

The Model of Formation of Pancasila Character through Clinical Legal Education of Legal Education in the 4.0 Industrial Revolution

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Abstract

The development of Indonesian legal higher education must be based on clinical legal education (CLE), as an intelligent response to the application in the era of industrial revolution. This means that CLE is a futuristic and constructive alternative to responding to the 4.0 industrial revolution. The Faculty of Law of the 50 public universities, which are the members of the BKS, is the oldest academic education. Legal education institutions have produced the most graduates and placed graduates in almost all bureaucratic institutions, and the legal profession in a broad spectrum of roles. This fact shows that School of Law has an important and a strategic position in forming the characters of Pancasila in the state life system. The establishment of the Pancasila character is in line with the vision of Faculty of Law UNNES. This faculty promotes a conservation perspective and has an international reputation with the character of Pancasila. The formation of the curriculum goes through a mechanism linear to the operation of the law. Legal higher education through CLE must be a pioneer of education that is characterized by Pancasila. Therefore, we need a model of character building at Legal Higher Education in the 4.0 Industrial Revolution.

Keywords: Pancasila, Legal Education, Clinical Legal Education

Introduction

The Law Schools in Indonesia today is held by 42 (forty two) State Universities and one Military Law College (Document of Curriculum Faculty of Law, UniversitasNegeri Semarang) and dozens of law faculties in the private University. Legal Higher Education is the oldest academic education before independent Indonesia existed. Legal education institutions have produced the most graduates compared to graduates of other disciplines and placed graduates in almost all bureaucratic institutions, and various other functions that place the legal profession in a broad spectrum of roles (Becker, Erik and Ludger 2011). This fact shows that Law Higher Education has an important and strategic position in establishing a good Legal System in the life of the state. The legal system intended is the legal structure, legal substance and legal culture (Friedman 2001). The high educational axiology of law is the realization of Social Justice. Therefore the legal scientific substance on the dimensions of Ontology and its epistemology must be based on legal facts in the community through learning which uses the reality of the legal life of society. Achieving this is higher education law developing Clinical Legal Education (CLE). The following describes the development of CLE in Indonesia, its teaching methods and the challenges of the CLE prospect in Indonesia (Arifin 2013, Arifin 2017; Armia 2003; Fidiyani 2010).

The development of clinical legal education in a country is strongly influenced by the development of legal thinking, the social conditions of society, and the needs of the people of a country, so that various countries adopt and apply it differently. Although there are many differences in implementation, universally there are principles that are considered quite important and become an integral part of clinical legal education programs (Rodiyah 2017; Joy 2012).

Furthermore, the entry of Campus LKBH as a legal aid organization cannot be separated from the provisions of Article 8 and 9 of the Legal Aid Act, which states that: The implementation of Legal Aid is carried out by Legal Aid Providers who have fulfilled the requirements and legal aid providers

have the right to recruit lawyers, paralegals, lecturers, and law school students. In other words, legal aid providers according to the law are advocates, paralegals, lecturers and law faculty students who join or work in organizations of legal aid organizations or mass organizations (Aulia 2018; Cavazos 2010; Harkrisnowo 2013; Kosuri 2010).

The legal education program is very important to provide the resources of scholars in the field of law who also have a knowledge paradigm with a human rights perspective and use their expertise to work together in the legal aid movement. Therefore, Legal Aid needs to be developed, as one of the courses taught at all universities and colleges in Indonesia, which have a faculty or department of law (Kotkin& Dean 2010).

The program referred to refers to the concept of Clinical Legal Education (CLE). And one form of implementing is through a legal clinic institution. In Indonesia, the term legal clinic is terminated by LKBH Campus, where the legal clinic is run by students with lecturer supervision, governed by the same rules for LBH outside the law school. Legal clinics are usually associated with law faculties as their operational base (Rodyah 2017).

Methods

This study examines the implementation of CLE at the UNNES Law Faculty. This study involved several study centers and legal clinics located at the Law Faculty of UNNES. This study looks at the implementation of clinical legal education contained in various law school curricula at the practice level.

