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# Against the Demise of Discourse: Reclaiming Intellectual Culture in Indonesian Legal Education

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## Abstract

In many parts of the world, the field of law is seen as one of rigour and law schools are seen as melting pots of critical thoughts. Such used to be the case in Indonesia, but a quick look at the state of legal education in the country today would proffer an indication of otherwise. The increasing quota in law faculties nationwide is not matched with improved human capital output quality. In fact, law faculties have been derisively stereotyped as a dumpster for the laziest of students in prior education. This is frankly and very unfortunately not uncorroborated as reading, despite being a rudimentary and logically inseparable component of the typical law school experience, is missing as a habit. This is not to mention ensuing issues like a lack of critical exchange in classrooms and proficiency in the production of scholarly works. This paper

exposes the problem in detail from the author's experiences and observations which are still fresh in memory as a recent graduate from one of Indonesia's (supposedly) best law faculties. Subsequently, the author posits several highlights of recommendations pertaining to creating a culture of intellectualism among students from his experimentative efforts as a teaching assistant and editor-in-chief of the oldest and foremost student-run law review in the country. A slow but steady process of habitualization is needed to accomplish the objective, employing various learning sources to increase learning appetite following three stages of one's scholarly journey in law: reading, thinking, and writing. Taking an age-old confab to a long-overdue next phase, this paper focuses on providing practical insights for legal educators and fellow students, not just in Indonesia but also anywhere in the world who face the same predicament in their classrooms, to contribute in realizing meaningful change.

**Keywords**

*Critical Thinking; Legal Scholarship; Literacy Crisis; Reading Culture; Student Engagement.*

# I. Introduction

The law school and the experience that students go through can be said to be a range of different things. Some believe that the purpose of the law school is to create individuals who are capable of identifying the wrongs and injustices in society to then cultivate new knowledge that

tackle those issues.[1] Others choose to have a more pragmatic perception by acknowledging the needs of the industry which are to be filled by professionals with relevant skills such as drafting and pleading in front of a competent forum of similarly educated persons.[2] What many across the world would agree to say that it is not, however, is a place for those who are unwilling to put in the effort in committing years of their life into a rigorous cycle of reading and writing as well as discussing philosophical and practical questions that face humanity.

The law school, as proven in other parts of the world, is the breeding ground for many of a nation's leaders across various fields including academia, government, and business.[3] The opportunities that these institutions open up are so great such that one could realistically set the cornerstones of their own life and even of the society they sought to create from within its classrooms. This is especially true in younger and/or developing countries like Indonesia where the law itself forms the backbone that sustain the nation's endeavors to progress,[4] and the schools create generations of jurists capable of translating imaginations into everyday reality.[5] Unfortunately, the very same educational institutions in the so-called Global South have also found themselves in

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1 Bethany Rubin Henderson, "Asking the Lost Question: What Is the Purpose of Law School," *Journal of Legal Education*, 2003; John R Peden, "Goals for Legal Education," *J. Legal Educ.* 24 (1971): 379.

2 Jerome Frank, "A Plea for Lawyer-Schools," *The Yale Law Journal* 56, no. 8 (1947), https://doi.org/10.2307/793068.

3 J M L Heminway, "Change Leadership and the Law School Curriculum," *Santa Clara L. Rev.*, 2022.

4 Pancasila as the ideological foundation. Implicitly stating that Indonesia is a nation that places adat values, cultural values, and religious values at the top of the legal hierarchy. Strengthening Character Education is the government's effort to acknowledge that character education is important to be emphasized, read on Chusnul Qotimah Nita Permata et al., "Strengthening Character and Legal Education with Pancasila Values in The School Environment," *The Indonesian Journal of International Clinical Legal Education* 4, no. 3 (2022), https://doi.org/https://doi.org/10.15294/ijicle.v4i3.60127.

5 Shiv Dayal, "Dynamics of Development: Legal Education and Developing Countries," *Law in Zambia*, 1984, 91–112.

a predicament wherein the ideals that they stand to accomplish are met with systemic hindrances which ranges from a lack of financial and human capital to an absence of engagement with the societal realities, leading to an inability to create breakthroughs that move the needle.[6]

Indonesia is no stranger to this problem. Some of the nation's most esteemed scholars have voiced their concerns over the many challenges facing the archipelago's many law schools—or more appropriately, law faculties.[7] The successes of earlier generations of legal thinkers in producing knowledge across areas of law, from domestic to international, is not replicated in those that follow.[8] Aside from the ones mentioned above as general characters found in other jurisdictions, there are a number of circumstances unique only to the country thanks predominantly to its social, cultural, and historical contexts.[9] A history of centuries-long colonialism,[10] followed by decades of authoritarian rule have caused multilayered obstacles to legal education in the country.[11] The convolution and political silencing of the university as a breeding ground for intellectual discourse,[12] sits atop a preexisting complication with critical thinking that is reflected as policy by the

6 *Ibid.*

7 Mochtar Kusumaatmadja, *Konsep-Konsep Hukum Dalam Pembangunan* (Bandung: Alumni, 2002).

8 Rafsi Albar, "A Rendezvous with Destiny: The Past, Present, and Future of Indonesian Legal Scholarship," Juris Gentium Law Review: Thoughts!, 2024, https://jurisgentium.org/a-rendezvous-with-destiny-the-past-present-and-future-of-indonesian-legal-scholarship.

9 Adriaan Bedner and Jacqueline Vel, "Legal Education in Indonesia," *Indonesian Journal of Socio-Legal Studies* 1, no. 1 (2021), https://doi.org/10.54828/ijsls.2021v1n1.6.

10 Soetandy Wignjosoebroto, "Development of the National Law and Legal Education in Indonesia in the Post-Colonial Era" (Leiden, 1992).

