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by Sanusi Sanusi

Submission date: 10-May-2021 11:27AM (UTC+0700)

Submission ID: 1582371324

File name: o_Form_Graduates_of_Characterin_theIndustrial_Revolution_4.0.pdf (371.8K)

Word count: 6131

Character count: 33433

Reorientation of Indonesian Legal Higher Education to Form Graduates of Character in the Industrial Revolution 4.0

Sanusi¹, Achmad Irwan Hamzani^{2*}, Moh. Taufik³, Soesi Idayanti⁴, Havis Aravik⁵

¹Universitas Pancasakti Tegal, Indonesia.

²Universitas Pancasakti Tegal, Indonesia. E-mail: al_hamzani@upstegal.ac.id

³Universitas Pancasakti Tegal, Indonesia.

⁴Universitas Pancasakti Tegal, Indonesia.

⁵STEBIS IGM, Indonesia.

ABSTRACT

Legal higher education institutions ideally provide science education in the field of law holistically. Law college graduates ideally also have a character because they are oriented as law enforcement. Legal science should be practical use, not just in the realm of science. The purpose of this research is to examine the development of legal higher education orientation in Indonesia, and the model of legal higher education that can shape the character of its alumni. This research uses a philosophical approach, which is to examine legal higher education in Indonesia from the ideal side. The data used is secondary data, and the data is analyzed qualitatively. The results of this study showed that the orientation of legal higher education in Indonesia began from the Dutch East Indies, the Old Order, the New Order until after the Reformation. The post-reform orientation of legal higher education is directed at the paradigm of Pancasila. There are constraints in realizing the orientation of Higher Education of Indonesian law in forming a Legal Degree of character. There is no firm distinction between academic law education and profession. It is necessary to reorient the Indonesian Legal Higher Education in Forming a Legal Scholar of Character by separating between academic law education and professional legal education. It is necessary to apply a competency qualification-based curriculum, it is necessary to create the concept of Disruptive Legal Education.

KEYWORDS

Reorientation, Legal Education, Character, Pancasila, Disruptive.

Introduction

Legal colleges are formal educational institutions that provide holistic science education in the field of law. Some professions in the field of law must pursue a law degree. These professions include judges, prosecutors, advocates, and notaries. The importance of higher education for law enforcement is closely related to the positive role expected of law enforcement. The more positive the role of law enforcement, the increased contribution of higher education to the enforcement of state law (Syaifuddin & Kosasih, 2018).

Until now, legal education in Indonesia tends to produce positivistic-minded graduates who encourage law enforcement to think and act legally. Judges become the mouthpiece of the legislation, so sometimes they cannot meet the sense of community justice (Sudiyana, 2017). Law enforcement in Indonesia is also problematic. Many law enforcement officers are facing the law such as being arrested by the Corruption Eradication Commission (KPK). All elements of law enforcement are also arrested by the KPK such as the Chief Justice of the Constitutional Court, Judges, Prosecutors, Police, and up advocates. This certainly tarnished the world of legal higher education in Indonesia. Research needs to be done perhaps something is wrong in the Indonesian legal education curriculum so that graduates do not give a positive legal image even weaken the law.

The law in Indonesia is influenced by the tradition of Continental European law (Civil Law System) whose character is positive legalistic formalistic (Syaifuddin & Kosasih, 2018). For almost 350 years the Dutch have gripped Indonesia by dwarfing the customary laws of Indonesian society. Customary law is coordinated to keep away from the culture and culture of the original law of Indonesia. Article-by-article rules are made with the interpretation of power so that the understanding of law enforcement officers sees legal errors textually. No wonder prisons in Indonesia are full of criminal narratives that are not only heavyweights but also administrative case inmates.

The law is viewed only from the point of view of horse glasses. All viewed in a narrow point of view. Many legal

cases afflict small communities, especially felt by victims who do not have the power, especially financial and networks. The law is easy to sell for those with power. Criminal for corrupters go fast, not even a little reduced the criminal period. The phrase law is sharply down and blunted up to be relevant to describe the facts of law enforcement in Indonesia.

There needs to be an understanding that the law is not just the text of the Act. Law is a narrative, linguistic, cultural, and moral (Manullang, 2019). With that understanding, law enforcement can articulate the law more humanely. Moreover, prisons in Indonesia are already overcapacity. While on the other hand and in other countries, prisons are starting to be deserted, only taking care of legal issues that are an extraordinary crime. As long as it can be mediated and compromised with humanitarian values, it certainly does not need to be continued to the judiciary.

