

CHARACTER-BUILDING FOR LAW STUDENTS: EXPLORING THE SATJIPTO RAHARDJO'S THOUGHTS

Herlindah¹, Siti Rohmah², Ahmad Qiram As-Suvi³

^{1,2}Faculty of Law, Brawijaya University, Malang, Indonesia

³Faculty of Shariah, State Islamic University of Maulana Malik Ibrahim, Malang, Indonesia

Email: herlindah@ub.ac.id, sitirohmah@ub.ac.id, ahmadqiram2001@gmail.com

Informasi Artikel:

Dikirim: (12 september 2022) ; **Direvisi:** (30 September 2022); **Diterima:** (5 Oktober 2022)

Publish (31 Oktober 2022)

Abstract: The quality of law enforcement is determined by the character-building in the Faculty of Law. If so far, Indonesia is often faced with various poor quality law enforcement, and this portrait certainly does not occur naturally, but rather because the law faculty has not been able to play its role optimally in building the character of prospective law enforcers. This study explores Satjipto Rahardjo's thoughts on character-building for law enforcers at the faculty of law. The research method used in this article is a literature study with a qualitative descriptive approach using content analysis. The result of this study indicates that according to Satjipto Rahardjo, legal education at the Faculty of Law must be reoriented from the formation of a positivistic character to the formation of a progressive character of law that prioritizes ethical and moral values.

Key Word: Character-Building; Progressive Law; Satjipto Rahardjo.

Abstrak: Baik dan buruk kualitas penegak hukum ditentukan oleh pembentukan karakter di fakultas Hukum. Jika selama ini Indonesia sering dihadapkan dengan berbagai buruknya kualitas penegakan hukum, potret itu tentu tidak terjadi secara alami, melainkan lebih disebabkan karena fakultas hukum yang dianggap kawah candradimuka belum mampu memainkan perannya secara optimal dalam pembentukan karakter calon penegak hukum. Studi ini bertujuan menggali pemikiran Satjipto Rahardjo tentang Pembentukan karakter bagi penegak hukum di fakultas hukum. Metode penelitian yang digunakan dalam tulisan artikel ini adalah study kepustakaan dengan pendekatan deskriptif kualitatif dengan menggunakan *content analysis*. Adapun hasil dari penelitian ini menunjukkan bahwa menurut Satjipto Rahardjo Pendidikan hukum di Fakultas Hukum harus direorientasikan dari pembentukan karakter yang berwatak positivistik menuju pembentukan karakter hukum yang berwatak progresif yang lebih mengedepankan nilai etika dan moral.

Kata Kunci: Pembentukan karakter; Hukum progresif; Satjipto Rahardjo

INTRODUCTION

Today, Indonesia is faced with many law violations committed by law enforcement officers. Such as the bribery case carried out by Constitutional Justice Akil Mochtar, senior lawyer O.C Kaligis, Toton, Dewi Suryana Hakim, the Pinangki prosecutor Sirna Malasati case, to the most recent case of Ferdy Sambo with his legal mafia circle, and many more. This condition is caused by the character of law enforcers who are not professional and inconsistent with their knowledge. The character of professional law enforcement, of course, cannot be separated from the role of legal education in the Faculty of Law (Anwar, 2011; Budiarta, 2020; Mohamad & Rideng, 2021; Wang, 2020). Holistic and integral legal education is one of the critical success factors in producing progressive law enforcement candidates (Anwar, 2011; Mohamad & Rideng, 2021; Romadan, 2021).

The reality of legal-positivistic-based legal education has become an open secret among academics, law enforcers, and even law students. Legal-positivistic understanding in the world of law school education in Indonesia causes law enforcers to be passive; in the sense that it is fixated on statutory texts, which sometimes degrade the essence of the law itself, namely morals (Anwar, 2011;

Mohamad & Rideng, 2021; Suparman, 2015). Morality is an essential component in the professional world as a balancer of psychological burden, integrity and intellect in character-building (Kosim, 2011; Rahardjo, 2006, 2007; Rhiti, 2016).

The absence of morals would begin the misguided judiciary to uphold justice (Rahardjo, 2007; Rhiti, 2016). Consequently, justice only becomes a mere mirage for the justices. Therefore, it is unsurprising that people seeking justice do not want to deal with the law. Because what is understood is that humans are for law, not law for humans, even though the law grows and develops with the community (Lili Rasjidi, 2020). Thus, it is still often encountered in practice in the court of the phenomenon of judicial mafia, commercialization, and commodification of law.

Legal education emphasizing legal positivism at law faculties in Indonesia has spawned the seeds of law students with a legal-analytic paradigm (Anwar, 2011; Johnston, 2007). The consequence of the formal legal-positivism education method is that it favours the "discriminate, measure, categorize" way of working, and is fixated on the textual truth of the regulations that have been ratified. At the same time, the primary form of law is unlimited and cannot be reduced within

certain limits. Otherwise, it is inevitable that law students determine certain truths and end up conservative law enforcers in mathematical sketches.

