



Clinical Legal Education in the Legal Aid Institution Faculty of Law, Universitas Katolik Parahyangan

Maria Ulfah ✉

Fakultas Hukum Universitas Katolik Parhayangan, Bandung, Indonesia

DOI: <http://dx.doi.org/10.15294/pandecta.v12i1>.

Info Artikel

Article History:

Received : June 2017;

Accepted: June 2017;

Published: June 2017

Keywords:

clinical legal education; legal aid campus; experiential learning

Abstrak

Pendidikan hukum klinis di Fakultas Hukum dapat dilaksanakan melalui kegiatan reguler di luar kurikulum. Beberapa kampus menerapkan metode CLE sebagai mata kuliah wajib dan ada yang diterapkan di mata kuliah penunjang. Fakultas Hukum, Universitas Katolik Parahyangan (UNPAR) Bandung mengembangkan CLE melalui kegiatan reguler yang diselenggarakan oleh Lembaga Bantuan Hukum Pengayoman- sebagai bentuk komitmen terhadap pengabdian masyarakat oleh para mahasiswa yang terlibat dalam program CLE. Artikel ini membahas tentang aktivitas kegiatan CLE yang dilakukan oleh LBH Pengayom yang diadopsi dari AS dan berkembang pesat di Asia termasuk Indonesia. Analisis juga terkait dengan keuntungan-keuntungan dan hambatan dalam penerapan CLE dalam kurikulum Fakultas Hukum.

Abstract

Clinical legal education in a Faculty of Law can be done through the curriculum or ongoing regular activities outside the curriculum. Many campuses have implemented clinical legal education in the compulsory courses or elective courses. Faculty of Law, Universitas Katolik Parahyangan (UNPAR) develop it through ongoing routine activities included in the "Pengayoman" Legal Aid Institution (LBH Pengayoman). Various activities in LBH Pengayoman intended to achieve community service in the field of law committed by the students and faculty for approximately. This paper intended to deliver an analysis of activities organized by Legal Aid Institution Pengayoman with clinical legal education that stems from the United States, known in Asia, and growing in Indonesia. The analysis also endeavour to identify a variety of benefits and barriers to clinical legal education through outside the curriculum of the Law Faculty.



1. Introduction

Jurisprudence is one of the sciences that benefit the surrounding community. Jurisprudence is not static, but dynamic nature of the development of society. Definition of Jurisprudence based on the opinion from Mochtar Kusumaatmadja is a practical science to explain, systematize, analyze, interpret, and assess the positive law. Bernard Arief Sidharta also said Jurisprudence is targeted to provide solutions of legal problems by relying on the prevailing legal order by always referring to the verdict of the authoritative (positivity), law as an order (coherence), the law as setting relationships right (justice), and human values are fundamental and noble (dignity). (Sidharta, 2009: 191-192)

Problems arising Jurisprudence cored on what laws, what are the rights and obligations of legal subjects in a situation of a particular community, and based on what should be done, as well as compliance is not left to the free will question (Sidharta, 2016: 103). The accuracy of the juridical settlement on a legal issue that depends on the accuracy of the formulation of the problem, understanding of the situation which gave rise to the legal issues, and qualification of juridical facts relevant to the legal discovery method used (Sidharta, 2009: 192-193). So the application of Jurisprudence has two important aspects, namely the rule of positive law (*das sollen*) and the relevant facts (*das sein*).

Application of Jurisprudence in society between *das sollen* and *das sein* made possible the emergence of gaps. The gap is meant for example a graduate of Bachelor of Laws with high value but do not understand how to provide the right solution (based on the positive law) on a legal case one experienced by community members. It can be caused due to lack of practice experienced by the individual as a student.

In line with the foregoing, Mochtar Kusumaatmadja found "legal education must use teaching methods that ensure maximum participation of the students in the educational process to generate creative abilities, and not just use a system of tuition tends to accustom people to the passivity" (Sidharta, 2009:

221). It was also said by Harkristuti Harkrisnowo (2003: 11) that is no longer the law school curriculum focuses on the theory and positive law, but has expanded its scope to the practice-oriented lectures. Both opinions were committed with the hope of meeting the gap between *das sollen* and *das sein* in society (seek to keep it away to people's expectations but still consider the importance of academics).

One alternative that is used to make it practical for students who study Jurisprudence is a clinical legal education. Clinical legal education is experiential learning method that allows students to apply the theory of the law directly. This method can be done through courses in the curriculum of the Law Faculty or through ongoing regular activities outside the curriculum of the Law Faculty.

