

ADVERTISING RESTRICTION AND LEGAL PROFESSION IN SABAH: AN AIDA MODEL PERSPECTIVE

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ABSTRACT

Purpose: The goal of this study is to describe in-depth the restrictions of legal service advertising from a marketing standpoint (attention, interest, desire, and action) utilising the AIDA model. **Methods:** This study was conducted using the qualitative approach due to its nature, which is to conduct a relevant document analysis and in-depth interview with legal experts on the restrictions of legal service advertising from a marketing viewpoint utilising the AIDA model as the underlying theory. **Analysis data:** Data analysis in this study using content analysis and an expert opinion methodological approach. **Result and discussions:** Based on the results of content analysis and expert opinion, the AIDA model can be used; nevertheless, it is only applicable to three dimensions: Attention, Interest, and Desire. However, this is not the case for the Action dimension. Furthermore, its use in advertising strategy is still constrained by existing legal requirements. The best advice is to publish the legal article and discuss legal concerns (i.e., Attention and Interest), as well as to use the website to provide acceptable information (i.e., Desire). This study extends the applicability of the AIDA model to the strategic use of social media for legal practitioners and firms. Besides, the findings of this study will benefit legal practitioners and policymakers in managing advertising restrictions. **Conclusion:** The AIDA model can be used to describe the advertising function that is the foundation of legal service restrictions. Functions of ATTENTION, INTEREST, and DESIRE can all be used to explain advertising restrictions. However, the "ACTION" function cannot be achieved.

Keywords: advertising, AIDA, marketing, AIDA

INTRODUCTION

Legal practitioners are expected to be benevolent and work for the cause of social upheaval, assist in providing justice to the victims, and provide pro bono services to the poor classes. The legal profession is regarded as one of the noblest and most highly respected professions (Siong, 2019). Nonetheless, legal services have their own sets of rules in governing legal marketing strictly in advertising their services to the public (Abdullah et al., 2008; Siong, 2019). In the real-world marketing strategy and practices, one is required to advertise or market themselves to create awareness of their product, services, or the company's existence (Ahmed et al., 2019; Naidu, 2017; Terkan, 2014). However, the Legal Professional (Practice and Etiquette) is the

opposite. Most of the time, it has been a hindrance to legal practitioners and legal firms as it limits or restricts how legal practitioners can advertise their services (Rules 1988). To this day, the debate over such advertising barriers is still ongoing among scholars and legal practitioners (Breytenbach & North, 2000; Chambliss, 2019; Darden et al., 1981; Hazard Jr. et al., 1983; Siong, 2019; Walker & Walker, 1979).

In Sabah, the legal practitioners are governed by the Advocates Ordinance (Sabah Cap.2), which was amended by the Advocates (Sabah) (Amendment) Act 2016, which was in effect since 1 July 2017, and for this study, reference is made to Advocates (Practice and Etiquette) Rules 1988 (G.N.S 16 of 1988) which was in effect since 25th August 1988 which

particularly govern the conduct of the legal practitioners in Sabah. Sabah's legislation on the legal profession differs from West Malaysia (Legal Profession Act 1976) and Sarawak (Advocates Ordinance 1953). The Advocates (Sabah) (Amendment) Act 2016 provides the establishment of the Sabah Law Society as a statutory body, disciplinary proceedings against advocates by the newly established Disciplinary Board. The Sabah Law Society (SLS), in consultation with the State Attorney General, has the power to regulate the practice, etiquette, and accounts of the profession in Sabah. This Disciplinary Board is empowered to mete out punishments on advocates who are guilty of any misconduct. It amounts to misconduct for the legal practitioner to do an advertisement or advertise oneself as an advocate to solicit works contradicting the Advocates (*Practice and Etiquette*) Rules 1988 among others as follows:-

1. Rules 37: Advocates writing for the press not to describe themselves as an advocate
2. Rules 39: Advocate not to describe himself as advocate without consent of Chief Judge
3. Rules 45(a), (b) and (c): Advocate not to advertise
4. Rules 46: No personal advertisement
5. Rules 47: Advocate not to give an interview
6. Rules 48: Advocate not to publish a photograph
7. Rules 50 (a) and (b): Advocates not to advertise address

Despite the clear restriction and limitation enlisted hereinabove, the legal practitioners in Sabah still manage to exist, survive, and provide legal services to the public and corporate entities. However, with the world transitioning into the online environment, the legal firm's owners and the legal practitioners must not neglect the power of online and utilising online market for the legal service against the traditional marketing approach.

