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## Curriculum Development in the Field of Law: Facing the New Era of Industrial Revolution 4.0

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# Curriculum Development in the Field of Law: Facing the New Era of Industrial Revolution 4.0

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**Abstract.** New paradigm about lawyer has shifted legal profession education in this millennial era. Thus scholars need to orientate legal profession education in order to graduates of law school in Indonesia not only to study law substance but also the process law implement digitally to the change in technology industry 4.0 This article starts at understanding of law science characteristics, the evolution of teaching method, curriculum designing in law school in Indonesia, new paradigm in law practice technology in digital era. The digital era means the transition of traditional industries towards economy era which based on information computerized. Technology revolution which is initialled with internet development and working-ethos computer evolution, thus this revolution reinforced all aspects into digital era. Furthermore, it affects to legal profession which must be line with development flow in digital era. Legal profession is legal praxis community which emerged from law school, for that issue education process of legal profession must be oriented to the learning process.

## 1. Introduction

Characteristic legal science is a science that is prescriptive and applied. Legal science studies law purposes, the values of justice, the validity of law rule, legal concepts and legal norms (Peter Mahmud Marzuki, 2009). 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 something which can penetrate deeply into the essence which is called the intrinsic side of the law. 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, 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 (Peter Mahmud Marzuki and Muchammad Zaidun, 2015).

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.

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 knowledge and ethics, small group discussions for solving problems and sharing experiences, and laboratory utilization for transferring skill.

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. Hikmahanto Juwana, 2003).

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 for a professional, skill is an ability to apply knowledge to the problem at hand and professional works should be based on ethics, since every profession association adopts code of ethics. In other hand Vocational education is designed to provide for skilled persons in applying a set of instructions for doing something. They do not in line with conceptual matters.

The problem is that 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 even though 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 (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 thier 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 (Bernard Arief Sidharta, 2013).

## 2. Discussion

### 2.1. *The Evolution of Teaching Method in Faculty of Law*

Speaking about teaching of faculty of law, Mochtar Kusumatmadja since in 1970 proposed ideas about effort on law 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 guarantee 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 group discussion system, question-answer method between lecturer and student ("Socratic Method") (Mochtar Kusumaatmadja, 1986)

That idea is influenced by legal education background must based on Case Study and 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 Method and Case Study and 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 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 (Mochtar Kusumaatmadja, 2006)

In line with, Philipus 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 function of practical of Legal Science is legal problem solving. Thus, dogmatic law as practical legal science has its 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 as output from legal step problem solving. Ars is meant legal reasoning or legal argumentation, which is essentially giving a reason. (Philipus M. Hadjon dan Tatiek Sri Djatmiati, 2005). In this with this Nasution explained in Professor celebration in South Sumatera University about the obligation of Law School. He mentioned that law school is a professional education (professional school), and therefore it is urgently required Case Study and 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. (Bismar Nasution, 2004)

## 2.2. Curriculum Development in Law School in Indonesia

The government reforms laws by developing of curriculum and law teaching model. This effort starts at the meetings among Panitia Ahli Depdikbud (Education Expertise Committee and it follows by another meeting Sub- Legal Consortium, which is part of the Social Sciences Consortium which update high legal education publishing 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. Those policies then popular as Higher Education Curriculum Law 1993/1994 implementing curriculum 1993/1994. It states that legal skills and aspects of knowledge or science of law are taught proportionally in all Law Faculty (Marjono Resksodiputro, 2015). Besides, 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 on substance but rather on renaming from 'core national curriculum' into local curriculum and 'extra curriculum.

Current regulation for the development of higher education goal has shifted to the regulation No. 12 of 2012 on Higher Education, especially regarding to function on higher education as a the article 4, and article 5 which shows 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"). 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.

Idealistic spirit is determined in Article 4 and 5 of Law 12/2012 which more explains the target or limit the quality of graduates through the functions and elements of high education graduates achievement in Indonesia. Then, Indonesian Qualification Framework ("IQF") and the implementation of the National Qualifications Framework Indonesia is highly expected to make changes on the curriculum throughout college in line to "IQF which its function 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. In this context the curriculum at high College at the beginning refers to competence achievement then changed to refer to learning outcomes

A subsection. The paragraph text follows on from the subsection heading but should not be in italic.

### *2.3. New Paradigm in Law Practice Technology*

Information technology and communication development give a massive effect to legal profession field. It impacts for both public and private services which require an effort which is based on information technology and results on its' effectiveness and efficiency which lead to a good benefit to the users. Then it effects 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 fulfill digital era development.

As Richard Susskind's prediction about the nature of Legal Services which said "For many lawyers, therefore, it looks as if the party may soon be over (Richard Susskind, 2008). From this prediction we can note that 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, namely

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.
3. Besides, Susskind also predict five types of lawyers in the future :
4. will be the "expert trusted adviser"
5. category of lawyers for the future will be the "enhanced practitioners".
6. category of lawyers – the "legal knowledge engineer"
7. will be the "legal risk manager"
8. lawyers is the "legal hybrid", the successful lawyers of the future, wherever they sit on my evolutionary path, will be increasingly multi-disciplinary.

In line with Susskind, Granat and Kimbro states that "the employment needs and change legal market law school", is as professional school, law school must adapt to education and training as stated 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

Moreover information and communication technology development impacts massively law profession shifting and law teaching recently. Law graduate not only need to have excellent principal comprehending on legal substance but also require acknowledgment on practical management on digital development. Thus the growth of internet also effect on systematic changes in the way lawyers practices their field. (Rihard S Granat And Stephanie Kimbro, 2013).

William Hornsby adds that "challenges law schools to train their students on how delivers personal legal services". He wrote paper entitled *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 (William Hornsby, 2012). 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. 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 (Eicks, Jeanne, 2012).

### 3. Conclusion

Legal praxis community is legal practitioner who must revolutionize not only law substance but also the process of legal practitioner itself. To accelerate technology implementation in this revolution industry ideally must be started from law school which creates legal scholar and legal praxis. Consequently, law school 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 legal office management courses for Law Practice Management. Meanwhile, as the learning effort associated with Law Practice Technology, implemented through the development of Digital Law Office as an attempt downstream process research results of Lecturer in Faculty of Law, and also as a learning laboratory. Thus law students recently are expected to follow the development of the legal profession particularly in industrial revolution 4.0.

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