The Indonesia Legal Education: Advancing Law Student’s Understanding to Real Legal Issues

Antarin Prasanthi
*University of Indonesia*, antarinprasanthi@gmail.com

Daryono
*Universitas Terbuka, Indonesia*, daryono.daryono@gmail.com

Follow this and additional works at: [https://scholarhub.ui.ac.id/ijsls](https://scholarhub.ui.ac.id/ijsls)

Part of the Legal Education Commons

**Recommended Citation**


DOI: 10.54828/ijsls.2023v2n2.4

Available at: [https://scholarhub.ui.ac.id/ijsls/vol2/iss2/4](https://scholarhub.ui.ac.id/ijsls/vol2/iss2/4)

This Article is brought to you for free and open access by the Faculty of Law at UI Scholars Hub. It has been accepted for inclusion in The Indonesian Journal of Socio-Legal Studies by an authorized editor of UI Scholars Hub.
Indonesian Legal Education: Advancing Law Student’s Understanding to Real Legal Issues

Antarin Prasanthi Sigit\textsuperscript{1} and Daryono\textsuperscript{2}

\textit{Received:} January 29, 2023 | \textit{Reviewed:} April 16, 2023  
\textit{Accepted:} May 2, 2023 | \textit{Published:} May 5, 2023

Abstract

In Indonesian legal practice, law tends to be too insensitive to the context of legal issues, leading to unjust and controversial judgments. Legal issues are often related to underlying social, cultural, economic, and political issues, yet in Indonesia courts often are reluctant to take non-legal issues into consideration. Partly this is because legislation only focus on legal doctrines and provide no guidance on how the court – as guardian of the law - should take non-legal issues into consideration. This distorted understanding of the irrelevance of the social context of legal issues is caused by a lack of comprehension of the multifaceted nature of many legal problems. The problem starts with legal education, where the law student predominantly learn a narrow version of doctrinal analysis of law and is almost not trained to analyse legal issues from broader perspectives. We believe that this is regrettable as such broader competencies are essential to improve the everchanging legal profession. The curriculum of law schools insufficiently equip law graduates with the capability to solve complex legal issues where social, economic, cultural or political issues play a role. Law graduates’ comprehension of the law should include the law’s context – non-legal issues that affect the legal and normative order. The law curriculum should consider the effects of rapid social changes and the complex rule making process in a transitional county such as Indonesia. The current policy of the Ministry of Education and Culture known as Freedom to Learn (\textit{Merdeka Belajar}) provides opportunities in this regard as it opens up all curricula and stimulates multidisciplinarity. This paper examines the possibilities to expand the law school curriculum in Indonesia in view of rapid social changes and the \textit{merdeka belajar} policy in Indonesia.

\textbf{Keywords:} Indonesian legal education, socio-legal study, civil law tradition, transitional law.

\textit{Abstrak}


\textsuperscript{1} Lektrur in Faculty of Law Universitas Indonesia  
\textsuperscript{2} Lecturer in Universitas Terbuka
pemahaman tentang perubahan sosial yang cepat yang dipengaruhi oleh hukum dan perlunya reformasi pendidikan hukum yang progresif di Indonesia.
I. INTRODUCTION

Legal education is one of the oldest higher education programs in Indonesia. The first law school opened its doors in 1924 during the Dutch Colonial government and was aimed at producing civil servants who served as judges for native Indonesian courts or civil servant to fill the local bureaucracy. The early-twentieth-century colonial legal education tradition of the rechtshogeschool has been passed from generation to generation, and is still leading during the present time. Of course, many changes have occurred over time, but the underlying principle of doctrinal legal education remains pretty much the same as in 1924. The changes that occurred in legal education mainly relate with changes in Indonesia’s political regimes and the different legal frameworks they preferred to promote economic development. Until today legal education institutions in Indonesia continue to teach students a legal-doctrinal approach in which law is treated as a closed normative system to which non-legal aspects are irrelevant.

