

# Re-orientation the Teaching of High Legal Education in Indonesia Study in Law Faculty of Wijaya Putra University

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## Re-orientation the Teaching of High Legal Education in Indonesia Study in Law Faculty of Wijaya Putra University

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### Abstract

The debate of the school about characteristics of legal science and dichotomy of community of Legal Scholars and Legal Praxis in the context of the implementation of law in Indonesia is not yet accomplished, while in Europe and America has developed new paradigm about Lawyer based on *Law Practice Management and Law Practice Technology*. The development occurred rapidly and massively thus effect fundamentally towards law service industry and teaching model in law faculty. Based on that explanation, Law faculty in *Wijaya Putra University* has formulated two teaching models which are oriented to create Legal Scholars and Legal Praxis for the graduates. Consequently, team was formulated to develop curriculum, teaching materials, and laboratory to realize it. Teaching model which orientated to creating Legal Praxis is designed by reinforcing learning materials Law Practice Management dan Law Practice Technology through Virtual Law Office. It is highly hoped by designing the curriculum, teaching materials and information technology, it can trigger the quality of learning process and laboratory in Law faculty of Wijaya Putra University.

**Keywords:** Law Practice Management dan Technology, Virtual Law Office, Legal Praxis

### Introduction

High legal education in Indonesia has been implemented since 1924 based on *Hooger Onderwijs-Ordonnantie*, Stb. No. 456/1924. The Governor General, D. Fock on 9 October 1924 determined High Law School Reglemen, Stb. No. 457/1924 which started effectively on the opening of *Rechtshoogeschool* <sup>2</sup>.

For almost one century, in Indonesia recently there are more than 330 Universities which organize high legal education not only in university but also in high school. For that periode, high legal education have changed significantly and developed in the management, curriculum synchronization, learning model and quality law graduates orientation.

Speaking about teaching of high legal education, Mochtar Kusumatmadja since in 1970 proposed ideas about effort on the legal enlargement in the legal thought development and one of the effort is the teaching of law. The final aim of legal development which highly hoped by Mochtar is that, National Law will be formulated to replaced colonial law. As Mochtar said that law is a tool to change society regularly. In this case, the way people to study law and legal education institution need to be observed. The teaching method which is offered uses teaching technique quarantee student participation maximumly in the education process that will trigger creativity and the method does not use the system which let the students being passive. The goal is reached by introducing grup discussion system, question-answer method between lecturer and student ("*Socratic Method*").<sup>3</sup>

That idea is influenced by high legal eduction background must based on *Case Study* dan *Student Center Learning*. By studying case in society through small discussion it will impact on student's ability of legal problem solving, their logical thinking and law argumentation. In the context of student learning center, educator serves as a facilitator who guides the discussion, thus students are expected to be more active in the learning process. Reforming clinical legal education is the concrete implementation of using the Socratic teaching Method and *Case Study* dan *Student Center Learning* approaches. On the other hand Mochtar Kusumaatmadja stated that clinical legal education that is designed not only to teach technical skills, but also also exposes students to the circumstances that will be encountered in the community in the future and also add custom or attitudes to problem solving attitude.<sup>4</sup>

In line with, Philip M. Hadjon and Tatiek Sri Djatmiati claimed that the view which stated law is as dogmatic law (the positive science law) is a practical legal science. The fuction of practical of Legal Science is legal problem solving. Thus, dogmatic law as practical legal science has it's purpose as a legal problem solving. To get that the purpose, the ars is needed as is a scientific skills. Ars is required by jurists to draft legal opinions

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<sup>2</sup> Arief B.Sidharta, *Pendidikan Tinggi Hukum, Legal Scholarship, Legal Praxis dan Pancasila di Indonesia Dewasa ini*, Digest Epistema, Volume 4/2013, Epistema Institute, Jakarta, 2013, 6.

<sup>3</sup> Mochtar Kusumaatmadja, *Pembinaan Hukum Dalam Rangka Pembangunan Nasional*, Binacipta, 1986, 8.

<sup>4</sup> Mochtar Kusumaatmadja, *Konsep-konsep Hukum dalam Pembangunan*, cetakan ke 2, Alumni, 2006, 63.

as output from legal step problem solving. Ars is meant legal reasoning or legal argumentation, which is essentially giving a reason<sup>1</sup>

Those are supported by Bismar Nasution in his speech in his Profesor celebration in South Sumatera University, says: :

*".....Fakultas hukum sebagai professional school diwajibkan untuk mempersiapkan ketrampilan para lulusannya. Dosen fakultas hukum disamping berkewajiban mengajar dan menulis, juga wajib melatih mahasiswanya dengan ketrampilan praktis. Mempersiapkan ketrampilan praktis dapat dilakukan dengan metode pengajaran berbasis pembahasan kasus (case law).<sup>2</sup> Metode case law pertama sekali digunakan di Harvard Law School yang kemudian diikuti oleh seluruh Fakultas Hukum di Amerika.<sup>3</sup>*

From explanation the above, it is clear that higher legal education is a professional education (professional school), and therefore it is urgently required Case Study dan Student Center Learning method. By learning the methods, It is expected the graduates are used to face legal issues (legal problem solving). Legal problem solving is the method to encourage students' ability in legal reasoning and legal argumentation.