It is necessary to model legal higher education that has a strong national character so that legal science can become practical use for Indonesian law-breakers in the future. The law needs to be interpreted with a habit rooted in the culture and culture of the law in Indonesia. The law must provide the value of justice, honesty, benefit, and moral responsibility.

Presidential Regulation No. 8/2012 on the National Qualification Characteristics Framework (KKNI) explains that the integration of education, skills, and work experience is following the field of graduation. Legal higher education must be able to print legal scholars of the character following expectations in Indonesian national qualification standards.

The problems that will be discussed in this research are the development of legal higher education orientation, constraints in realizing the orientation of Indonesian legal higher education in forming a Legal Degree of Character, reorientation of Indonesian Legal Higher Education in Forming a Legal Scholar of Character in the Industrial Revolution 4.0.

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Research Methods

This type of research is library research. Literature research is research that is stiffed by examining library materials or secondary data. This research includes literature research because the data used more secondary data in the form of legal documents. The approach used in this research is philosophical. The philosophical approach in legal research is to examine the law from the ideal side. This research uses a philosophical approach because the law is researched at an ideal level. The data source used in this study is secondary data. Secondary data is data obtained indirectly or has been provided by other parties. Secondary data is used as the main reference that is available in the form of writing in books, scientific journals, and other written sources. Data collection techniques are carried out through conventional and online investigations. Conventional library passing is the activity of finding the source of the library to the data store. While online graduation is the activity of finding library sources in cyberspace through the internet network. The smoothing of literature is conventionally done by looking for library materials to the library, purchasing books, journals and visiting scientific activities (seminars). While the online smoothing is done by searching the internet. The data analysis method used is qualitative (Hamzani, 2020). Qualitative data analysis is the process of organizing and sorting data into patterns, categories, and units of a basic description so that themes can be found presented in the form of narratives. This research uses qualitative data analysis because the data will be presented in a narrative-descriptive way, not in the form of numbers or numerics.

Discussion

1. Development of Legal Higher Education Orientation in Indonesia

The orientation of legal higher education in Indonesia is inseparable from the policies issued by the government because it is related to public policy in every era of government. The government changed, orientation changed. The development of legal higher education orientation began from the Dutch Colonial government, the Old Order, the New Order, and post-Reformation.

a. Orientation of Education during the Dutch East Indies

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Higher Law Education originated from high school level education (Rechsschool), which was established in 1908 during the Dutch colonial occupation. In 1924, legal education was upgraded to a university-level education called "Rechtshogeschool".

Legal higher education is only intended to provide a general scholarship basis. At that time the purpose of legal education was more directed to produce legal bureaucrats to fill vacancies available to indigenous people, such as landraad judges and law officers in government offices. The curriculum presented aims for students to master the rules of law, especially legislation so that the resulting graduates are very legalistic and marginalize the prevailing reality in society.

b. Orientation of Law Higher Education of the Old Order Era

During the old order political consolidation was more highlighted, so that education policy could not be formed properly and perfectly. Efforts to change higher education at this time were not made fundamentally and were not supported by care 4 technical preparation. Legal education at this time is more characterized by slogans that lead to indoctrination, so it is not surprising that the renewal of legal education can not run fairly. During this old order, the purpose of legal education was directed to give birth to graduates who were expected to make breakthroughs to be able to replace all the remnants of colonial law that according to President Soekarno at that time, as a formal law that hindered the course of the wheel of revolution. Students are not too burdened to attend lectures in full. The exams are conducted orally and there are no written exams, and there is also no need to make a paper or thesis as a condition of the final exam (Anwar, 2011).

Curriculum regulation in the Old Order Era is divided into 3 (three) curriculum, namely:

1) Year Range 1945-1968

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The first curriculum born during independence used the term lesson plan. The change in the direction of education is more political, from the orientation of Dutch education to the national interest. Meanwhile, the principle of education was established in Pancasila. The orientation of the 1947 Lesson Plan does not emphasize the education of the mind. The priorities are character education, state awareness, and community. At that time, students are more directed on how to socialize with the community. The educational process is very thick with daily life. Affective and psychomotor aspects are emphasized by the procurement of art lessons and physical education. Raising awareness of state defense is more highlighted.

