

Vol. 9(4), pp. 191-195, May 2021

doi: 10.14662/ijarer2021.150

Copy © right 2021

Author(s) retain the copyright of this article ISSN: 2360-7866

Full Length Research

Legal Clinic in the Legal Education Curriculum in Indonesia

Muhammad Akib¹, HS. Tisnanta², Heri Kurniadi³, Nita Ria Angkasa⁴

¹Lecturer, Faculty of Law, University of Lampung, Indonesia

²Lecturer, Faculty of Law, University of Lampung, Indonesia

³Advocates, Association of Indonesian Lawyers and Consultants of Indonesia

⁴Lecturer, Faculty of Law, Muhammadiyah Metro University, Indonesia

Corresponding author's E-mail: kurniadih368@gmail.com

Accepted 18 May 2021

Abstract

One of the goals to be achieved by activities in the law clinic and providing knowledge, expertise, and understanding of the values of social justice to students is also aimed at empowering the community. The aim of empowering the community is to foster legal awareness and knowledge of the community's legal rights. This is especially important for people who do not have access to justice. This article is intended to provide an overview of legal education that combines the role of legal clinics in empowering communities. This study indicates that legal clinics in legal education in Indonesia are directly involving students in dealing with society. The issue of social justice becomes the basis for the law faculty to develop clinical activities.

Keywords: Law, Legal Clinic, Curriculum, Education, Indonesia.

Cite This Article As: Akib, M., Tisnanta, HS., Kurniadi, H., Angkasa N.R.(2021).Legal Clinic in the Legal Education Curriculum in Indonesia. Inter. J. Acad. Res. Educ. Rev. 9(4): 191-195

INTRODUCTION

Legal education in Indonesia has received attention from the public, especially regarding law faculty graduates who are considered less capable of practicing their knowledge in work. This, of course, is related to the legal education system in law faculties in Indonesia. This education system is primarily a method used in the teaching and learning process.

Memorizing is still a method generally used by students in studying subject matter in law faculties. Meanwhile, teachers in general still use lecturing to convey knowledge to their students. These methods impact the ineffectiveness of the teaching and learning process, resulting in the minimum ability of students to understand legal materials. In the end, they are unable to apply their knowledge to solve legal problems.

The criticism of legal education in several law faculties in Indonesia is tried to be answered by applying clinical legal education. The application of clinical legal education is marked by establishing law clinics in law faculties in Indonesia. Legal clinic courses are different from other courses; This is because the objectives to be achieved through this clinical law course are providing knowledge, the experience of legal practice to students, and fostering a sense of social justice within students. So that to achieve this goal, the teaching system used is to involve law enforcers, society, bureaucrats, and practitioners from non-legal fields; In addition, the teaching method used is interactive.

Through activities designed in a law clinic, students have the opportunity to face the community directly and try to solve legal problems that exist in the community; even to provide education to the public related to legal

issues, especially those related to the legal rights and obligations of the people they face in their daily lives. By involving students in these activities, here students who are engaged in law clinics can achieve the goals of legal clinical activities and development efforts for community empowerment.

Various community groups can be targeted in legal clinical activities, for example, school students, teachers, prisoners in prisons, child perpetrators of crimes, victims of domestic violence, and many more. The purpose of this community empowerment effort is to foster legal awareness and understanding of community legal rights. This is especially important for people who do not have access to justice.

However, it is realized that legal education in Indonesia is generally inadequate to prepare students to deal directly with social problems in society and provide solutions to these problems so that the direct involvement of students in the community through the law clinic is not easy. Apart from that, the readiness of resources (human, financial, and infrastructure) that have not optimized the activities at this legal clinic.

By paying attention to the description above, this article will describe the role of legal clinics in the legal education curriculum in Indonesia to provide an understanding of the importance of the role of law faculties, especially through legal clinical activities to participate in community empowerment efforts; as well as conducting studies on the constraints and efforts that can be made to optimize activities in the legal clinic.