11 *Ibid.*

12 Mochtar Kusumaatmadja, "Pendidikan Hukum Di Indonesia: Penjelasan Tentang Kurikulum Tahun 1993," *Hukum Dan Pembangunan* 24, no. 6 (1994): 91–501.

ruling regime throughout the national education system.[13] This is not to mention the speedy advent of technology like artificial intelligence which brings about too much convenience that threaten the core essences of legal education.[14]

This paper starts with an overarching claim that the state of legal education in Indonesia today indicates that it is in need of change through the rethinking and recreation of a better ecosystem for intellectualism. This is derived from an observation of the dire state of law schools in Indonesia which has no longer suffices to fulfil the roles that they are supposed to play in society;[15] that glorification of the jurist as being the 'educated person' is a bygone illusion of grandiosity. Having had the privilege of becoming a student, teaching assistant, and editor-in-chief of the oldest and foremost student-run law review at what is often said to be one of if not the preeminent law schools in the country, I use this opportunity to critically reflect on the things that have been witnessed as quandaries vis-à-vis the declining competency that law school graduates possess. Subsequently, I posit a three-part framework to fix the issue at the school level, each corresponding to one part of the problem that follows a causal sequence, and key recommendations for systemic reform. The insights put forward in this contribution are practical such that the reader, be it a faculty member at an Indonesian law school or a fellow law student in another corner of the world who sees the same issue with their peers, would be able to experiment with these approaches in order to bring about palpable positive change.

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13 Gilang Andaruseto Prabowo, "Warisan Mental Didik Orde Baru," GEOTIMES, November 7, 2018, https://geotimes.id/opini/warisan-mental-didik-orde-baru/.

14 Ibnu Sina Chandranegara, "Masa Depan Sarjana Hukum Kita," Hukum Online, August 16, 2023, https://www.hukumonline.com/berita/a/masa-depan-sarjana-hukum-kita-lt64dc40f7016ac?page=2.

15 See Dayal, *Op.cit*; Peden, *Op.cit*; Sturm, *Op.cit*.

# II. Method

This article adopts a qualitative, reflective research method grounded in the author's firsthand experiences as a law student, teaching assistant, and editor-in-chief of a leading student-run law journal in Indonesia. Through these roles, the author observes and critically examines the current state of legal education in Indonesia, highlighting issues such as a literacy crisis, lack of critical thinking, and the decline of intellectual culture. The method combines empirical observation with critical reflection on the social, cultural, and historical factors that shape legal education. The author's personal experiences are enriched by a review of relevant literature and theoretical perspectives to better understand systemic challenges and to formulate practical recommendations aimed at fostering a culture of intellectualism within law schools.

# III. The Literacy Crisis in Legal Education

Regardless of the differences in the approach to pedagogy, nobody in law can refute that the law is a field of study inextricably linked to reading. It is also true that the kind of reading and more broadly language in law school are significantly more sophisticated than that found in other disciplines.[16] Indeed, the legal profession, according to Mellinkoff, is one of words.[17] It is a universal matter regardless of jurisdiction that one needs to have a high command of the operational language employed in the legal system so as to be able effectively deal with the smallest of problems and problematizations that not rarely come down to choices in vocabulary and at times punctuations.

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16 David Mellinkoff, *The Language of the Law* (Eugene: Wipf and Stock Publishers, 2004).

17 *Ibid.*

Reading law is admittedly complicated and is no easy feat for anyone, even those who have spent years in its scholarship, let alone those who are just starting out.[18] Psychologists and cognitive scientists would agree with the position that reading is generally a very desirable trait to have in higher education since higher levels of thinking capabilities are required to process abstract concepts and later form new knowledge or perceptions out of them.[19] This is exactly the reason why many have called upon university administrators and curriculum designers to embed academic reading skills for first-year tertiary degree students.[20] It is then only logical to expect that more such exercise is found in law classrooms.

The very unfortunate problem is that even when law students in many parts of the world are busy trying to survive being buried in dozens upon dozens of books, journal articles, and case laws just to prepare for one class, Indonesian law students are ostentatiously not bothered to even go through an already very short reading list. Once a destination for those deeply committed to the pursuit of knowledge and advancement of society on the daily through discovery,[21] the country's law faculties have seen a decline in perceived value among other things due to dying reading culture. The increasingly high acceptance quota in law faculties—being one of the easiest faculties to establish and expand—correlates negatively with the depth or quality of engagement each student has or even has to have in relation to their materials.

There are many ways to see this problem and similarly many root causes that can be pointed out, all of which valid and contributing to the whole to their own degrees. One could argue, for example, that the

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18 Peter Dewitz, "Reading Law: Three Suggestions for Legal Education," *University of Toledo Law Review* 27, no. 3 (1995): 657.

19 Julian Hermida, "The Importance of Teaching Academic Reading Skills In First-Year University Courses," *SSRN Electronic Journal*, 2011, https://doi.org/10.2139/ssrn.1419247.

20 *Ibid.*

21 Albar, *Op.cit.*

'ease' of entering a law faculty in the country—in contrast with others where law is only available as a post-bachelor's degree (J.D.)[22]—makes students see law as just another major. However, there is a vivid pattern pointing towards the fact that law students' literacy is a crisis in and of itself. This is an issue that stems from a fundamental problem in the Indonesian society which is then perpetuated in law classrooms and even later in the legal profession.

Indonesia's performance across indexes consistently shows lower figures compared to global average in reading skills,[23] is telling of the culturalized disregard of literacy as something bigger than a formalistic component of education to be left for language subject educators.[24] Indonesians have grown accustomed to the practice of self-mortification when it comes to reading. It is very troubling how Indonesians often subscribe to belief that they are simply destined as a society not to be intelligent. This is a mentality inherited by the nation's earlier generations that lived under the Dutch colonial rule where, at the peak of its ethical politics period, only a fraction of the population had the chance of obtaining education and could therefore participate in intellectual life.[25] While progress has been made across the years as

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22 Notable examples of countries with such a system include the United States of America and the Philippines. There are also other variations such as longer termed first degrees in law such as the five-year Laurea Magistrale in Giurisprudenza in Italy and five-year LL.B. in Brazil.

23 OECD, "PISA Results 2022 - Factsheets: Indonesia," OECD, June 18, 2024, https://www.oecd.org/en/publications/pisa-results-2022-volume-iii-factsheets_041a90f1-en/indonesia_a7090b49-en.html.

24 Lilik Tahmidaten and Wawan Krismanto, "Permasalahan Budaya Membaca Di Indonesia (Studi Pustaka Tentang Problematika & Solusinya)," *Scholaria: Jurnal Pendidikan Dan Kebudayaan* 10, no. 1 (2020), https://doi.org/10.24246/j.js.2020.v10.i1.p22-33.

