information guaranteed confidential by lawyers is stored on servers that may be located outside Indonesian jurisdiction and subject to different regulations (Golu et al., 2024). The potential for data leaks due to cyberattacks or internal negligence by service providers represents a concrete threat that could undermine the integrity of the profession and harm clients.

More subtle, but equally dangerous, is the threat posed by digital footprints and social media. A legal practitioner could inadvertently leak client information through background information in video calls, metadata in shared documents, or even their own digital behavior patterns. Case studies of ethical violations demonstrate how sensitive information can quickly spread and be manipulated in the digital space, compromising the confidentiality of a case (Puspawati et al., 2025). Therefore, the obligation to maintain confidentiality is no longer just about keeping your mouth shut, but also about securing every bit of data and managing digital identities with extreme care.

Thus, the digital era has not only transformed the medium but also fundamentally expanded the scope and complexity of confidentiality obligations. This challenge demands a reinterpretation and operationalization of conventional principles into adequate technical standards and cybersecurity protocols.

Violations of Ethical Principles in Marketing and Offering Digital Legal Services

The digital space has become a new arena for marketing legal services, but also a terrain prone to ethical violations. Platforms such as social media and search engines have facilitated promotional practices that often disregard the principles of courtesy, honesty, and impartiality upheld by the legal profession. Many advocates and law firms engage in misleading advertising practices, such as making claims of absolute success, using bombastic titles or achievements, or implicitly promising specific results for clients. Such behavior clearly violates the professional code of ethics, which prohibits making promises or guarantees that cannot be fulfilled, as it can actually raise unrealistic expectations in potential clients (Andriyana et al., 2024).

Another widespread violation is the exploitation of public emotions and ignorance in the digital space. Sensationalized promotional content often simplifies complex legal issues, creates black-and-white narratives, or even instigates excessive fear to attract potential clients. This practice is not only unethical but also undermines the dignity of the legal profession, which should act as guardians of justice, not fearmongers (Golu et al., 2024). Furthermore, the phenomenon of excessive uploads of case content and provocative public commentary on ongoing judicial processes can be seen as a form of trial by media. This has the potential to influence public opinion and undermine the principles of fair and impartial justice, as seen in the dynamics of the publication of high-profile cases (Puspawati et al., 2025).

Fierce competition in the digital space also encourages unethical comparative behavior, where one practitioner or law firm explicitly or implicitly denigrates the competence of another. This violates the principles of solidarity and respect among fellow professionals. Furthermore, easy access and direct communication via instant messaging often disregard proper professional conduct, such as the upfront disclosure of transparent and detailed fee information, which can lead to disputes between lawyers and clients. Therefore, digital marketing in the legal profession requires more specific and stringent ethical guidelines, demanding a balance between the need for promotion and the obligation to maintain the honor, honesty, and social responsibility of the profession in a borderless public space.

Professional Responsibilities in the Use of Artificial Intelligence (AI) Technology

The adoption of artificial intelligence (AI) technology in legal practice, such as for document analysis, predictive analytics, jurisprudential research, and contract drafting, presents a paradox: while offering unprecedented efficiency and depth of analysis, it also creates an uncharted realm of ethical responsibility. The use of these tools cannot relieve legal practitioners of their core obligations, namely to provide professional competence, judgment, and accountability directly to clients (Elyasin et al., 2025). Herein lies a key accountability dilemma: when legal advice or documents containing errors are generated by AI, ethical and legal responsibility remains with the advocate or law firm using it, not the software developer. This is in line with the principle of professional responsibility, which requires professionals to be accountable for their actions and decisions (Heriyono, n.d.).

Therefore, a new ethical obligation has emerged in the form of a duty of technological supervision, or the obligation to competently supervise AI tools. Legal practitioners should not use AI as a "black box" whose results are simply accepted. They must have a basic understanding of how the algorithms work, their limitations, and the potential biases inherent in them. For example, AI trained on historical court rulings risks perpetuating historical biases, such as discrimination against certain groups, which could

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result in unfair analyses or recommendations (Elyasin et al., 2025). In this context, the blind use of AI could be considered a violation of the principle of fairness, a core commitment of the legal profession.

Reliance on AI has the potential to erode the obligation to provide direct competence. The legal profession's code of ethics is built on a fiduciary relationship between counsel and client, where the client is entitled to legal advice filtered and critically considered by the professional's human intelligence and morality. If AI is used to replace, rather than simply assist, the process of in-depth legal analysis and deliberation, then it could be argued that the advocate has delegated a core professional obligation to a machine, an action that violates the principles of professional autonomy and integrity.

Another challenge is maintaining the confidentiality of client information. Data entered into AI platforms, especially cloud-based ones, can potentially be stored, processed, or even analyzed by third parties. Legal practitioners are obliged to ensure that the use of such technology complies with confidentiality principles and personal data protection regulations, such as by selecting providers with strict security and privacy policies and conducting due diligence before using them (Golu et al., 2024; Muhamad et al., 2025). Failure to do so is not only an ethical violation but can also have legal implications.

