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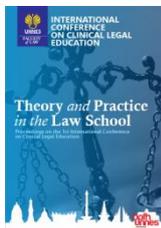
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Internationalization of Legal Education in Indonesia: Insights from Faculty of Law Universitas Negeri Semarang

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ABSTRACT

Internationalization of legal education is a challenge for law schools in today's global era. While the internationalization of higher education has been defined as "the process of integrating an international, intercultural and global dimension into the goals, teaching/learning, research and service functions of a university or higher education system" (Knight, 2014), the internationalization of legal education refers to such a process at the schools of law around the world. Several factors have contributed to the increasing need for such an internationalization of legal education. These factors include the increasing demand for transnational legal practices and the emergence of legal problems that occurred across international boundaries. This article discusses the internationalization of legal education in Indonesia, focusing on the practice of international program offered by Faculty of Law at Universitas Negeri Semarang. The article analyzes the strengths and opportunity of the program as well as its weaknesses and threats. The picture of the international program at the Faculty of Law at Universitas Negeri Semarang may not reflect the general picture of the international programs in many Faculties of Law at Indonesian universities. However, it can provide a glance on how the internationalization of legal education has been practiced by a public university in Indonesia. The article starts with a discussion on theoretical views on the internationalization of legal education. Then it presents why internationalization of legal program is needed and how it should be practiced in the Indonesian context. It then provides a critical analysis on the practice of international law program at Universitas Negeri Semarang. Some strengths and weaknesses of the program are discussed. A recommendation to improve the quality of the international program at the Indonesian Faculties of Law is presented afterwards.

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Introduction

One of the challenging trends in Indonesia's higher education today is the emergence of international programs or classes in several universities. In the University of Indonesia, for example, offers international programs with two schemes: a single degree program and a double degree program. Students enrolling in a single degree program will get a degree title from the University of Indonesia, while those enrolling in a double degree program will get two degree titles from the University of Indonesia and its partner university. Other universities such as State Islamic University of Jakarta and Trisakti University also offered a similar scheme of international programs (Tempo, 28 January 2016).

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The trend in the internationalization of higher education in Indonesia also influences the departments of legal studies in the Indonesian universities' Faculties of Law. Several top faculties of law in this country offer an international program for students interested in legal studies. Among the top faculties are the Faculties of Law at the University of Indonesia (Depok), Gadjah Mada University (Yogyakarta), and Airlangga University (Surabaya). At the University of Indonesia's Faculty of Law, for example, the international program has started since the 2010/2011 Academic Year. The Faculty runs the program under collaboration with some of the world's top universities including Utrecht University, University of Groningen, Erasmus University, Leiden University, and National University of Singapore (FHUI, 2017).

Compared to its national counterparts, the Faculty of Law at Semarang State University is relatively left back in opening a similar international program. The Faculty of Law just started to run an international program in the 2016/2017 Academic Year. This paper discusses the efforts of the Faculty of Law at Semarang State University in offering an international program. It presents the current states of the international program at the Faculty and analyzes the challenges faced by the Faculty in developing the program. How the Faculty could develop a better international program in order to reach the University's vision and mission is presented afterwards.

Internationalization of Legal Education: A Theoretical Review

The word "internationalization" is etymologically derived from the Latin word "inter", which means "between", and from the word "nationalization", which refers to the word "nation" (Ralyk, 2008, p. 2). According to Ralyk (2008, p. 2-3), the concept of internationalization has two meanings. First, it refers to "a process of making something international". In this case, the process involves an exchange and mutual influences between nations in the world. Second, the concept also refers to ideology or policy. Here, she explains that the internationalization is related to "the strategic planning of universities worldwide" and that the decisions on how the managers of the universities internationalize education will affect their students and their international partners both in the short term as well as in the long term. As the internationalization may affect the students and the university's international partners, it is imperative for all of the educators at the university to understand the ongoing issues related to globalization and internationalization. They also need to understand the correlation between internationalization and globalization and are expected to have ability to identify the potential effects of the internationalization on educational programs and institutions.