Result and Discussion

1. Development of Clinical Legal Education (CLE) in Indonesia

Law School education in Indonesia should ideally cover two aspects, namely theoretical aspects and practical aspects. The theoretical aspects that we can get from the lecture bench are already a daily food for law students at the university's law faculty in Indonesia. This aspect also forms the cognitive structure as a guide and students' thinking foundation to process a legal problem. The second aspect is simply implemented by higher education law faculties in Indonesia by providing material in the form of civil, criminal, state administration, constitutional court subjects. This course teaches students about the procedures for proceedings in the court, starting from making a power of attorney, lawsuit/claim, exception, replication, duplication, *pledoi*, decision etc. This course is carried out in the form of a trial simulation (moot court). There are those who become judges, prosecutors, or legal advisors (advocates). This course aims to equip students with practical skills in the field of law. Presenting clinical courses, in fulfilling the practical aspects of education in the field of law there should be and become a curriculum for every law faculty. However, the simulation situation (in a state of pretense/exercise) does not trigger the psychological condition of students in improving their emotional abilities or is it not clinical just a subject which when we look at it in passing is identical to the debriefing of theories or theory. Therefore, it is appropriate for students to be involved in handling legal cases when taking legal education (Kruse 2014; Kusumaarmadja 2017; Arifin 2017; Manan 2004).

This context requires the Body of knowledge of higher education law to be proportional. The body of knowledge or expertise and expertise held by the Undergraduate Law Study Program UNNES covers the fields of theory and practice of law. Thus the field of science and expertise held are sufficient provisions to continue their studies to a higher level (Master of Laws) or to become professionals in the field of law. In order to realize this goal, the learning study material in the Law Study Program of the Bachelor of Law UNNES consists of Core Science, Supporting Science and Technology, Complementary Science and Technology, Science and Technology developed and UNNES Founder (Rodyah 2017; NoordinAyus 2017; Pound 1996). The flow diagram of the body of knowledge of the Bachelor of Law Study Program UNNES is broadly shown in figure 1.

Legal science comes from the study of legal history, comparative law, the philosophy of law and the sociology of law. In the next context it is described in three domains, namely (1) Legal review of

reality; (2) political law; (3) State Administrative Law, Constitutional Law, Criminal Law (Substantive and Procedural), Civil Law (Substantive and Procedural), International Law. Based on the three domains and relations with the source of the study, then the Code of Civil and Trade Law and State Administrative Law and State Administrative Law, the Legal Studies Program will contribute to national development which is more pragmatic in nature and can lead to multiplier effects for improving the performance of various user institutions.

