

Training Profession for Law Career on Facing ASEAN Economic Community Era: Improving the Law Graduates through Development of Legal Education Method

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Abstract

The ASEAN Economic Community (AEC) stands as one of Southeast Asia's predominant market shares, facilitating international trade in products and services among its ten member countries. This integration enables the free movement of goods and services within the Southeast Asian region, posing challenges to Indonesia's human resources (HR) and employment landscape. The heightened competition among graduates in the AEC era adds complexity to the employment scenario. Law graduates, in particular, face distinctive challenges in this environment. According to BPS 2016 data, over 2500 graduates struggled to secure suitable employment or career opportunities. Addressing this issue necessitates a strategic evolution in legal education, with a focus on initiatives like the Training Profession for a Law Career. This training, administered by university-formed professional training institutions, caters to law graduates who opt not to pursue advanced degrees (master program) and seeks direct orientation

towards societal integration and the workforce. The training program mandates a practical experiential phase for law graduates, allowing them a certain period to experiment within the profession. Subsequently, graduates are afforded the freedom to either deepen their professional involvement or transition directly into the community. By bolstering education and skill enhancement, this approach aims to elevate labor productivity, thereby contributing to the overall enhancement of national competitiveness.

Keywords

Law Graduates; Training Profession, ASEAN Economic Community

I. Introduction

Indonesia in ASEAN Economic Community (AEC)

ASEAN Economic Community or commonly known with the AEC is one of the things that have to be faced by Indonesia at the moment. The AEC can be an opportunity that will bring a profit or even a loss brings. It becomes its own challenges for Indonesia in the AEC so it needs thorough preparation, strategy, potential, creativity, and high competitiveness to compete with ASEAN countries.

AEC is the ASEAN countries initiatives to realize the ASEAN into a region of a solid economy and accounted for in the International economy with the scene carrying the four pillars, namely a single market and production base, the economic

competitiveness of high-power, the area with the equivalent economic development, and fully integrated with the global economy.¹ The four pillars of the AEC in the Foundation in improving the economy in ASEAN so that the goal of AEC can be realized as the existence of a free flow of goods, services, and trained manpower (skilled labour), as well as a freer flow of investment.

The era of the AEC had begun since the end of the year 2015 is one of the largest market shares of Southeast Asia, International product or service trades involving 10 countries in Southeast Asia free incoming outgoing Indonesia.² Indonesia is one of the ten countries that participated in the competition in the era of the AEC. Based on research from the study of Regional and Bilateral Policy Centre in 2014, explained that productivity be buttresses the competitiveness of Indonesia's economy in the face of the AEC, seen that although productivity became the main Sustainer of the competitiveness of an economy, but other factors such as the quality of the infrastructure, the quality of education, investment climate, conditions of transport, logistics, business banking system as well as other supporting factors needs to be improved to increase the competitiveness of the economy of Indonesia in ASEAN markets.

Various preparations in the face of the era of the AEC has been carried out by the ASEAN member countries, including Indonesia. As for the number of steps in the field of regulations

¹ News export, "*opportunities and challenges of ASEAN free market Indonesia*", Edition January 2015, page 9, accessed on 27 March 2017 from <http://aeccenter.kemendag.go.id/media/177687/peluang-dan-tantangan-indonesia-pasar-bebas-asean.pdf>

² accessed on 27 March 2017 from <http://eprints.ums.ac.id/39233/6/04.CHAPTER URI.pdf>

that have been issued by the Government of Indonesia as the instruction of the President (presidential instruction) number 5 in 2008 about the focus of the economic program, presidential instruction number 11 in 2011 about the implementation of the AEC blueprint commitments, Presidential Decree number 23 in 2012 about the composition of the membership of ASEAN National Secretariat, presidential instruction number 6 in 2014 increased national competitiveness in order to face the AEC , etc.³

In addition, measures have been undertaken by Indonesia based on the Government's strategic plan to deal with the AEC, among others, strengthening the competitiveness of the economy where on May 27, 2011 the Government launched the Masterplan Acceleration and expansion of the economic development of Indonesia (MP3IE), ACI (I love Indonesia) which is one of the movement's "Nation Branding" part of the development of the creative economy, strengthening of SMALL MEDIUM ENTERPRISES sector, improvement of infrastructure, the improvement of the quality of human resources (HR) , as well as institutional reform and governance.⁴

II. The Role of Human Resources in the Era of the AEC

³ Director of ASEAN Cooperation, International Trade Cooperation Ditjen, KEMENDAG, *"the ASEAN Economic Community 2015: Increasing the Competitiveness of Grabbing the Opportunity"*, accessed on 27 March 2017 from <http://aeccenter.kemendag.go.id/media/177688/masyarakat-ekonomi-asean-2015-meningkatkan-daya-saing-meraih-peluang.pdf>

⁴ News Export, *Loc.cit*

Indonesia has the greatest population in ASEAN that is 40% of the total population of ASEAN.⁵ High population give opportunities to the competitiveness of the ASEAN market in Indonesia. On the other hand, it can also backfire for Indonesia if the human resources (HR) Indonesia is not able to compete with other ASEAN countries. So creative, competent human resources, integrity, skill and have high competitive power will be sorely needed Indonesia in dealing with the AEC.