2) Unraveling Lesson Plan 1952

At this time the needs of learners for science are more considered, and the unit of subjects is more detailed. However, in this curriculum students are still positioned as objects because teachers become the central subject in the transfer of science. The teacher determines what the students will get in the classroom, and the teacher determines the standards of student success in the education process.

3) Curriculum 1964

The focus of the 1964 curriculum was on the development of copyright, taste, intention, works, and morals (*Panca Wardhana*). Subjects are classified into five subject areas: moral, intelligent, emotional/artistic, skill, and physical. Basic education emphasizes more on practical functional knowledge and activities. In this 1964 curriculum, the direction of education began to penetrate the scope of praxis. In the sense that every lesson taught in school can correlate positively with functional praxis students in society (Yuli & Yayitarina, 2017).

c. Orientation of Law Higher Education New Order Era

The New Order also changed the orientation of legal higher education. At this time, legal higher education was directed to "Tri Dharma" Higher Education, namely, teaching, education, and community service (Yuli & Yayitarina, 2017). The Ministry of Education and Culture introduced a uniform minimum curriculum system that

must be implemented by all law faculties in Indonesia in addition to several complementary curricula. These changes are quite fundamental in their efforts towards the renewal of national legal education. During this new order, the philosophy of law as a means of development controlled almost all legal concepts in Indonesia.

One of the Indonesian legal scientists, Mochtar Kusumaatmadja, interrogated and developed the concept of law as a means of community renewal in Indonesia in place of Colonial law (Endarto, et al., 2019). The concept introduced developed, actually derived from the thinking of a legal scientist who can be classified into the school of Pragmatic Legal Realism, Roscoe Pound, "law as a tool of social engineering" as the main foundation. Furthermore, it is added that the law in addition to being a tool, can also be used as a means of community renewal. The law in the field of politics that is actually to limit power is precisely a tool for the rulers. The law becomes a means for the ruler to achieve what he wants, by depriving and not paying attention to the fate of many people, In 1994 with the Decree of the Minister of Education and Culture of the Republic of Indonesia No.0325/U/1994 about the Nationally Applicable Curriculum.

Bachelor of Law Program in place of Decree of the Minister of Education and Culture of the Republic of Indonesia No.017/D/O/1993, then in the faculty of law throughout Indonesia is determined to have only one study program, namely the Law Study Program. The lecture material consists of a national curriculum and a local curriculum determined by each faculty of law, according to the needs of their respective regions (Hamzah, 2018).

Orientation Higher education law at the time of the new order, legal education is required to produce graduates who can support the development process. The law is used as "a tool of social engineering". In 1979, with the Decree of the Minister of Education and Culture of the Republic of Indonesia, No.0124/U/1979 concerning Higher Education Program Level and Deed of Teaching Program within the Department of Education and Culture. The purpose of this grouping of education is to create professional graduates in various areas of expertise to support government programs in development. At that time, the Semester Credit Unit (SKS) system was introduced with the Decree of the Minister of Education and Culture of the Republic of Indonesia No.0211/U/1982.

d. Orientation of Legal Higher Education after the Reformation

The national legal system builds the concepts of order oriented to the values/paradigms of Pancasila, namely the Godhead paradigm, humanitarian paradigm, national paradigm, populist/democratic paradigm, and social justice paradigm. The quality of graduates who are expected to be born from law education graduates not only has intellectual quality/knowledge/cognitive) and skill quality (skill/sensor-motor) is quite high, but rather that has a quality attitude/values -psychiatric (attitude/affective). In other words, legal scholars born through legal education have intellectual/rational intelligence (IQ), but also those with spiritual maturity (SQ) and emotional (EG).

Such objectives aim to create a legal workforce that is capable and has technical skills and has skills in designing good and correct legislation, improving the development of law enforcement attitudes towards the establishment of law, justice, and protection of human rights. Raising awareness of the law of the community so that the community can carry out its son and obligations.

The orientation of legal higher education is needed because it is closely related to the development of national law that is aligning the law with the needs of the community, especially on aspects of legal justice as the mainstream of legal education (Rosadi & Marwan, 2020). The policies adopted include establishing new provisions in a modern national legal system and not closing in on changes in the current transition period. To produce quality human resources, legal education is required to reevaluate, reorient and reform in the field of law at law universities in Indonesia. Efforts to form cultured and quality Indonesian people and communities are an integral part of legal education.