Based on the Sabah Law Society's website, there are 351 legal firms throughout Sabah. Out of 351 registered legal firms with Sabah Law Society (SLS) in Sabah, only 35 legal firms have websites, and only two legal firms have Facebook pages using the keyword "legal firm Sabah." The remaining legal firms which could not be found over the other form of digital media thus can safely be assumed to have not fully utilised Google Ads and social media such as Facebook, LinkedIn, Instagram, Twitter, and YouTube, except the Sabah Law Society's website; the official database for advocates in Sabah. Based on the current trend, the legal practitioners in Sabah are assumed to be unaware of and not being exposed to the digital platforms as they are lacking on online marketing knowledge, at the same time, there is uncertainty as to what extent the marketing of legal service can be done without contradicting the Advocates (*Practice and Etiquette*) Rules 1988. At the same time, scientific research on the topic of advertising restrictions, particularly from a marketing standpoint, has received somewhat less serious attention (Abdullah et al., 2008; Breytenbach & North, 2000; Hazard Jr. et al., 1983).

For the legal practitioner, the use of a modern strategy of advertising in daily operation is still in its infancy (Chambliss, 2019). From a theoretical aspect, the AIDA model is often utilised in marketing activities such as promotions, advertising, sponsorship, and business through websites and social media. However, studies on how the AIDA model might be utilised in legal practitioners and firms are relatively limited and warrant further investigation (Naidu, 2017; Siong, 2019). This is the result of a lack of in-depth research on the topic of advertising restrictions (Abdullah et al., 2008; Hassan et al., 2015). In addition, previous research on advertising restrictions has concentrated solely on the legal aspect, ignoring the importance of advertising as a strategy in the service

industry. Therefore, the objective of this study is:

1. To describe in-depth the advertising restrictions from a marketing standpoint (*attention, interest, desire, and action*) utilising the AIDA model.
2. To identify the possible solution and recommendations based on legal experts' opinions.

THEORETICAL BASIS

Advertising is commercialising one's business or services, and doing the same in a legal profession is considered undignified. This distinguishes legal services from many other services that are purchased by consumers. In Sabah, advertising activities among legal practitioners must be in line with the provisions in the Advocates (Sabah) (Amendment) Act 2016 and Advocates (Practice and Etiquette) Rules 1988. The fact is, although these advertising restrictions have long been implemented, this study is unique in that it looks specifically from the perspective of the AIDA model, specifically from four different dimensions, namely Attention, Interest, Desire, and Action.

“Advocates (Practice and Etiquette) Rules 1988.”¹

Rule 37.
Advocate writing for the press not to describe himself as an advocate.

Rule 45.
Advocate not to advertise

Legal Constraint to advertise legal service in Sabah

The provisions of the Advocates (Sabah) (Amendment) Act 2016 and the Advocates (Practice and Etiquette) Rules 1988 must be followed while advertising among legal practitioners in Sabah. The law and regulations regarding the limitation and restrictions in advertising of the legal profession are as follows:-

Advocates (Sabah) (Amendment) Act 2016: 12B Power of Disciplinary Board to strike off the roll, suspend for misconduct, etc.

Subsection (2) provides that any advocate who has been guilty of any misconduct shall be liable to be struck off the roll. Further subsection (3) defines "misconduct" means conduct or omission to act in Sabah or elsewhere by an advocate in a professional capacity or otherwise which amounts to grave impropriety among other subsection (k) if he is guilty of a breach of any rules made under this Ordinance and (m) if he accepts employment in any legal business through a tout

Subject to rule 38, an advocate writing for the press or publication except in his professional capacity shall take reasonable steps to secure that no description of him as an advocate or of his legal work appears in connection with his article.

(a) an advocate shall not solicit work or advertise either directly or indirectly whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments, or procuring his photographs to be published in connection with cases in which he has been engaged or concerned.