The existence of a free market in the era of the AEC provides its own challenges for Indonesia. The AEC can bring opportunities or even result in losses for Indonesia. Challenges to be faced by Indonesia in the AEC include external challenges (level of trade that is increasingly tight competition, the greater the deficit of trade balance with Indonesia the other ASEAN countries, Indonesia is and how it can enhance the attractiveness of investment) and internal challenges (low level of understanding of Indonesia against the AEC, unpreparedness area facing the AEC, the level of regional development that is still highly variable, conditions of employment and human resources, Indonesia). In addition to the challenges, there are also opportunities and advantages that can be obtained from Indonesia in the era of the AEC. Free entry of investors who invest in Indonesia will push economic growth. The demographic bonus can be the key to success for the increase of competitiveness of Indonesia, as well as with the support of the education and skills improvement then the labor productivity will be increased. On the other hand, to gain

⁵ accessed on 27 March 2017 from [http://repository.uksw.edu/bitstream/123456789/5709/3/T1_222009019_Full URtext.pdf](http://repository.uksw.edu/bitstream/123456789/5709/3/T1_222009019_Full%20URtext.pdf)

the opportunities and advantages in the era of the AEC is not easy, it should be required of human resources qualified and competent so that it can compete in the era of the AEC will strictly competition.⁶

The era of the AEC will effect to human resources in the field of employment. The existence of ASEAN free market provides great opportunities for the labor of other countries can easily be entered in Indonesia. The influx of foreign labor will certainly increase competition in Indonesia, so it takes a workforce that is competent and able to compete with other countries.

Quality of human resources is one of the determining factors of development and progress of a nation. Let alone being in the era of the AEC as the current, much-needed human resources capabilities. As one of the pillars of the AEC blueprint i.e. a single market and production base which is called as a drift free labor, so in this case there should be an increase in the skill of the workforce to encourage competition with other countries. Good labor graduate Elementary, junior high, Senior High School Students as well as graduates must be provided the skills and abilities that a high competitive power.

III. The Condition of the Graduate Law Degree

Higher education is the beginning of the formation of human resources that are running the profession in the field of law. Education law currently provides for a graduate law degree

⁶ accessed on 27 March 2017 of http://kemenkeu.go.id/sites/default/files/Kajian_Competitiveness_and_productivity_of_Indonesia_Face_URMEA.pdf

holders. With a capital law degree, then the law degree can join in the legal profession. Mention of a higher education Law meant the same as the legal education. If it turns to the legal basis of legal education in Indonesia then appears to have occurred several times changes the orientation of the above legal education, namely:

- (1) SK. MINISTER of EDUCATION No. 019811972 about minimum curriculum at the Faculty of law
- (2) HIGHER EDUCATION DIRECTOR of EDUCATION and CULTURE DECISION no 30/DJ/Kep11983 dated 27 April 1983 ~ ~ core curriculum operates on the function of the courts and the Government.
- (3) SK. MINISTER of EDUCATION No. 171DIOI1993 dated 24 February 1993 concerning the curriculum of faculty of law.
- (4) SK. The MINISTER No. 0325/Ui1994 applies nationally on 9 December 1994 5. SK MINISTER No. 232 I U I 2000 on guidelines for the preparation of the curriculum of higher education and Student Learning Outcomes Assessment, December 20, 2000

The legal profession in General can be divided into two options, i.e. non-litigation and litigation. Acquiring non-litigation legal profession actually do not require specific education, such as being a staff on the Legal Division at the bank or the staff of the law firm in a law firm, although there is also a profession that requires non-litigation. Education level one or two strata, but specific to the profession as notary require graduate degrees master of two notary public. Are to run the profession in the field of litigation education required in addition to a law degree, his chosen profession also depends. If want to be an attorney for approximately six months and to be judges Education Program

and the training of candidate judges for approximately three months.⁷ Even for being an advocate of educational requirements that must be traversed through the special education Profession Advocate enough for less than two months.⁸