A similar explanation is given by Knight (2014). He defines the internationalization of higher education as “the process of integrating an international, intercultural and global dimension into the goals, teaching/learning, research and service functions of a university or higher education system”. Such a process of integration occurs in the context of globalization, which Knight (2014) describes as a process in which ideas, people, values, knowledge, services, resources, economy, culture, goods, and technology flow globally. Therefore, similar to Ralyk’s (2008) opinion, Knight (2014) argues that the concept of globalization is closely related to the concept of internationalization of higher education. While globalization underlines the idea of worldwide flow of ideas, culture, economy, and the likes, the concept of internationalization stresses the relationship between people, cultures, nations, and systems.

The field of legal education has also experienced such a trend of internationalization. In the USA and Europe, such a trend of the internationalization of legal education is reflected, for example, in the establishment of the European American-Consortium for Legal Education (ACLE) at the end of 1990s. The consortium consists of five universities in Europe (i.e., universities in Ghent, Helsinki, Parma, Rotterdam, and Warsaw) and five other universities in the United States (i.e., universities in Baltimore, California, Georgia, New York, and Washington, D.C.). This consortium emerged amidst a stronger demand to the internationalization of legal education at the end of the 20th century. At this time, scholars and students in the field of legal studies started to visit or take exchange programs in different legal schools around the world. In this context, Sellers (2008) argues that the internationalization of legal education emerges to fulfill the need of law students and scholars for meeting with their counterparts from the other universities around the world.

A number of factors have contributed to the emergence of the internationalization of legal education. As Sellers (2008, p. 2) indicates, the economic integration through the world’s economic bodies (e.g., World Trade Organization) has “brought national laws and national legal systems into closer contact with one another”. Other factors such as democratization, the greater migration, and universal commitment to human rights also made the national laws and legal systems of different countries get close to one another. All of these factors have contributed to the greater need for the internationalization of legal education.

Sellers’ (2008) view on the factors contributing to the internationalization of legal education is supported by Mahoney (2010, p. 1), who argues that legal education nowadays is more “transnational”. He believes that there is a stronger acknowledgment of “the need for a broad understanding of the laws” of other states along

with the laws of the states in which the students reside or plan to work in the future. Students in a single country need to know not only laws of their own country, but also laws of the other countries. According to Mahoney (2010, p. 1), the concept of “internationalization of legal education” has two meanings. Both are different but interrelated. First, by internationalization, he means that legal education has been increasingly similar from one country to another country. Second, he says that “to a degree as part of that increasing similarity”, the legal education elaborates “more in the way of international law and practice”. He supports this argument by describing the practices of legal education in three different places: the United States, the United Kingdom, and European continent. As the need for understanding laws of different countries becomes stronger, Mahoney (2010) shows that the number of courses on international law and comparative law is also increasing. The students are also encouraged to take exchange programs and take some portions of their legal studies abroad. For this reason, in Europe for instance, programs and curriculum for law students have been modified to accommodate the need of international students who come from countries with different legal systems. Chesterman (2009, pp. 881-883) has a unique insight by arguing that internationalization is actually part of the evolution of legal education. He says that legal education has evolved from international paradigm to transnational and then global paradigms. According to Chesterman (2009), the world of legal education is now on the phase of globalization, not on the phases of internationalization or transnational paradigms. In the first phase, law students were trained in a way that they could eventually practice in more than one jurisdiction. From the perspective of the international paradigm, world was seen as “an archipelago of jurisdictions” with some very few lawyers working on disputes between jurisdictions or deciding which jurisdictions might be applied. In the second phase (i.e., transnational paradigm), world was no longer seen as an archipelago of jurisdictions, but as “a patchwork of jurisdictions”. Here, legal practices were still “jurisdiction based”, but the number of firms operating in many cities was increasing. In other words, the ability of the firms to operate smoothly and continuously when moving from a single jurisdiction to another jurisdiction was highly needed. In this context, legal education started to offer exchange programs and engaged in program collaborations with some schools of from different jurisdictions.