(b) no advocate shall display outside his office facing a public road or public thoroughfare, a nameplate larger than in size 2 ½ feet by 2 feet.

(c) no advocate shall indicate in his signboard, nameplate, or stationery that he is or has been a member of any association or that he has been associated with any person or organisation or with any

¹ Advocates Practice & Etiquette Rule 1998

	particular cause or matter or that he specialises in any particular type of work.
Rule 46. No personal advertisement	An advocate shall not do or cause or allow to be done anything with the primary motive of personal advertisement, or anything calculated to suggest that it is so motivated.
Rule 47. Advocate not to give an interview	An advocate shall not give an interview or supply information to the press concerning his life, practice, or earning at the Bar
Rule 48. Advocate not to publish a photograph	An Advocate shall not take steps to procure the publication of his photograph as a member of the Bar in the press or any periodical.
Rule 50. Advocate not to advertise address	It is contrary to etiquette for an advocate – (a) to advertise his address or the address of his firm in any book, pamphlet, newspaper, periodical, or other publications, or (b) to sanction the publication either in the press or elsewhere of notices or articles referring to his professional qualifications or merits: Provided that this rule shall not apply to the printing of the name and address of any advocates or any firm of advocates in the Law List, Law Directories, Legal Diaries, and such other Directory as the Chief Judge may from time to time sanction, or in any telephone directory in Malaysia, including that part reserved for advertisements and currently known as the “yellow pages” or in ordinary legal notices published in the press or elsewhere. In so printing his or their name and address, an advocate or firm of advocates shall give no undue prominence thereto either by the use of large print or enlarged space, and in every case the publication shall comply with any restrictions, guidelines, or rules laid down from time to time or at any time or at any time by the Chief Judge in respect of the publication in issue.
Rule 51. Advocate not to do or cause touting	An advocate shall not do or cause or allow to be done, anything for the purpose of touting directly or indirectly or which is calculated to suggest that it is done for that purpose.”

The constraints in marketing as pointed out hereinabove provide clearly that the legal practitioners are prohibited from advertising or publishing themselves as an advocate or legal firm which is not in line with the rules, breach any of which shall warrant disciplinary proceeding as envisaged in Section 12B (2) Advocates (Sabah) (Amendment) Act 2016.

Advertising and AIDA Model

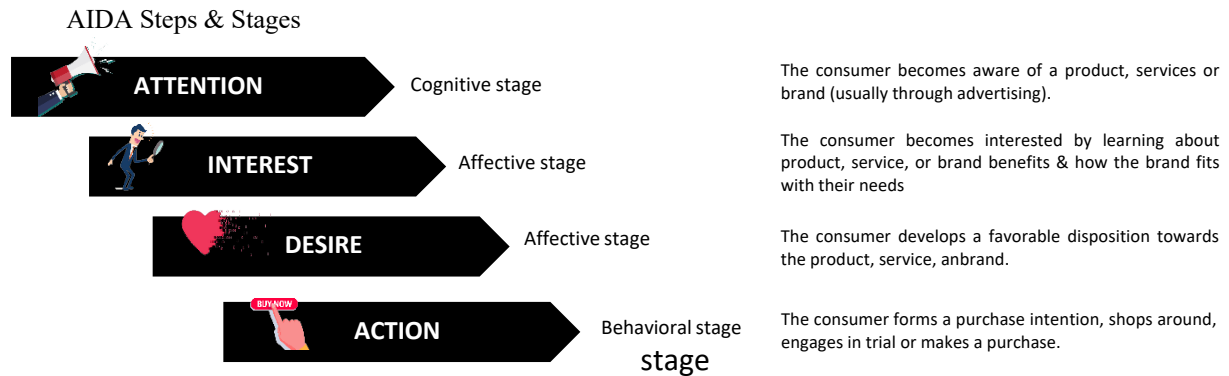
The AIDA Model, which stands for Attention, Interest, Desire, and Action, is an advertising effect model that defines the stages that a person goes through while

acquiring a product (Heath & Feldwick, 2008). The AIDA model is very useful in assessing the impact of advertising (Mumtaz, 2019) by controlling every step of the psychological transformation that starts from the individual level to seeing an advertisement up to the purchase made by the individuals involved (Mokhtar & Samsudin, 2015; Sahar Gharibi et al., 2012). The AIDA model has been in use since the late 19th century, and it describes the cognitive phases that a person goes through while purchasing a product or service (Hassan et al., 2015; Rawal, 2013). It's a purchasing funnel in which buyers