Thus, to ensure the responsible use of AI, proactive measures are needed. First, ongoing education and training for the legal profession on the ethics of legal technology must be intensified. Second, professional organizations need to formulate specific ethical guidelines governing the use of AI, establishing due diligence standards in tool selection, transparency obligations to clients, and validation mechanisms for AI work. Only with a critical, transparent approach grounded in established ethical principles can the legal profession harness AI's revolutionary potential without sacrificing its foundational values of fairness, accountability, and trust.

A Critical Analysis of the Adequacy of the Existing Ethical Regulatory Framework

The ethical regulatory frameworks governing the legal profession in Indonesia, such as the Advocate Code of Ethics (Peradi Regulation), the Judges' Code of Ethics, and the Police Professional Code of Ethics, are fundamentally built on noble principles that have been relevant throughout the ages: integrity, fairness, confidentiality, responsibility, and independence (Heriyono, n.d.; Marzuki, 2019). However, when faced with the reality of digital transformation, these normative frameworks exhibit a number of fundamental weaknesses. The main problem lies in their overly generic, reactive, and non-prospective nature. These codes of ethics are formulated within an analog paradigm, where threats to confidentiality originate from physical conversations, marketing violations are limited to print advertisements, and evidence of manipulation is physical. As a result, existing norms do not explicitly and operationally regulate the dynamics of the limitless, fast-paced, and technical digital space (Elyasin et al., 2025; Shiddiq & Sathori, 2025).

First, there is a wide regulatory gap between abstract principles and technical implementation. For example, while the Advocates' Code of Ethics mandates maintaining client confidentiality (Article 4), it makes no mention of minimum cybersecurity standards, due diligence requirements for selecting cloud service providers, or protocols for digital data breaches. The principles of honesty and the prohibition on misleading advertising are also not elaborated to cover specific practices on social media, such as the use of influencers, targeting algorithms, or the dissemination of clickbait and sensational content. This lack of technical guidance leaves practitioners confused and vulnerable to unintentional violations, while enforcement mechanisms (the Honorary Council) are often not equipped with sufficient technical understanding to assess violations in the digital space (Golu et al., 2024).

Second, the existing framework fails to anticipate and regulate new legal professions born of the digital era. The emergence of legal tech specialists, data privacy lawyers, and cybersecurity lawyers, as identified in several studies (Elyasin et al., 2025; Golu et al., 2024), occurs outside the scope of traditional ethical regulations grouped by conventional professions such as advocates, notaries, or judges. Professionals in these new fields lack specific codes of ethics governing their unique responsibilities, for example, in developing fair algorithms or managing big data for legal analysis. They are trapped in a regulatory gray area, potentially creating an accountability vacuum.

Third, the exponential pace of technological change is not matched by an agile and responsive code of ethics updating mechanism. The process of amending professional codes of ethics tends to be bureaucratic and slow, while new technologies and methods of ethical violations develop in a matter of months or years. A static code of ethics cannot serve as a living document that can address contemporary dilemmas, such as the use of deepfakes as evidence, bias in predictive policing, or the delegation of tasks to AI legal assistants. As a result, actions can often only be assessed *ex post facto*, after the loss or violation has occurred, rather than being prevented through clear guidelines.

Therefore, a paradigm shift is needed from a passive, "technology-neutral" approach to an active, adaptive, "technology-specific" approach. Future ethics regulations must incorporate new elements. First, Ethical Tech Guidelines as an appendix or official explanation of the core code of ethics, which set practical standards for data security, digital marketing, the use of AI, and the verification of digital evidence. Second, the integration of digital literacy obligations and standards of care in the use of technology as part of mandatory professional competencies. Third, the establishment of technology ethics councils or committees within professional organizations, comprised of legal and technology experts, tasked with monitoring developments, providing interpretive explanations of new cases, and recommending periodic regulatory updates.

Without this comprehensive reform, the existing ethical regulatory framework risks becoming merely a moral artifact that

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no longer touches the realities of modern legal practice. Public trust, the foundation of the legal profession's legitimacy, will continue to erode if the public perceives that law enforcers and advocates are not equipped with clear guidelines for ethical behavior in the world they now inhabit, namely the digital world (Shiddiq & Sathori, 2025). The adequacy of an ethical framework is no longer measured solely by the nobility of its principles, but by its ability to be effectively translated and operationalized in the ever-changing digital landscape.

CONCLUSION

Based on the overall analysis, it can be concluded that digital transformation poses fundamental and complex ethical challenges for the legal profession, requiring the reinterpretation and operationalization of conventional ethical principles into adaptive technical standards. Threats to client confidentiality, digital marketing violations, and accountability dilemmas in the use of artificial intelligence (AI) expose the weaknesses of the existing ethical regulatory framework, which tends to be generic, reactive, and unable to anticipate the dynamics of the digital space. Therefore, urgent reforms are needed in the form of developing specific technology ethics guidelines, integrating digital literacy obligations into professional competencies, and establishing agile and technologically savvy oversight mechanisms. Only through synergy between a commitment to the core values of the legal profession and intelligent adaptation to technological developments can the legal profession maintain its integrity, public trust, and its role as guardian of justice in the era of Society 5.0.

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