In the last twenty years debates in Indonesia revolved around whether legal education should have an academic or professional orientation and whether law graduates must gain broad or narrow legal competences. Law graduates must be prepared to fill broad range of professions but currently they lack the required skills and competence – even for the legal profession itself. To enter typical legal professions such as state prosecutor, judge, and advocate law graduates must follow an additional one-year legal in-house training. From 2015 onwards, to prepare graduates better for their future profession, a number of law schools introduced clinical legal education where students are taught to solve concrete legal issues and problems. Providing legal aid is part of these clinical courses. The concept of clinical legal education was adopted from the United State of America (USA), with one main difference: in the USA it is part of postgraduate legal education - meaning that students already have mastered a certain level of

---


4 In 1970’s Indonesia was assisted by International Legal Center (ILC) to adopt the foreign law. The ILC provided legal aid assistance for modernizing the justice system in Indonesia including the method of legal education. See Kats, S. J. and R. S. Katz (1975) *Teaching Methodology and Indonesian Legal Education*, *Journal of Legal Education*, Vol. 27, No. 2, pp. 219-234.

5 For becoming the advocate, judge and procecutor, the law graduate needs to complete the special training designed to those legal professions. See. https://www.peradi.or.id/. See also, http://bdik.mahkamahagung.go.id/id/pusdiklat-teknis-peradilan/publikasi-diklat-teknis/290-rogram-pendidikan-dan-pelatihan-calon-hakim-terpadu.html

6 In about 2015, as a number of law schools in Indonesia visted law schools in US to learn about the legal clinical courses and created the Indonesian Network For Clinical Legal Education (INCLE). See Topo, Santosso (2015) The INCLE served as a network of capacity building to establish the model of clinical legal education in Indonesia, See https://law.ui.ac.id/clinical-legal-education/, retrieved by April 2023.
The Indonesian Journal of Socio-Legal Studies (2023), Vol. 2 No. 2  
e-ISSN: 2808-2591  
https://scholarhub.ui.ac.id/ijls

legal skills. Clinical-legal education thus requires a certain skills set of students, which often is still lacking at the bachelor level.

Considering the vast changes in the legal landscape generated by industrial revolution 4.0, Indonesian legal education has to anticipate future requirements of the legal profession. In such a fast-changing legal environment, it is essential for law students to obtain soft skills in addition to their legal competence, including critical thinking, communication, collaboration, and digital literacy. In addition, we argue that law students must be able to consider relevant non-legal issues in their legal analysis.

This article is structured as follows. First, this paper explains what effects the legacy of colonial legal education and the civil law tradition has had on Indonesian legal education. Subsequently, it will describe the changes that relate to international legal aid assistance as part of development policies during the New Order Government. We will show how the introduction of laws and institutions from the common law tradition also brought changes of Indonesian legal education – among others in the form of clinical legal education. Finally, we will propose that Indonesian legal education to focus on problem-based learning and comprehensive case law analysis methods so that law students acquire strong problem-solving skills as well as soft skills.

II. THE COLONIAL LEGACY OF INDONESIAN LEGAL EDUCATION

Indonesia inherited the civil law tradition of the Dutch colonial regime. Legal education was introduced in Indonesia in the early twenty century. During the colonial times legal education in Indonesia taught law in the civil law tradition with the main objective to train indigenous civil servants. Considering the objective to train civil servants rather than

---

8 The Indonesia Qualification Framework (KKNI) requires 4 competence includes: attitude, knowledge, general skills and professional skills. See http://kkni.kemdikbud.go.id/asset/pdf/permendikbud_no_73_tahun_2013.pdf
9 The debate that was around the different legal traditions between common law and civil law was unproductive but produced more understandings. See Bedner, A and Jacqueline Vel (2021) Legal Education in Indonesia. The Indonesian Journal of Socio-Legal Studies, Vol. 1 No. 1, pp. 3-4
10 Yu Un Oppusunggu (2021) Op Cit The Rechtshoogeschool (RHS) was the first law school established in 1924 by colonial government. See also Stb.No. 93 / 1909 Regulations for the School of Education for Indigenous Legal Experts
legal professionals, legal education in Indonesia focused more on academic education than on "professional legal practices". As pointed out by Soetandyo Wignjosoebroto during colonial times legal education served to:

".... producing qualified graduates as capable rechts ambtenaren, who can thus be appointed to certain positions, whether as landraad judges or as law officers in domestic government offices."\(^{13}\)

Students were primarily to master certain legal norms - mainly colonial statutory law - which had to be applied according to the positivist tradition that views law as a closed normative system. Students had to link the legal facts with the conditions of the rule without considering the empirical realities experienced by indigenous people. It may be interpreted that legal education at that time highlighted the proficiency of logical deduction as the only juridical way of thinking.\(^{14}\) In concreto law (legal decision) had to be found through syllogisms, by drawing conclusions built on premises derived from positive legal rules in abstracto.\(^{15}\)