2. Constraints in Realizing the Orientation of Higher Education in Indonesian Legal in Forming a Legal Degree of Character

Graduates of Indonesian law education have not been able to provide the competence and character of the law that is expected. Even many law graduates who become law enforcement, have not reflected the humanist legal character and Pancasila view. The implementation of legal education in Indonesia has not translated the purpose of legal education. One indication is that many complaints from users against law school graduates, considered to lack

competitiveness with law faculty graduates from other countries, at least at the regional level (Juwana, 2005).

There are at least 5 (five) weaknesses, namely:

a. Absence of a Firm Distinction between Academic Law Education and the Profession

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Legal education held in Indonesia has long not distinguished decisively between academic and professional law education. The distinction between these two types of legal education is important. Students who study law academically are not necessary and are not necessarily able to apply it in practice. This is certainly a problem because each has a different orientation, but this difference is also coupled with the incomplete infrastructure and adequate curriculum. In addition to the vagueness of orientation, there is also material equality for both academics and practitioners.

Even if there is professional legal education, such as being a public prosecutor or judge, it is sometimes a repetition of academic law education. It's a repetition for two reasons. *First*, in professional education, some materials are taught by academics who do not have a practical background or minimal practice. *Second*, practitioners who become learners tend to teach theoretical material. This is because in the minds of the teachers given education is associated with the provision of the material of a theoretical nature.

b. Weakness of Semester Credit System

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There are several weaknesses with the implementation of the 4-semester credit system. *First*, students do not understand the continuity between one course and another course. As a result, students do not get a solid foundation against the education of law. *Second*, students do not make good choices. Course choices are often determined based on the ease of graduation rather than what is considered important post-graduation. *Third*, due to the lack of coordination between teachers, many courses overlap.

c. Lack of Attention to Supporting Infrastructure

The next weakness of the implementation of legal education is that policymakers and organizers pay less attention to supporting infrastructure for curriculum implementation. Supporting infrastructure that is not getting attention, among others, teacher professionalism, teaching methods, the existence of libraries, the existence of journals, lecture halls, and a very large number of lecture participants. This supporting infrastructure is often overlooked when it is important to improve the competitiveness of Indonesian legal scholars. Lecture assignments from lecturers are also not trained to read journal references, which makes limited reading reference, not national scale let alone international.

Teacher professionalism is an obstacle because most teachers often reduce their duties as an academic staff just as teaching. Most of them do not do research or write in scientific journals. Even if the research or writing in the journal is done not a little below standard quality because research and writing are done just to qualify for the promotion.

The professionalism of teachers is also related to their presence in the lecture hall, conducting research, and writing scientific work. Senior teachers, professors, and those with doctorates are sucked into doing off-campus work. It's as if it's fair for senior teachers to work off-campus. They work for government agencies, work in the private sector, or become campus bureaucrats. Various reasons were put forward, ranging from needed to inadequate welfare as a teacher, especially in public universities. In the end, a job as a teacher factually becomes a part-time job, even just a status. As a result of the lack of professional teachers the graduates often complain of a discrepancy between what they get in college and reality.

Many libraries and journals are inadequate digital access need to be made so that each campus can access national and international journals in an update, this is relevant to the development of science and global markets that demand a renewable adjustment of information.

d. Strong Intervention of Curriculum Makers

During the Legal Sciences Consortium (KIH) or the Law Discipline Commission (KDIH), curriculum creation was carried out by leaders, deans, and experts. Often some individuals are involved in the manufacture or improvement of the curriculum consciously or do not intervene on what courses are considered important to be included in the curriculum. The impression that arises is the determination of whether or not the course depends on the subjectivity of the proposer in KIH/KDIH. One of the big problems is that many curriculum technocrats use more social science approaches, not pure law. This causes doctrinal legal studies to be reduced or distorted by social science itself.

The negative excesses of social sciences in legal education are distorted traditions of studying laws that have their patterns. The law is learned by following the traditions that exist in the context of social sciences. Research and writing of thesis are based on a method known in social science research. Whereas many issues raised require doctrinal research. As a result, students experience confusion when doing research and writing a thesis (Juwana, 2005).