According to Mochtar Kusumaatmadja there are three (3) things to get attention, namely:⁹ 1. the Education Law that was accepted (often) not or less relevant with the reality encountered by graduates; 2. Graduates are not prepared for the practical work they should be doing; for example craft a script of the Covenant, the draft law (drafting); 3. The graduates are not prepared to solve problems encountered, although provision of knowledge to solve it (maybe) there. Sudarto declared worthy of note that after three times during the Seminar on national law in 1963, 1968 and 1974 in Semarang in Surabaya and other important gatherings seem legal scholars still keep looking, as if there is such a task to be completed. As long as this is apparently still haven't found where lies the issue. Sudarto¹⁰ further States that law scholars not become sure of himself, authorities whether he demands on himself in problems-problems of development? What causes people to doubt will be the ability of the law degree?

The educational process in Indonesia that, framed in positive law must be measured aspects of planning, process, and output. National law applicable in Indonesia is positive law. Positive law is the applicable law in a particular area at a particular time.¹¹

⁷ See www.litbangdiklatkumdil.net

⁸ See www.peradi.or.id

⁹ Mochtar Kusumaatmadja, *Konsep Hukum dalam Pembangunan*, (Bandung: Alumni, 2006), p. 62

¹⁰ Sudarto, *Hukum dan Hukum Pidana*, (Bandung: Alumni, 1986), pp. 2-5.

¹¹ Leiter, Brian. "Marx, law, ideology, legal positivism." *Virginia Law Review* (2015): 1179-1196; Spaak, Torben, and Torben Spaak. "Legal

Called positive because in addition to the ruler command is also has three characters, that observable, measurable, and verifiable.

First, the observable. Every citizen of Indonesia declared right or wrong should be observed (conducted investigation and investigation) to know if its status is free, reported, suspect, accused, convicted person, or executed. Second, measurable, that is, can be measured. Someone called guilty or could not be measured how big a gaffe. The standard of truth and error are listed in the legislation. For example (1) If a person is sentenced to a fine, should be able to measured how many million billion Rupiahs late fee, or (2) if convicted, prison should be able to quantify how many months or years, if convicted to die, can be measured when implemented. Third, verifiable.

Someone called true or false can be proved with different evidence (BB), include a description of the expert, evidence, witnesses, recognition, and oath. According to Amiruddin Zainal and Asikin, positive law is a legal hold on principle the law as it is written in the book. That is, all the provisions of the law is written in the laws and regulations. Thus, the values, principles, and all the provisions that have not been written in the laws and regulations cannot be called Indonesia national laws, but it is national law. Legal forms the measurement output higher education in Indonesia is the awarding of academic degrees to students who have successfully completed the bachelor, master or doctoral degree. With an academic degree is awarded a scholar

Realism and Legal Positivism." *A Critical Appraisal of Karl Olivecrona's Legal Philosophy* (2014): 241-259. See also Juanda, Enju. "Konstruksi hukum dan metode interpretasi hukum." *Jurnal Ilmiah Galuh Justisi* 4, no. 2 (2017): 168-180; Nonet, Philippe. "What is Positive Law?." *The Yale Law Journal* 100, no. 3 (1990): 667-699.

could have known to follow, assess, and deepen the process of higher education in the fields of science represented by academic degree. Academic degree is both accommodating and responsive to developments in science. Academic degree awarded to students who have completed all requirements made in following a course of study and declared in accordance with the provisions of the legislation.¹²

Talking about the quality of college graduates, according to Charlie, there is a symmetrical relationship with support campus facilities are adequate, strict admission selection, quality of teaching, as well as a good method of learning.¹³ In addition, factors of soft skill student became one of the decisive also in supporting the successful employment of college graduates (Musnandar, 2001). In the context of the world of the law, according to Yuswanto, College alumni, especially law faculties should have five abilities, namely: can speak in court, could formulate a legal opinion (legal opinion), legal drafting (engineering drafting regulations), contract drafting and can negotiate or alternative dispute resolution. The fifth without having it, it will be difficult for the alumni of the faculty of law to be accepted in the world of work (Law online, October 1, 2014). The condition of the other online Legal survey results (2003) against a number of Law Firm pointed out that FH is not ready to use because it is only a theory. When they are faced with a case,

¹² Article 2 paragraph (2) PMA No. 33 of 2016 about the academic degree of high Religious Tafe

¹³ Sahlan, Sartono, Suhadi Suhadi, and Saru Arifin. "Kebutuhan Program Continuing Legal Education bagi Mahasiswa Fakultas Hukum." *Pandecta Research Law Journal* 10, no. 2 (2015): 233-247.

they don't know how to apply the theory they can to solve a case. FH graduates were also weak in analysis.