move from one stage to the next to help them make the ultimate purchase. At the affective stage, customers are interested in the services provided and want to learn more about them. This incites a desire to purchase the product or service (Rehman et al., 2014). At the behavioural level, the consumer will begin to act. Consumers will

use the services provided as a valued resource (Ghirvu, 2013). Besides, in digital marketing, sales techniques, and public relations initiatives, the AIDA model is frequently employed (Pashootanzadeh & Khalilian, 2018; Rawal, 2013; Sahar Gharibi et al., 2012). Figure 1 below is the AIDA model illustration.

Figure 1: AIDA Model



Attention

The first step in the AIDA model is to think about the way to attract the eye of consumers. The target at this stage is to create as many people conscious of the merchandise, goods, or brand as possible (Pashootanzadeh & Khalilian, 2018; Rawal, 2013). This can usually be achieved by advertising the products or services widely. This is often done across whatever mediums are thought to be best for potential customers while also taking into consideration the price of advertising (Mokhtar & Samsudin, 2015). Obviously, as new sorts of media arise, like social media, new methods of making awareness are used. For instance, this trend has seen an increase in social media “influencers” over the previous few decades (Idris & Rahman, 2017). Due to restrictions in advertising their services to the public, forcing legal practitioners to be more creative in optimising some of the options available to impress their clients. For example, legal firms can provide free legal education and advice in the publication of journals, articles, and newspaper columns to create awareness and build relationships with the local community (Darden et al.,

1981). In expansion, building a strong brand is an alternative to extending consumer awareness and the presence of a legitimate firm (Abdullah et al., 2008).

Interest

When a customer exhibits active interest in a product or service that he is aware of, this is referred to as consumer interest (Ghirvu, 2013). They become interested in learning more about the product after becoming aware of it. They want to learn about the nuances of it and how it might fit into their lives. That is why most advertisers work hard to generate interest in their products and services (Sama, 2019). In other words, a key part of advertising strategy is generating client interest. Once the consumer is aware of the existence of the product or service, the firm must try to pique the potential customer's interest. Legal services, on the other hand, are classified as unadvertised businesses, similar to clinics and accounting firms. In many countries, including Malaysia, bar associations expressly ban some advertising actions of their members' legal services (i.e., Publicity Rules 2001 and Rules 1988) (Abdullah et al., 2008). To summarise, many businesses are willing to

spend a significant amount of money on advertising to create interest in their products and encourage buyers to learn more about them. This is not the case, however, with legal firms.

Desire

Desire is a strong feeling or emotion that drives people to seek out and achieve what they desire (Idris & Rahman, 2017). Marketers will persuade clients that they want and desire the product or service and that it will meet their demands during the Desire stage (Li & Yu, 2013; Mumtaz, 2019). As a result, the goal is to persuade clients that the product or service is something they want and that it will meet their needs. For the legal profession, advertising restrictions have prevented them from pursuing this step. The opportunity to create "desire" among customers is through a recommendation by close friends, relatives, colleagues, and acquaintances (Hazard Jr. et al., 1983; Siong, 2019). This is significant because how well **clients are** treated by their legal advice affects their desire to trust or refer them (Eisingerich & Bell, 2007).

Action

The AIDA model's final step is action. The goal of this step is to get your users to take action. A call to action, or any remark intended to elicit an immediate response from customers, should conclude the advertising plan (Ghirvu, 2013). This step involves the individual taking conscious and deliberate action to convert from a prospect to a customer. Typically, this activity entails acquiring the desired product or service. Besides, the ultimate goal of an advertising campaign is to get the recipient to take action and buy the product or service (Idris & Rahman, 2017; Mumtaz, 2019). Increased marketing efforts by professionals in the legal field show that they are conscious of the necessity to advertise and sell their services. Several previous studies have demonstrated a rise in the use of marketing by legal firms as the

legal sector becomes more competitive and market-driven, however, these efforts are hampered by different hurdles and restrictions (Breytenbach & North, 2000; Chambliss, 2019; Darden et al., 1981; Eisingerich & Bell, 2007; Hazard Jr. et al., 1983; Walker & Walker, 1979).