3. Reorientation of Indonesian Legal Higher Education in Forming a Legal Scholar of Character in the Industrial Revolution 4.0

Given the many constraints in the legal higher education system in Indonesia that have an impact on the ineffectiveness of legal scholars produced, it is necessary to reorient the legal higher education in Indonesia. Here are some points that need to be done:

a. The Unequivocal Separation between Academic Law Education and Professional Law Education

Two dimensions need to be done for there to be a lasting distinction between academic and professional law education. The first dimension is the dimension associated with the faculty of law. Legal faculty need to change the 1993 curriculum as the curriculum is designed to produce graduates who have theoretical and practical abilities at the same time. Changes to the curriculum may contain a minimum of professional legal education materials. The curriculum in general needs to be concentrated on the provision of the study of Indonesian law and law. Even if there is the knowledge that leads to the profession, it must be considered as early exposure in a profession. But it must be realized that the knowledge provided will be inadequate for graduates to enter a profession.

The second dimension is the dimension associated with the users and professional organizations. Law school graduates need to be given a good understanding of this separation. This is so that users do not expect law school graduates to be ready to use. Although there is a separation between academic law education and profession, the two educations are made tiered. Academic legal education requirements are important because the legal profession requires participants to have theoretical and practical legal knowledge. Existing professional legal education needs to be continuously refined. There is still plenty of room to do so that professional legal education is established. If professional law education is established then academic law education will not be burdened with professional education materials. Various professional content will be submitted to professional legal education.

b. Competency Qualification Based Curriculum (KKNI)

Legal education in today's world, no one can afford to ignore the global perspective in its curriculum (Bloch, 2011). In 2000, the Decree of the Minister of National Education of the Republic of Indonesia No. 232/U/2000 on Higher Education Curriculum Development and Evaluation of Student Academic Achievement (Chandranegara, 2019, Endarto et al., 2019). The Higher Education curriculum should be changed to a core curriculum where the curriculum is seen more as a package of disciplined content to be delivered to learners. For legal higher education, in particular, a core curriculum that has been classified into four general subjects that are subject to basic legal skills, subject to expertise, and legal skills, the subject of practical legal education ultimately does not remain employed.

The core curriculum is naturally reformed into five pillars of learning and ability, each of which is used as a reference in determining one particular group of courses, namely: (a) a group of courses on personality development (Personality Development Courses); (b) a group of courses on the development of scientific skills and expertise (Science and Skills Development Courses); (c) a group of courses on the development of mastery of performance experts (Courses of Work Skills); (d) a group of courses on the development of behavioral skills in the implementation of tasks (Courses for The Development of Work Behavior), and (e) a group of courses on

community life.

Shortly thereafter, an effort³ was launched to improve this debilitating pedagogical framework, and a revised version was enacted with the Decree of the Minister of National Education of the Republic of Indonesia No. 045 /U/2002 on the Core Curriculum in Higher Education, which generally identifies three competencies commonly referred to as (a) core competencies; (b) supporting competencies; and (c) specific competencies related to the core competencies. The higher law education curriculum should be associated with the core curriculum in higher education mentioned above. For law school, content curriculum development and reform in Indonesia tends to be dominated by the personalities of designers.

Orientation of the objectives of legal higher education also through its current phase with the policy contained in Presidential Regulation Number 8 of 2012 on the Indonesian National Qualification Framework (KKNI), seeks to lay the ground for the orientation of higher education by setting standards based on assumptions: *First*, the paradigm shift to the concept of Competency-Based Curriculum (KBK). *Second*, the curriculum is developed by universities themselves. *Third*, competency-based development. Fourth, the minimum contains 5 (five) elements of competence. *Fifth*, learning achievements following KKNI level. Sixth, the competence of graduates is determined by reference to KKNI. KKNI can be placed as an entry point to organize the curriculum of the Faculty of Law so that its graduates can meet the standard qualifications that have been set, namely at least as technicians or analysts (Chandranegara, 2019).

c. The Concept of Disruptive Legal Science Education in the Industrial Revolution 4.0

The history of globalization shows that every changing age has its core. Ritzer's description and Toffler show that the movement of change was always triggered by technological developments that gave birth to the era of industrial revolution 4.0, which not only opened up interactions widely but also disrupted various areas of human life.

Disruption does not only apply to the business world. The phenomenon of disruption has a major impact on change in various fields. Disruption not only changes the business but the fundamentals of the business (Chandranegara & Ali, 2020). From the cost structure to the culture, and even the ideology of an industry. The business paradigm also shifts from the emphasis on owning to sharing (collaboration) and will have an impact on the economy, industry, government, and politics. Thus changing the way of life, working, and interacting with each other (Shahroom & Hussin, 2018).