Moreover, the analysis of a case that is composed of several different aspects of the law. According to Dhira Juzar of Wiriadinata Widyawan, one of the top-tier Law Firm in Jakarta, throughout her experience recruitment, graduate FH can smoothly about content regulation legislation and legal theories. But if that's been made in the case, they are confused as to how it should implement the rule. Furthermore, Dhira mentions that it is caused by the teaching patterns in FH that theoretically, less towards the practice, and does not stimulate the students to do the analysis, but rather just recite (the law online, July 17, 2003). Facing reality, the various faculties of law in Indonesia working to improve the quality of the awarded through different initiation program strengthening the competence of graduates, such as additional training, apprentice and workshop. Through various programs, are expected graduates can adapt easily in the world of work. Therefore, the training needs of the profession in particular for graduates of a strata law science is urgently needed especially in competing in the era of the ASEAN economic community.

IV. Realization of Training Profession Law Career

Career training the legal profession in the face of ASEAN economic Community Era: improving law graduates through legal education methods development done by independent does not depend on the legal education curriculum on campus. His training was done after a scholar from the burden of a given academic

faculty party, as we know, this training was done after all academic scholars have pursued a range of material to its Cognitive-theoretical lectures. Training profession carried out by the training institutions was established as a University profession training for law graduates who do not continue the second strata (S2) as well as having direct orientation to enter society and the workplace. Its implementation was done by law graduates (S1) for a certain time to experiment, after which each are given the option continue the program or select stop.

Training profession carried out by the training institutions was established as University profession training for law graduates who do not continue the second strata (S2) as well as having direct orientation to enter society and the workplace. Its implementation was done by law graduates (S1) for a certain time to experiment, after which each are given the option continue the program or select stop. Constraints are often in the can when the scholar who recently graduated just get educated and predicates are often minimal competency and capability still struggled looking for training the legal profession in the society than those who continued the program of Training. Through the support of education and skill enhancement, labor productivity will be increased so that it can encourage the improvement of national competitiveness.

Kinds of the legal profession who have an affinity with the field of the law contained in the State of Indonesia, among others: the judge, legal counsel (advocate, Lawyer), The notary, Attorney, and police.

In addition to the granting of material that puts the Intellectual Quotation (IQ) is one of the legal profession, a profession that demands fulfillment of moral values and the ability

to work the Prophetic (IQ) if seen now many challenges that are potentially damaging to the integrity and character of a man who worked in the field of law. *Akhlaq* is the value of the power that directs and underlying the deeds sublime. Each professional is required to have strong sublime *akhlaq*. Another term to generalize the word *akhlaq* is ethics. Mandatory ethics owned law degree is the value of honesty, wisdom, the value of responsibility. Look at necessary legal scholar capable or qualified legal practitioners in the world so that it is reasonably necessary to bring the teachers Profession Training programs career law (TPCL) need to involve many legal practitioners, so that they not only repeat the lessons the theory presented Professor, but there are experimental values that can be distributed to students. Intensive meetings TPCL done in the classroom with the selected material is scheduled at the beginning of the contract join TPCL. The program will be trained include: analysis of the Alternative Dispute Resolution; Legal Drafting Training; Special Education of the Profession of Advocate; Training Business Contracts; and to enrich as well as an introduction to the knowledge of laws. Introduction to the knowledge of the Prosecutor training, Training of legal office, introduction to knowledge curators, Introductory knowledge consultants.

V. Learning Profession Related to Law Graduates

Investigators

Ability of work

- 1) Able to identify the qualifications/problem/legal issues

- 2) Able to analyze and link the fact with regulations
- 3) Able to find evidence sufficient to find the beginning should suspect
- 4) Able to perform acts of interrogation, confrontation and reconstruction of legal events
- 5) Able to master criminal justice system Indonesia (criminal justice system)

Mastery of Knowledge

- 1) Understanding the objective of criminal law and formal criminal law
- 2) Understanding the right suspects
- 3) Understanding the procedures and the law of criminal procedure
- 4) Understanding authority investigator

Managerial Ability-the Authority

- 1) Doing interrogation
- 2) Decide on the arrest of
- 3) Decide detention
- 4) Do a Search – Search
- 5) Decide the foreclosure

Soft Skill

- 1) Objectivity
- 2) Independent
- 3) Comparable – fair
- 4) Respect the rights of suspects

The Prosecutor

Ability of work

- 1) Capable to qualify the fact the law on legislation

- 2) Being able to determine the criminal event or not based on laws and regulations
- 3) Able to set up authentication
- 4) Able to concoct charges
- 5) Able to prove in the trial
- 6) Being able to draw up demands
- 7) Able to perform the execution of
- 8) Able to provide legal advice and represent for the Government