This situation continued after independence (1945) when the law faculties continued to develop the curriculum based on the tradition of the pre-war period, and with the objective to train civil servants needed to staff the Indonesian governmental institutions. According to Soetandyo Wignjosoebroto between 1942 and 1962 there were no major changes in legal education, even though the position of colonial law was under debate, most colonial law was maintained and became Indonesian law. The situation in which graduates were mainly expected to become the “mouthpiece of the law” did not change following Indonesia’s independence. In the words of Hikmahanto Juwana:

"The graduates of the 1930s, 1950s, 1970s, 1980s, and 1990s can be said to be the same. Graduates produced tend to be legalistic, not different from graduates in the colonial administration, and even tend to not be able to fulfill various objectives of legal education after Indonesia’s independence \(^{16}\)."

Although legal education in broad lines continued the legal education tradition and objectives of the Dutch colonial regime, a number of changes did occur. Renewal of the direction of legal education in Indonesia began to be developed in the 1970s based on the development (pembangunan) policy / ideology of the New Orde regime under President

\(^{12}\) See Bedner, A and Jacqueline Vel (2021), In Continental Europe, it is generally relative small percentage of law graduate to become professional lawyer. \textit{op cit.} pp. 4.

\(^{13}\) Soetandyo Wignjosoebroto, \textit{op. cit.}

\(^{14}\) Ibid

\(^{15}\) Ibid

Soeharto. One of the pioneers of the reform of legal education was Mochtar Kusumaatmadja, who stated that law was not only a rule but also an instrument for development. This theory builds on the theory of law as a tool of social engineering.\textsuperscript{17} This was in line with the Katz and Katz recommendation during their visit to Indonesia under the project of the International Legal Center (ILC):

> There is a great need for law graduates who can cope with rapidly changing social problems inherent in the development process. The law graduates have to be problem solvers as well as social engineers. They must be fully aware of the interaction of law with the other factors of development. Furthermore, the reform of legal education is not only a matter of changing curriculum but also of changing teaching methods.\textsuperscript{18}

From the 1970s, the concept of law as an instrument for development was adopted and further developed by law schools in Indonesia and in 1994 finally made part of the standard curriculum of the Ministry of Education (MoE). With this curriculum, the MoE expected that the law schools in their teaching would strike a balance between the objectives of legal proficiency and legal science; between professional and academic legal education. After the stepping down of President Suharto in 1998, this curriculum (Minister of Education and Culture Decree No. 0325 / U / 1994 and No. 056 / U / 1994) was continued with a slight change in 2000 through Decree of Minister of Education and Culture No. 232 / U / 2000.

This 1994 curriculum introduced a number of legal courses that are relevant to legal proficiency. Its stated objective is to prepare law graduates to enter the work force and to carry out the legal profession.\textsuperscript{19} Before the 1994 decrees, the Bachelor of Law curriculum was regulated by the Decree of the Director of Higher Education Ministry of Education and Culture No. 30 / DJ / Kep / 1983 dated April 27, 1983, which lacked reference to the legal profession and had the stated aim of preparing students for positions in the judiciary and the government.\textsuperscript{20}

A. BETWEEN AN ACADEMIC AND PROFESSIONAL FOCUS

\textsuperscript{17} International Legal Center (1973) project funded by Ford Foundation, This project was mainly to introduce law and development perspectives to Indonesia.


\textsuperscript{20} Asep Saefullah and Herni Sri N (2003), Pendidikan Hukum di Indonesia Perlu Jalan Alternatif, \textit{Jentera Jurnal Hukum}, Edisi Khusus, h. 122
The debate in Indonesia about whether law school curricula should be more academically focused (continuing the colonial legacy of civil law legal education) or profession-oriented dates back to the times of the International Legal Center Assistance Project (ILC) in the 1970s. The USA law experts involved in the ILC project had the USA law school curricula as their frame of reference with a strong focus on professional legal competences and case analysis. This ILC project was only the start of a growing influence of common law concepts on the legal system and legal education in Indonesia. The influence of the common law system was inevitable as many development cooperation programs, including legal cooperation, took place between Indonesia and common law countries. Moreover, an increasing number of Indonesian legal scholars had followed post graduate education, or other legal training, in common law countries. This acquaintance with the common law framework stimulated debates among major law schools in Indonesia where an urgent need was felt to reform its curriculum to meet the increasing political demand to utilize the law as a tool of social engineering. A complicating factor was (and is) the problem of how to fit the concepts from the common law legal culture of the USA into the legal framework of the civil law tradition of Indonesia, due to the incompatibility of many of the legal terms, concepts and language used.