25 Ailsa Zainu'ddin, "Education in the Netherlands East Indies and the Republic of Indonesia," *Melbourne Studies in Education* 12, no. 1 (1970), https://doi.org/10.1080/17508487009556022; Ewout Frankema, "Why Was the Dutch Legacy so Poor? Educational Development in the Netherlands Indies, 1871-1942," *Masyarakat Indonesia*, 2013, 307–26.

shown by a steadily decreasing rate of basic illiteracy, the phantasm of a divide between the intellectual elites and the rest persists. This only worsens as time goes by, starting with the subjugation of intellectualism by the ruling regime of the second president under the guise of stability and national unity,[26] and now with the rapid integration of technology into daily life that enables laziness and unwillingness to find and curate information by younger pupils.[27]

A different kind of problem is found in law classrooms, albeit leading to the same end. Having inherited the legal system from the Dutch era, Indonesia's is a mixture of three: civil, religious, and *adat* with predomination of the first. Although not completely a mishap, there is a presumption that jurisprudence as in case laws (*yurisprudensi*) plays only a miniscule role in developing understanding of the law as prescribed chiefly by regulation.[28] Case law analysis, despite the real benefits it offers in enriching one's conceptual mastery and train of thought,[29] is not commonly found in most subjects and classrooms,[30] in part due to a lack of preservation and transfer of such knowledge as a subject matter and source of study.[31] With international law—one of the smallest concentrations in law faculties ironically by virtue of its demanding rigor—being the exception to this trend, mainly because its

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26 Prabowo, *Op.cit.*

27 Ahmad Abdul Rochim, "Kecerdasan Buatan: Resiko, Tantangan Dan Penggunaan Bijak Pada Dunia Pendidikan," *Antroposen: Journal of Social Studies and Humaniora* 3, no. 1 (2024): 13–25.

28 Simanjuntak, "Peran Yurisprudensi dalam Sistem Hukum di Indonesia."

29 Misnawati Misnawati, Reski Pilu, and Zul Astri, "Legal Case-Based Reading to Promote Critical Thinking for Law Students," in *AsiaTEFL-68th TEFLIN-5th INELTAL Conference* (Paris: Atlantis Press, 2023), https://doi.org/10.2991/978-2-38476-054-1_37.

30 Bedner and Vel, *Op.cit.*

31 Linda Yanti Sulistiawati and Ibrahim Hanif, "Second Fiddle: Why Indonesia's Top Graduates Shy Away from Being Judges and Prosecutors, and What We Can Do about It," in *Brill's Asian Law Series*, vol. 6, 2017, https://doi.org/10.1163/9789004349698_015.

scholarship and practice traverse legal cultural borders, there is much to be desired from the majority of lawyers.

## IV. Absence of Critical Thinking and Productive Discourse

Jurisprudence as commonly referred to in the English language as the science of law marked by theoretical and philosophical discussions is, in similar fashion, yet another issue facing legal education in Indonesia. While curriculums of most law faculties contain mandatory subjects like legal philosophy, it is very apparent that many law students go on to graduate without sufficient comprehension of such ideas due to an increasingly shifting paradigm leaning more towards practical skills.[32] Though this is not necessarily something bad *prima facie*, it has proven to backfire against themselves and the broader legal system the moment they enter the working world. Law graduates end up being very doctrinal,[33] as they are devoid of foundational thought processes that engenders the law.

The nature of the study of law is not supposed to be confined to the doctrines and especially not just the word-by-word prescriptions of legislations or other products of political process. Doctrines are supposed to be the ground on top of which the jurist is able to resolve questions posed by comparing theory and praxis or with variables that add nuances to the postulation of the law.[34] Relying merely on 'holy creeds' that one is exposed to in the classroom context is the most basic level of reasoning which is no longer adequate in responding to the

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32 *Ibid.*

33 Satjipto Rahardjo, *Sisi-Sisi Lain Dari Hukum Di Indonesia*, 3rd ed. (Jakarta: Kompas, 2003).

34 Jan M. Smits, "What Is Legal Doctrine?: On the Aims and Methods of Legal-Dogmatic Research," in *Rethinking Legal Scholarship: A Transatlantic Dialogue*, 2017, https://doi.org/10.1017/9781316442906.

evermore intricate phenomena that the law is put against.[35] Contrary to what seems to be the case at face value, a strict adherence to textual sources without paying heed to contexts not only makes unpredictable and incongruous outcomes, it also debars the jurist from being able to adapt with dilations—through invention and discovery among other ways—in society.[36] Most importantly, however, it kills one's ability to imagine the potentialities of the law and the world that it could help shape through the smallest of decisions.[37]

The typical lawyer in Indonesia is regrettably like this. Household names in the national legal education scene have voiced their concerns over the years, blaming the system inherited from the colonial era that was designed to produce enforcement officers (*rechtsambtenaren*) whose task were to deduce facts and match them with certain known moulds.[38] Yet throughout the decades that followed the nation's independence, many have concerted this paradigm by offering alternative means of thinking such as by summoning on-the-ground observations as basis for a sociologically attuned inquiry and answering therewith.[39] These propositions today seem like desperate cries for help as virtually nothing has changed in the status quo. Without dismissing the well-founded claim that past colonial rule indeed plays a huge role in shaping's a nation's attitude—which includes the problem with reading—it is

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35 Wilson Huhn, "The Stages of Legal Reasoning: Formalism, Analogy, and Realism," *Villanova Law Review* 48, no. 1 (2003): 305.

36 Marcin Matczak, "Why Judicial Formalism Is Incompatible with the Rule of Law," *Canadian Journal of Law and Jurisprudence* 31, no. 1 (2018), https://doi.org/10.1017/cjlj.2018.3.

37 Mark Antaki, "The Turn to Imagination in Legal Theory: The Re-Enchantment of the World?," *Law and Critique* 23, no. 1 (2012), https://doi.org/10.1007/s10978-011-9095-0.

38 Wignjosoebroto, *Op.cit.* See also Bedner and Vel, *Op.cit.*

39 *Ibid*; Kusumaatmadja, *supra* note 11. The two scholars are among the most persistent advocates for legal education reform in Indonesia and they are figures that reformists often look up to for their grit in pushing for change at the systemic level to the best of their abilities throughout their lifetime.

unreasonable to keep on using that as an excuse for consistent non-performance across generations.