Legal Clinic Legal Education

At the beginning of its development, clinical legal education was marked by establishing a voluntary law clinic. This can be seen in the early development of legal clinics in the United States and Canada. Students who take part in legal clinical activities are voluntary in both countries and do not get credit points in lectures. For example at Yale University, where here students who take part in legal aid activities are not given credit by the university even though they are allowed to carry out their activities on campus (Ginding et al. 2011). Like America, in Canada, students are also involved voluntarily in clinical activities and do not get credit. In Canada, the students involved in the clinic represent a wide variety of clients, especially those from low-income families.

Further developments in countries in Africa, legal clinics are used for other than to provide practical legal expertise to students; Legal clinics are also used to provide legal services and access to justice for the public (Mcquoid-Mason et al. 2011). Meanwhile, in Southeast Asian countries, the development of clinical legal education is related to the development of legal training, which is part of legal programs initiated by colonial governments.

In its development, law clinics were developed by law faculties by forming several methods or models of legal clinics.

These models include:

- 1) Simulation, the method used in the simulation model is by not involving real clients, but students develop their understanding and expertise through role-play discussions (Duncan & Kay. 2011)
- 2) Externship is another model of apprenticeship. In this model, students will learn through seeing, imitating, reflecting, and repeatedly practicing judges or lawyers' behavior (Cole. 2011).
- 3) The live-client clinic was developed by involving students to deal directly with clients. This clinic aims to train students to develop their professional responsibilities (Duncan & Kay. 2011).
- 4) The street law clinic aims to raise public awareness of their rights and obligations (Grimes et al., 2011). Activities in the street law clinic can be aimed at various groups of people.

One of the efforts that the law faculty can make for the community is to make efforts to empower the community. Community empowerment efforts that can be done are by carrying out community legal education.

Community legal education is defined as a form of systematic advocacy that aims to teach a specific segment of society about their rights in a particular legal context to empower the community (Barry. 2012). Activities that can be carried out in community empowerment can be in the form of developing plans based on legal obligations and rights; mobilizing individuals and groups to obtain their rights; facilitate and strengthen community organizations; accelerating self-help activities; and understand the law.

There are several stages that can be taken to carry out community legal education activities, namely:

- 1) Determining which community groups will be targeted in legal education activities;
- 2) Clearly define the goals to be achieved, especially the goals to empower communities, especially marginalized communities.

Determining community groups and determining clear objectives are essential for activities that will be designed according to the needs of the target community groups. This is ultimately intended to make community legal education activities effective.

The Role of Legal Clinics in Community Empowerment Efforts: Challenges and Efforts

Since the early development of legal clinics, the issue of social justice has become a significant issue. This issue is related to efforts to empower people through law. The main objective of legal empowerment is mainly to serve marginalized communities, both as citizens and economic actors, to improve their rights and interests in society (Golub. 2010). This becomes important because, generally, marginalized people have minimal access to justice due to their lack of knowledge of the law; thus, the existing legal system alienated them.

The role of the law faculty as an academic department within a university and as a place to train students for professionals in their work (Goldfarb. 2012) allows for applying student-centered teaching methods, no longer solely on the role of the lecturer. To fulfill the law faculty mentioned above, the law faculty must teach not only what law is but also what practitioners do about law. This means that students must understand that law is not merely a doctrinal principle but also a systemic process. One of the efforts to train these students can be done through a legal clinic.

Placing a legal clinic as part of legal education in a law faculty must pay attention to the following components: (1) the clinic as a component of the curriculum; (2) clinical instructor; (3) learning methods in the clinic; (4) values of social justice; and (5) clinical students (Giddings & Lyman. 2012) The five components play an important role in legal education, especially in the legal clinic. First, as a component in the curriculum, credit for clinical law courses can encourage students to be involved in clinical activities. In addition, the inclusion of law clinics in the curriculum will promote law faculties to support every learning activity in the clinic. Second, clinical instructors play a role in implementing the Student-Centered Learning method in their teaching methods. Here, teachers are required to always be varied and innovative in developing clinical lecture syllabi. Third, the learning method supports the achievement of the objectives of the legal clinic.