Then this article will discuss the clinical legal education through a variety of activities that seem sustainable in Legal Aid "Pengayoman" UNPAR (LBH Pengayoman). The activity is in line with the UNPAR sesanti "Bakuning Hyang Mrih Guna Santyaya Bhakti" which means "Based Demand deity devoted to Science for Society". The Sesanti embedded in the implementation of one of the Tri Dharma College is dedication to the community through Pengayoman LBH, where Jurisprudence studied followed up with a useful application for people around Bandung. Moreover, it would also discuss the advantages and disadvantages of clinical legal education through a curriculum that is done without the Faculty of Law. This paper opens with input for clinical legal education can be run more leverage and more innovative.

2. Methods of Research

Legal research methods used in this paper is the empirical legal research methods. This method examines the law as an object of research. Law is not only seen as prescriptive and applied discipline, but also as a legal reality. (Depri Liber Sonata, from January to March 2014: 29) The method was applied to assess the function of the rule of law and legal theory attributed to the fact the practice of various activities in LBH Pengayoman

UNPAR.

3. The Result of Research and Discussion

1. Legal Education in Indonesia

Legal education in Indonesia can not be separated from the discussion on the curriculum. Higher Education Curriculum under Article 35 paragraph (1) of Law No. 12 of 2012 (Act 12/2012) is “a set of plans and arrangements regarding the objectives, content, and teaching materials and methods used to guide the organization of learning activities to achieve the goal of Education High”. The curriculum can be defined as the entire learning program planned in an education. The foundation of the curriculum include values (values) and beliefs (beliefs) about what should be known to the students and how students can acquire and or mastering knowledge. The curriculum must also be packaged in a form that is easily communicated to the parties involved in the educational institutions, should be open to criticism and should be easily transformed in practice (Casmini, 2014: 126). The curriculum in Article 35 paragraph (2) of Law 12/2012 is developed by each of the Universities with reference to the National Standards of Higher Education for each study program that includes the development of intelligence, character, and skills.

Higher Education curriculum development in Indonesia is based on the provisions of Article 97 of Government Regulation No. 17 Year 2010 (PP 17/2010) was developed and implemented based on competence. In Article 29 of Regulation 17/2010 also stipulates that the main reference in determining the competence of graduates of academic education, vocational education, and professional education is the National Qualifications Framework. National Qualifications Framework Indonesia (KKNi) based on further rule in Article 1 point 1 Presidential Decree No. 8 of 2012 (Presidential Decree 8/2012) is a “framework penjenjangan competence and qualifications to reconcile, equalize, and integrate the education and training fields of work and work experience in order to award the work in accordance with the recognition

of the competence of the structure of employment in various sectors “. Through this KKNi expected to change how you view the competence of a person, no longer a mere diploma but with a view to the framework of the agreed national qualifications as the basis for recognition of the results of one’s education is widely (formal, non-formal or informal) that akuntanbel and transparent. (Kopertis 12, March 1st, 2017)

KKNi in Article 2 of Presidential Decree 8/2012 consists of nine levels of qualification. Levels one to three are grouped in operator positions, levels four to six are grouped in a technician or analyst positions and levels seven to nine grouped in expert positions. Each level of qualification in KKNi by Article 3 of Presidential Decree 8/2012 have equality with the learning outcomes generated through education, vocational training or work experience. KKNi is used as a reference in the formation and development of the National Standards for Higher Education which is further stipulated in the ministerial regulation of Research, Technology and Higher Education No. 44, 2015.

Graduate level education in law in Indonesia in KKNi equivalent to level 6. The level requires practical experience experienced graduates (not restricted to education in theory anyway). Those references are indeed should be appreciated because of legal education should not be narrower than the development of science and society. This is in line with the opinion of the Roscoe Pound legal education is not just a study of the rules but look at the way the law works and the legal effects for the surrounding communities (Bernard, et. Al .: 161). The following quote his opinion: (Rahardjo, 2004).

“...to enable and to compel law making, and also interpretation and application of legal rules, to make more account, and more intelligent account, of the social fact upon which law must proceed and to which is to be applied.”

As a good legal education built for

Indonesia by Bernard Arief Sidharta is jurisprudence which sides the values of the Indonesian nation itself, Pancasila which is Grundnorm Indonesia. He argues that the law is a law that is imbued berasaskan Pancasila spirit of harmony, so that the law is directly geared to achieve social justice for the people. In addition to the principle of harmony mentioned above, he also added another principle that is characteristic of Pancasila law that merit and the principle of alignment. (Anwar, 2011: 241) Therefore, clinical legal education can be one alternative that is used as a hands-on experience for students of the Faculty of Law in Indonesia.