METHOD

Research Design

This study was conducted using the qualitative approach due to its nature, which is to conduct a relevant document analysis and in-depth interview with legal experts on the restrictions of legal service advertising from a marketing viewpoint utilising the AIDA model as the underlying theory. To collect the necessary data for this study, the researchers used content analysis and an expert opinion methodological approach. The qualitative research methodology aims to investigate the subject thoroughly, something quantitative research cannot do (Daniel, 2016). Because this is in-depth research of advertising restrictions, it is appropriate to utilise a methodology (i.e., content analysis and expert opinion) that can offer a written and text description of the complex scenarios that include individuals and their experiences (Marvasti, 2018).

Data Collection

To describe in-depth the restrictions of legal advertising upon the legal practitioners in Sabah, the source of the restrictions will be analysed by perusing the relevant rules, particularly the Advocates (Professional & Etiquette) Rules 1988 and Advocates (Website) Rules 2013. The interviews were done face-to-face, via telephone calls and via google meet for safety reasons due to pandemic covid-19. Audio or video recordings were done in the respective interviews which thereafter, were transcribed into words to enable the researchers to conduct content analysis. Further, data collected from content analysis and expert opinion will be analysed using Nvivo software. Table 1

below is the illustration of the instruments, including approach, source, and process flow. Meanwhile, Figure 2 below shows the research framework and steps in the data collection methods of the study.

Table 1: Research Instruments

Approach	Source	Process Flow	Aim
Content Analysis	Documents: (i) Advocates (Sabah) (Amendment) Act 2016. (ii) Advocates (Practice and Etiquette) Rules 1988. (iii) Advocates (Website) Rules 2013. (iv) Advocates (Practice and Etiquette) Rules 1988 – Waiver under Rules 62 (G.N.S 29 of 2013).	a. Data are collected and made into text (e.g., field notes, transcript). b. Codes are analytically developed or inductively identified in the data and affixed to sets of notes or transcript pages. c. Codes are transformed into categorical labels or themes. d. Materials are sorted by these categories, identifying similar phrases, patterns, relationships, and commonalities or disparities. e. Sorted materials are examined to isolate meaningful patterns and processes. f. Identified patterns are considered in light of previous research and theories, and a small set of generalisations is established.	Understanding and describing advertising restriction.
Expert Opinion	(i) Semi-structure interview (ii) Four (4) legal experts. (iii) Has expertise in the legal field and has 10-30 years of experience. (iv) List of questions: 1. What is your opinion on the restrictions to advertising that limit the marketing of legal services in Sabah? 2. What is your opinion if the lawyers are allowed to use social media to market their service or for publicity? 3. What will you recommend for the development of marketing legal services in Sabah? 4. Can the Advocates advertise or not? 5. What is "advertisement" from a legal perspective especially in Sabah law? 6. What is your opinion on advertising restrictions? 7. What strategy did you use to create awareness and attract interest from the potential client?	(a) The Preparation Stage of expertise i. detailed planning of expertise ii. selection of experts iii. designs of the materials for expert (b) The procedure of expertise i. direct/mediated communication with experts. ii. process of expertise with/without experts' interaction in the discussion. iii. obtaining of expert's opinion and/or assessment. (c) Data processing or analysis i. Data collection ii. Data processing iii. Analysis and evaluation of obtained results	Understanding advertising restriction identifying possible solu and recommendati



Figure 2: Research Framework

RESULTS AND DISCUSSION

Advocates (Practice and Etiquette) Rules 1988 and Advocates (Website) Rules 2013 are the relevant statutes that govern the conduct of the advocates and provide **the dos and don'ts** in discharging the duty as

the advocates in Sabah. To determine what are the advertising restriction from the AIDA model perspective content analysis of the applicable rules in the Advocates (Practice and Etiquette) Rules 1988 and Advocates (Website) Rules 2013 using thematic analysis. Table 2 below is the summary of the findings of the content analysis supported by the legal expert.