Indonesian law students are frankly like answering machines that simply take in a set amount of information to then generate a response, which is about what the law says about the matter. They are nothing of substantial value more than ChatGPT, Claude, or any other artificial intelligence tools available for free with a $20 premium option that unlocks more processing capacity. The country's law graduates have been mockingly labelled to be bachelor of regulation (*sarjana undang-undang*) for this very reason.[40] They are incapable of taking a step back to reflect on the law to raise questions like "why is the law like this" and "what could or should the law be like?" The laziness to even consider the political underpinnings of lawmaking makes them unconscious enablers of the permeating systemic depravity.[41]

Critical thinking and productive discourse are a huge component of the law school that is nowhere to be found today. I simply could not overstate just how many instances I have seen classes feeling like a one-way dialogue from the lecturer towards the students. The only exceptions to this are when the lecturer points at certain students to speak (usually by asking them about a concept or pre-class reading), when the lecturer rewards participation with extra marks for the final grade, or when a few very exceptional students are present. Even when the last is the case, there is always a 50:50 chance that the question that such student asks will be critical rather than clarificatory.

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40 Adam Muhshi, "Jangan Jadi Sarjana Undang-Undang," January 18, 2023, https://www.kompas.id/artikel/jangan-jadi-sarjana-undang-undang.

41 Eko Prasetyo, "Brengseknya Pendidikan Hukum Di Indonesia," IndoPROGRESS, May 8, 2015, https://indoprogress.com/2015/05/brengseknya-pendidikan-hukum-di-indonesia/.

# V. Deficient Production of Scholarly Works

Nothing is probably more telling about the deteriorating state of Indonesia's legal education than looking back at the previous generations of scholars and tracing the amount of significant intellectual breakthroughs across periods. The nation is currently nothing but a shadow of its own glorious past as one that dared to challenge the hegemons in West (and East) as seen firstly in the institution of the Non-Aligned Movement which gave birth to the idea of decolonization and now known in the scholars' community as the third-world approaches to international law,[42] and during the decades-long negotiations of the UN Convention on the Law of the Sea.[43] A postcolonial nation that had two of its scholars in the International Law Commission only six years apart from each other,[44] now has to live with the fact that it is likely far from being in the running for a judgeship at the International Court of Justice.[45]

The gravest ramification of the absence of literacy and critical thinking in Indonesian law faculties is impotency in the creation of new knowledge. The overly formalistic thinking and lack of empiricism and/or philosophical discussions perpetuated in law faculties have caused a disproportionately huge majority of the country's law students, practitioners, and even 'scholars' to not be able to come up with works

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42 Luis Eslava, Michael Fakhri, and Vasuki Nesiah, *Bandung, Global History, and International Law: Critical Pasts and Pending Futures* (Cambridge University Press, 2017).

43 Aristyo Rizka Darmawan, "Sovereignty, Security and Prosperity: Indonesia and the UN Convention on the Law of the Sea," FULCRUM, August 30, 2022, https://fulcrum.sg/sovereignty-security-and-prosperity-indonesia-and-the-un-convention-on-the-law-of-the-sea/.

44 The two former members were Professor Mochtar Kusumaatmadja (1992-2001) and Nugroho Wisnumurti (2007-2016).

45 Rafsi Albar, "The Awakening of a Legal Titan: Indonesia's Dormant Legacy," intpolicydigest.org, November 17, 2023, https://intpolicydigest.org/the-platform/the-awakening-of-a-legal-titan-indonesia-s-dormant-legacy/.

that actually brings novelty in the way that we think about the law. Combined with national higher education policies that reward quantity instead of quality,[46] the result is an abundance of publications that examine very specific topics in very specific laws or cases with very little significance if at all. Works that actually try to confront the most cardinal queries in jurisprudence are more the exception than the norm.

For what has started to feel like ages, scholarly works in Indonesia have failed to break away from the bubble of its own little community at home. Despite the tens of thousands of law graduates produced each year, it is extremely hard to see Indonesian names being cited by works outside of national publications. Negations along the lines of it being only possible for subjects like public international law where discussions are universally relevant and not bound by jurisdiction are, yet again, an indication of laziness. Discounting factors like elitism and other prejudices that are rife in academia,[47] those based in closest neighbor states have proven that it is very possible to engage with scholars globally across most if not all fields of law. What matters is that the kind of work produced should have magnitude by propounding new ideas of widespread interest by utilizing avant-garde analytical approaches rather than the all-time national favorite blackletter.

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46 Even the definition and measure of quality of many of the country's higher education policies tend to be superficial. For instance, the use of Scopus indexation as a target for publication gave rise to an industry of predatory journals and emanates a bad reputation globally.

47 As someone who had only very recently obtained my bachelor's degree, I can at least attest to this being the case not just among publications abroad but also within the country; another phenomena of internalized colonial mentality.

# VI. Building a Framework for Intellectual Culture

Having noted the aforementioned problems in the Indonesian legal education system, it is clear that a comprehensive set of solutions must be sought in order to foster generations of jurists that do not inherit the complacency of their predecessors. In this section, I offer a framework of three categories forming the components of an intellectual culture. Reading, thinking, and writing are important skills that jurists have to develop regardless of their career trajectories. The propositions below, ordered based on their concatenation, are methods I have put into practice and proven to have positive results in my various capacities during my undergraduate study, with some additional comparative insights from my graduate study experience.[48]

1. **First Stage: Reading**

   Building a habit of reading is the first thing to be done when thinking of building intellectual culture. Alas, it is also the hardest. To be able to think critically—not to mention producing a work of scholarly quality—a person first needs to have a wide variety of knowledge and be engaged deep enough in one or a few of them. Forming a habit of reading, much like any other habit for that matter, takes constant repetition over an extended period of time.[49] The first few occasions that an activity is enacted will be the most testing as it often requires making time to do something one would otherwise not do, but the remainder of the process will

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48 I acknowledge and note as a disclaimer here that there has yet to be a dedicated study to concretely measure the impact of these initiatives, but the information provided are based upon cycles of iteration in approaches and many constructive discussions with students and lecturers as primary stakeholders in different capacities.

49 James Clear, *Atomic Habits: An Easy & Proven Way to Build Good Habits & Break Bad Ones*, *Avery*, 2018.

progressively get easier up to a point where the individual will be able to operate autonomously in the performance of said task.[50]

When I observed this challenge for the first time in the classroom, I am immediately reminded of this proposition and decided then that the innovation in teaching should correspond to this issue by incentivizing students just enough for them to start opening themselves to the possibility of taking up reading as a routine. The legal educator needs first to concede and accept that directly imposing their expectations upon the students as is will only be detrimental to themselves and the students as neither side will have the opportunity to adjust. My approach to the matter was to introduce a new approach to class mechanisms where the function of the class is no longer to introduce concepts anew but instead focusing on exchanges as will be discussed in the next stage. To compensate for that, the reading is done prior to class[51] where I introduce pre-class materials, sent to students at the latest a week prior to the class, to serve as brief introductions to concepts and further reference.