Clinical Legal Education

Beginning of developing clinical legal education in the United States in the 1890s. Education is growing because it is required by law graduate for a career in law. The term clinical legal education can be defined as “a learning process for law students with practical knowledge, skills, values in order to realize the service of law and social justice, which is implemented on the basis of teaching methods interactively and reflective”. Practical knowledge (practical knowledge) is an element associated with the practical knowledge to the students. Expertise (skills) is the mastery of skills such as engineering students ask, negotiating, designing rules/ contract, advocacy, and others. Values associated with the alignments on the values of honesty, anti-discrimination, social justice, anti-corruption, and so forth. (Indonesian Legal Resource Center, 2009: 2)

BABSEA (March 1st, 2017) states that clinical legal education is a progressive educational ideology and the way education is normally done through the campus program. This education begins execution in classes using interactive learning methods. Another definition comes from Mariana Berbec-Rostas (2007: 21-22) argue that clinical legal education is an educational program that is based with interactive teaching methods and reflective contains the knowledge, values, and practical skills that enable the students to provide legal services and creating social justice. Therefore, clinical legal education

can be interpreted as a method of learning experiential not only learn the knowledge, but also improve the skills to embed a variety of values in the field of law. These three aspects are very important to be internalized for law students that would become a skilled Law Degree critical thinking and active role for the surrounding communities to be responsible as well.

Clinical legal education based on the opinion from Mochtar Kusumaatmadja has two aims of “giving exercise to the students in practical legal skills and help the poor people in obtaining the settlement of its problems by legal means. Two of these goals can be called educational goals and objectives of devotion. “(Churchill, 1980: 111) It is another object of clinical legal education by Indonesian Legal Resource Center (2014: 10-11), namely:

1. Provide a structured educational opportunities for students, to add to the experience of students in the practice of real *kepengacaraan* or through a simulation representing clients, and also to acquire knowledge, skills, and values from that experience;
2. Added support for legal assistance to marginalized communities;
3. Instilling the spirit of public service and social justice, and to establish a basis for the development responsibilities of the legal profession;
4. Contribute to the development of the skills and practical legal theories linking the academic world with Advocate bar association closely;
5. Develop an interactive teaching methods and reflective in moving students to the activities mentioned above, which is not gained in college. This learning method has been proven to be the most effective way for student learning in the long term;
6. Strengthening civil society, with lawyers taking care of professional responsibility by emphasizing the need legal help to protect marginalized communities.

The above goals provide the foundation for law students in pursuing a professional career later that experience in understanding the rules and legal theory critically with skill

practice lawyer/ consultant, is committed to the moral, ethical, values of social justice, as well as concern for the group marginal. Not only that, the legal clinic run by students under the supervision of lecturers as a form of clinical legal education intention that lecturers participate actively in practice (not just to be an observer).

Clinical legal education above can be implemented in many ways in various countries or the Faculty of Law. Such implementations until now already widely developed applications in Asia (including Indonesia). Alternatives that can be used is to apply in clinical legal education:

1. courses that already exist in the curriculum;
2. new subjects in the curriculum in the form of compulsory courses or elective courses;
3. extracurricular activities perspective in clinical legal education (extracurricular referred to the Legal Aid Institute (LBH) campus or partners outside the Law Faculty. Both are used in several countries in Africa and Latin America to involve alumni, students, faculty, and local volunteers in providing legal aid). (Indonesian Legal Resource Center, 2014: 8).

Besides that alternatives, those various forms of legal clinics run Faculty of Law. Based on the location of the practice of clinical legal education, there are two types, namely legal clinic at the law school (in-house clinic) and outside the law faculties (out-house clinic). (Indonesian Legal Resource Center, 2014: 8-9)

Out-house clinic program consists of: (Indonesian Legal Resource Center, 2014: 8-9)

1. Externship: students work in a law office or government office under the supervision of practicing lawyers or government officials;
2. Community Clinic: it is where students work directly in the community;
3. Mobile Clinic: students visited the community to provide legal opinions and or inform communities of their rights, or provide certain types of

advice and a way to resolve legal issues.

While the in-house clinic program consists of: (Indonesian Legal Resource Center, 2014: 8-9)

- o Life client / client estate clinic, where students provide direct legal services to clients;
- o Simulation clinic, where students simulate real life on the basis of role-playing with the aim to train students' ability. Usually real cases simulation is used in this clinic.

There is also a form of Street Law Clinic provides legal education and rights as students of secondary school (SMP), High School (SMA), or marginalized communities. (Indonesian Legal Resource Center, 2014: 8-9)

Alternative and forms are used, noteworthy three adhesive component in the development of clinical legal education, namely: (Ispurwandoko Susilo, 2014: 8)

a) Planning component

Students prepare and plan to gain real experience of legal practice. In the planning component, students and faculty supervision practices develop programs that provide benefits both for students themselves as well as the surrounding community.

b) Practice component

Students test the ability that has been received under the supervision of professors or advocate the practice.

c) Reflection component

It is related to the evaluation of the students reflect on the experiences, the quality of students that follow, benefits people who need legal aid, and implementation of the clinical legal education.

