

Building a new paradigm in law education in term of upholding the rule of Law in Indonesia through Clinical Study

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Introduction

In the New Indonesian Constitution (Undang-undang Dasar 1945 The Third amendment) article 1 sub article 3 stipulates that Indonesia is a *rechtstaat*, it means that Indonesia has characteristically three rules to carry out: first, *supremacy of law*, second, *equality before the law*, and *due process of law*. It needs strong effort to make a new paradigm of law education in promoting role of law and law leadership.

Since 1998 as the regime of former President Soeharto step down, Indonesia strives to reform of its law system and enforcement successfully. Hence, one of the main agendas of Indonesia Reformation are strengthening a national law system and legal culture through any medium either formally or informally, including formal education in higher education. Indeed, based on pass experience, law system in Indonesia was not effective and weak, therefore, people wants to change it to make a better condition of national law system.

According to Komisi Hukum Nasional (National Law Committee/NLC) that established to carry out the agenda of reformation of law in Indonesia, it says that the law education is very important in disseminating reformation agenda of rule of law to public,. In that point, the faculty of law plays a strategic and vital role to achieve the idea of rule of law in Indonesia, especially to educate people in knowing the new paradigm of legal system.

Legal education as a part of higher education is needed to produce alumni of law school who has high quality of legal knowledge, skill of analysis and skill of legal practice. In fact, In Indonesia, those ideally condition still a hope due to lack of quality of law education. A fresh graduate has merely just legal knowledge not skill. As a consequence, the mission of law education is to internalising values of moral, besides improving legal skill.

In term of contributing to achieve the goal of law education, University of Indonusa Esa Unggul (UIEU) is facing 2 challenges in undertaking law education: firstly the faculty of law should be able to deliver a legal education which include skill of legal analysis and practice, secondly, law education must has complete module of ethic by cultivating moral values in upholding supremacy of law and protecting human rights as requirements of democracy and social justice in Indonesia.

The answer of such issues are able to develop comprehensively curriculum and teaching method of law education in the faculty of law in line to the goal of rule of law. The Faculty of Law of UIEU has a concept of leading curriculum by providing learning gateway of law, it works

by interactive learning through internet which is able to deliver lesson anytime and anywhere, and also perform moot court as a core module.

Learning Pyramid Theory

According to *learning pyramid* theory made by *National Training Laboratories/NTL*¹ in Maine (AS), it has a survey result that speech method, the receiving level of such method just only 5%. This is the lowest rank of method of teaching in term of receiving level by student. Meanwhile, for the writing method, the receiving level is higher than speech, 10 %, furthermore, if the class using audio-visual tools, hence the receiving level become higher, 20%, and if using demonstration method it will be 30% . Regarding the result, it indicates that generally law education in Indonesia use speech method, it may be ineffective to apply for law education.

Four methods of the lesson are categorized as a traditional method. The low level result of those categories can be resolved by another method namely Training and interactive approach that focused and centered on student.

Commonly, interactive approach is divided into three methods, first Group Discussion (GD) which has a receiving level 50%, the second one is Practice by doing which has 75% and the most effective is simulation/ role playing which has a receiving level 90%.

In McQuoid-Mason²'s point of view , Education method which focus and center on student is ideally undertaken by sharing learning experience to the students in the class where the students can getting skill of legal practice and providing social justice system at once. If there is no such opportunity in the circumstances of learning, we should create it by giving opportunity to students to practice as a lawyer in the real world. Of course, they just become an assistant of lawyer to resolve the problem by interacting to the client and student can assist their lawyer to identify and give a legal opinion to the lawyer. Their work can be openly criticize or peer group of student.

The role of law education in global changing

By providing such law education, it can be say as a Clinical Study of law education that enable to give student opportunity and deal with a real condition of legal world. They can actively participate in learning process and observe how legal system works in the real world.

Such law education model evolve a strong base for a legal expert in practice because the Clinic of law education not just deliver some theories or knowledge but also teach comprehensively

¹ <http://www.ntl.org/inner.asp?id=241&category=10>

² <http://law.gsu.edu/ccunningham/LegalEd/SouthAfrica-McQuoid-Mason-PILI.pdf>

some technical skill of legal practice. Besides that the students would be taught about the values or moral needed by a lawyer in order to overcome the problems of social justice in society, it is a profession responsibility to do the job as a lawyer.

The mission of higher education of law in facing global changing is creating comprehensive module as described before. Hence, the students will be able to understand and do action in helping people who need legal aid effectively. The global changing make various legal problems, as consequences, the student must have a clear vision of how the legal system works in unpredictable situation globally, in particular, in business activities which has a culture interaction among business people around the world. For example, people are connected interactively by telecommunication. Therefore, it must be concerned in the lesson of electronic information and transaction that has a typical perspective of dealing where someone does not meet each other physically but they 'meet' each other through internet. If one people deal with the other to do certain thing and it evokes legal aspects. It means, the student must know the internet law aspect is slightly different with a physical transaction. In that context, the faculty of law should comprehensively teach values of internet interaction among the public and also how to solve the problem legally either in court or non litigation. The main thing, a student has to know that a perpetrator in internet is more difficult to be caught than a thief.

Law Leadership

As a *rechtstaat*, Indonesia standstill strengthen its legal system, therefore, The government urge the Ministry of Education, especially Direktorat Jendral Perguruan Tinggi (General Directorate of higher education) to concern about the law education and make collaboration with related institution, including Bar Association to make a comprehensive curriculum of law study which consist of knowledge, skill, and moral.

The faculty of Law of UIEU recently is building the interactive system of law study by collaborating with three institutions to perform, first: Constitutional Court of Indonesia, Supreme Court and University of Indonesia to make a teleconference room of Moot court which can be utilized in training interactive of legal study. The legal study has two component: first, academic component and second service component.

This program will interactively train the student to know a real due process of law and court , so the students will be pretending as a lawyer, in that room, the student will be appraised by the lecturers and also guided by senior lawyer.

This Clinical study will be beneficial in developing law institutional also international institution which related to a development of legal system, and it is most likely IALS can contribute their support to empower this program in the future.

Conclusion

- A. The mission of Clinical Study is to complete the modeule of legal study in sharing knowledge and legal skill to disseminate the rule of law
- B. The Clinic study of law consist of academic component and service
- C. The program of Clinical Study formed a legal aid and advocacy of law
- D. The main point is interactive studying which utilize any medium to improve student skill of legal
- E. This program teach three aspects: Intellectual, moral, and skill