Since the 1990s, a number of multilateral agreements have been adopted in the ASEAN free trade and free social mobility agreement, which introduced legal concepts originating from common law systems. This means that law graduates in Indonesia have to be made familiar with these “alien” legal concepts. Indonesia as a transitional society, experiences rapid social, political, and economic changes as well as exchanges with foreign legal concepts—which makes the ability to solve legal issues outside the box of the civil law tradition a necessity. These circumstances require more progressive approaches to law that weigh legal norms with the principles of legal certainty and justice. It also means that there is a need to reform the law school curricula in Indonesia and produce graduates that are able to accommodate those diverse needs and changes.

Because of its traditional legal education, Indonesian law graduates lack competitiveness compared with students from neighboring countries—at least in the field of international law. Hikmahanto Yuwana mentioned the absence of a clear distinction between academic and

professional legal education was mentioned as one of the prominent weaknesses of Indonesian legal education (2005):

Lack of a firm distinction between academic and professional legal education is upheld in Indonesia for a long time. It did not clearly distinguish between academic and professional legal education. Whereas the distinction between these two types of legal education is important. This is because students who study law academically, are uncertain and cannot necessarily apply it in practice. Since the beginning of the introduction of legal education in Indonesia, these two different types of legal education have been mixed, except for those who wish to become public notaries. The curriculum is therefore designed so that graduates master legal knowledge theoretically, yet at the same time they are expected to master the skills (skills) demanded by the professional world. 23

An additional problem is that the legal education curriculum in Indonesia is for the most part determined by policymakers – not the law schools themselves. 24 In the past, the institutions within the National Education Ministry were responsible for the development of various national curricula, including law. This institution was originally known as the Legal Knowledge Consortium but later was changed to the Legal Sciences Disciplinary Commission. This national curriculum is aimed at providing a common standard for law schools across the country. However, due to the huge differences in human capacity and infrastructure, many law schools have struggled to meet the national curriculum standards. This caused that the quality of law graduates varies greatly. As a result, the national curriculum standard in fact created discrepancies among law schools rather than the aimed unity and quality assurance. Moreover, local needs may differ: in Jakarta there will be more need for professionally trained business lawyers who master international commerce law than in the regions where most law graduates will become civil servants. 25 A uniform national curriculum cannot accommodate this diversity in needs and career prospects.

B. MERGING TRADITIONAL LEGAL EDUCATION WITH THE COMMON LAW TRADITION

24 Higher education system including the curriculum has been highly centralized under the Minister of Education. This has impeded the development of knowledge, science and university autonomy. See Sulistyowati Iriaonto (2021) Legal Education For The Future Of Indonesia: A Critical Assessment, The Indonesian Journal of Socio – Legal Studies, Vol. 1 No. 1. pp. 5
The inspiration the common law tradition has had on legal reforms in Indonesia is undeniable and has affected Indonesian legal education as well: through the methods of case analysis and review of court decisions. However, a solely profession-oriented legal education has its weaknesses as well and we believe Indonesian legal education must encompass its own values and vision. While we support the argument that transitional society of Indonesia needs to consider real legal issues in its legal education, we believe that a strong academic underpinning will prepare students for legal changes as well, and is an asset for professional legal scholars. Therefore, we believe that a smart merging of common law and traditional Indonesian legal education will benefit students most as they will master the practical skill of a lawyer and the academic competence of a legal scholar who understands the rationale behind laws and legal change.

The civil law tradition of Indonesia is rooted in the Dutch colonial period and is still very influential in legal education in Indonesia. Legal education in Indonesia is more focused on mastering the legal doctrine than on issues of professional practices. During the five years of legal education, students learn more about the rules of law and have less time in the curriculum to teach how to form legal opinions as well as legal reasoning. The legal curriculum in general places more emphasis on knowledge acquisition than on skills and professional practices. Professional practice activities carried out are only complementary. A positive development is that a number of major law schools introduced clinical teaching legal education.

Legal education in Indonesia focuses too much on mastering knowledge related to regulations and legal doctrine. The elective courses in the curriculum are limited in number. Academic legal education is prioritized to prepare students as "legal scholars" with the result that most of the curriculum is comprised of compulsory theoretical courses, and students only take elective practice-oriented courses toward the end of their law school tenure.