These are very important to do a sustainable because all three will show a continuous overall process of a clinical legal education (especially that legal aid is done running maximum).

3. History of Legal Aid in Indonesia

Every person has a constitutional right to get recognition, security, protection and legal certainty and equal treatment before the law as a means of protection of human rights. Based on these rights, legal aid is no longer charity but has become a right that has been universally accepted. That right is realized by

the provision of legal aid for people unable to access to justice.

Legal justice is one of the main pillars of the legal community is that together with economic justice, political justice, social justice and fairness (tolerance) sustains culture and establish justice intact structural complementarity. One form of legal justice is the provision of legal aid. Provision of Legal Aid was not just attitude and act of generosity but more than that is an integral part of the framework of Indonesian human liberation efforts of each form of oppression that negate the taste and form of the presence of justice intact, civilized and humane. (Indonesian Legal Aid Foundation, March 1st, 2017)

At the beginning, the Legal Aid comes from the term meaning legal assistance of legal services to the public advocate is able and people can not afford. But then there was development terms become meaningful legal aid from the Legal Aid Advocate intended for people not able to be economically and legally blind. Shifting Legal Aid concept is in line with the development of individual Legal Aid Legal Aid structural changes become manifest in social movements. (Law Online, March 1st, 2017)

Historically, Legal Aid in Indonesia (formerly Dutch East Indies) has been known since the Dutch colonial period are recognized institute Advocate. As we know that there used to be the distribution segment of the population into groups of Europe, Middle Foreign and Bumiputera. The grading makes the difference between one class with another class in many areas of life (such as the legal, economic, social, and political), where the Bumiputera group treated with a notch lower than the European groups and Orientals. In the legal field known dichotomy of the judicial system in Indonesia, namely judicial hierarchy for the people of Europe and equalized and judicial hierarchy for the Bumiputera and equalized. The hierarchy of different courts, an impact on the legal distinction that used events and functions Advocate institution that is in it. (Frans Hendra Winata, 2000: 21)

Advocates for the European group there is liability for legal representation by a law-

yer (*verplichte procureur stelling*) in any case, while for class Bumiputera no similar obligation does not even guarantee the rights of Bumiputera who are unable to defend Advocates and legal assistance. As for the possibility to get the defense to request the defendant in court is limited to only the case with the death penalty and that as long as there are willing Advocate. (Frans Hendra Winata, 2000: 21) Therefore, the need for the Bumiputera will not be perceived legal aid so that the profession of Advocate come from the Bumiputera undeveloped.

Development through the Legal Aid Advocate institution stems from the class of Bumiputera who earned a law degree in the Netherlands. However, the development of the Advocate institution was only temporary and even suffered a setback to Indonesia to experience the Old Order. Changes in Indonesia became New Order period gives a new color in the development of legal aid through the agency's role in the world advocate free judiciary intervention from any party (especially the executive). Under the terms of Act No. 14 of 1970 explicitly granted guarantees on the right to legal aid. In a special chapter on Legal Aid contained provisions that every litigant is entitled to legal aid. There is also a provision that a suspect in a criminal case has the right to call and ask for help legal counsel since the time of the arrest or detention. (Rahman, 1983: 48)

Giving concrete form to materialize with the establishment of the Legal Aid Bureau of Legal Consultancy at a university in 1963, then in 1968 changed its name to Institute of Legal Consultancy, and in 1974 turned into Consultation and Legal Aid (LKBH). LKBH continue to be developed in various regions in Indonesia in conjunction with the establishment and development of organizational unity container Advocate at the national level. LKBH is now known as the Legal Aid Institute (LBH). (Bambang Sunggono & Aries Harianto, 2009: 16)

Currently special arrangements regarding Legal Aid in Indonesia contained in Law No. 16 of 2011 (Act 16/2011) and Government Regulation No. 42 Year 2013 on Conditions and Procedures for Granting Legal Aid

and Legal Aid Fund distribution. Previously, the term Legal Aid is only known as part of the Code of Criminal Procedure (article 54 to 56), Law Number 18 Year 2003 concerning Advocates (Article 22 paragraph (1)), and Act No. 48 2009 on Judicial Power (Article 56 to 57).

One of the conditions in the legal aid giver in Article 8 (2) of Law 16/2011 is accredited under this Act. To LBH LBH Pengayoman choose not be accredited by the Law 16/2011, considering the circumstances and situation and goals focused experiential learning for students of the Faculty of Law. However, good principles inherent in the Law 16/2011 remain in place and developed in the LBH Pengayoman.