In the last phase (i.e., global paradigm), legal education nowadays exists in the era of globalization, which Chesterman (2009, p. 883) defines as “the integration of countries and peoples brought about by deep reductions in the costs of transport and communication, and the dismantling of barriers to the flow of goods, services, capital,

knowledge, and people”. In this phase, the world is no longer seen as an archipelago or a patchwork of jurisdictions, but as a web of jurisdictions in the contexts of the increasing use of the Internet for almost all of aspects of human activities. As the world becomes a web of jurisdictions, legal practitioners are required to have ability to work in multiple jurisdictions. Therefore, legal schools need to educate their students to be lawyers, not as “tourists” but as “residents” of the multiple jurisdictions.

Internationalization of Legal Education in Indonesia

Responding to the current development of the world’s legal education, we argue that it is imperative for the Indonesia’s law schools to take a part and follow the global trend of the internationalization of global education. There are at least three reasons why they have to do so. First, we are now dealing with and living in the globalizing world. Such a globalizing world is characterized by a borderless society, the advance of information technology, and the nature of people mobility around the world. Society may still have geographical boundaries. Yet, these boundaries seem to have no much effect on people’s lives as they could move, travel, communicate, and make contacts with other people from different countries without so much technical problems. All of these are possible due to the advance of transportation and information technology.

Second, transnational legal affairs become more common in such a globalizing world. Legal contracts that involved people, companies, or state agencies from different jurisdictions are increasingly needed. Again, the advance of transportation and information technology made those contracts possible. Unfortunately, we are also witnessing the increasing occurrence of transnational crimes – that is, crimes that have potential effects on multiple jurisdictions. These crimes include the acts of terrorism, human trafficking, illegal loggings, illegal drug trades, etc. Furthermore, international dispute and conflicts still exist and involve variety of actors from different countries. All of these transnational legal affairs need the intervention of lawyers who understand legal systems in different contexts and are able to do legal practices within those contexts.

Third, the context of Indonesia, the need for internationalization of legal education becomes increasingly importance as the people of this country also encounter with the current economic, social and political development of Southeast Asian regions. ASEAN, which has tied the Southeast Asian countries for fifty years, has developed a stronger integration of the SEA countries through the agreement on ASEAN Community, which promotes the idea of one vision, one identity, and one community (Vineles, 2017). Although this agreement is based on

the assumption that SEA countries are a single entity, in fact they are monolithic. These countries are heterogeneous in terms of ethnics, languages, social and economic backgrounds, and legal systems. With regard to legal enforcement, ASEAN community may not be successful without the participation of lawyers who understand various legal systems in Southeast Asia and are able to practice in this different context. Accordingly, SEA law schools, including the law schools in Indonesia should start to enrich their programs with a broader understanding of legal systems beyond their national legal systems. In other words, the internationalization of legal education in Southeast Asian countries, including Indonesia, is highly needed.

Although the need for the internationalization of legal education is obvious, it does not make efforts to reach such an internationalization of legal education easier. Schools of law have a lot of “homework” to do before they could run an effective and successful international program. The first homework is concerning the design of curriculum. The curriculum of the schools should include subjects that provide a broader understanding on the legal systems in different jurisdictions and some legal skills needed to practice in different legal contexts. In this case, the curriculum should consist of international, transnational and global dimensions of legal systems and practices in different jurisdictions.

The second homework is related to the quality of teaching staff. They should have ability to teach subjects that broaden students’ knowledge and understanding on the application of laws in different jurisdictions. They act as facilitators for the students so they could improve their skills and are ready to practice in a variety of legal settings. Furthermore, as the students might come from different countries and speak different languages, the teachers should have ability to teach using English or any other international languages. The students might have different cultural settings so that the teachers should have multicultural understanding. Otherwise, the cultural barriers can interfere with effective communication between the teacher and the students.

Third, the schools should have ability to attract students from various countries and jurisdictions. The presence of students from these different backgrounds will strengthen the international character of the schools. Accordingly, the students are able to learn international legal systems and practices from their teachers, but also from their classmates. As students might come from different countries and cultural background, the school should have services that accommodate the needs for international students. This includes information on student housing, orientation for new international students, cultural adaptation programs, mentoring, and the likes.