Table 2: Rules restricting advertisement and publicity upon the Advocates in Sabah categorised based on the AIDA model

Theme	Rules/restriction upon Advocates
Attention	<ol style="list-style-type: none"> Disallowed to advertise either directly or indirectly in the followings²:- i) Circular; ii) Advertisement, iii) Newspaper To avoid one's photo being published in connection with the cases he/she is engaged³ The usage of display of nameplate larger must comply with the size specified (2½ feet x 2 feet)⁴ One shall not advertise the firm's address in any book, pamphlet, newspaper, periodical, or other publications⁵ (except for website content) Advocates shall not do personal advertisements⁶ (except for website content).
Interest	<ol style="list-style-type: none"> Advocate is prevented from allowing his/her photograph from being published in press or periodical as a member of Bar⁷. No advocate shall be authorised for his or her qualification or merits to be published⁸. Advocate is prevented from claiming as experts or specialists in any area of practice⁹. Advocate shall not state that any particular person is or has been his or his firm's client¹⁰. "Advocate shall not do any publicity which makes any direct or indirect reference to any case in which he or any other advocate practising in his firm had acted for any party to the case, including the number or proportion of cases that have been successfully undertaken by him or them, or to his earnings or the earnings of any other advocate practising in his firm"¹¹.
Desire	<ol style="list-style-type: none"> One is disallowed to give an interview or supply information to the press concerning his life, practice, or earning at the Bar¹² An advocate shall prevent oneself from indicating that she/he is a member of any organisation or association¹³ The webpage shall not publish the number of visitors' information to be seen by the public¹⁴ No publicity incorporates the armorial bearings of the Malaysian Bar and Sabah Law Association¹⁵. No publicity which makes any comparison with, or criticism in relation to, the charges

² Rule 45 (a) Advocates (Practice & Etiquette) Rules 1988

³ *ibid*

⁴ Rule 45 (b) Advocates (Practice & Etiquette) Rules 1988

⁵ Rule 50 (a) Advocates (Practice & Etiquette) Rules 1988

⁶ Rule 46 Advocates (Practice & Etiquette) Rules 1988

⁷ Rule 48 Advocates (Practice & Etiquette) Rules 1988

⁸ Rule 50(b) Advocates (Practice & Etiquette) Rules 1988

⁹ Rule 8 (1)(e) Advocates (Website) Rules 2013

¹⁰ Rule 8 (1)(g) Advocates (Website) Rules 2013

¹¹ Rule 8 (1)(f) Advocates (Website) Rules 2013

¹² Rule 47 Advocates (Practice & Etiquette) Rules 1988

¹³ Rule 45 (c) Advocates (Practice & Etiquette) Rules 1988

¹⁴ Rule 6 (d) Advocates (Website) Rules 2013

¹⁵ Rule 8 (1)(l) Advocates (Website) Rules 2013

	for, or the quality of, services provided by any other advocate or firm ¹⁶ . 6. No publicity which makes any laudatory references to himself or his firm, or directly or indirectly extols the quality of the professional services provided by him or his firm ¹⁷ .
Action	1. Touting ¹⁸ . 2. Disallowed to make any statement relating to the rates charged or the firm's method of charging ¹⁹ . 3. Shall not engage the services to promote his website or to give an advantage to the advocate over other advocates when an internet search is made ²⁰ .

The findings from the legal experts are presented in Table 3 below. Four sets of transcriptions that were collected represent one legal practitioner, respectively marked as Expert 1, Expert 2, Expert 3, and Expert 4. Thematic analysis was used in analysing the data, and description-focused coding was used to describe relevant excerpts selected and create a code that reflects the description of the excerpt.