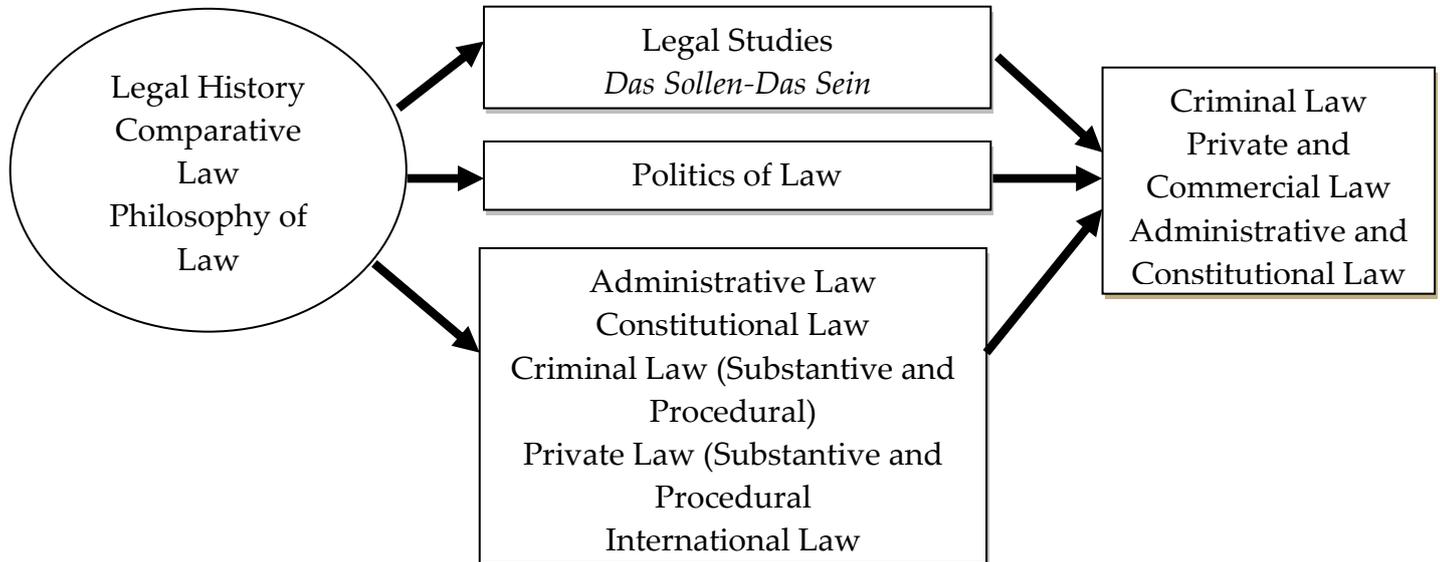


Figure 1 Position of Clusters of Legal Sciences

The structure of UNNES Law School's body of knowledge in Law Faculty as described above is intended to form graduate students having knowledge, skills, and attitudes that fulfill the pillars of learning education to be, to do, to know, and to live together as on Figure 2.

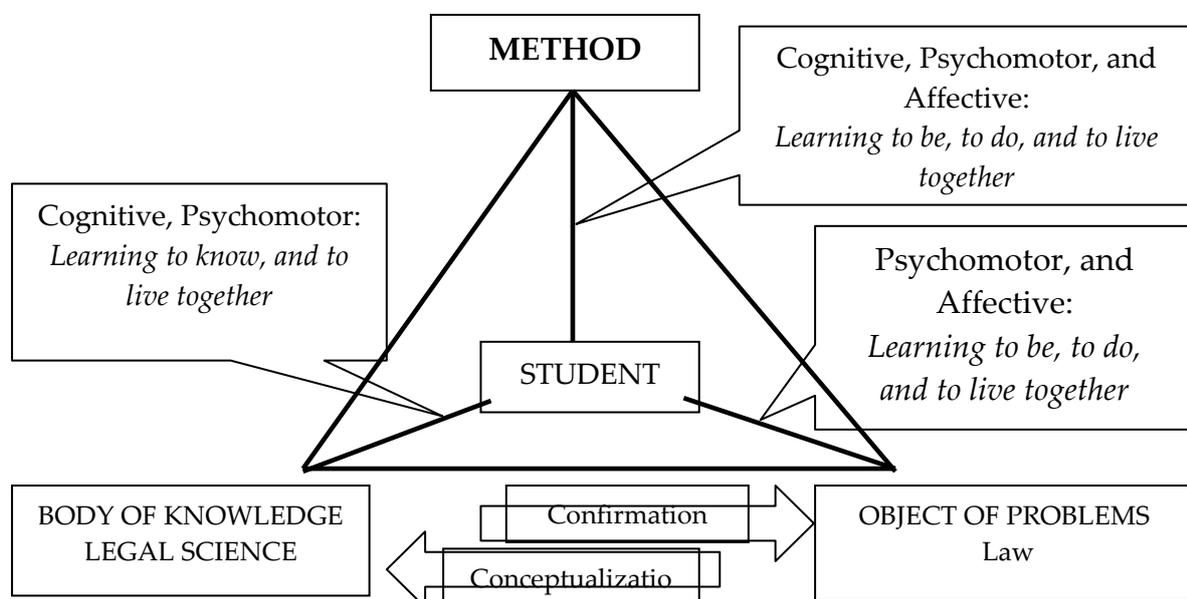


Figure 2 Structure of body of knowledge related to learning outcomes

The profile of the Law Study Program graduates is constructed based on the search for alumni of the Bachelor of Law Study Program. Namely UNNES Law Study Program graduates work in government and private institutions. Government agencies in question include Police, Attorney General's Office, Judiciary, Supreme Audit Agency, Ministry of Finance (Office of Taxes, Customs), Ministry of Home Affairs (Provincial Government and City/Regency Government), Ministry of Law

and Human Rights, National Land Agency, Ministry of Agriculture, Ministry of Foreign Affairs, and Ministry of Public Works. Private institutions include Law Firms, Legal Consultant Offices, Notary Offices, Banks, Companies, Non-Governmental Organizations, and other community social organizations.

The body of knowledge and learning achievement of the Legal Sciences Study Program shows proportional theory and practice of legal higher education to achieve graduate profile. The profile of graduates focuses on legal practitioners as shown in the following table 1.