4. Various activities in the Clinical Legal Education Pengayoman LBH UNPAR

Faculty of Law UNPAR not provide special courses on the legal clinic in weight Semester Credit System (SKS), clinical education activities conducted through several courses that already exist in the curriculum (experiential method of learning) and extra curricular activities perspective in clinical legal education. For extracurricular activities is included in the LBH Pengayoman.

LBH "Pengayoman" was first established in 1968 under the name of Consultancy and Legal Aid Bureau (BKBH). The initial idea came from Dazril Effendi formation that is part of the Law Faculty Senate UNPAR and under the auspices of the Student Council headed by Marzuki Darusman. In 1971, the Law Faculty Senate UNPAR BKBH was taken over by the Faculty of Law UNPAR since the dissolution of the Student Council which during the shelter. In the later period, BKBH Dazril led by Abdel R. Effendi and his deputy Djamali. BKBH budget is obtained from the people who receive services from BKBH. In 1984, the term was changed to LBH "Pengayoman". Since renamed LBH "Pengayoman", the budget fully funds obtained from the Foundation UNPAR, so that people who received legal services from LBH "Pengayoman" is not subject to any charge. (LBH Pengayoman UNPAR, March 10th, 2017)

LBH Pengayoman based at the Facul-

ty of Law UNPAR (2nd building 1st floor Jalan Ciumbuleuit nomor 94, Bandung) and headed by a Permanent Lecturer Faculty of Law UNPAR responsible to the Dean who can coordinate with the faculty, students, alumni UNPAR, as well as outsiders. Therefore UNPAR is a private university, the faculty can still works well as an Advocate. So the head of LBH Pengayoman not only works as a lecturer, but also as an Advocate. This is in line with the provisions set forth in one of the requirements of Article 3 of Law No. 18 of 2003 on the Advocate (Advocate is not a civil servant or state officials).

Besides the head, there is also LBH Pengayoman staff and volunteers from the Faculty of Law UNPAR active students. The staff here is the student who has stood as a volunteer for some time at LBH Pengayoman, so it has to understand the material law in theory and practice more deeply and a variety of activities carried out by the procedure. While the volunteers here are students who have gone through the administrative selection phase (the minimum required GPA and credits with a character to cooperation within the team), stage interviews, and analysis of the case. Volunteer recruitment process is open once every semester (twice in satutahun). Intern with getting salaries calculated per hour volunteer internship while voluntarily without getting honorarium. Staff and volunteers are present at LBH Pengayoman every Monday to Friday (excluding Saturday if necessary) with the hours of work experience from nine in the morning until four in the afternoon (except Friday until three o'clock in the afternoon). They can make the process of apprenticeship and graduated to become a Bachelor of Law. Currently staff and volunteers of ten students. The number of students can be reduced or increased, as the situation is.

Legal aid by LBH Pengayoman may be preventive, diagnostic legal aid, and legal help control conflict. Definition of preventive legal aid legal services is carried out with the purpose of understanding the rights and obligations as citizens of society. Namely diagnostic legal aid legal services with the purpose of providing legal advice or solutions. While the

conflict control legal aid is aimed at addressing the legal services actively lawsuits concretely experienced by the community. (John Pieris, 2008: 79-80)

The three types of activities, namely main, routines, and additional. The main activities consists of legal consultation and legal aid. Routine activities are legal counseling to the radio and went to inmates in correctional institutions. Additional activities of the internal legal education and training, legal counseling, legal training and legal discussions. All these activities are supervised by the head of LBH Pengayoman, it was possible coordination with other relevant parties. The principles in the implementation is the principle of non-discrimination (legal aid is based on equality before the law) and the principle of client confidentiality (must keep the public informed of all matters related to clients handled).

Main activities. Legal consultation is a legal service given to the situation or legal issues faced by clients. In this case, members of LBH Pengayoman provide guidance, information, advice, reference, or solutions to clients in order to resolve the situation or legal issues exist. While legal aid is granted legal services to give assistance to clients who have or want to resolve their case through the mechanism for settling disputes or the law enforcement agencies through settlement mechanisms outside the law enforcement agencies. Its main activities are carried out as the clients who come to LBH Pengayoman and followed directly by staff and volunteers (asking identity of the client until explanation of the situation or legal problem experienced by clients who materialized in the position cases as well as the legal opinion). Besides coming to LBH Pengayoman, clients can come from other such institution clients to provide legal aid. If it happens, it can be done collectively division of case management or case management delegated to LBH Pengayoman.