### **Curriculum Designing in Higher Legal Education in Indonesia**

Normatively, the government's efforts to reform the law was done through the development of curriculum and law teaching model that begin with meetings among Panitia Ahli Depdikbud (Education Expertise Committee), then followed by meeting among Sub- Legal Consortium, which is part of the Social Sciences Consortium. The efforts made by the Consortium of Legal Sciences is updating higher legal education with the publication of the Minister of Education and Culture No. 17 / D / O / 1993 on the curriculum applied nationally for Law Bachelor: which is then revised by the Minister of Education and Culture No. 0325 / U / 1994.<sup>4</sup> Both of those decision then are known as the Higher Education Curriculum Law 1993/1994. Implementing curriculum 1993/1994 it is expected that all Law Faculty teach aspects of legal skills and aspects of knowledge or science of law proportionally.<sup>5</sup> Furthermore, The Decision the Minister of Education and Culture No. 232 I / U / I / 2000 on Guidelines for Higher Education Curriculum Development and Assessment of Student Learning Outcomes curriculum 1993/1994 has changed. The changes are not on the substance but rather on renaming from 'materi muatan kurikulum nasional' (Core National Curriculum) into 'kurikulum lokal (Local Curriculum) and kurikulum Tambahan (extra curriculum).

The development of higher education goal has shifted to the regulation No. 12 of 2012 on Higher Education, especially regarding to function of higher education as a the article 4, UU12 / 2012 that specifies:

- a. *mengembangkan kemampuan dan membentuk watak serta peradaban bangsa yang bermartabat dalam rangka mencerdaskan kehidupan bangsa;*
- b. *mengembangkan Sivitas Akademika yang inovatif, responsif, kreatif, terampil, berdaya saing, dan kooperatif melalui pelaksanaan Tridharma; dan*
- c. *mengembangkan ilmu pengetahuan dan teknologi dengan memperhatikan dan menerapkan nilai Humaniora.<sup>6</sup>*

Then, in article 5 determines that the goal of high education must covers the following items :

1. *berkembangnya potensi Mahasiswa agar menjadi manusia yang beriman dan bertakwa kepada Tuhan Yang Maha Esa dan berakhlak mulia, sehat, berilmu, cakap, kreatif, mandiri, terampil, kompeten, dan berbudaya untuk kepentingan bangsa;*
2. *dihasilkan lulusan yang menguasai cabang Ilmu Pengetahuan dan/atau Teknologi untuk memenuhi kepentingan nasional dan peningkatan daya saing;*
3. *dihasilkan Ilmu Pengetahuan dan Teknologi melalui Penelitian yang memperhatikan dan menerapkan nilai Humaniora agar bermanfaat bagi kemajuan bangsa, serta kemajuan peradaban dan kesejahteraan umat manusia; dan*
4. *terwujudnya Pengabdian kepada Masyarakat berbasis penalaran dan karya Penelitian yang bermanfaat dalam memajukan kesejahteraan umum dan mencerdaskan kehidupan bangsa.*

<sup>1</sup> Philipus M. Hadjon dan Tatiek Sri Djatmiati, *Argumentasi Hukum (Legal Argumentation/Legal Reasoning) Langkah-langkah Legal Problem Solving dan Penyusunan Legal Opinion*, Gadjah Mada University Press, 2005, 12

<sup>2</sup> Bismar Nasution, *Mengkaji Ulang Hukum Sebagai Landasan Pembangunan Ekonomi*, Pidato Pengukuhan Guru Besar Universitas Sumatera Utara, USU Digital Library, 2004, 14

<sup>3</sup> Antony T. Kronman, *The Lost Law Failing Ideals Of The Legal Profession*, Cambridge, Harvard University Press, 1993, 170.

<sup>4</sup> Arief B. Sidharta, op.cit, 11

<sup>5</sup> Marjono Resksodiputro, *Menyelaraskan Pendidikan Tinggi Hukum Indonesia Dengan Arah Pembangunan*, <http://merjonoreksodiputro.blogspot.com>, See Indien Winarwati, *Urgensi Fakultas Hukum dalam Mencetak Aparatur Penegak Hukum, Arah Pendidikan Tinggi Hukum, Peran Pendidikan Hukum & Penegakkan Hukum di Indonesia*, Setara Press, Malang, 2015, 35.

<sup>6</sup> See, [http://sipuu.setkab.go.id/PUUdoc/17624/UU0122012\\_Full.pdf](http://sipuu.setkab.go.id/PUUdoc/17624/UU0122012_Full.pdf)

Observing to that article 4 & 5 UU 12/2012 it is showed that quality graduates expectation particularly to have more comprehensive of law graduates in Indonesia, due to as the effort to increase Indonesia's competitiveness in high education.

It is strengthened by the implementation of Presidential Decree No. 8 of 2012 on Indonesian Qualification Framework ("IQF").<sup>1</sup> IQF is level qualification framework components that can pair, equalizes and integrate the fields of education and vocational training and work experience in order to acknowledge working competence based on structure competence of employment in various sectors. Thus law faculty must inevitably adapt higher education curriculum based IQF.