Table 1. Profile of Graduates of Bachelor of Law UNNES (Legal Professions)

Profile of Legal Profession	Description
Law Enforcer	Indonesian law enforcers consist of judges, police, prosecutors, lawyers who are able to realize truth and justice
Legal Drafter	Regulators and professional legal contracts at agencies or companies
Legal Officer	Administrator of documents, licenses, legal opinion providers and providers of alternative solutions to various legal problems faced by the company
Legal Consultant	Giving advice and legal consultation to the community
Advocacy	Defenders and assistants of the community who experience legal problems
Legal Researcher	Assess various legal issues in accordance with the development of science and technology and society

At the level of practice of higher education law is realized through a legal education clinic (CLE). Clinical legal education is a practical level in studying and enhancing students' abilities in a structured program and becoming an integral part of law school. Philip Plowden assumes clinical legal education as *"teaching law through exposure to real clients and their problems."* Even by that, clinical legal education is an integral part of law faculties and is required to be developed in teaching curriculum. Thus, clinical legal education is the most important means to support and familiarize students in the atmosphere of the implementation of the legal system in Indonesia. Clinical legal education is understood as a form of law learning, both theoretically, which is then deepened by practice, as well as studying law thoroughly and deeply about the reality of law enforcement practices (McKanders 2010; Pound 1996; Kuehn 2014; Kruse 2011; Samekto 2017).

Clinical legal education has in-depth coverage of the study of law, namely *"a full law center casework and representation model, advice only models, referral services, representation only services, placement services, street law, and other community projects and simulated clinical activity."* Courage to adopt and develop the concept of clinical legal education is not easy to cause. This concept is not solely on the theoretical level incorporated into the curriculum, but how to practice it in the teaching and learning process that is right on target. Clinical legal education provides an overview of efforts to transfer knowledge between teachers and students without causing manipulation (only *das sollen*). This also provides an opportunity for students to face legal cases in the field later. The active role of teaching staff in the classroom is absolute only to stimulate sensitivity and create student creativity (Rodiyah 2017; Sastroarmodjo&Muhtada 2017; Soedjatmoko 1976; Rodiyah 2017).

Some things that need to be understood include: (1) the provision of legal theories in the classroom accompanied by the implementation of legal practice by dealing with actual cases; (2) legal reality and how students can form legal opinions based on legal principles; (3) legal drafting and its use which is not limited to merely making, but also analyzing cases and pouring them out; (4) increasing knowledge and experience of the practices of law and law enforcement in the real world (Pound 1996; Toisuta 1961; Tokarz et.al 2013; Ulfah 2017; Ridwan 2017).

The potential for CLE development in Indonesia is very large. That is because, *first*, the legal clinic has existed in almost every law school. *Second*, the existence of a legal clinic is an important part of

strengthening access to justice for the community. Its presence has colored the legal aid movement in Indonesia. When several legal aid agencies experience obstacles both politically and sociologically, the legal clinic continues to provide legal assistance services for the poor. *Third*, clinic law has strong legitimacy as a provider of legal aid services. Legal clinics cannot be separated from the legal learning process so that their existence must be part of the law faculty curriculum. The main objective is to prepare a new generation of Indonesia who are professional, have integrity, and uphold the spirit of service to the public interest (Zahir 1978; Wahjono 2017).

2. Methods, Opportunities, and Challenges of CLE in Indonesia

This legal clinical education is different from the PKL program (Field Work Practice) which is run at the Faculty of Law UNNES. In Field Work Practice programs, students are invited to be equipped with practical skills in institutions, offices or institutions outside the campus with the aim that they are skilled, gain weight as a course of 4 (four) credits with the final assignment of PKL activities tested by academic supervisors and field supervisors from the place of student's PKL (Rodiyah 2017; NoordinAyus, 2017).

Clinical legal education runs in various Law Schools in Indonesia generally students get grades from legal clinical courses and have practical skills. Even in UI Law School, clinics are also different from procedural law courses or legal practices. In the procedural law course, students face more cases that are made or designed and then analyzed and prepared legal documents. In this legal clinic students must face the real case. Students can meet with parties who have cases, conduct interviews, prepare certain documents, and so on. So students face a real legal case, accompanied by their lecturers or those who work closely with legal clinic managers. At Faculty of Law UNNES still joins the law program or law practice followed by observing interviews in a scientific research course. This program will strengthen the preparation and implementation of legal clinical courses at Faculty of Law UNNES (Rodiyah 2017).

