

Clinical Legal Education in the Theory and Practice in the Indonesian Law School

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Abstract

This short paper delves into the integration of Clinical Legal Education (CLE) in both theoretical understanding and practical application within Indonesian law schools. CLE serves as a bridge between legal theory and real-world practice, enriching legal education with tangible experiences. The theoretical dimension involves leveraging CLE to enhance students' comprehension of legal concepts, fostering a deeper understanding of the intricacies of the law. This theoretical grounding is complemented by the practical aspect, where students engage in hands-on experiences to develop essential legal skills such as research, client counseling, negotiation, and courtroom advocacy. In the Indonesian context, CLE is strategically positioned to address societal needs and promote social justice. Through real-world case engagements, students learn to navigate the complexities of the legal system while contributing to the resolution of legal issues that impact communities. This practical exposure not only reinforces theoretical knowledge but also instills a sense of social responsibility among future legal practitioners. The integration of

CLE into the curriculum of Indonesian law schools brings forth a paradigm shift in legal education. Students not only gain a comprehensive understanding of legal principles but also acquire the practical skills and ethical considerations necessary for successful legal practice. This abstract emphasizes the holistic approach of CLE, positioning it as a transformative force that harmonizes theory and practice in the realm of legal education in Indonesia.

Keywords

Clinical Legal Education, Indonesia's Practice, Law School, Learning Method

I. Introduction

In the dynamic landscape of legal education, the integration of theory and practice is paramount for producing adept and socially conscious legal professionals. This holds especially true in the context of Clinical Legal Education (CLE), where students are afforded the opportunity to bridge the gap between theoretical knowledge and real-world application. This introduction sets the stage for an exploration into the theory and practice of Clinical Legal Education within the framework of Indonesian law schools.¹

Indonesia, with its rich legal traditions and diverse societal challenges, provides a compelling backdrop for examining the

¹ Open Society Justice Initiative. *Pendidikan Hukum Klinik Tinjauan Umum*. (Jakarta: The Indonesian Legal Resource Center (ILRC), 2013).

evolution and impact of Clinical Legal Education. This educational approach goes beyond the conventional confines of doctrinal learning, offering students an immersive experience in addressing legal issues faced by clients, often challenging established norms of the rule of law and justice.

The inherent complexities of legal problem-solving require a nuanced understanding that extends beyond textbooks and lectures. Recognizing this, law schools in Indonesia are increasingly embracing Clinical Legal Education as a transformative pedagogical tool. This shift aims to equip students not only with theoretical knowledge but also with the practical skills essential for navigating the multifaceted demands of legal practice.²

As we delve into the theory and practice of Clinical Legal Education in Indonesian law schools, we will explore how this methodology contributes to the holistic development of legal professionals. From engaging with real-world cases to fostering ethical considerations and community engagement, the integration of theory and practice becomes a catalyst for producing graduates who are not only well-versed in legal principles but also capable of applying them effectively in the complex realities of the Indonesian legal landscape.

² Muslih, Muslih. "Posisi dan Implementasi Pancasila dalam Pembangunan/Pembaharuan Hukum Nasional, Pendidikan Hukum Nasional dan Budaya Hukum Nasional." *Lex Specialist* 19 (2017): 28-37; Hafids, Jawade. "Karakteristik Kebijakan Pendidikan Tinggi Hukum Indonesia Berdasarkan Pancasila Dan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945." *Kertha Wicaksana* 12.1 (2018): 22-37; Latipulhayat, Atip. "Khazanah: Mochtar Kusumaatmadja." *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 1.3 (2014).