During the first year, civil law students are taught the philosophical and sociological basis of civil law system principles. This is indicative of the continued influence of the French Civil Code in civil law and a legal system that follows the tradition of creating legal rules from broader principles. During the first two semesters law students are kept at a distance from analyzing law in view of the specific facts of the cases. They study and learn to understand the law as a framework of methods, values and principles that have been translated into a coherent

---

26 See Bedner, A and Jacqueline Vel (2021) op cit, pp 4.
27 See Topo Santoso, Op cit
and closed system of statutes and regulations in which no contradictions (can) exist and a clear hierarchy applies.

The merging of civil law and common law legal education will create a dually trained lawyer who pairs the common law lawyer’s focus on case-solving with the civil law lawyer’s knowledge or ability to envision the rules that resolve such issues and relate them to higher principles. In common law, a law student learns how to identify a legal issue, and in civil law the rationale of the rule. Knowledge of both makes for a well-rounded lawyer, which from a professional perspective is advantageous, as the legal issues will increasingly have global components.²⁹

C. FUTURE LEGAL PROFESSION AND REQUIREMENTS

As response to the demand of the legal profession in line with the industrial revolution 4.0 (IR 4.0), it is clear that future law graduates will require additional competencies to survive in a highly competitive job market. The law graduate, therefore, needs to meet market needs, whether employed in legal professions such as a judge, prosecutor, or advocate, or work at the legal department of a company, or become a government employee. In addition, law graduates need to be digital literate, comprising information literacy, data literacy, humanistic literacy, and technology literacy.³⁰ These new literacies have to be integrated into the law school curriculum as the legal profession landscape will change significantly.

Furthermore, law graduates need to develop soft skill competencies such as communication skills, collaborative skills, critical skills, and creativity. These soft skill competencies will equip graduates with the capacity to survive in the ever-changing job requirements. These soft skill competencies are important for the future legal profession in which law graduates must act as problem solvers as well as a social engineers. Problem-solving competencies have to be expanded to various modes of resolution. This problem-solving capacity will be the focus of future legal competencies. As a prescriptive system, the legal profession will continue to serve an important role to maintain the normative order and resolve disputes and overseeing justice. This traditional role will remain the main role of the future legal profession. However, the infrastructure and support system of the law office will be affected by the development of legal technology. Legal technology will replace a substantial number of legal professions. The introduction of e-court for example will change the time and

²⁹ ibid
process of claim submission that require law offices to follow, and automated contract review will change the role of lawyers and legal consultants in the contracting process.

Immediate changes are required in the curriculum so that graduates do not only understand the theory but also can apply legal skills in practice in the context of the IR 4.0 legal profession requirements. The integration of the industrial or market demands and academic requirements will be quite challenging as almost one-third of the curriculum will be devoted to general education courses. The broad scope of legal issues and related fields will be unlikely to be accommodated entirely in the curriculum so that specialization (by choosing certain streams) must take place at an earlier stage during the bachelor study.

In line with the demands of a future legal profession for a stronger focus on practical skills, the law curriculum needs to emphasize problem-solving. Hikmahanto (2005) has articulated that the law curriculum has to clearly distinguish between academic focus and professional focus. This professional focus is relevant to the current competency-based curriculum stated in the Indonesian Qualification Framework (IQF). This curriculum includes a legal clinic or law laboratory and internships to teach law students to solve real cases or legal problems and by applying the appropriate method and procedure of resolution. Mardjono Reksodiputro (2005) states that a law laboratory consists of:

(a) organizing proficiency-based education;
(b) using applied approaches to Law, encouraging lecturers to use recent case studies and regulations.

In line with Mardjono, Erman Rajagukguk (1997) mentioned that:

"... legal education should produce law graduates who have skills in legal practice that contain international elements; on the other hand, equip them with the ability to deal with a variety of problems faced by the community, including providing legal assistance for those who are most affected by globalization."

In this regard, apprenticeship activities will benefit both students and law schools as these will encourage law schools and employers of law graduates to discuss the curriculum and continuously adapt it to the real needs of the community and the development of legal practice.