Higher legal education has IQF standard achievements namely working competence field, and mastery of knowledge. Working competence field, higher legal education law graduates must be:

1. mampu menyusun konsep penyelesaian masalah atau kasus hukum melalui penerapan metode berpikir yuridis berdasarkan pengetahuan teoritik tentang sumber, asas, prinsip, dan norma hukum dari berbagai bidang Hukum Positif Indonesia, yang merupakan keahlian dasar untuk menjalankan profesi hukum;
2. mampu merumuskan ide-ide secara logis, kritis, dan argumentatif di bidang Hukum Positif Indonesia dan mengkomunikasikannya secara lisan dan / atau tertulis, khususnya dalam lingkup masyarakat akademik, sesuai dengan etika akademik;
3. mampu mengambil keputusan secara akademik, mandiri dan bertanggungjawab dalam menyelesaikan kasus atau masalah hukum serta mampu bekerjasama dengan sejawat;
4. memiliki sikap etis, adil, taat hukum, peka dan peduli terhadap lingkungan sosial dalam merancang dan menerapkan hukum.<sup>2</sup>

In the case of knowledge acquisition, higher education graduates legal standards must be:

1. menguasai konsep teoritis tentang (a) ciri, struktur, dan teori Ilmu Hukum (b) sumber, asas, prinsip dan norma hukum (c) sistem atau tata hukum nasional Indonesia dan sejarah perkembangannya;
2. menguasai pengetahuan dasar tentang sejarah dan aspek teoritis bidang-bidang Hukum Positif Indonesia, yang sekurang-kurangnya mencakup Hukum Perdata, Hukum Pidana, Hukum Administrasi Negara, Hukum Internasional, Hukum Adat, Hukum Islam, baik aspek material atau substansial maupun formal atau prosedural;
3. menguasai pengetahuan tentang prinsip-prinsip dan langkah-langkah penyelesaian masalah atau kasus hukum melalui penerapan metode penemuan hukum, sehingga dapat merumuskannya ke dalam bentuk dokumen elementer hukum, yakni sekurang-kurangnya berupa memorandum hukum, dokumen hukum untuk beracara, dokumen kontrak, dan dokumen hukum yang berfungsi regulatif seperti peraturan perusahaan dan beschikking;
4. menguasai pengetahuan dasar tentang metode penelitian hukum dengan menggunakan metode berpikir logis dan kritis untuk dapat membangun argumentasi ilmiah, dan teknik, dasar penulisan karya ilmiah bidang hukum sesuai dengan prinsip-prinsip etika akademik;
5. menguasai konsep umum pengetahuan filsafat hukum, sosiologi hukum, dan perbandingan hukum agar dapat memahami hukum secara kontekstual, sistemik dan utuh dalam rangka membangun argumentasi ilmiah.<sup>3</sup>

Regarding to Article 4 and 5 of Law 12/2012 it can be regarded that as idealistic spirit in determining the target or limit the quality of graduates through the functions and elements of high education graduates achievement in Indonesia. Meanwhile, with the implementation of the National Qualifications Framework Indonesia / Indonesian Qualification Framework ("IQF") is expected to make changes on the curriculum throughout college in line to "IQF".

Since basically, "IQF" is used as components level qualification framework which can pair, equalize and integrate between education area and work training and working experience in order to acknowledge working competence in line with working structure in various working sector including working sector of law graduates.

With the implementation of IQF, the curriculum at high College at the beginning refers to competence achievement then changed to refer to learning outcomes

#### High Legal Education as Profession Education Institution

As Peter Mahmud Marzuki stated that based on its characteristic, legal science is a science that is prescriptive

<sup>1</sup> See, <http://sipuu.setkab.go.id/PUUdoc/17403/Perpres0082012.pdf>

<sup>2</sup> Johannes Gunawan, *Revitalisasi Program Studi Ilmu Hukum dalam Rangka Pengembangan Pembelajaran dan Kompetensi Mahasiswa*, Bahan Sosialisasi Kegiatan Kementerian Pendidikan dan Kebudayaan, Direktorat Jenderal Pendidikan Tinggi, Direktorat Pembelajaran dan Kemahasiswaan, November 2013, 4

<sup>3</sup> Ibid,

and applied. Legal science studies law purposes, the values of justice, the validity of law rule, legal concepts and legal norms.<sup>1</sup> Prescriptive characteristics of legal scientific is something that is substantial in the legal science. As a first step of the substance legal science is that the discussion about legal significance in social life. In this case legal science not only treats the law as a social phenomenon which is only seen from the outside, but also as as something which can penetrate deeply into the essence which is called the intrinsic side of the law.<sup>2</sup> Thus, in the law implementation requires specific education to understand the way of thinking or logical thinking typical on the uniqueness of legal science in order to be professionally in legal field.

As urgent legal education effort in this globalization era recently, Peter Mahmud Marzuki gives a more progressive thought by proposing revitalization legal education in Indonesia, as follow: *Revitalizing the current system needs to equip faculty of law with modern teaching instrument as well as increase teaching staff quality.*<sup>3</sup> Views on legal education revitalization Peter Mahmud Marzuki's explanation motivated by the thought that law faculty is a professional school which requires curriculum designed to prepare students' professional competence as stated as follow: *Since faculty of law is a professional school, curriculum may be designed as to prepare students with professional competency (expertise and skill) in addition to master theoretical matters. Theoretical courses should be made balance with courses dealing with practical affairs.*<sup>4</sup>

Moreover he stated that law labotarium should be designed to solve the problems of a practical law. And educators should collaborate and share experiences with the legal profession as he explained in the following: *There should be laboratory installed where students can handle practical legal matters. In this laboratory, practitioners are invited to teach their respective subjects. Teaching staffs who are mostly academicians may share experience and exchange ideas with practioners.*<sup>5</sup>