II. Clinical Legal Education: Indonesia's Experience

The clinical method allows students to confront the uncertainties and challenges of problem solving for clients in for a that often challenge precepts regarding the rule of law and justice. Perhaps one of the most serious failings in contemporary legal education is that all too many students graduate with a vast doctrinal base of knowledge sealed within a context that is not translatable into practice. In the past twenty years, law schools have started to develop new models and approaches for integration of clinical methodology throughout the law school curriculum. Through Clinical Legal Education (CLE) students are expected to not only know the theories of law but able to practice them in the real cases.³

Furthermore, the clinical method in legal education offers students a unique opportunity to grapple with the uncertainties and complexities involved in problem-solving for clients, particularly in situations that often challenge established precepts related to the rule of law and justice. A notable deficiency in contemporary legal education lies in the fact that many students graduate with an extensive theoretical understanding of the law, yet struggle to apply this knowledge in practical scenarios.⁴

³ Open Society Justice Initiative. *Pendidikan Hukum Klinik Tinjauan Umum*.

⁴ Kusumaatmadja, Mochtar. "Pendidikan Hukum di Indonesia." *Jurnal Hukum & Pembangunan* 24.6 (2017): 491-501; Rahardjo, Satjipto. "Klinik Hukum: Sebuah Pendekatan Praktis." *Jurnal Hukum & Pembangunan* 6.6 (1976): 441-447; Sitompul, Rina Melati. "Peran Klinik

Traditionally, legal education has been criticized for the gap between theory and practice. The clinical method seeks to address this issue by immersing students in real-world legal challenges, requiring them to navigate the intricacies of legal problem-solving. This experiential learning approach aims to break down the barriers that often confine legal knowledge within a theoretical context, making it more applicable to real-life situations.

Over the past two decades, there has been a notable shift in legal education paradigms, with law schools increasingly incorporating clinical methodologies throughout their curricula. This evolution acknowledges the importance of not only understanding legal theories but also being able to translate that knowledge into effective practice. Through Clinical Legal Education (CLE), students are not only expected to possess theoretical knowledge but also to cultivate the practical skills necessary to navigate and address complex legal issues in real cases. This integration of theory and practice enhances the overall competency and preparedness of law graduates as they embark on their professional careers.

Clinical legal education is a progressive educational ideology and pedagogy that is most often implemented through university programs. Clinics are interactive, hands-on classrooms that promote learning by doing. CLE programs offer classroom simulation lessons based on real-life cases and/or clinic experience involving interaction with real clients. CLE programs are

Hukum Dalam Mendorong Terciptanya Hukum Yang Berkeadilan Sosial di Indonesia." *Konferensi Kedua INCLE Tentang Pendidikan Hukum Klinis 2016*, Universitas Udayana (2016).

conducted under the supervision of experienced law clinicians and legal practitioners.

CLE students also engage in a variety of community outreach programs including women's groups, support groups for people living with HIV, juvenile detention centers, community centers and other institutions. There, they teach classes that are designed to help people understand and access their legal rights and services. Areas of teaching often include: the rights of stateless persons; criminal law; family law; consumer protection law; land law; housing rights law; HIV/AIDs and the law; healthcare rights; prisoners' rights; juvenile justice; employment and labor law; and basic life and other skills.

In this edition, we aim to consolidate the problem-solving insights shared by participants at the International Conference on Clinical Legal Education. Our sincere gratitude extends to all attendees and speakers for their valuable contributions to this conference. To delve deeper into the conference discussions, we encourage you to explore the comprehensive insights contained within this proceedings book.

The participants represent a diverse spectrum, including academics, lawyers, students, judges, prosecutors, police, government officials, researchers, and NGO activists. Their varied perspectives and expertise have enriched the discourse on clinical legal education.

As you navigate through this edition, we anticipate that the collective wisdom shared by conference participants will serve as a valuable resource for strengthening the learning and methodology of clinical legal education in Indonesia. We envision that the knowledge disseminated in this publication will contribute significantly to the enhancement of clinical legal education

practices, fostering a more robust and effective legal education landscape in the country.

III. References

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Acknowledgment

The earlier version of this paper was presented at the International Conference on Clinical Legal Education (ICCLE) held by the Faculty of Law, Universitas Negeri Semarang (UNNES), Indonesia.

Funding Information

None

Conflicting Interest Statement

There is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.