Legal opinions in the activities of legal consultancy to a simple matter can be provided by staff and volunteers LBH Pengayoman (this can be done if the staff and volunteers have been dealing with cases similar before), but a legal opinion for the court that first dealt with or moderately difficult to difficult

going through the process discussions with the head of LBH Pengayoman and academics / practitioners relevant. While the legal opinion in legal assistance activities will be conducted by the head of LBH Pengayoman and / or Advocate relevant to the preparation process (discussion of the case in depth with juridical thinking systematically to legal documents) together with the staff and volunteers. In the process of legal representation in court, staff and volunteers can be attended as a visitor to feel and observe the process directly.

Legal consultancy for all clients do not cost anything. While the legal assistance applied without any cost (including court fees) are limited to economically disadvantaged clients, demonstrated by the Certificate of No Capable of RT / RW. Then the legal representation for clients with average rate (quite economically, can not afford the legal services Advocate) will be made free Advocates legal fees and only pay court costs are relevant. Legal assistance for the litigation process be based on the number of cases being handled LBH Pengayoman and the process is limited in Bandung.

Routine activities. Legal counseling routine with the radio broadcast is legal services performed every two weeks (except on holidays) at one of the radio has established cooperation with LBH Pengayoman be a discussion of the law that is being talked about by the public or another legal aspects that important to known for the people in Bandung. LBH Pengayoman also coordinate by inviting other parties such as academics UNPAR (eg lecturer, graduate student UNPAR) and / or practitioners from outside UNPAR (eg, Governmental Organization) as a resource in the event. The radio broadcast as well as a means of disseminating the existence of LBH Pengayoman. While routine legal counseling by visiting inmates in prison every two weeks (except on holidays) at one institution Bandung area which has established cooperation with LBH Pengayoman form of discussion of their necessary laws. Legal consultation can also be provided, if prisoners are needed. This activity is performed by LBH Pengayoman members with several active students

from the course Penitentiary. The routine is done alternately with a range of implementation is one to two times a month.

Additional activities. Internal legal education and training is an activity undertaken by inviting the parties who are skilled in the art to develop knowledge and improving the skills of staff and volunteers from LBH Pengayoman. This activity tailored to the needs of members of LBH Pengayoman in each semester. In addition to routine legal counseling, there are also non-routine legal counseling tailored to the needs around (those who attended). Extension of this law can be devoted to the public (participants counseling) inside and outside UNPAR (in Bandung and surrounding areas) with the aim of improving the understanding and observance of the law as to the high school, residents around UNPAR, residents of a particular village. While the legal training organized to provide legal knowledge and improve the skills of certain laws for the people (trainees) within and outside UNPAR (in Bandung and surrounding areas) such as Vocational High School, officials or residents in a certain village. Legal discussions that the activities carried out in order to develop and deepen insight into the theory and practice of law for staff, volunteers LBH Pengayoman, and students of the Faculty of Law UNPAR. The theme of this discussion is determined based on interesting cases are addressed and discussed by inviting academics and practitioners who membidadingnya in depth. These additional activities can be done alternately with a range of implementation is one to three times in one year.

Based on the brief description above, it is known that clinical legal education that runs LBH Pengayoman is in-house clinic program (life client / client real clinic also street law clinic) and out-house clinic program (mobile clinic). Then as it is known in clinical legal education requires three essential components such as planning, practice, and reflection.

LBH Pengayoman has three types, namely meeting the annual working meeting which is usually done once a year, meeting every other week, and incidental meetings. At the annual working meeting discussed

regarding the evaluation of all activities and cases that have been experienced over the past year as well as the planning of all activities for the coming year. While on meeting every single week it was discussed all relevant issues that have been done in one week and that will be done next week. Then incidental meeting may be held if there is an emergency that needs to be discussed for the consideration given or solution, these meetings are often held when related to the particular case which has been developed and needs to be followed up. So LBH Pengayoman planning component covered in these meetings.

Practice component experienced by staff and volunteers LBH Pengayoman (as well as the relevant parties) realized in the implementation of the three types of activities vary above. If focusing on the main activity, it can be seen from the cases handled by a variety of types. The process takes place through systematic juridical thinking and ask the client to build a complete case of position on the situation and legal issues faced by relevant legal solution. If focuses on the regular activities and additional activities, it can be seen through the initial survey materials needed local communities, preparation of legal materials provided or prepared, the provision of legal materials by the method of experiential learning (delivered using language more easily understandable and interactive for the community), up question and answer directly to the public.

Reflection component on diverse activities that have been done are from the recipient of legal aid and all members of LBH Pengayoman. Reflections on legal aid recipient is included in the evaluation sheets are usually given when completing the activities in question. Reflections are then read and discussed with the reflection that comes from all members of LBH Pengayoman. The reflections can be done in writing or verbally. Both will be no criticism and suggestions on these activities to the individual who carry out these activities. Various values to be achieved are also discussed in order to internalized for law students who are part LBH UNPAR Pengayoman.