Fourth, the values of social justice are an integrated part of the development of students knowledge and ability to practice law. Finally, clinical students must be willing to be actively involved in every learning process in the clinic. Students must understand what their purpose is to be involved in a clinical law program. In this case, the issue of social justice is closely related to community empowerment efforts.

Related to the explanation above, law faculty through legal clinics has a critical role in community empowerment efforts. The introduction and understanding of law faculty students on the importance of empowerment efforts should be made as part of teaching and learning activities. In this case, a legal clinic

can bridge the need for community empowerment efforts and the role or responsibility of the law faculty to the community. So here, in its activities, law enforcers, society, bureaucrats, and practitioners from non-legal fields are essential.

As is known from the development of clinical law education, from the beginning, it was intended to provide access to people (both individually and in groups) who have limited access to justice. The driving force of clinical activities is students, where students are in direct contact with social problems that exist in society, especially issues related to law.

The law clinic provides space for law faculties, especially students, to develop activities that are directly targeted at community empowerment efforts. With clinical models that can be applied, especially live client clinics and street law clinics, the law faculty can involve students directly with the community.

Activities designed in the anti-corruption clinic include research (especially in government institutions), the results of which are advocated for to related institutions, learning/education about anti-corruption values to schools and community groups, and campaigning against anti-corruption values to the community. From these activities, students directly faced the public and issues related to corruption and eradicating corruption. Here, students can develop their skills to conduct research and communicate with the community. Meanwhile, the public is educated to understand anti-corruption values and understand the potential for corruption and its legal rules.

Obstacles and Efforts of Legal Clinics in Increasing Its Role in Community Empowerment

It is realized that legal education in Indonesia is generally not sufficient to prepare students to deal directly with social problems that exist in society and provide solutions to these problems. So that the direct involvement of students in the community through the law clinic is not easy; apart from that, the available resources (human, financial, and infrastructure) have not optimized the activities in the legal clinic.

Related to the constraints of students' unpreparedness to become problem solvers, what becomes a criticism is the method used in the learning process at the law faculty. Memorizing is still a method generally used by students in studying subject matter in law faculties. Meanwhile, teachers in general still use the lecture method to transfer knowledge to their students. These methods impact the ineffectiveness of the teaching and learning process, resulting in the minimum ability of students to understand legal materials and ultimately unable to apply their knowledge to solve legal problems.

To face obstacles related to teaching methods in law faculties, it is necessary to change the teaching paradigm in law faculties. It must be understood that lecturers are

not the only learning center, but learning centered on student activity so that an interactive learning process must be continuously developed.

The paradigm shift referred to above is a change from the method teacher-centered learning to/towards being student-centered learning Paradigm in student-centered learning views several things in learning, namely as follows (Direktorat Pembelajaran dan Kemahasiswaan. 2012):

- a) The knowledge that was initially viewed as something that has become and remains transferred from lecturers to students into knowledge is seen as the result of construction or transformation by learners;
- b) The learning process that initially receives knowledge (passive-receptive) becomes active and specific, seeking and constructing knowledge;
- c) The lecturer conveyed the learning method, which was initially knowledge or teaching, through lectures and lectures to become students participating with the lecturer to form understanding.

The application of student-centered learning method makes students accustomed to actively expressing opinions, thinking critically, and solving legal problems that they face. Method Student-centered learning is possible to be applied in a legal clinic. With an ideal ratio of the number of clinical teachers to students, using student-centered learning is applied optimally.

The development of law clinics in law faculties opens up enormous opportunities for law faculties to be involved in community empowerment efforts. This also answers public criticism regarding the readiness of law faculty graduates to face the world of work (legal practice).