The teaching materials is to create a jurist who must not only acquire knowledge but also skills and provide an initial understanding on professional ethics. While teaching methods for the knowledge and professional ethics can be held with large classes but for problem solving and sharing experiences can be held by the FGD, while the laboratory is used as suggestions skills transfer, as stated: *The main objective of school of law is to produce jurist and as jurist, they are proficient in legal knowledge and skill and they are introduced ethics. A professional school should have knowledge, skill, and ethics. Teaching method at school of law, therefor e, include colossal class lecture for introducing knowlwdge and ethics, small group discussions for solving problems and sharing experiences, and laboratory utilization for transferring skill.*<sup>6</sup>

Contrastly, Hikmahanto Juwana in the context of legal profession education found that legal education has been given too much in theory and it's not applicable and it is called academic education. But as the times flies, where the law is used tool for practicing a profession, it takes the higher legal education which not only covers the theory, but also the legal profession. In this context, then it will emerge the higher legal education which it's characteristics is a profession or vocational.<sup>7</sup>

While Mahmud Marzuki stated contrastly differ clearly between profession education and vocation and it said that "professional requires three things : knowledge, skill and ethics. Knowledge is indispensable element fo a professional, skill is an ability to apply knowledge to the problem at hand and professional works should be based on ethics, couse every profession association adopts code of ethics.<sup>8</sup> In other hand Vocational education is designed to provide for skilled persons in applying a set of instructions for doing someting. They do not with conceptual matters.<sup>9</sup>

The same opinion on profession was proposed by Arief Sidharta which is said that "...profession is a institutional framework which has significant fuction in society, particularly in development and teaching of legal education. The fuction also covers its partical implementation such as spiritual issues, medicine, technology, law, information and education.<sup>10</sup>

The problem to implement it, lies a big "gap" between legal academician and legal practisioner. Both the academician and the practisioner insist that they are totally different and they don't have any relation substantially eventhough they are working in the same sphere that is law, in this with that Arief Sidharta explained in details: *"By observing carefully people in Legal Scholars and Legal Praxis community*

<sup>1</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana Prenada Media Group, Cetakan ke 5, Jakarta, 2009, 22.

<sup>2</sup> [3](#) d,

<sup>3</sup> Peter Mahmud Marzuki and Muchammad Zaidun, *Revitalization of Legal Education, Arah Pendidikan Tinggi Hukum, Peran Pendidikan Hukum & Penegakkan Hukum di Indonesia*, Setara Press, Malang, 2015, 19.

<sup>4</sup> Ibid

<sup>5</sup> ibid

<sup>6</sup> Op. cit, 13

<sup>7</sup> Hikmahanto Juwana, *Memikirkan Kembali Sistem Pendidikan Hukum di Indonesia*, Jentera : Jurnal Hukum, Edisi Khusus, Jakarta, Oktober 2003, 88.

<sup>8</sup> Peter Mahmud Marzuki, op. cit. 5

<sup>9</sup> Ibid

<sup>10</sup> Bernard Arief Sidharta, *Etika dan Kode Etik Hukum*, Varitas et Justitia, Vol 1 No.1, Journal Unpar, 247.

(judge, lawyer, advocate, notary), it can be noted that those communities are truly separated, it looks like they don't have any kind connection or they are not related to each other. Each of community creates their own world with a vivid border of each area. Between Legal Scholars and Legal Praxis community stand for its own shake and they are not related to each other significantly and substantially. Moreover, it appears that the community is closed to other. Legal Praxis views legal scholarship as theoretical agent which only produce just an abstract theory which is not realistic and their theory is not down to earth thus it's worthless. In other hand, legal scholars believe that Legal Praxis is meaningless, and does have any kind of quality and it's only a trash. Furthermore, Legal Scholars think that Legal Praxis' problem are not deserve as research object or scientific analysis.<sup>1</sup>

The term "legal scholarships" in this context means theoretical legal practitioner. The term comes from "theoretische rechtsbeoefening" which used by D Meuwissen that refers to moral behaviors human to have logical thinking and to comprehend and master law intellectually which covers studying, learning activities, researching, writing, publishing and teaching legal issues and law.<sup>2</sup>

#### **New Paradigm in teaching of Law Practice Management dan Technology In Law School**

As the world change globally and liberally, it also gives a great impact to legal profession field. Beside, a big massive information technology and communication development brings significant effect not only on public service but also on private service. Both public and private services require an effort which is based on information technology. By using information technology in the service, it will result on its' effectiveness and efficiency which lead to a good benefit to the users. This matter also relates to law service which has been given by lawyers, which anticipate change as the result of globalization or information technology development. Law Toward the change, Law Schools as jurist agent must anticipate the graduates understand change, able to adapt, and compete and easily accepted in working field. In line with that Law Schools must design curriculum, teaching method and laboratory which can fulfil digital era development.

Richard Susskind in his book entitled *The End of Law 4rs ? Rethinking The Nature of Legal Services*, has predicted that "For many lawyers, therefore, it looks as if the party may soon be over."<sup>3</sup> This statement Susskind was about big law office domination which offers law conservatively, this service slowly for sure will not survive and will be replaced law office which is efficient and based on information technological change. According to Susskind, in effort to anticipate market demand, he stated that there are two ways to change, name

1. New methods, system, and processes will emerge to reduce the cost of undertaking routine legal work.
2. By the market will be for clients, in various ways to share the costs of legal services.