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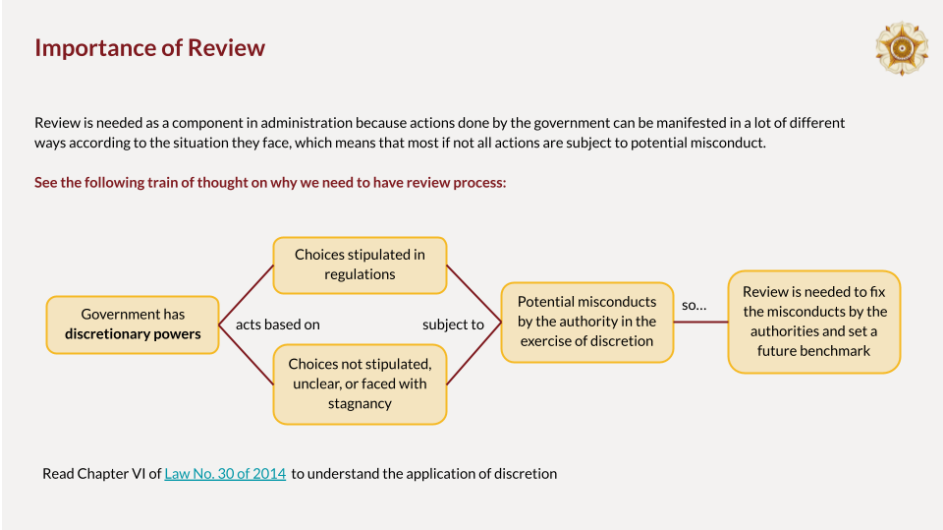
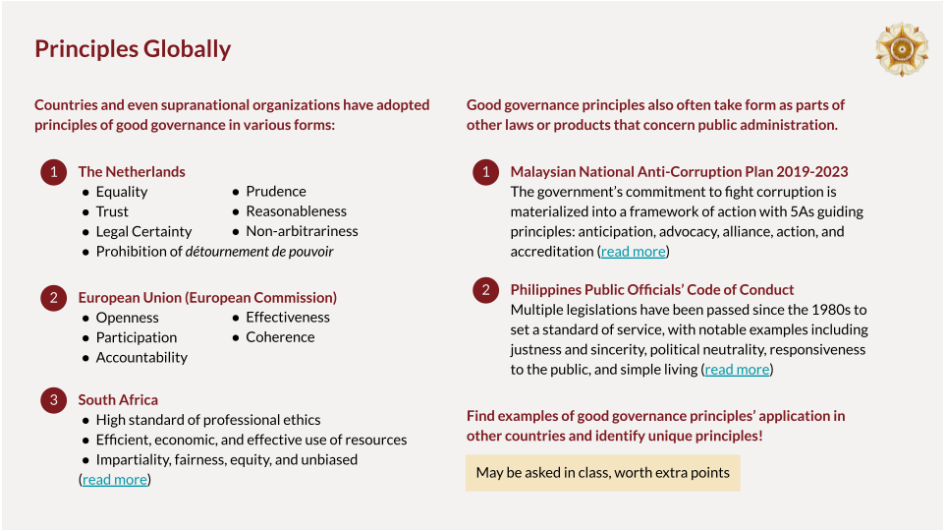
50 *Ibid*; John C Maxwell and Rob Hoskins, *Change Your World: How Anyone, Anywhere Can Make a Difference* (HarperCollins Leadership, 2021).

51 In many places, including in my current university (Geneva Academy), the professors and their teaching assistants prefer just to provide a list of mandatory and optional readings. However, my decision to provide a tailored deck of slides instead is derived from our understanding that copying such a method would not solve the problem facing our students who are not autonomously self-motivated to reading long texts.




Picture 1: sample slide with diagram for visualization




Picture 2: sample slide with hyperlinks to sources and prompting question

The first thing to keep in mind when creating the learning material is to ensure that they are informative enough for students to be able to grasp the central ideas that are dove into while also not being overwhelming for them to not want to engross

themselves. The length and substantive content in each slide of the material should not be too long that it forms a wall of text. Visual presentation such as choosing to use diagrams and grouping ideas buckets is key to frame the way students think about concepts. Indeed, translating essays and research articles into slides is not an easy task, especially for lawyers whose job every day is to deal with words in their specificity. However, doing so early helps in the long run as more sophisticated—or for the person making the presentation, rather simpler—reading materials can be introduced in an incremental manner.

The presentations need not to be confined to itself. What has seemed to work quite well in gauging the students' exploratory interests and abilities is to include a range of different hyperlinks to other relevant sources. These can be anything from relevant laws and regulations to books. Noting the short attention span and great desire for instant gratification that learners today have,[52] it is a good idea to also include alternative sources that fit into this criterion. For starters, there are now popular short-form publications in multiple areas of study where contemporary issues are dissected in 1,500 words or less.[53] Similarly, thanks to the widespread relevance of the law, many podcast episodes somewhat interact with legal themes. Although referring to TikTok videos may not be the best idea, one can also choose to include informative videos on platforms like YouTube.

As exemplified at the bottom right corner of the second sample side above, one way to increase the likelihood of students

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52 Petra Poláková and Blanka Klímová, "Mobile Technology and Generation Z in the English Language Classroom – A Preliminary Study," *Education Sciences* 9, no. 3 (2019), https://doi.org/10.3390/educsci9030203.

53 Some examples on international law are Opinio Juris, Völkerrechtsblog, and Juris Gentium Law Review: Thoughts!. While in constitutional or public law, there are Verfassungsblog and IACL-AIDC Blog.

reading and trying to understand the materials is by creating a real urgency to do so. There are occasions where it is best for the pre-class reading to actually leave the students with some questions for themselves to find the best answers to. This is where continuity of learning before and during classes holds great importance. A class is not supposed to repeat the particulars of the material sent prior to its commencement but rather a forum to extrapolate on the discourse after the acquisition of key lessons.