Fourth, to strengthen international characters, the law schools need to have a broad networking with other law schools or legal institutions both at national and international levels. Such a networking is important as the students will need to take exchange programs or collaborative programs that allow them to study from international lecturers or to visit other campus in different countries. Through collaboration with other law schools or other legal institutions, the law schools will be able to develop units or facilities that allow students to deepen their understanding on various legal systems and practices.

Last but not least is the quality of research and publication. The schools should demonstrate ability to produce research output in legal studies that is recognized by international audience. This can be reflected from the number of scientific articles written by the lecturers of the university and published by international journals. The schools also need to encourage their academic staff to produce international quality research and present it at an international conference or forum. Such an academic activity not only strengthens the school's networking with other international law schools but also strengthen the school's position at international settings.

International Class at the UNNES Faculty of Law

What about Faculty of Law at Universitas Negeri Semarang (UNNES)? Since 2016, the school has offered an international class in which English is used as a medium of instruction. The international class is a part of pilot projects launched by the university to reach its dream to be a world-class university. Ten study programs were selected by university management to prepare the bilingual classes using funds provided by the Islamic Development Bank. The students of the bilingual class at the Faculty of Law were selected from regular law students using a set of standards determined by the university. Thirty students are then selected as the first cohort for the international class program and began to enroll in the class since the 2016/2017 Academic Year.

The instructors of this international class are selected from the teaching staff at the Faculty of Law. A very few of them are graduated from western universities or international programs at Indonesia's top law schools. Many of them are graduated from regular law schools in Indonesia, but demonstrate ability to teach subjects using English as a medium of instruction. They have to prepare all teaching documents in English. The documents include study plans, teaching materials, assignments, and assessment documents.

As a new program, this international class has strength and weaknesses, as well as threats and opportunity. The strength includes some good inputs of the students as a result of an effective process of

student selection. All teachers also hold at least master's degrees in law or other related fields of teaching. The school is also supplemented with good teaching-learning facilities, including library, laboratories, and classrooms with modern LCD projectors. More importantly, it has a set of international curricula and syllabuses that are already prepared by the university and can be developed by the instructors.

In addition to these strengths, some opportunities can be seen. First, the university has signed several MOUs with international partners, opening up opportunity for the students to take a double degree program or to participate in a student exchange program. Second, the tuition fee to enroll in the international class is just the same as the fees to enroll in the regular class. Third, an increasing need for local lawyers and legal advisers who are able to work at the international level. All of these opportunities give the school give the possibility and potentials to develop the quality of teaching at the international program offered by the UNNES' Faculty of Law.

However, several weaknesses still exist. Although the program has selected instructors with ability to teach using English, English is not always a medium of instruction. Bahasa Indonesia is sometimes used by either students or instructors in the class. The fact that all students of the first cohort are Indonesians might contribute to the use of Bahasa in the class both by instructors and students. Another weakness is related to study material. Books and references are mostly still in Bahasa Indonesia. No enough English books are available in the library. English references are quite expensive, making them unaffordable for most students and instructors. Besides, as curricula used in international class are basically translations from the curricula in the regular classes, they do not really embrace the international, intercultural, and global dimensions.

In addition to these weaknesses, several threats might hinder a successful operation of the program. First, some top law schools in the country have offered the same international program for law students. Second, the era of ASEAN economic community increased the opportunity to attract for Indonesian students to pursue higher education at top universities in Southeast Asian Countries. This can however create another opportunity for UNNES to attract potential students from SEA countries to study law at UNNES.

Conclusion

Looking at the current state of the international program at the UNNES Faculty of Law, we can see that the internationalization of legal studies at this university is still far from being ideal. It has a set of curricula prepared by University, but the curricula are just a set of translations from curricula at regular law class. English has been used in

the class, but it is not always a medium of instruction. There is no international student in the first cohort. All of them are Indonesians. The faculty has some agreements (MOUs) with a few international schools, but it needs to develop further towards concrete collaborative programs such as exchange or dual degree programs. Teaching materials used by teachers in the class are already in English, but many books and references are still in Bahasa Indonesia. English references are not so much available in the Faculty's library. In conclusion, the management of the international program at the UNNES Faculty of Law needs to work on several issues to improve the quality of the international program. This includes the curricula, the quality of the teaching staff, and the availability of study materials in the library.

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