CLEs are able to hone skills in applying the law, through this course introduced to students about the concept of social justice. Students will conduct socialization to improve the legal awareness of the community by strengthening the layers of society that most need justice in accessing law enforcement. The active participation of these students can also inspire citizens about the idealism of law enforcement (NoordinAyus 2017; McKanders 2010; Fidiyani 2010).

The CLE learning method that can be used as a reference is the experience at UI Law School, which has a legal clinic that runs, namely criminal clinics, civil clinics, women's and children's legal clinics, and anti-corruption clinics. The UI Law Clinic is organized by the Laboratory Unit, Legal Clinic and UI Law School Student Competition. Student recruitment Legal Clinic courses are conducted at least two months before the start of the new semester. The recruitment consists of three stages, namely the administration stage, the written test stage, and the interview stage (Rodiyah 2017; Sastroatmodjo&Muhtada 2017).

By participating in this lecture, students are expected to have mastered the law both formally and materially (applied) applied in the field. Students are also expected to be able to recognize legal practices in the field with experiences that are directly given. In addition, students are directed to have sensitivity to the constraints of law enforcement in Indonesia. In the end, students are expected to be skilled in conducting legal analysis and can provide appropriate solutions to the legal problems faced.

There are several strategies that can be done to develop legal clinics in Indonesia, such as, *first*, integrating legal clinic with existing courses. There are a number of courses in law faculties which actually have a clinical character even though in the practice of learning the same as the other subjects. One of them is Training Education and Legal Proficiency (PLKH). This course aims to provide students with practical skills about aspects of legal work such as judicial practice, legal drafting, contracting, methods of legal writing, and there are also several law faculties that teach advocacy techniques. But in practice this course has not yet adopted the learning process by doing. What needs to be done is to reconstruct the system of this course and how to connect it to the legal

clinic including discussion material, learning methods, human resources and so on. The practice of field work or real work classes is also very potential to be used as a model that strengthens the development of clinical legal education.

Second, increase the capacity of teaching instructors in clinical courses. Although the legal clinic has been around for a long time, and the courses with the character of the clinic have also existed, there are still limited understanding of the essence of the clinical legal education and the learning process. Therefore, it is necessary to increase the capacity of lecturers about the CLE concept and learning methods so that the CLE concept is applied contextually and becomes a pioneer for the process of creating a new generation of Indonesian lawyers who are concerned with social justice issues.

The method for implementing the Law Clinic is carried out in three ways, *first*, in the form of face-to-face meetings (25%). In face-to-face meetings, students are provided with a brief review of legal clinics, implementation procedures, objectives, evaluation systems, explanation and distribution of lecture materials, explanations about Indonesian law, and briefing insights into legal practices in Indonesia. In addition, students are also given technical debriefing, such as interviewing techniques, case analysis techniques (criminal law clinics), negotiation techniques, and techniques for making legal documents (civil law clinics); *second*, practice (in house and/or ex-house) (70%). In practicing, legal clinics work with several institutions, to place students who take part in this course activity. In this practical meeting there was also a reflective meeting which was intended to monitor students in practicing; *third*, evaluation (5%). At the end of the semester, students will be evaluated by clinical law lecturers in theory and practice related to lectures for one semester. The method used in carrying out the evaluation is in the form of daily activity notes in the form of pocket books, field observations, case study reports, and final semester examinations in the form of presentation of results of activities (Rodiyah 2017; Kuehn 2014).

The biggest challenge for CLE learning is the lack of integrity in the Faculty of Law's national curriculum structure in Indonesia. In addition, the development of clinic law requires human resources who are experienced in legal practice and are able to transform the values of justice to students. In developing a legal clinic it is also necessary to get support mainly from the leadership of the law faculty and the teaching community, and the other is support from legal professionals such as judges, prosecutors, lawyers, NGOs, and so on. There are still many lecturers who have not been able to adapt to the CLE learning method.

Here are some things that can be done to overcome these obstacles, among others, the instructors should have an openness to accept the current situation, where students with their respective abilities have creativity and are increasingly critical, so that students have the opportunity to know more through: (1) sharing legal experiences; (2) the opportunity to deny and disagree with juridical facts, but still rests on legal sources; (3) understanding of rights to enhance the role of students in the study of legal practices through a structured curriculum (Sastroatmodjo&Muhtada 2017; Rodiyah 2017).