Based on the above, the three compo-

nents of the adhesive in clinical legal education has been carried out in a variety of activities LBH Pengayoman. Not easy to do all three consistently and continuously, but all three are important to do. Important because in accordance with the opinion of **Sudikno Mertokusumo** (2011: 9-10) that the purpose of studying the Jurisprudence to dominate techniques for resolving legal issues yang-meliputi ability to understand legal events, formulate legal issues, finding, to determine the appropriate legal solutions. Armed with these, Bachelor of Law is expected to expand and deepen what is already known to be responsible.

Advantages and Barriers to Clinical Legal Education in LBH Pengayoman UNPAR

Clinical legal education through ongoing regular activities at LBH Pengayoman has a variety of advantages at once with the barriers faced. As is known from the description above that LBH Pengayoman actively engage students in the Faculty of Law UNPAR certain amount in any activity undertaken with the supervision of the Head of LBH Pengayoman. The benefits for staff and volunteers (students of the Faculty of Law UNPAR active) include:

- 1) Experience and understand the process of legal practice directly and continuously with the community to pass a Bachelor of Laws (they can intern more than one semester).
- 2) Implement Legal Studies received and distributed in the surrounding communities.
- 3) Improve skills in writing (in detail, meticulous) and speak (convincingly, interactive).
- 4) Understand the slices of fields and interdisciplinary law in case that happens with all the juridical systematic thinking process and the preparation of legal opinions (including the relevant legal documents).
- 5) Improving the integrity and loyalty to those who can adaptively with internships lasting process.
- 6) Knowing the challenges that may occur when they undergo the legal profession

in the future.

- 7) Obtain the values of life and kindness during the internship from around.
- 8) Increase sensitivity in providing legal assistance selflessly to those who lay the legal and / or are unable to financially.
- 9) Ability to teamwork as well as individual.
- 10) Dividing time internship at LBH Pengayoman with hours of lectures and self-interest.
- 11) In general, the implementation of a broader legal assistance and is not limited to the time the lectures so the scope and impact can be felt more widely to society.

While the barriers experienced in general among others are:

- 1) It needs creativity and time sharing activities of the Head of LBH Pengayoman to run a variety of activities in each year. Time sharing activities must be scheduled to suit the exam staff and volunteers, schedules of other academic activities as a lecturer, schedule legal assistance, as well as the schedule of implementation partners.
- 2) The number of faculty supervision of only one person. Increase the number of faculty supervision is not easy because these activities are not covered in weight and limited credits to be part of the embodiment of community service only. Finding faculty supervision pleased to make a sustainable manner is not easy. Therefore, until now the role of supervision by other lecturers on the specific activities.
- 3) The number of Advocates limited resources so that not all cases can progress through legal advocacy. That's because once a lecturer at the Law Faculty of Advocates UNPAR not amount to much and not easy to coordinate to the case without any charges by parties other NGOs.
- 4) Keeping the atmosphere of student internships with various characters, the client, and the relevant agencies. It is inevitable to work with many people it is not easy and need careful management in order to be well conditioned.
- 5) Maintain the loyalty of volunteers who

are voluntary to follow the process flow of apprenticeship as it should be. That's because sometimes there are volunteers who decided not to proceed with an internship at LBH Pengayoman for various reasons.

- 6) Coordination with partners who have a long bureaucratic system. Each agency must have had a bureaucratic system of each scheduled in accordance with their respective interests.

4. Conclusion

Clinical legal education can be done with a variety of alternative and shapes. Whatever the manifold have the same goal of providing a foundation for law students in pursuing a professional career later that experience in understanding the rules and legal theory critically with skill practice lawyer / consultant, is committed to the morals, ethics, values, social justice, and concern marginalized groups. Not only that, the legal clinic run by students under the supervision of lecturers as a form of clinical legal education intention that lecturers participate actively in practice (not just to be an observer).

Clinical legal education that runs at LBH Pengayoman with the above objectives are covered in the form of legal aid preventive, legal aid diagnostics, and legal help control conflict in the form of programs in-house clinic form of life client / real client clinic and street law clinic and program out-house the mobile clinic clinic. Components of planning, practice and reflection in clinical legal education in LBH Pengayoman has been running a variety of advantages and constraints. Expected benefits received can be maximized and may not reduce the barriers that exist main goal of the implementation of this law clinic.