**2. Second Stage: Thinking**

Critical thinking holds a high degree of importance that it should be embedded in the design of a curriculum holistically so as to ensure that students are able to have a sustained engagement with it at a progressively intensified level.[54] It is the educator's responsibility to not only assess students on this particular capacity of the students across various points of a program[55] but to also do it seamlessly by intermeshing it with other skill and/or knowledge elements.[56] Ideally, students would come out of said program with the ability to form their own judgments across an array of topics regardless of their prior knowledge and interest.[57] Furthermore, they ought to have the confidence to challenge the orthodoxy or mainstream without being ignorant of their personal biases and prejudices.[58]

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54 Nick James and Kelley Burton, "Measuring the Critical Thinking Skills of Law Students Using a Whole-of-Curriculum Approach," *Legal Education Review* 27, no. 1 (2017), https://doi.org/10.53300/001c.6087.

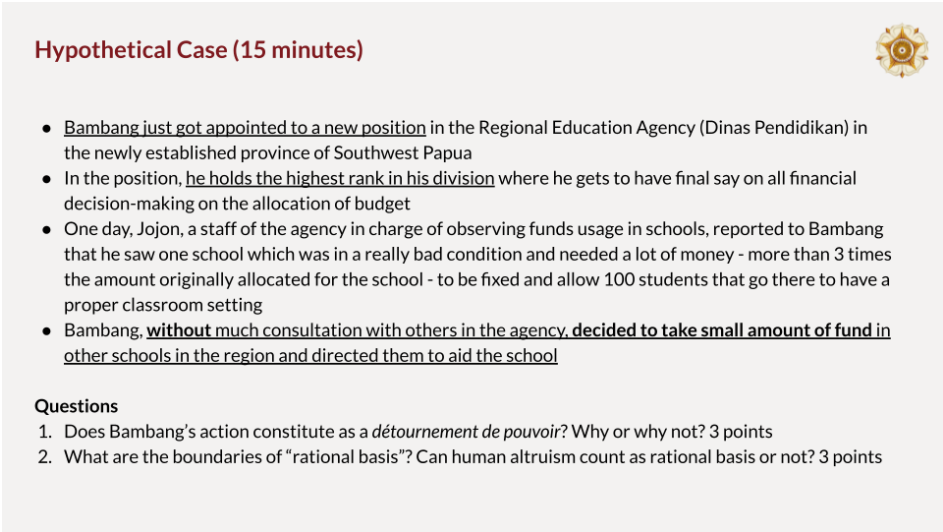
55 *Ibid.*

56 Nickolas James, Clair Hughes, and Clare Cappa, "Conceptualising, Developing and Assessing Critical Thinking in Law," *Teaching in Higher Education* 15, no. 3 (2010), https://doi.org/10.1080/13562511003740858.

57 Peter Facione, "Critical Thinking: A Statement of Expert Consensus for Purposes of Educational Assessment and Instruction (The Delphi Report)," 1990.

58 *Ibid*

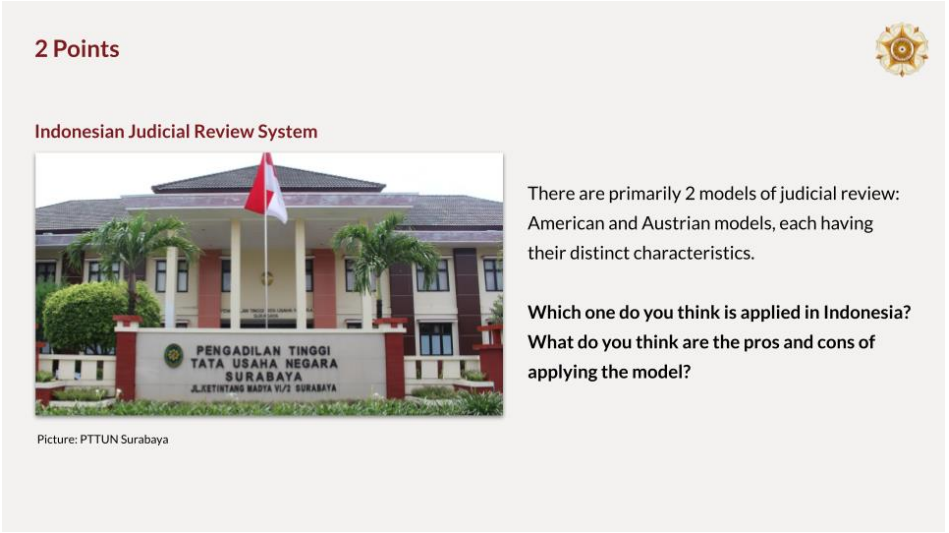
The predominant obstacle in enhancing criticality in Indonesia is related to what has become a culturalized negative perception. Eastern values of politeness often get misconstrued as having to be accepting of the other side regardless of merits, especially if it has to do with the more senior individuals.[59] This, as history has harshly taught the nation, could come at the cost of an entire generation's ability to do big things as ignorance is used as a tool to control narratives and mindsets.[60] This is now exacerbated with the many other reasons for students not to be immersed in the art of contemplation. In responding to this awkward situation, one needs to break through these boundaries by harmoniously incorporating thinking skills into the everyday process of teaching without straightforwardly putting a confrontation against the norms that most subscribe to. In my case, this is done mainly within the classroom.




Picture 3: sample class slide on hypothetical case study for discussion

59 Muhammad Haidar Sabid A., "Budaya Manut Masyarakat Indonesia," LPM Perspektif, January 11, 2024, https://lpmperspektif.com/2024/01/11/budaya-manut-masyarakat-indonesia/.

60 Prabowo, *Op.cit.*




Picture 4: sample class slide prompting a two-sided discussion

The use of case study is a classical starting point which I allude to. Students may not be fully blamed for having formalistic mindset if the kind of learning they have is solely based upon texts and doctrines. Students should be put in a position where they must decide whether they are in favor or against a certain premise related to the topic that they have read in the pre-class material and subsequently expound on their reason for taking the stance. This would help them develop complex problem-solving abilities on how the law can, for the better or worse, be interpreted in different ways in practice.[61] Mindful of the problem with record-keeping in the Indonesian judiciary which adds on the list of problems in relation to case laws as a source of learning, the use of hypotheticals is a similarly good and sometimes even a better idea. The absence of prior judgment affords students the liberty of envisioning an alternative version of the law to what they deem just.