Table 3: Summary of Expert Opinion

Theme	Expert 1	Expert 2	Expert 3	Expert 4
Advertisement by a lawyer (perception)	Against the profession	Rules 45 specifically prohibits	The ethical rule says no	There is a strict provision that prohibits
The advocate's marketing approach	a. Do "Pro bono" (free legal service) b. involve in NGO c. become a writer d. join volunteering work e. through words of mouth through your own work, through your own work, you make your good name (reputation)	referrals by existing clients, family, or friends (word of mouth)	a. Expertise b. reputation	a. Reputation b. expertise c. our client will further introduce another potential client (word of mouth)
View on Advocates advertising in social media	a. Grey area because no law (in Sabah currently) b. need regulation to control	a. Should be allowed b. there must be a reasonable limit and new laws to regulate	No problem	a. under current law not permissible b. it should be allowed with rules enacted to allow social media
Recommendation To improve marketing legal service	There must be a rule which all these technologies must be suited... there must be some control over that	a. Need to reform the legal framework b. There should be an official feedback system on how we can give clients feedback or ranking or evaluate the effectiveness of the legal services sector in Sabah.	a. Appoint a person who knows how to advertise their firm b. The lawyers themselves must educate themselves about social media	a. The law must be amended in tandem with current development. b. It is time to regulate the law to permit posting on social media.

Based on the information collected and analysed in Table 2 and Table 3 hereinabove, the AIDA model may be applied to create awareness, interest, and desire for the potential client to retain the lawyer or advocates. In the absence of the rules governing the advertisement of legal services on social media, the Advocates must be vigilant of the rules, particularly on

information that is not permissible to be published.

To describe in-depth the advertising restrictions from a marketing standpoint utilising the AIDA model

The theme is categorised into four components of the AIDA model consists Attention, Interest, Desire, and Action applied to the relevant rules that specifically stated what activity, action, conduct, and method that amount to advertising the legal service and personal advertisement. Based on the findings of the study, it can be concluded that only three components are related (i.e., Attention, Interest, and Desire) to the restrictions of legal service advertising. While the Action component does not.

The Advocates were prohibited from attracting ATTENTION from the public by doing anything contrary to Rules 45 and 46 of the Ethics Rules, among others, not to solicit works by advertising in the newspaper and using the photograph to directly or indirectly hint to the public that he is a lawyer. In the alternative, the Advocates can use the website to be accessible to the public. Most importantly, no law prohibited them from attracting attention through personal social networking. It is understood that such restriction is to uphold the dignity of the legal profession and to avoid unnecessary competition among the legal fraternity if no specific rules are stipulated about the size of the nameplate display. Additionally, personal advertisements such as requesting himself to be photographed to make the public know that he is representing the client in the newspaper amount to drawing attention from the public and unethically indirectly exposing the confidentiality of his client's case.

The second component is INTEREST which is found in Rules 48, and 50

¹⁶ Rule 8 (1)(k) Advocates (Website) Rules 2013

¹⁷ Rule 8 (1)(j) Advocates (Website) Rules 2013

¹⁸ Rule 51 Advocates (Practice & Etiquette) Rules 1988

¹⁹ Rule 8 (1) (i) Advocates (Website) Rules 2013

²⁰ Rule 9 (2) Advocates (Website) Rules 2013

Advocates (Professional & Etiquettes) Rules and Rules 8(1) (e),(g),(f) of the Advocates (Website) Rules 2013. To draw the interest of the potential clients by showing among others the qualifications, and merits and claiming as the expertise or specialist in any area of practice so that the public will have the impression that he is the most qualified and competent lawyer, which is rather misleading the public as the competency and qualification are the standards of each advocate is expected to have. The act of an advocate publishing his photograph in the press as a member of the Bar or disclosing to the public that his client is someone important and person of social standing such as a celebrity, politician, sportsman, or prominent businessman; would attract the interest of the public. Another unethical conduct that would attract the interest of the public is when the advocates expose the number of cases that have been successfully taken, thus **creating** the impression to the public that this advocate is the “winning lawyer”.

The next component is DESIRE. Desire is the affective stage when the customer is already attracted to the service, further information is desired by the customer to be considered to match his necessity or requirement before getting the service (Mumtaz, 2019). The restriction under Rules 47 and 45 (c) of the Advocates (Practice & Etiquette) 1988, Rules 6(d), 8(1),(k) and (j) of the Advocates (Website) Rules 2013, which if allowed, will disclose information that would tempt the potential client to choose and retain the advocates. Among the unethical information that cannot be used to entice the clients’ desire, such as comparing the service of the other legal firm and the legal fees charges, criticising other advocates’ service and quality; the same strategy used in the commercial advertisement.