References

- Abdurrahman. 1983. *Aspek-Aspek Bantuan Hukum di Indonesia*. Cendana Press. Jakarta.
- Anwar, Khaidir. *Pendidikan Hukum dalam Negara Demokrasi*. <http://ejournal.undip.ac.id/index.php/mmh/article/download/10475/8351> Jurnal Masalah-Masalah Hukum. Volume 40. Nomor 2. 2 April 2011.
- Arief Sidharta, Bernard. 2009. *Refleksi Tentang Struktur Ilmu Hukum*. CV Mandar Maju. Bandung.
- Arief Sidharta, Bernard. 2016. *Ilmu Hukum Indonesia*. UNPAR PRESS. Bandung.
- BABSEA. *About Clinical Legal Education (CLE)*. <https://www.babseacle.org/clinical-legal-education> accessed 1 Maret 2017.
- Berbec-Rostas, Mariana. January 30-February 3, 2007. *Clinical Legal Education: General Overview*. First Southeast Asian Clinical Legal Education Teachers Training. Manila-Philippines.
- Casmini. *Evaluasi dan Peninjauan Kurikulum BKI Berbasis KKNi*. <http://ejournal.uin-suka.ac.id/dakwah/hisbah/article/download/156/150> Jurnal Hisbah. Volume 11. Nomor 1. 1 Juni 2014.
- Churchill, Gregory. 1980. *Pendidikan Hukum Klinis Suatu Tinjauan*. dalam buku "Beberapa Pemikiran Pembangunan Hukum di Indonesia". Alumni. Bandung.
- Harkrisnowo, Harkristuti. *Selintas Sejarah dan Prospek Pengembangan Pendidikan Tinggi Hukum di Indonesia*. Jurnal Hukum JENTERA. Edisi Khusus. Oktober 2003.
- Hendra Winata, Frans. 2000. *Bantuan Hukum—Suatu Hak Asasi Manusia Bukan Belas Kasihan*. PT Elex Media Komputindo. Jakarta.
- Hukum Online, *Perkembangan Bantuan Hukum dan Tanggung Jawab Negara*, <http://www.hukumonline.com/berita/baca/hol10932/perkembangan-bantuan-hukum-dan-tanggungjawab-negara> accessed 1 Maret 2017.
- Indonesian Legal Resource Center. 2009. *Pendidikan Hukum Klinik Tinjauan Umum*. Jakarta.
- Indonesian Legal Resource Center. 2014. *Tinjauan Umum Pendidikan Hukum Klinis dan Bantuan Hukum*. Jakarta.
- Kopertis 12. *Kurikulum Nasional Berbasis Kompetensi Mengacu pada KKNi*. <http://www.kopertis12.or.id/2013/04/28/kurikulum-nasional-berbasis-kompetensi-mengacu-pada-kkni.html> accessed 1 Maret 2017.
- L. Tanya, Bernard. et. al. 2010. *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*. Geneta Publishing. Yogyakarta.
- LBH Pengayoman UNPAR. *Sejarah LBH Pengayoman*. <http://lbhpengayoman.unpar.ac.id/profil/sejarah/> accessed 10 Maret 2017.
- Liber Sonata, Depri. *Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Meneliti Hukum*. <http://download.portalgaruda.org/article.php?article=358811&val=>

- [6694&title=METODE%20PENELITIAN%20HUKUM%20NORMATIF%20DAN%20EM-PIRIS:%20KARAKTERISTIK%20KHAS%20DARI%20METODE%20MENELITI%20HUKUM](#)
Fiat Justitia Jurnal Ilmu Hukum. Volume 8. Nomor 1. Januari-Maret 2014.
- Limahelu, Frans. *Pendidikan Hukum dan Peradaban Manusia Indonesia*. Jurnal Hukum JENTERA. Edisi Khusus. Oktober 2003.
- Mertokusumo, Sudikno. 2011. *Teori Hukum*. Universitas Atma Jaya Yogyakarta.
- Pieris, John. 2008. *Etika dan Penegakan Kode Etik Profesi Hukum (Advokat)*. Badan Pembinaan Hukum Nasional Departemen Hukum dan Hak Asasi Manusia Republik Indonesia. Jakarta.
- Rahardjo, Satjipto. 4 September 2004. *Hukum Progresif (Penjelajahan Suatu Gagasan)*. Makalah. Program Doktor Ilmu Hukum Undip Semarang.
- Sunggono, Bambang & Aries Harianto. 2009. *Bantuan Hukum dan Hak Asasi Manusia*. CV Mandar Maju. Bandung.
- Susilo, Ispurwandoko. *Pendidikan Hukum Klinik dalam Pelaksanaan UU No. 16 Tahun 2011 Tentang Bantuan Hukum*. <http://ejournal.unicen.ac.id/index.php/JHM/article/view/202/187> Jurnal Hukum dan Masyarakat. Volume 13. Nomor 2. April 2014.
- Yayasan Lembaga Bantuan Hukum Indonesia. *Visi dan Misi YLBH*. <http://www.ylbhi.or.id/visi-dan-misi/> accessed 1 Maret 2017.