Besides, Susskind also predict five types of lawyers in the future :

1. will be the "expert trusted adviser"
2. category of lawyers for the future will be the "enhanced practitioners".
3. category of lawyers – the "legal knowledge engineer"
4. will be the "legal risk manager"
5. lawyers is the "legal hybrid", the successful lawyers of the future, wherever they sit on my evolutionary path, will be increasingly multi-disciplinary.<sup>4</sup>

Having the idea with Susskind, Granat and Kimbro observe that "the employment needs dan changing legal market school", is as professional school, law school must adapt to education and training as satated as follows: *Training in law practice management and law practice technology is a critical solution that will further align the skill that law student must have upon graduation with the employment needs of a radically changing legal market.*<sup>5</sup>

Furthermore, Granat dan Kimbro said that the law proffesion shifting and law teaching recently was effected by information and communication technology development massively. To prepare ready to work- law school gradute lately, graduate not only need to have excellent principal comprehending on legal substar but also require acknowledgment on practical management on digital development as stated in the following: *During the last decade, the rise of the internet has caused systemic changes in the way lawyers practice law. It has altered the demand for legal services from lawyers, which in turn, has impacted the employment prospects for*

<sup>1</sup> Arief B. Sidharta, *Pendidikan Tinggi Hukum, Legal Scholarships, Legal Praxis dan Pancasila di Indonesia Dewasa ini*, Digest Epistema, Volume 4/2013, Epistema Institute, Jakarta, 2013, 12.

<sup>2</sup> Loc. it, 6

<sup>3</sup> Richard Susskind, *The End of Lawyers ? Rethinking the Nature of Legal Services*, Oxford University Press Inc, New York, 2008. 270.

<sup>4</sup> Ibid.

<sup>5</sup> Rihard S Granat And Stephanie Kimbro *The Teaching Of Law Practice Management And Technology in Law School : A New Paradigm*, Chicago-Kent Law Review, Volume 88, Issue 3 Justice, Lawyering and Legal Education in the Digital Age, June 2013, 757

3 lawyers. When a large percentage of graduating law students are faced with the prospect of starting their own practice upon graduation, rather than working as a lawyers for someone else, the need for being "practice-ready" upon graduation is now an imperative. Being "practice-ready" means more than just learning the principles of substantive law- it also means having essential knowledge in law practice management in a digital age which will become the basis for a successful law career as private practitioners.<sup>1</sup>

The same idea is also declared by William Hornsby as explained "challenges law schools to train their students on how delivers personal legal services". In his article entitled "Challenging the Academy to a Dual (Perspective) : The Need to Embrace Lawyering for Personal Legal Services" clearly explained : For doctrinal courses, schools tend to employ faculty with little or no experiences providing personal legal services. In law school clinics, student learn how to practice law, often in areas of personal services, but they seldom learn much about practice management. Simply put, law school graduates are ill-prepared for the future they are most likely to pursue.<sup>2</sup>

Those thought is the same with Jeanne Eicks who saw impact as the result of information technology development which effect to all life aspects including legal law education and practical law as said in the following: *The impact of technology have been felt in all legal profession, from legal education to government to the practice of law.*<sup>3</sup>

Then Eicks stated that : " to educate future we must discover learn how legal innovators currently leverage technology and make technical abilities of those innovators the baseline for law school curriculum reform".<sup>4</sup>

Related to curriculum's development which concerns to Law Practice Management, Granat and Kimbro comprehensively give some points on material reference which ideally must be elaborated in curriculum includes law firm business plan formulation, analyze the market for legal services, learning best practice for use of technology as explained as follow :

- developing a law firm business plan or a personal career plan;
- understanding the different ways in which a law firm can be organized to deliver legal services to different markets;
- understanding how to analyze the market for legal services;
- understanding how to define a market niche and how to develop a market for the law firm's services;
- understanding all the inputs required to deliver high quality legal services ;
- understanding what technologies are required to support different law firm business models;
- learning best practices for use of technology to avoid malpractice and stay ethically complaint.<sup>5</sup>

While development for prepare practice technology, Granat and Kimbro at least present there are 3 three main aspects that must be prepared in teaching poses namely understanding on the significant of knowledge toward virtual law service which are Web or Client Portal, Designing Information Architecture of Law Firm and Data Structure.

Web Portal or Client Portal are as the main access between client and lawyers to communicate. To protect, and guarantee the security of interaction, both client and lawyers should have their own username and password , as stated in the following: *Web portal or client portal as one where client have access to the firm's lawyers, communications and documents related to their legal issues through a password protected and secure web space where both the attorney and client may interact, share document, and use legal services.*<sup>6</sup>

The significant of Client Portal moreover is explained by Granat and Kimbro as means of online communication since without client portal there will be barrier on communicating between client and lawyers. The communication must on the basis of profession's etiquette, client's confidential, eliminating some conflict of interest issues as presented as follow:

*Without a client portal web application, its is difficult or impossible for lawyers who offer a virtual practice option to their client to comply with the rule of professional conduct, client confidentiality, the lawyer / client relationship, and conflict of interest issues.*<sup>7</sup>

Next that should be developed is information system application, but the system must be designed initially is information architecture. This is a reference to develop business model. In the applications offer features namely

<sup>1</sup> Op. cit, 782

<sup>2</sup> William Hornsby, *Challenging the Academy to a Dual (Perspective) : The Need to Embrace Lawyering for Personal Legal Services*, 70 Md.3, REV.420, 436 (2012).

<sup>3</sup> Jeanne Eicks, *Educating Superior Legal Professionals : Successful Modern Curricula Join Law And Technology*, Educating the Digital Lawyer Ch. 5, Marc Lauritsen & Oliver Goodenough Eds. Cambridge, USA: Harvard Law School Program on the Legal Profession. LexisNexis, 2012, 1.