The next obstacle is the readiness of human resources, funds, and facilities, and infrastructure. These constraints are described as follows:

- 1) Human resources, namely teachers or lecturers, become obstacles related to the workload that each lecturer has.
- 2) The costs that the faculty must allocate for running a clinic are pretty high compared to other courses. This is due to the involvement of teachers from outside the law faculty.
- 3) Facilities and infrastructure to support clinical activities for several faculties are still an obstacle. This is generally related to funding issues.

To deal with the readiness of human resources, funds, and facilities, and infrastructure, several things can be done, namely:

- 1) About human resources, efforts that can be made are to involve more than 1 (one) teacher in clinical activities (team teaching). If the clinic concerned has a work partner, then the law school and partners

coordinate to divide work within the clinic.

- 2) For the issue of funds and facilities and infrastructure, what can be done is to ensure the commitment of the law faculty in the implementation of this clinical activity.

With the efforts that can be made to deal with the obstacles above, the law faculty can play an active role in community empowerment efforts.

CONCLUSION

The role of the law clinic in community empowerment efforts is to involve students in dealing with the community directly. The issue of social justice becomes the basis for the law faculty to develop clinical activities. The law clinic provides space for law faculties, especially students, to create activities that are directly targeted at community empowerment efforts. The obstacles faced by the law faculty in the implementation of clinical activities, namely the problem of teaching methods and the availability of human resources, funds, and facilities and infrastructure. To overcome these obstacles, the commitment of law teachers and faculties to advance legal clinics is significant. Increase the role of the law faculty, primarily the responsibility of the law faculty to develop a legal clinic. This is important to prepare students in the world of legal practice to ensure the continuity and success of the development. That can happen with a trained generation. Therefore, legal education by including legal clinics in the legal education curriculum in Indonesia is an investment for the future.

REFERENCES

- Barry, Margaret Martin (2012). Teaching Social Justice Lawyering: Systematically Including Community Legal Education in Law School Clinics, *Clinical Law Review*, Vol. 18:401, Spring, 404.
- Cole, Liz Ryan (2011). Externship: A Special Focus To Help Understand And Advance Social Justice, 323. Frank S. Bloch Ed. Oxford University Press, Inc. 323.
- Duncan, Nigel And Kay, Susan L. (2011). Addressing Lawyer Competence, Ethics, And Professionalism, Frank S. Bloch Ed. Oxford University Press, Inc. 188.
- Direktorat Pembelajaran dan Kemahasiswaan, (2012). Panduan Pengembangan dan Penyusunan Kurikulum Pendidikan Tinggi: Pendekatan Kurikulum Berbasis Kompetensi dan Pendidikan Berbasis, Direktorat Pendidikan Tinggi, 56.
- Gidding, Jeff., Burrige, Roger., Gavigan, Shelley A.M., And Klein, Catherine F., (2011). The First Wave Of Modern Clinical Legal Education: The United States, Britain, Canada, And Australia, Frank S. Bloch Ed.

- Oxford University Press, Inc,4.
- Grimes, Richard., Mcquoid-Mason, David., O'brien, Ed., Zimmer, Judy. (2011). Street Law And Social Justice EducationII, Frank S. BlochEd. Oxford University Press, Inc.225.
- Golub, Stephen (2010). WhatIs Legal Empowerment? AnIntroductionII, Stephen Golub Ed. International Development Law Organization,. 10.
- Goldfarb ,Phyllis. (2012). Backtothe Future of Clinical Legal Education, Boston College Journal of Law & Social Justice,vol.32:279, 284.
- Giddings, Jeff And Lyman, Jennifer. (2011). Bridging DifferentInterest: The Contributions of Clinics to Legal Education,di dalam Frank S. Bloch ed., Oxford University Press, Inc.,297.
- Mcquoid-Mason, David., Ojukwu, Ernest., And Wachira, George Mukundi. (2011).Clinical Legal Education In Africa: Legal Education And Community Servicell, Frank S. Bloch Ed. Oxford University Press, Inc.,23.