Mastery of Knowledge

- 1) Understanding the principle of criminal law
- 2) Understanding the theory of criminal law
- 3) Understanding criminal justice system
- 4) Mastery and comprehension of material criminal law and the formal criminal law
- 5) Mastery of the system of proof

Managerial Ability-the Authority

- 1) Determine the status of a criminal deed
- 2) Deciding additional interrogation and extracting evidence
- 3) Decide for trial or decide on the stop
- 4) Decide detention
- 5) Decide the confiscation of
- 6) Claims, demands and execute

Soft Skill

- 1) Objectivity
- 2) Independent
- 3) Comparable – fair
- 4) Respect the rights of suspects

Judge

Ability of work

- 1) Capable to qualify the fact the law on legislation
- 2) being able to specify the legal events or not based on laws and regulations
- 3) Being able to determine the strength of evidence and the proof of facts and credentials with the norm.
- 4) Able to concoct charges
- 5) Able to prove in the trial
- 6) Being able to draw up demands
- 7) Able to do execution

Mastery of Knowledge

- 1) Understanding the principle and theory of law
- 2) An understanding of interpretation, and legal discovery;
- 3) Understanding of the criminal justice system
- 4) Mastery and comprehension of material criminal law and the formal criminal law
- 5) Mastery of the system of proof
- 6) Understanding customary law and value life society

Managerial Ability-the Authority

- 1) Determine the status of a criminal deed
- 2) Deciding additional interrogation and extracting evidence
- 3) Judge or decide on the stop.
- 4) Decide anchoring
- 5) Decide the confiscation of
- 6) Claims, demands and carry out the verdict.

Soft Skill

- 1) Honestly-Objectivity,
- 2) The non-partisan Independent

- 3) Comparable treatment – fair
- 4) Respect the right of the suspect

Conveyancer

Working Ability

are able to carry out the activities of the land register and make the act as a means of evidence as well as the exile of works of the law:

- 1) sale and purchase;
- 2) Exchange-traded;
- 3) grant;
- 4) infusion in the company (*inbreng*);
- 5) the Division of joint property;
- 6) the granting of Building use rights/usage rights over the land ownership rights;
- 7) granting rights to Dependents;
- 8) the awarding authority imposes Rights dependents.

Mastery of Knowledge

- 1) Understanding of the principles and theories of civil law
- 2) Master the theoretical concepts of the law of the land and the application of the principles of land registration.
- 3) Mastering the principals, theory, positive law, Regulations, the implementation of the code of ethics conveyancer
- 4) Mastery of the taxation law

Managerial Ability-the Authority

- 1) Provide services tool to create an authentic proof top deals land
- 2) Management Office
- 3) Authorities draw up a deed of real contract and legalize the agreement

Soft Skill

- 1) Honest
- 2) Independent
- 3) Comparable – fair
- 4) Respect of the parties

Notary

Ability of work

- 1) Capable of identify the legal needs of the parties. and selling;
- 2) being able to qualify the needs of the law with regulations
- 3) Able to elaborate on the consequences of the law for the Parties
- 4) Being able to formulate a draft contract of Division of property jointly;

Mastery of Knowledge

- 1) Understanding of the principles and theories of civil law
- 2) Understanding the theory of legal agreements.
- 3) Understanding regulations
- 4) Mastery and understanding the criminal aspects of the contract and the Office of notary public
- 5) Mastering taxation law

Managerial Ability-the Authority

- 1) file management
- 2) Office Management
- 3) Authorities draw up a deed of real contract and legalize the agreement

Soft Skill

- 1) Honest
- 2) Independent
- 3) Comparable – fair

- 4) Respect the parties

VI. Conclusion

This paper outlines the necessity for graduates with a law degree to pursue the Training Profession for a Law Career (TPCL). The TPCL comprises two programs: the mandatory program and the concentration program. As the name suggests, the mandatory program, offered in the Faculty of Law, is obligatory for graduates with a law degree. The subsequent concentration program allows graduates to choose specific classes aligned with their interests. The specialized program spans five intensive months, featuring input from seasoned practitioners. Participants bear a cost of \$100,000.00, inclusive of materials and practices tailored to varying intensities. Mandatory for law graduates, the TPCL can be undertaken after obtaining the Certificate of Graduation (SKL) from the law degree. The training occurs two to three times per week to accommodate the schedules of working graduate scholars without disrupting their professional activities. This dual-program structure ensures a comprehensive and flexible approach to the career-oriented training needs of law graduates.

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