ACTION is the behaviour stage and the fourth component of the model. The potential clients take action to engage the lawyer in the final stage after being aware, showing interest to know and investigate

further details as he desired of the service. The conduct that suits the action theme can be found under Rule 51 of the Advocates (Practice and Etiquette) Rules 1988 and Rules 8 (1)(i) and 9(2) of the Advocates (Website) Rules 2013. The Advocates cannot give a statement relating to rates charged or the firm’s method of charging so that the potential client acted upon the statement given, and decided to engage the lawyer. Most importantly, the client must not involve in getting the service through a third party (touting). Although there are restrictions to advertise and publicity, the law does permit certain information to be disclosed to the public to enable the public to have access to the advocates with limited details sufficient for the public to recognise the legal practitioners and the firms.

To identify the possible solution and recommendations based on legal experts’ opinions

Several proposals have been identified, notwithstanding the advertising restrictions imposed on legal practitioners in Sabah. Among them are the following: ***The AIDA model applicability-for*** “attention” and “*interest*”, the Advocate can publish the legal article and share legal issues in response to the social problem to educate the public about their rights which may attract the interest of the potential clients to get more information. Meanwhile, for “*desire*”, the Advocates may utilise the website by providing approved information such as the area of law practised academic background and qualifications, language proficiency, and designation as Notary Public or Justice of Peace. In theoretical terms, this study extends the applicability of the AIDA model to the strategic use of social media for marketing specifically for legal services. Furthermore, this research suggests that legal professionals should focus on increasing brand awareness and utilising social media.

i. Brand Awareness

In the legal sector, service differentiations that can separate a firm from its competitors are very few. However, a brand could help the public identify a firm and its services in terms of its images and names. If direct marketing is not possible, legal firms should focus on ways to build public awareness of the firm's name, logo, trademark, brandmark, etc. Several ways could be implemented by legal firms in developing branding strategies. For instance, firms that receive certain recognition have distinctive images and names, logos, and accompanying taglines that could maintain high visibility in the marketplace. In this way, the likelihood that consumers can recognise the existence and availability of the legal firms' service is high (Sharp, 1996; Świtłała et al., 2018). The creation of brand awareness is one of the key steps in promoting a product. This higher rate of brand awareness equates to higher sales and also serves as an economic defence that prevents competitors from gaining more market share (Homburg et al., 2010; Sasinovskaya & Anderson, 2011).

ii. Social Media

The experts unanimously recommended for the law to be reformed which being said to include the amendment to the existing law, must embrace the technology advancement and control the information to be used by the advocates when utilising social media. The experts' recommendations are a reflection of what can be done to improvise the current practice. Experts encouraged the lawyers to educate themselves about social media (marketing) or to hire a marketing expert to promote the legal firm. They suggested that there should be an official feedback system on how the lawyers can receive the clients' feedback or ranking to evaluate the effectiveness of the legal services sector in Sabah. The finding shows that the model can indeed be applied in strategising the use of social media for marketing purposes.

This outcome is in line with the work of Hassan et al. (2015), who argued that the AIDA model is practical in the context of social media usage. The findings also back up the claims made by (Pashootanizadeh & Khalilian, 2018; Sahar Gharibi et al., 2012) that computer-mediated tools have the potential to be powerful marketing weapons for businesses.

CONCLUSION

In general, the AIDA model can be used to describe the advertising function that is the foundation of legal service restrictions. This study's findings show that the functions of ATTENTION, INTEREST, and DESIRE can all be used to explain advertising restrictions. However, the "ACTION" function cannot be achieved. In other words, the restrictions imposed in the legislation are attention, interest, and desire in nature. The Advocates' restrictions to advertising are based on the rules governing the practice and etiquette of the Advocates and according to the experts, the advocates advertising their services are unethical. The Advocates must uphold the dignity and not do anything contrary or what can be described as misconduct. Despite the restriction, the Advocates in Sabah rely on reputation to promote themselves other than word of mouth or referral by family members, relatives, and friends. Experts suggested that despite the restriction, legal practitioners must be creative and innovative in their marketing strategy. Therefore, the legal profession in Sabah should have been permitted to publicise all necessary information concerning their legal services as long as the material is accurate, true, not deceptive, and not misconstrued. This will help the client to choose the right lawyer to represent the client in the legal matters that he went through, and at the same time educate the public about their rights in the law.

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