A development of the above is when students are asked to partake in structured debates where, for instance, they are divided

61 Misnawati, Pilu, and Astri, *Op.cit.*

into two groups to argue against each other on a topic. In order to make the debate livelier and more productive, students could be asked to research and bring evidence from a variety of sources including legal literature and case studies from abroad as comparisons. In addition to that, what would make for a stimulating session is asking the students the side they support or feel comfortable with for a topic and then putting them in the position of having to argue for the opposing side. Moderation of said debate can be adjusted depending on a topic and the faculty member's preference,[62] but what is essential is for the students to have back and forth rounds of argumentation with substantiation.

At the most advanced level is an all-way discussion facilitated by the faculty member. Many in fields like law and philosophy have at least heard of the famed Harvard course taught by Michael Sandel.[63] His is a perfected approach to the Socratic method,[64] whereas students are able to engage in critical discourse through a seemingly endless logic and moral tests for the students. By allowing anyone who is willing the chance to contribute a unique perspective into a topical discourse based on their personal experiences and/or philosophical compass, the class he teaches enables students to come to different conclusions, each with potent reasoning. The important role of the educator, which is observable in Sandel's case and other great scholar, is to constantly challenge the assumptions and arguments introduced by raising questions

62 Some faculty members, which I have observed across my studies, opt for a simple two-side moderated debate decided on the spot while others choose to let students know in advance to prepare for a more rigid form of debate modeled after moot courts or debating competitions.

63 Harvard University, *Justice with Michael Sandel "Justice: What's The Right Thing To Do?"* (US, 2009), https://www.youtube.com/watch?v=kBdfcR-8hEY&list=PL30C13C91CFFEFEA6&index=1.

64 Jamie R Abrams, "Legal Education's Curricular Tipping Point toward Inclusive Socratic Teaching," *Hofstra Law Review* 49 (2021).

that start with 'what if'. When talking about a course taught over an academic term, it is crucial to sustain critical engagement outside of the classroom, and this can be done by ending every session with a question for the students to contemplate and posit their take on at the start of the next one.

### 3. Third Stage: Writing

Writing—alongside verbal argumentation—is the tangible final product through which one can judge a lawyer's abilities and read their mind. Every law student should endeavor becoming proficient in the art of writing, be it business legal writing like contracts and legal opinion letters and/or scholarly research. As is the case in many other places, the former has been subject to callouts by various stakeholders from among practitioners and even within academia in Indonesia.[65] However, the latter has not gained as much popularity, likely because judging from numbers only, there is virtually an endless amount of articles being published by Indonesian authors (including students) at many indexed and even more unindexed Indonesian journals. There is no better way to put it than that only a very small percentage of those works—and I am talking in the range of one to two out of ten—amount to actual scholarship with any promise of introducing new paradigms in the study of law.

Scholarly works, especially in more advanced jurisdictions and in public international law, have been frequently used by the judiciary as reference for their rendering of decision.[66] In countries

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65 Sigit Riyanto et al., *Keterampilan Hukum: Panduan Untuk Mahasiswa Akademisi Dan Praktisi* (Yogyakarta: Gadjah Mada University Press, 2017); Sahnan Sahuri Siregar and Otong Rosadi, "Pendidikan Klinik Sebagai Instrumen Penting Dalam Pembaharuan Pendidikan Hukum Di Indonesia," *Unes Journal Of Swara Justisia* 3, no. 4 (2020): 372–89.

66 Fábio Perin Shecaira, *Legal Scholarship as a Source of Law* (New York City: Springer International Publishing, 2013), https://link.springer.com/book/10.1007/978-3-031-60369-3.

like the United States and the United Kingdom, the highest caliber publications are student-edited law reviews.[67] The likes of Harvard Law Review have continued to publish works by legends, anywhere from constitutional theory to private international law, for more than a century, and many of their former editors have gone on to be one themselves.[68] This is not found in Indonesia; at least not until the establishment of Juris Gentium Law Review, a student-run law review focusing on international and comparative laws, in Universitas Gadjah Mada back in 2012. As the founder and first editor-in-chief alongside some of the Review's editorial board members join the ranks of faculty members at the university, academic writing has begun to be incorporated into the design of the curriculum of international law-related courses. My personal observations of course dynamics and encounters in editorial work trigger the following core propositions.

First, before even thinking of writing, one first needs to at least understand the 'what', 'why', and 'who' of the task. It is important to identify the type of writing that will be done (business or academic), the reason for writing, as well as the audience they want to convince through arguments. Albeit a superficially inconsequential step, legal educators need to take the initiative to go back to the basics by elaborating these points to students. Only after this should a dissemination of the 'how' come into the scene. It is not hard to find journal articles and even books that do not have any perspicuous objective and/or conclusion. Many works end up only repeating facts already known by the everyday informed reader. Writing for the intellectual is a process of producing knowledge and transferring it to the reader, and it is not something that can be done without also knowing what type of language

67 Harlan Grant Cohen, "A Short History of the Early History of American Student-Edited International Law Journals," *Va. J. Int'l L.* 64 (2023): 357.

68 *Ibid.*

should be used given the reader's level of understanding and the necessity for them to read the author's work.

Inserting writing into the syllabus, such as by making it a mandatory component of the final evaluation and grading for students, is one proven way to incentivize students not just to do the writing but to take the time and fully commit to it. What needs to be reminded of in this regard, again, is not to precipitously demand for students to publish a 7,000-word essay in their first year. When a faculty member happens to encounter a class across multiple academic terms, it may be a good idea to escalate the intensity of the writing across multiple courses, which can start with a 500 to 1,000-word opinion essay and ending with a journal article or even book chapter. Nonetheless, credit should be given when it is due. If a student manages to do more writing than asked and/or get published by a top platform, they should be rewarded to keep them excited about the prospect of academic writing and to give an example for the others.

If anyone in the academic circle is asked about how hard it is to start writing, there is a very big chance that their response will be that it is tough to say the least. As I can attest to myself, it can be hard to navigate the realm of legal academia as a young person since there is really not a single authority that can provide a universal manual. The educator's role here is to provide guidance along the way. Without having to proactively reach out to their pupils, faculty members can simply start by opening their doors and chats open for all sorts of questions from advice on making succinct arguments to finding the right publication. Allocating office hours for consultations, a common practice in many places but very exceptionally implemented in Indonesia, is a great way to encourage students to have the courage to start.