<sup>4</sup> Op. cit, 4

<sup>5</sup> Rihard S Granat And Stephanie Kimbro, 766.

<sup>6</sup> Op. cit, 770.

<sup>7</sup> Op. cit, 773

4 practice management, document management solutions as Granat and Kimbro said that: *Information architecture describes all software applications that a law firm use the build its business model. These applications include practice management and document management solutions, specialized software programs that can be used to enhance a practice area, document automation and web advisors used to enhance the client experience.*<sup>1</sup>

Lastly to s<sup>4</sup>, compile, search and keep data client, previously to understand data structure, as presented in the following: *A Law Practice can be viewed as a compilation of databases. Lawyers must keep client files, discovery documents, internal research memoranda, and financial record in separate databases. Its follows that students and lawyers should have a basic understanding of how database are constructed and of the difference between files and records.*<sup>2</sup>

#### **Draft of Development Courses Law Office Management and Formation of Virtual Law Office at the University of Wijaya Putra**

The Government of the Republic of Indonesia through the Ministry of Research, Technology and Higher Education has developed a Strategic Plan for the Ministry of Research, Technology and Higher Education 2015-2019 (Strategic Plan Kemenristek-Dikti 2015-2019) as regulated in degree of the Minister of Research, Technology and Higher Education No. 13 of 2015, which is set on 23 April 2015 and and the regulation was started on May 8, 2015. Strategic Plan 2015-2019 is a continuation of the Strategic Plan 2010-2014, the strategic plan, the target which is related to access can be achieved well but targets which is related to quality and competitiveness can not be accomplished in a good way.

In formulating Strategic Plan 2015-2019, Kemenristek-Higher Education also consider community views on Science and Technology and Higher Education. Aspirations towards science and technology is seen from situation of global economic development which constantly grow towards global market and integration economic demand Indonesia continuously strengthen competitiveness by empowering its outstanding and excess. For that reason, community science and technology which consists of Lemlitbang (Research and Development Institution), Universities, enterprises, supporting institutions, and all the stakeholders expects that the role of the Ministry of Research, Technology and Higher Education (Kemenristekdikti) to improve and strengthen the competitiveness of the national economy to realize the programs.<sup>3</sup>

Furthermore, Public Expectations towards University, at the first time University established, society expect that University take it's role as agent of education. When university is able to take it's role as agent of education, society will expect more than that role. Moreover society wish for that university is not only take role as agent of education but also agent of research and development. This expectation will go on constantly as people hope University is also agent of knowledge and technology transfer, and finally as an agent of economic development.<sup>4</sup>

In order to meet society's expectations, university can also take role as an agent of economic development, university is required to be able to create innovations that can provide economic benefits to the wider community. Eventhough nowadays there is no effort to monitor specifically Indonesian University capability to produce innovations which effect directly to some benefits in community. A lot of university research that are ready to applied and bring benefits to society directly. In the future, universities should be encouraged and facilitated to produce innovations that benefit directly to the public.<sup>5</sup>

Referring to the discussion of law school existence as a professional school, as a new paradigm of teaching Law Practice Management and Law Practice Technology and society's expectations of Higher Education as an agent of economic development, then Law Faculty of Wijaya Putra University must some change and shift new paradigm at least something that is related to teaching that lead to the realization of Law Practice Management and Technology.

Through IbKIK (Science and technology For Creativity and Innovation Campus) funded by the Ministry of Research and Higher Education in 2016, Law Faculty of Wijaya Putra University has designed improvement Law Office Management courses and establish a laboratory in the form of Virtual Law Office (VLO).

Law Office Management Course for the time being the content is still very simple and will be developed<sup>4</sup> formulated more comprehensively which refer to the points as Granat and Kimbro stated:

- *developing a law firm business plan or a personal career plan;*
- *understanding the different ways in which a law firm can be organized to deliver legal services to different markets;*

<sup>1</sup> Ibid.

<sup>2</sup> Ibid.

<sup>3</sup> Rencana Strategis Kementerian Riset, Teknologi dan Pendidikan Tinggi Tahun 2015-2019, 10

<sup>4</sup> Loc. it, 11

<sup>5</sup> Ibid



1.
  - understanding how to analyze the market for legal services;
  - understanding how to define a market niche and how to develop a market for the law firm's services;
  - understanding all the inputs required to deliver high quality legal services ;
  - understanding what technologies are required to support different law firm business models;
  - earning best practices for use of technology to avoid malpractice and stay ethically complaint

The formulating of Law Office Management will collaborate to have synergy with other fields, especially management and information technology as well as the practitioners are expected to provide input for improvement of the practical aspects of the course.