A real example can be seen in the transfer of retail businesses (physical stores) into e-commerce that offers convenience in shopping, plus the spread of online taxis then threaten the existence of conventional taxi businesses. The phenomenon of disruption does not only occur in the business world. But it has expanded in other areas such as education, government, culture, politics, and law. The field of law is now also disrupted. The rule of law must also follow the development of existing technology, as when the ministry of transportation has difficulty applying the rules to provide rules against online transportation. In short, in disruptive regulation, disruptive culture, disruptive mindset, and disruptive marketing will occur.

d. Progressive Legal Education in the Character of Pancasila⁴

Legal education in Indonesia needs to be pursued towards "progressive legal education" (Rahardjo, 2007). Progressive legal education is characterized by (1) creative, (2) responsive, (3) protagonist, (4) liberation-oriented, and (5) Indonesian-oriented and Indonesian needs. It takes legal actors who have a conscience and dare to apply it in deeds. This element of conscience, described in compassion, is full of empathy towards the nation as well as the protagonist.

Changes and reshuffles must be made fundamentally, as well as liberation from liberal nature and education as an ivory tower type of institution. The law needed today is a complete and comprehensive and in-depth knowledge of the law as genuine science.

For the legal system of Pancasila to truly be a reflection of the values of Pancasila (Godhead, Humanity, National

Unity, Democracy, and social justice) (Weatherbee, 1985) as the fundamental philosophy of the state and the life view of the Indonesian people (Iskandar, 2016), then in its preparation should begin with parsing Pancasila into the postulate of the law. It is impossible that students and graduates of law faculty can parse the values of Pancasila into legal postulates correctly and well, then incarnate it in the legal system, if they have very little learning about the values of Pancasila. By relying on legal knowledge and skills to apply positive laws only. It will not be enough to formulate the expected Pancasila legal system.

Legal education in the state of Pancasila law is of the following characteristics:

1. To place God as the creator, caretaker, and part of the natural order so that the science of law in the order of human life is always porous, processed, and boils down to the One True God;
2. Always seek unity underpinning the order of creation. This means that the science of law embraces a thorough and complete view of the universe;
3. The science of law will never confine itself in the realm of sensory and physical reality alone, but also accommodate sensory realities, spiritual realities obtained through revelation and intuition;
4. The science of law will never neglect or empty nature from all spiritual purposes and content so that it does not leave meaning to life and all creation, but rather a broad view that nature has a meaning that extends beyond human life and extends to the "purpose of existence", namely the Creator;
5. The science of law will never develop neutrality on morality and morality, but rather integrate with a series of religious morals; and
6. The science of law will not teach the practice of science to manipulate nature, life, and society. Legal science is perceived as a mandate of God almighty that must be used wisely (Tim Peneliti Fakultas Hukum UGM dan Fakultas Hukum Universitas Pancasila, 2006, & Rahardjo, 2000).

Thus the objectives of legal education as mentioned above aim to create a workforce in the field of law that is capable and has the technical ability and has skills in designing good and correct legislation, improving the development of law enforcement attitudes towards the establishment of law, justice and protection of human rights. Increasing public legal awareness so that the community can carry out its rights and obligations in a balanced manner.

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Conclusion

Based on the above discussion, it can be concluded that the orientation of legal higher education in Indonesia began from the Dutch East Indies, the Old Order, the New Order until after the Reformation. Orientation during the Dutch East Indies, legal education was more directed to produce legal bureaucrats to fill the vacancies available to the indigenous population. The old order period, oriented to the purpose of legal education was directed to give birth to graduates who were expected to make breakthroughs to be able to replace all the remnants of colonial law. During the new order, the orientation of legal higher education is required to produce graduates who can support the development process. Meanwhile, the post-reform orientation of legal higher education is directed at the values/paradigms of Pancasila. There are constraints in Realizing the Orientation of Higher Education of Indonesian law in forming a Bachelor of Law of Character. There is no firm distinction between academic and professional law education, there are weaknesses in the Semester Credit System. Supporting infrastructure is also under-heeded. Besides, the strong Intervention of Curriculum Makers. Reorientation of Indonesian Legal Higher Education in Forming a Legal Scholar of Character is by separating between academic law education and professional Legal Education. It is necessary to apply a competency qualification-based curriculum, it is necessary to create the concept of Disruptive Legal Education. Besides, it is important to create a Progressive Legal education system with the character of Pancasila.

Acknowledgements

The author would like to thank the Faculty of Law Universitas Pancasakti Tegal for providing funding for this research in 2020. All authors contributed to this research according to their respective assignments.

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