# VII. Overcoming Challenges

Disrupting status quo is never easy, and this is especially true where the issue is not a confined phenomenon but rather forming one of many layers that runs deep within a society. There are multiple reasons why introducing the above innovations in the Indonesian legal education ecosystem could find some pushback and require extra commitment by advocates for change. The following is a provisional, non-exhaustive list of them, which I have managed to identify through research and empirical observation, and the potential actionable items as responses by legal educators.

First, at the epicenter of this entire herculean project are law students who, to a great extent proportion-wise, are resistant to changing their ways that have not disserved them to a large degree up till the present. While it is true that the current state of legal education—or higher education in the entirety for that matter—does not punish the act of not reading and engaging in intellectualism, the effects of their decision to not invest their time into building these habits for reasons like thinking that they will not need them if they are not going to be in academia are going to be most felt when they enter life beyond campus. Legal educators could and should capitalize on this by explaining, in the language that would speak to the students, how choosing to actively participate will help them regardless of their chosen career path. The goals of learning should be put very explicitly in the beginning, and they should be constantly reminded to the students at various stages of learning. Furthermore, I cannot stress enough just how important it is not to pressure students into becoming something foreign in an instant.

Second, it is of course not complete to speak about higher education in Indonesia without mentioning the elephant in the room: institutional resources barrier. Faculty members are ordinarily very few in comparison to the number of students in a single entry year, and they

sometimes have to carry the weight of too many courses in a term.[69] This is often all done without a base salary that could pay for the bills.[70] It needs to be noted that some of the solutions proffered like creating pre-class reading materials are scalable, meaning they only have to be done once to impact hundreds. These initiatives should be doubled down on, and one should continue trying to find ways to make each innovative method as scalable as possible. When it is not possible to do so, there is always the option to adjust the method's implementation mechanism based on one's bandwidth. Quick examples in this regard include providing limits on a paper assignment's wordcount and allocating a smaller number of hours weekly that they are open to consultations with students.

Third, the jarring interrelation between intellectualism and practical skills is a myth that should be debunked. It is misleading to say that becoming more intellectually engaged comes at the cost of being versatile in practice. Take reading for example; when someone is a good reader in law school, they will very likely know how to spend less time trying to find relevant information with higher precision. Educators need to convey this message that trying to distinguish the two is counterproductive. They are congruent to each other, and the exercises done also help them develop professional skills such as speaking and, of course, writing. However, if one must prioritize one over the other temporarily, then the wise answer would be to choose knoweldge as it

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69 Shofwan Al Banna, Inaya Rakhmani, and Daya C. Sukmajat, "Membangun Keahlian Dengan Profesionalisme Di Kampus Merdeka: Kajian Mengenai Beban Kerja Dosen Di Indonesia," *KILAS KEBIJAKAN PSPK*, April 20, 2022, https://pspk.id/wp-content/uploads/2022/04/Kilas-Kebijakan-PSPK-Membangun-Keahlian-dengan-Profesionalisme-di-Kampus-Merdeka-Kajian-Mengenai-Beban-Kerja-Dosen-di-Indonesia.pdf.

70 Marshellin Fatricia Wardhani and Rally Salsabila Azizah, "Beyond Motivation and Worthiness: Antara Beban Kerja Dan Gaji Dosen," Economica, September 8, 2024, https://economica.id/beyond-motivation-and-worthiness-antara-beban-kerja-dan-gaji-dosen/.

is the mastery of substance that sets one pupil of jurisprudence apart from the other.

## VIII. Recommendations for Legal Education Reform

The best type of solution that can be offered, as lawyer would agree, is the policy type. Policies possess the ability to realize things that will otherwise not be possible if left alone for each actor to do on their own according to their will. If done wrong or used not in the best interest of their beneficiaries, policies could also compel enforcers into jeopardizing others. Having recognized the limitations of the ways that challenges can be overcame in the directly preceding section, I would like to also propose a preliminary register of key three areas of reform to be done in legal education. These priorities correspond to one feature of the law school and are fixable through policy, be it at the national or institutional level.

First, curriculum needs to be redesigned in such a fashion that fundamentals are being prioritized. This is especially useful when talking about deciding what sorts of courses will be offered in an academic year and which ones will be part of the mandatory credits. Subjects like legal theory or jurisprudence, sociology of justice, and critical legal studies should be introduced (if not yet done) early on. The lack of basic skills like reading, thinking, and writing paints a contrasting picture to the ideal state which is often associated with countries whose students are used to them. Faculties of law and especially the higher education regulators should not just listen to what is an oversubscribed outcry from the industry saying that there is a mismatch between school and work. Rather, they should assess whether students have overreached themselves by not first mastering the basics.

Second, faculty members from junior lecturers up to the board of professors need to be upgraded by equipping them with the skills needed to implement the recommendations I have proposed in the main discussion. As an easy example, people in academia are known to not have a good sense of sensitivity with a PowerPoint slide's reader's point of view as they frequently put walls of text in black font on top of a dark blue background or white on top of a yellow one. Hosting a workshop addressing this issue alongside others like how to come up with case studies, how to moderate debates and provoke students to speak up, and how to provide constructive feedback are just some top-of-mind ideas.

Third, students need to be facilitated in their learning and tended to when they are in need of guidance and/or support. Collaboration, being a jargon repeatedly inferred in education policy and curriculum, ought to be put in practice. Some types of coursework can be prescribed to have collaborative elements. Students can also be required to engage in interdisciplinary research where they have to form a group with other students from other majors to answer a legal problem. Mentorship is another factor of interest. The institution of a law faculty can at least enact three kinds of mentorship: peer-to-peer (i.e. senior to junior students), faculty-to-student, and alum-to-student. The first two of these could be tried within faculty as they sometimes are already the case organically, while the last can be done with the help of faculty centers like alumni affairs and career development. Ultimately, these policies should bring about a mutually reinforcing community of resilient learners.

## IX. Conclusion

Writing this paper has been nothing short of a pensive process. Though there is admittedly no clearcut way of measuring how Indonesia is home to the least motivated, least intellectually stimulated/engaged lawyers—or more accurately, law students—in the world, the moment has come

to see things as they truly are about the state of the nation's jurists. Verily, justice could not be upheld without reinforcers strong enough to withstand the passage of time and all that it brings. Today is the day that the old ways of nurturing through teaching are reappraised in search of wisdoms to help traverse the uncharted territories of the future. While bringing about change is an arduous venture, such is like tending to a garden that will blossom in time. One should never cease to have faith as there is still hope for tomorrow.

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