---

31 Op Cit. Reformasi Pendidikan Hukum di Indonesia
33 Erman Rajagukguk: 1997, Peranan Hukum dalam Pembangunan pada era Globalisasi: Implikasinya bagi Pendidikan Hukum di Indonesia, Professorship inagural speech delivered in the Facuty of Law, University of Indonesia, Jakarta, 4 January 1997, h.24
The issue of the curriculum is not only a matter of what should be taught but also of what topics and skills are appropriate and needed by the community when students find employment in society. The clinical practices are important to guard the relevance of the curriculum according to needs in the real world. In the words of Prof. Mochtar Kusumatmadja:

"... well-planned clinical education does not only teach technical skills but also make students face the conditions that they will encounter in society and to adopt a proper bearing or attitude towards a problem that can be called a problem-solving attitude".34

To ensure that the characteristics and model of the curriculum are in accordance with market demands, then law schools must make an assessment of the employers of their law graduates and investigate what their needs are.

III. FREEDOM TO LEARN AND THE LAW CURRICULUM

The current higher education policy enacted in 2020 is the student’s Freedom to Learn policy (Merdeka Belajar Kampus Merdeka (MBKM)) aimed at providing students with the privilege to select courses or learning activities outside the campus or study program for three semesters.35 Those three semesters include one semester within the university and two semesters outside the university. Since 2020, law study program offer students the opportunity to choose elective streams and courses - including from other disciplines to learn “what they want to learn”. This policy aims to enhancing students’ understanding and competencies relevant to their private needs and the current job demand. In addition, it gives students opportunities to connect with real issues, research activities, global issues as well as voluntary humanitarian works.36

The Freedom to Learn policy is controversial as it is claimed to be too much market oriented and, moreover, to be promulgated without much coordination. This market-orientation conflicts with the main purpose of higher education mission to nurture the development of knowledge and humanity.37 However, the positive side is that it gives students the opportunity to connect and networking with their future professional field and learn practical and soft skills

36 See https://kampusmerdeka.kemdikbud.go.id/web/about/latar-belakang
through a variety of learning journeys. Students are encouraged to apprehend a variety of skills and knowledge in line with market and industry demands.

To impose three semesters as an elective curriculum constitutes a revolutionary change in the higher education curriculum of Indonesia. The MoE has promoted this policy aims at improving the graduate’s soft skills and hard skills in accordance with current needs, and to prepare graduates as future leaders with an excellent mastery of knowledge, skill, and personality. According to the MoE higher education the Freedom to Lean policy will make curricula more personalized which enable students to develop their potential according to their passion. The Freedom to Lean policy consist of the following elements where students can choose from:

1. Independent Student Exchange Program
   This program is intended to allow students to learn about the diversity of the archipelago and expand academic networks between students. This program can be regarded as a means of cross-campus learning. Students who take part in this program will receive a conversion of 20 credit units.

2. Internship
   The internship program can be followed by students for 1 or 2 semesters with the equivalent weight of 20 credits for each semester. In this program, students become interns at the partner's workplace so that they will learn how to bring their knowledge and skills into practice and can expand their network and relationships with related industries and workplaces. The partners in this program are very diverse from law firms, public notary office, government offices to unicorn start-ups, such as Tokopedia, Gojek, Glints, Narasi, and others.

3. Indonesian International Student Mobility (IISMA)
   IISMA is an international student mobility program that facilitates students to study at universities abroad. Students who pass the selection have the opportunity to study for 1 semester at the selected overseas universities. This program aims to improve and enrich students' insights and competencies, both related to cross-cultural interests and understanding. This program also weighs 20 credits.

4. Independent Studies

---

39 ibid
This program is suitable for students who have innovative ideas and an interest in doing research and innovative work. The duration of the independent study program ranges from 1-2 semesters. This independent study program weighs 20 credits. The choice of study does not have to be in accordance with the field or course of study. Students may take a 20 credit program from another discipline.

5. Humanitarian Project
This program involves students working on humanitarian work including the disaster relief program, teaching at rural schools, teaching at special-needs schools, and other projects with a humanitarian character. Students are expected to experience the values of diversity, unity, and compassion. In addition, students are also expected to increase social sensitivity and provide solutions according to their expertise.

6. Research
This program is suitable for students who have an interest in becoming a researcher. In this program, students can study in a research center laboratory or as assistant in a research project at their university. This program aims to improve the quality of student research and the ecosystem of future research in Indonesia.

7. Village Development Program (Thematic Community Service Program)
This program provides students the opportunities to experience living in a rural community and assists community development. It is commonly called a Community Development Program (KKN). Students are expected to involve in rural and community development. KKN is also expected to implement students’ knowledge, soft skills, and leadership.

8. Campus Teaching Program
This program provides an opportunity to practice teaching skills as well as develop themselves. In this program, students will become teachers' partners in learning literacy, numeracy, and technology adaptation for elementary and junior high school levels. The Teaching Campus Program is undertaken for 1 semester and the student will receive the equivalent of 12 credit units.