The Faculty of Law must also prepare a monitoring evaluation on the instructors and students whether they are able to apply it. There are several ways, including, *first*, through increasing enthusiasm and commitment. Students together with instructors can see and examine how the situation and conditions are built in learning and teaching activities. The level of seriousness of students as subjects, who are expected to play an active role, is assessed from: (1) the level of ability to observe and understand the cases given and practiced; (2) increasing the ability and knowledge of students in analyzing and displaying it as a form of legal presentation; (3) the relevance of legal knowledge not only on legal practice, but also on the accuracy of the legal knowledge applied in practice; (4) the activity and creativity of students in and outside the classroom, especially those related to legal studies (Friedman 2001; Pound 1996; Joy 2012).

Second, monitoring the practice capacity of a law enforcer as an advocate of justice, namely how the teacher transmits his knowledge and experience to students and the extent to which students absorb and develop it in an academic atmosphere, and are accustomed to the atmosphere of the legal system in Indonesia. It can be known by situations and conditions in which students practice what

has been given to them (for example, students are included in mentoring in solving real cases), opportunities obtained by students in actively increasing their abilities, and how students contribute and are not outdated in development legal products.

CLE will influence efforts to reform the law in Indonesia because the Faculty of Law produces legal experts, and formulates new strategies in preparing better legal experts who play an important role in promoting legal reform in Indonesia. Prospects Development of clinical legal education in law faculties is one alternative to realize Indonesian Legal Renewals that compete in the Global era while at the same time being a solution to the legal needs of the people that realize social justice (Samekto 2017; Tokarz 2013; Ulfah 2017; Rodiyah 2017).

Conclusions

This paper emphasized that legal education can produce professional and virtuous legal experts (evolved person) in a way that legal education must be carried out regularly and systematically, in order to provide the best results. The alternative is to balance the practical and theoretical portion. Practice by developing clinical legal education (CLE). The Role of the Cooperation Body of the Faculty of Law in Indonesia strengthens the Clinical Law Teachers Association while communicating to the government to synergize preparing infrastructure facilities in synergy with the community to prepare everything in the implementation of CLE.

References

- Arifin, Anwar. "Sistem Pendidikan Nasional dan Peran Budaya terhadap Pembangunan Berkelanjutan," *Paper*, presented at *Seminar Pembangunan Hukum Nasional VIII Penegakan Hukum dalam Era Pembangunan Berkelanjutan*, Denpasar, 14-18 July 2003.
- Arifin, R. "Clinical Legal Education for Human Rights Issues: How Students Can Implement Their Basic Knowledge of Human Rights in Reality", *International Conference on Clinical Legal Education*, 2017, 1(1): 325-336. Retrieved from <https://journal.unnes.ac.id/sju/index.php/iccle/article/view/20712>
- Armia, Mhd Shiddiq Tgk. (2003). *Perkembangan Pemikiran Dalam Ilmu Hukum*, Jakarta: Pradnya Paramita.
- Aulia, M. Zulfa. "Hukum Pembangunan dari Mochtar Kusumaatmadja: Mengarahkan Pembangunan atau Mengabdikan pada Pembangunan?," *Undang: Jurnal Hukum*, 2018, 1(2): 363-392.
- Becker, Sascha O., Erik Hornung, and Ludger Woessmann. "Education and Catch-Up in the Industrial Revolution." *American Economic Journal: Macroeconomics*, 2011, 3(3): 92-126.
- Cavazos, Ann Marie. "The Journey toward Excellence in Clinical Legal Education: Developing, Utilizing and Evaluating Methodologies for Determining and Assessing the Effectiveness of Student Learning Outcomes." *Southwestern Law Review*, 2010.40(1): 1-59
- Document of Curriculum of the Faculty of Law, Semarang State University, retrieved from <http://fh.unnes.ac.id>.
- Fidiyani, Rini. "Pergeseran Paradigma Dalam Pendidikan Tinggi Hukum (dari Kurikulum Inti dan Institusional ke Kurikulum Berbasis Kompetensi)," *Jurnal Dinamika Hukum*, 2010, 10(3): 240-252.
- Friedman, Lawrence M. (2001). *American Law an Introduction*, translated by Wishnu Bahkti, 2nd Edition. Jakarta: Tatanusa.
- Harkisnowo, Harkistuti "Selintas Sejarah dan Prospek Pengembangan Pendidikan Tinggi Hukum di Indonesia," *Jentera Jurnal Hukum*, 2003, Volume 4, Special Edition, Retrieved from <http://jurnaljentera.pshk.or.id/index.php/jentera/article/view/206>
- Joy, Peter A. "The Cost of Clinical Legal Education." *BCJL & Soc. Just*, 2012, 32(2): 297-318.
- Kosuri, Praveen. "Clinical Legal Education At A Generational Crossroads: X Marks The Spot." *Clinical L. Rev*, 2010, 17(1): 189-224.
- Kotkin, Minna J., & Dean Hill Rivkin. "Clinical Legal Education at a Generational Crossroads: Reflections from Two Boomers." *Clinical L. Rev*, 2010, 17(1): 187-216.
- Kruse, Katherine R. "Getting Real About Legal Realism, New Legal Realism, and Clinical Legal Education." *NYL Sch. L. Rev*, 2011, 56(4): 635-659.
- Kuehn, Robert R. "Pricing Clinical Legal Education." *Denv. UL Rev*, 2014, 92(1): 1-25.