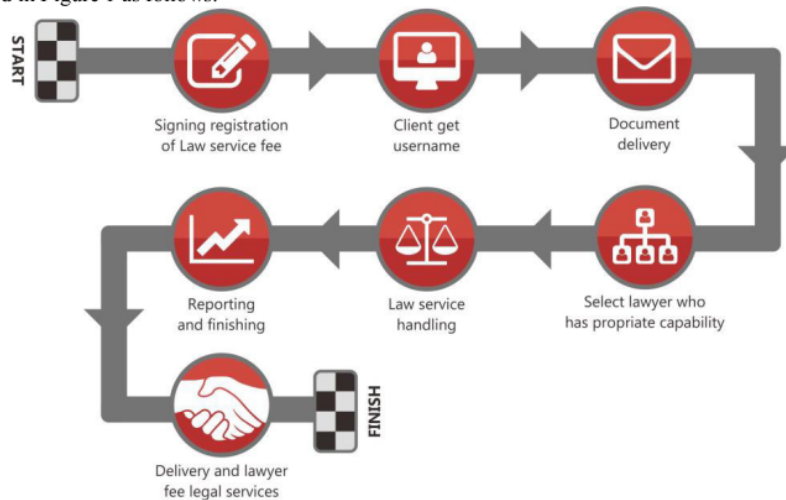
While Law Practice Technology implemented through the establishment of law laboratory development by creating Virtual Law Office ("VLO"). With the establishment of VLO by law faculty of Wijaya Putra University, it is expected to provide a media for the lecturers and students to practice law based virtual as well as a mean for income generating activity for the institution

Stages of development of information technology virtual law office began at the construction of the website with the address khv.uwp.ac.id as Client Portal. In Clinet portal is presented some informations such as law firm profile, law consultant profile, law services and law services information system

Client portal is constructed by customizing CMS Open Source application customization which is quite popular, namely Wordpress. Wordpress uses PHP as the programming language and MySQL as the database backend. Client portal serves as a starting point the interaction between legal practitioners and potential client.

VLO Information System that was built as a virtual laboratory resembles to client portal, which are online, web-based, using PHP as a programming language with laravel as the chosen framework. The difference between VLO and client portal lies on the choice of database applications used, namely PostgreSQL with the hope that the existing features in the database is able to meet the needs of VLO are quite complex. Although the databases used are different, both are open source

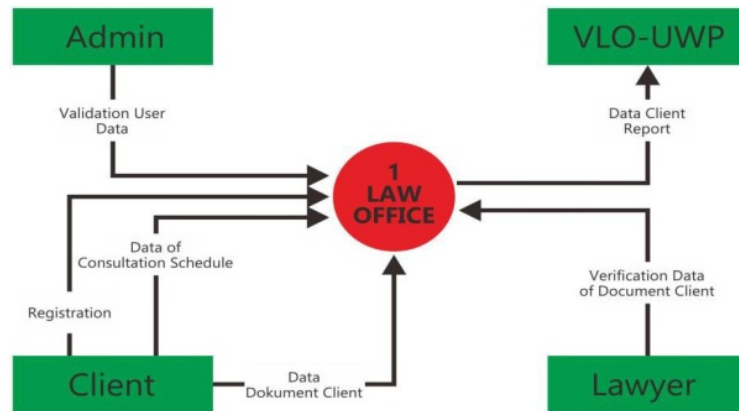
Next, flow of on line law service handling is developed based on the architecture of information technology development. The flow of business shall be integrated with the quality control process law services as illustrated in Figure 1 as follows:






**Figure 1: Flow Processing law Services**

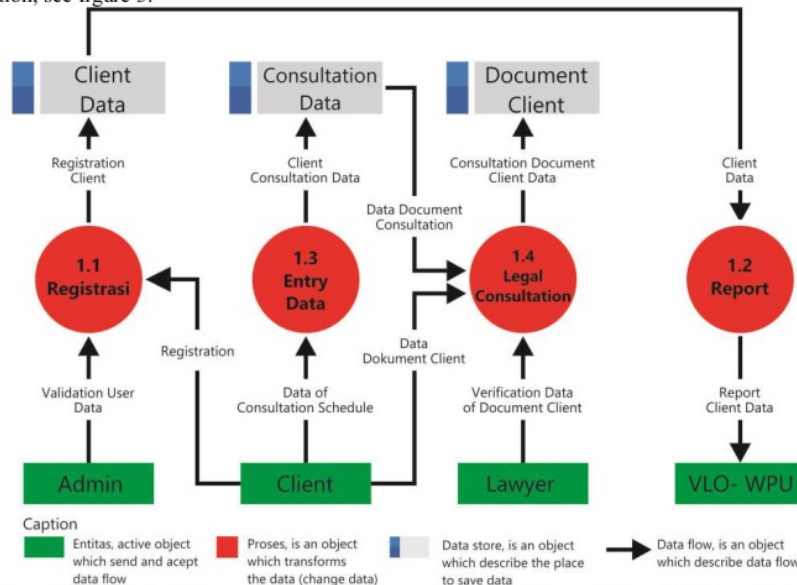
To maintain the client confidentiality and important information related to each of flow law services, the process always begins with the Log In - enter your username and password into the information system VLO. This login process is applicable to all lawyers and their clients and administrative personnel as well as the Managing Law Firm Partners.

Information systems architecture developed by VLO is a system that make ends meet needs of daily transaction processing, support the operation, managerial and strategic activities of a organisasasi, as well as providing the reports required by certain outside parties and internal parties. Especially those that include key indicator performance of lawyers, and responsibility of law services that are processing. To get a vivid picture can be seen in the use of process flowcharts information system as Figure 2 below.



**Caption**  
 Entitas, active object which send and accept data flow  
 Proses, is an object which transforms the data (change data)  
 Data flow, object which describe data flow

**Figure 2: Flow chart of Information System Processing Virtual Law Office of Wijaya Putra University**  
 In a further development of information systems, it is needed to analyse the weaknesses Virtual Law Office of Wijaya Putra University (KHV-UWP) information system. The analysis will be done to look for weaknesses found in the system being used (ongoing). From this analysis, it will be found some problems or obstacles that cause the system does not work optimally, and solution or way out must be discovered. To analyze the weakness, the instrument used to assesst those point are key performance indicators, reliability, technology, reporting and documentation, see figure 3.