9. Entrepreneurship Program
This program provides students the opportunities to involve in entrepreneurial competency improvement activities, to prepare entrepreneurial proposals, and to carry out entrepreneurial activities under the guidance of lecturers or
entrepreneurial mentors. This program's objective is to strengthen the acceleration of the digital economy.

The implementation of MBKM varies among law faculties. A number of faculties have mainly strengthened already existing programs and adjusted them to fit the requirement of MBKM. The Association of Public Law School in Indonesia (BKS-FH PTN) also facilitated the MBKM but it is still limited to course offerings. These approaches make implementation in the short term more feasible.\textsuperscript{40} A number of law faculties are still in the process of designing and integrating Freedom to Learn into the curriculum.\textsuperscript{41} Comparision among faculties of law in Indonesia, collected from the faculties’ websites can be found in the following table.

\textbf{Table 1: The Implementation of MBKM among several Faculties of Law in Indonesia}

<table>
<thead>
<tr>
<th>MBKM Program</th>
<th>UB</th>
<th>UNDIP</th>
<th>UI</th>
<th>UT</th>
<th>UNNES</th>
<th>UI</th>
<th>UPH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Exchange Program</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
</tr>
<tr>
<td>Internship</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
</tr>
<tr>
<td>Indonesian International Student Mobility (IISMA)</td>
<td></td>
<td></td>
<td>v</td>
<td>v</td>
<td></td>
<td>v</td>
<td>v</td>
</tr>
<tr>
<td>Independent Studies Project</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td></td>
<td>v</td>
</tr>
<tr>
<td>Humanitarian Project</td>
<td>v</td>
<td>v</td>
<td></td>
<td>v</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research</td>
<td></td>
<td></td>
<td>v</td>
<td>v</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Village Development Program (Thematic Community Service Program)</td>
<td>v</td>
<td>v</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Campus Teaching Program</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td>v</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entrepreneurship Program</td>
<td>v</td>
<td>v</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Comparision among the law schools in Indonesia, shows that Student Exchange and Internship Programs are the most preferred, followed by the Independent Study Programs. The two most preferred Freedom to Learn programs merge professional experience with application of legal competencies. The introduction of the Freedom to Learn policy also encourages law faculties to develop a university network which enables students to attend quality courses.

\textsuperscript{40} See https://ilmuhukum.fh.undip.ac.id/mbkm/, See Also https://hukum.ub.ac.id/mbkm/ and MBKM - BKS-FH-PTN

\textsuperscript{41} See, Faculty of Law, Social and Political Sciences, Universitas Terbuka is still designing the adaptation of MBKM into curriculum as the majority of students are working adult. https://fhisip.ut.ac.id/ilmu-hukum-s1/

Published by Badan Penerbit FHUI
Fakultas Hukum Gedung D Lantai 4 Ruang D.402,
Jl. Mr. Djokosoetono, Depok, Provinsi Jawa Barat, 16424
offered by other universities. This program may resolve the disparity of human resources and capacity between the regions.

IV. CASE LAW ANALYSIS AND PROBLEM BASED TEACHING

Because the Freedom to Learn policy will encourage students to engage with legal practice at an earlier stage than previously, it is essential to change the teaching methods at law schools. To simply add more practical courses to the curriculum is not feasible, as the Freedom to Learning policy already requires law schools to reserve three semesters from the curriculum, meaning a serious time limitation. The limited time and heavy study load at the bachelor level means that law schools have to prioritize the standard introductory law courses. In the current curriculum structure, the standard introductory law courses make up a maximum of 60% of the curriculum. Another 10% consist of compulsory university-wide taught general subjects with optional streams, optional courses and legal clinics making up the other 30% of the load. In Indonesia’s curriculum all introductory subjects (civil law, criminal law, constitutional law, etc.) need to be completed by students, but the content of the courses often is superficial as the study resources and human resources are limited. We therefore argue that there is a need to reduce the number of courses and more flexibility in the curriculum so that law schools can give more attention to case-solving, tutoring and group discussion. Blended-flipped learning model is preferable to reduce teaching and study load while it increases student interaction, communication, and discussion.42