- Kusumaatmadja, M.. "Pendidikan Hukum di Indonesia." *Jurnal Hukum & Pembangunan*, 2017, 24(6): 491-501.
- Manan, Bagir.(2004). *Peranan Pendidikan Hukum dalam Pembangunan dan Penegakkan Hukum untuk Masa Depan Indonesia*, retrieved from <http://www.hukumonline.com/detail.asp?id=9738&cl=Kolom>
- McKanders, Karla Mari. "Clinical Legal Education at a Generational Crossroads: Shades of Gray." *Clinical L. Rev.*, 2010, 17(1): 211-234.
- Noordin Ayus, A.M. "Curriculum Design: Difficulties and Realities in Introducing Innovative Teaching and Learning Experience", *International Conference on Clinical Legal Education*, 2017, 1(1): 77-96. Retrieved from <https://journal.unnes.ac.id/sju/index.php/iccle/article/view/20655>
- Pound, Roscoe.(1996). *Pengantar Filsafat Hukum*, translated by Mohamad Radjab, Jakarta: Bhratara.
- Rodiyah. "Opening Remarks: Clinical Legal Education in Indonesia Objectives and Advantages", *International Conference on Clinical Legal Education*, 2017, 1(1): i-iv. Retrieved from <https://journal.unnes.ac.id/sju/index.php/iccle/article/view/20801>
- Samekto, A. "Effect of Positivism in Clinical Legal Education", *International Conference on Clinical Legal Education*, 2017, 1(1): 97-104. Retrieved from <https://journal.unnes.ac.id/sju/index.php/iccle/article/view/20660>
- Sastroatmodjo, S., & Muhtada, D. "Internationalization of Legal Education in Indonesia: Insights from Faculty of Law Universitas Negeri Semarang", *International Conference on Clinical Legal Education*, 2017, 1(1): 275-284. Retrieved from <https://journal.unnes.ac.id/sju/index.php/iccle/article/view/20706>
- Soedjatmoko (1976). Beberapa Fikiran tentang Perguruan Tinggi, *Prisma*, No.2, March.
- Toisuta, Willi (1976). "Kurikulum Perguruan Tinggi: Perimbangan antara Beban Belajar dan Mengajar", *Prisma* No.2, March.
- Tokarz, Karen, et al. "Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required." *Washington University Journal of Law & Policy*, 2013, 43(11): 11-57.
- Ulfah, M. "Clinical Legal Education in the Legal Aid Institution", *International Conference on Clinical Legal Education*, 2017, 1(1): 171-188. Retrieved from <https://journal.unnes.ac.id/sju/index.php/iccle/article/view/20669>
- Wahjono, Padmo. "Pendidikan Hukum di Indonesia Suatu Retrospeksi", *Jurnal Hukum & Pembangunan*, 2017, 15(5): 443-465.
- Zahir, Bursja (1978). "Pendidikan Tinggi: Hubungan dengan Masyarakat dan Keadaan Sekarang", *Prisma* No.2 Maret, Tahun VII.