**Caption**  
 Entitas, active object which send and accept data flow  
 Proses, is an object which transforms the data (change data)  
 Data store, is an object which describe the place to save data  
 Data flow, is an object which describe data flow

**Figure 3: Flow chart of Sub-Information System Process of Virtual Law Office of Wijaya Putra University**

Virtual Data Room (VDR) is an alternative client document storage that aim to maintain the confidentiality of the document, where the document has been uploaded can only be accessed by only to whom concerned. VDR development to replace the traditional paper using data room with internet access and log in using the user name and password, so that the lawyer and the team can access at the same time. When VDR system is compared to traditional data room both from the transaction time, reduce expenses and lawyers can do jobs together, VDR system is much better that other. To maintain the security of client data, the server is designed with storage systems not using Cloud-based Storage but local storage. By using local storage, the law-firm's is the only party who can access the data. But when using Dropbox or Amazon S3 the data is can accessed

by the third party.

### Conclusion

Law faculty of Wijaya Putra has changed initially in learning model and shift a new paradigm which is orientated to good graduates as legal scholars as well as legal praxis. In the context as a legal praxis, has now formulated content enhancements law office management courses for Law Practice Management. Meanwhile, as the learning effort associated with Law Practice Technology, implemented through the development of a Virtual Law Office as an attempt downstream process research results of Lecturer in Law Faculty, and also as a learning laboratory. So that students are expected to follow the development of the legal profession.

Within the framework to fulfill society expectations where university is as an agent of economic development, as it is mandated by the Strategic Plan of the Ministry of Research, Technology and Higher Education Years 2015-2019 (Kemenristek-Higher Education Strategic Plan 2015-2019) set out in the Regulation of the Minister of Research, Technology and Higher Education No. 13 of 2015, which was developed by Virtual Law Office Law Faculty of Wijaya Putra University should be a means for students and lecturer to practice as well as a vehicle to income generating activity for the institution.

### References

- Eicks, Jeanne, 2012, *Educating Superior Legal Professionals : Successful Modern Curricula Join Law And Technology*, Educating the Digital Lawyer Ch. 5, Marc Lauritsen & Oliver Goodenough Eds. Cambridge, USA: Harvard Law School Program on the Legal Profession. LexisNexis.
- Granat, Richard S And Stephanie Kimbro, *The Teaching Of Law Practice Management And Technology in Law School : A New Paradigm*, 2013, Chicago-Kent Law Review, Volume 88, Issue 3 Justice, Lawyering and Legal Education in the Digital Age.
- Gunawan, Johannes, 2013, *Revitalisasi Program Studi Ilmu Hukum dalm Rangka Pengembangan Pembelajaran dan Kompetensi Mahasiswa*, Bahan Sosialisasi Kegiatan Kementerian Pendidikan dan Kebudayaan, Direktorat Jenderal Pendidikan Tinggi, Direktorat Pembelajaran dan Kemahasiswaan.
- Hadjon, Philipus M. dan Tatiek Sri Djatmiati, 2005, *Argumentasi Hukum (Legal Argumentation/Legal Reasoning) Langkah-langkah Legal Problem Solving dan Penyusunan Legal Opinion*, Gajah Mada University Press.
- Hornsby , William, *Challenging the Academy to a Dual (Perspective) : The Need to Embrace Lawyering for Personal Legal Services*, 70 Md.L.REV.420,436 (2012).
- Juwana, Hikmahanto, 2003, *Memikirkan Kembali Sistem Pendidikan Hukum di Indonesia*, Jentera : Jurnal Hukum, Edisi Khusus, Jakarta.
- Kronman, Antony T., 1993, *The Lost Law Failing Ideals Of The Legal Profession*, Cambridge, Harvard University Press.
- Kusumaatmadja, Mochtar, 1986, *Pembinaan Hukum Dalam Rangka Pembangunan Nasional*, Binacipta.
- Marzuki, Peter Mahmud, 2005, *Penelitian Hukum*, Kencana Prenada Media Group, Jakarta.
- Marzuki, Peter Mahmud and Muchammad Zaidun, 2015, *Revitalization of Legal Education, Arah Pendidikan Tinggi Hukum, Peran Pendidikan Hukum & Penegakkan Hukum di Indonesia*, Setara Press, Malang.
- Nasution, Bismar, 2004, *Mengkaji Ulang Hukum Sebagai Landasan Pembangunan Ekonomi*, Pidato Pengukuhan Guru Besar Universitas Sumatera Utara, USU Digital Library.
- Resksodiputro, Marjono, *Menyelaraskan Pendidikan Tinggi Hukum Indonesia Dengan Arah Pembangunan*, <http://merjonoreksodiputro.blogspot.com>
- Susskind, Richard, 2008 *The End of Lawyers ? Rethinking the Nature of Legal Services*, Oxford University Press Inc, New York.
- Sidharta, Arief B., 2013, *Pendidikan Tinggi Hukum, Legal Scholarships, Legal Praxis dan Pancasila di Indonesia Dewasa ini*, Digest Epistema, Volume 4/2013, Epistema Institute, Jakarta.
- Sidharta, Arief B., 2015, *Etika dan Kode Etik Hukum*, Varitas et Justitia, Vol 1, No.1, Journal Unpar.
- Rencana Strategis Kementerian Riset, Teknologi dan Pendidikan Tinggi Tahun 2015-2019

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