According to the Indonesian Qualification Framework, the practices-theory ratio should at least reach 40% practice to 60% theory.43 It means that practical subjects and legal clinics would best satisfy 40% of the curriculum. Currently, clinical legal practices contribute only to 10% of the curriculum while the introductory law courses (60%) as well as a substantial portion of optional streams and courses (30%) are mainly theoretical too. Therefore, changes should not only take place in the proportion but also in the teaching methods. Changing the proportion of curriculum will be challenging as it will require that several introductory law courses must be excluded from the compulsory part of the curriculum. In the Indonesian context, at least in

---

42 See The ABC learning design may help lecturer and student to select the preferable learning strategies that fit with the needs. https://www.ucl.ac.uk/made-at-ucl/stories/easy-abc
43 According to Presidential Regulation No. 8 of 2012 concerning the Indonesia Qualification Framework (KKNI), The undergraduate level of competencies falls in level 6 where a graduate is expected to enable implementing the concept into practices.
In the short run, it probably is more feasible to change teaching methods throughout the law curriculum by adopting case analysis and problem-based teaching methods to all law courses.

The case law analysis teaching method concerns the teaching of substantive law courses through analysis of real cases, such as court and arbitration decisions, and mediation and negotiation agreements. The complexity of cases will gradually increase during the course of the study. At the final stages of study, the cases analysed no longer are taken from a single field of law may concern several fields of law that should be comprehensively understood. The case law analysis teaching method encourages law students to analyse legal problems in real situations and provide a great opportunity for them to develop their capacity in constructing legal arguments orally and in writing.

Legal clinics can play a vital role in the practical part of legal education. Phyllis Goldfarb made the observation that:

*Throughout these four decades, law school clinics have been shouldering the lion’s share of the pedagogical burden for developing in law students the sorely needed apprenticeships of skills and professional identity. One implication of the Carnegie Report is the suggestion that law schools need more clinical education and that they need to accord it a more central place in legal education generally.*

According to Goldfarb, clinical education is an effective method for teaching students the art of lawyering. The best lawyers know how to work and communicate with clients – soft skills a student must learn in practice. Moreover, by offering legal clinics, students and law schools contribute to access to justice in their communities while developing a sense of justice beyond theory.

In Indonesia, the main problem in implementing a curriculum-wide case law analysis teaching method, is the availability of teaching staff and their willingness to change their teaching methods. This can partly be overcome by introducing collaborative teaching so that lecturers can learn from, and monitor, each other’s teaching methods as well as share their expertise in particular legal fields.

Another challenging factor relates to the availability of quality textbooks and other teaching materials. Different from the law textbooks published by prominent overseas law publishers, Indonesian law textbooks have not been well developed from a pedagogical perspective. Most law textbooks in Indonesia are no textbooks in the sense that they are specifically designed for educational purposes. A similar issue concerns the Inavailability of

---

high-quality journals specializing in case analysis. Access to quality learning resources is a major barrier to implementing a case law analysis teaching method on a large scale.

Perhaps the rapid changes of legal technology, for example the use of artificial intelligence (AI), can help student to identify patterns, and establish relationships between case law, statutes, and regulations. AI can also be deployed to automate the process of searching through case law databases and to determine the relevant legal rules and procedures applicable to a given case. It can be used to create interactive simulations that guide students through hypothetical scenarios and help them understand various legal principles and how they apply in different cases. Additionally, AI-driven technologies such as natural language processing can be employed to generate summaries of complex court opinions and to provide students with an easily digestible overview of legal matters and to create legal documents.

V. CONCLUSION

Consistent with the increasing demands of law graduates to fit the current and future legal professional competencies, legal education in Indonesia must be constructively reformed. Legal education reforms must be implementable in the short term to enable swift changes in the ratio between theory and practice-oriented teaching. The current Indonesian qualification framework indeed has signaled a clear direction to merge academic competence and professional practices into the future law curriculum. In addition, the Freedom to Learn policy further endorses the combination of academic and practice-oriented legal education.

Practice-oriented teaching will make up about 40% of the curriculum – a significant increase compared to the current curriculum – where the requirement is only 10%. An overhaul of the current curriculum into the new legal education competencies probably will be too challenging as that would mean that many basic substantive courses should be merged or even become optional courses. The most feasible approach in the short term, therefore, is to focus on reforming teaching methods, while maintaining the main body of substantive courses. Case law analysis as a teaching method in combination with clinical legal education is essential to upgrade law graduate competences according to the skill requirements for the 21st-century legal profession.
Bibliography


International Legal Center. 1973. This project was mainly to introduce law and development perspectives to Indonesia, funded by Ford Foundation.


http://www.komisihukum.go.id/article_opinion.php?