Formalistic truth is the hallmark of conservative law enforcement. The legal product born only becomes an icon of truth, which only defines what justice is contained in the law and covers what is outside it. This theory identifies law with law, that there is no law outside the law and the only law is the law (Harun, 2019; Sarmadi, 2012).

Such a paradigm has stimulated the victims of injustice and academics to become sick of seeing the injustices imposed by law enforcers. Therefore, there is a desire to change the mindset of law enforcers, as already mentioned. The breakthrough started from its roots, namely at the stage of legal education organized by the law faculty in Indonesia (Handayani & Arifin, 2020; Wang, 2020). Because changing a character in a nation requires the cooperation of all parties (Dewi, 2018; Donald Black, 1979; KARO-KARO, 2019; Mujiburrahman, 2016; Mujiwati, 2017).

Progressive law, as a liberation law initiated by Satjipto Rahardjo, tries to provide an alternative offer in viewing legal practice, which is considered very far from providing a sense of justice. Rahardjo's progressive legal breakthrough, as a positivistic law enforcement solution,

is a breath of fresh air to liberate Indonesian legal positivism into a more contextual, humanist, and just legal realism.(Ansori, 2018)

Progressive law is an effort to overcome the degradation of the essence of law by doing everything possible to get justice. In order to be implemented properly, the law learning curriculum in law faculties in Indonesia must emphasize the pillars of legal progress, including "law for humans and not vice versa for humans for the law," "lawing is substantially not artificial," and "judging holistically is not skeltonic" (Arif, 2019).

Several researchers have studied the thoughts of Satjipto Rahardjo, especially his progressive legal theory (Aulia, 2018; Harun, 2019; Rhiti, 2016), but no one has associated it with character-building for law students. Likewise, there have been many studies on the urgency of legal education from various aspects (Anwar, 2011; Arif Setiawan, Lucky Suryo Wicaksono, Siti Anisah, 2017; Budiarta, 2020; Dewi, 2018; Handayani & Arifin, 2020; Juana, 2005; Kuchuk et al., 2019; Mohamad & Rideng, 2021; Nakissa, 2020; Suparman, 2015; Wang, 2020; Yuan, 2021). It's just that no one has discussed the importance of character-building for law students by implementing Satjipto Rahardjo's thoughts in it.

There are several reasons for the urgency of implementing law education with a progressive law paradigm, including forming a progressive character for law students as law enforcement candidates; also to cultivate students' ability of thinking and analysis, value analysis, and decision-making by law as well as understanding personal rights and obligations to further cultivate the law-abiding habit, advocate the spirit of rule of law, and become responsible modern citizens being able to supervise the government thoroughly executing the law to adapt to the rule-by-law democratic society (Harold et al., 2016; Wang, 2020).

According to Satjipto Rahardjo, the curriculum of law faculties in Indonesia should focus on a clear distinction between academic and professional legal education. This is because students who study law academically are not necessary and are not necessarily able to apply it in practice. Therefore, this paper focuses on how Satjipto Rahardjo thinks about character-building for law enforcers in the law faculty. Thus, it is hoped that there will be a change in the model of legal education in Indonesia towards a progressive law learning curriculum that must be applied to all law faculties in Indonesia.

METHOD

The research method used in this article is library research with a qualitative

descriptive approach. The primary data sources used in writing this article are various works of literature by Satjipto Rahardjo. Especially his work related to progressive law enforcement in Indonesia. Such as *Hukum Progresif: Sebuah sintesa Hukum Indonesia (2009)*, *Biarkan hukum Mengalir (2007)*, *membangun polisi sipil (2007)*, *membedah hukum progresif (2006)*, *Sisi-sisi lain dari hukum di Indonesia (2003)*, *Polisi Sipil dalam perubahan sosial di Indonesia (2002)*, *Menundukan UUD, Negara hukum yang membahagiakan Rakyatnya (2009)*, *Pendidikan hukum sebagai pendidikan manusia (2009)*, *Ilmu Hukum (2020)*. In addition, secondary data was obtained from various works of literature discussing the thoughts of Satjipto Rahardjo (Arif, 2019; Astomo, 2014; Aulia, 2018; Faizal, 2016; Harun, 2019; Mukhidin, 2014; Rhiti, 2016; Ramadan, 2021; Samsuri, 2021; Sarmadi, 2012; Sulaiman & Rahayu, 2018; Ufran, 2019). Also various previous literature on the formation of legal character (Anwar, 2011; Dewi, 2018; Handayani & Arifin, 2020; KARO-KARO, 2019; Kuchuk et al., 2019; Mohamad & Rideng, 2021; Mujiwati, 2017; Tang, 2021).

THE BIOGRAPHY OF SATJIPTO RAHARDJO

Satjipto Rahardjo was born on December 15, 1930, in Banyumas, Central

Java , and died on January 8, 2010, at the age of 79 years (Aulia, 2018; Harun, 2019; Rhiti, 2016) Satjipto Rahardjo is famous for his neat lecturers and pays attention to his appearance from head to toe before he teaches his students. This can not be separated from his wife, Roesmala Dewi, who always pays attention and prepares what Rahardjo will wear before teaching. He is also admired by many of his students because of his clear presentation of the material and his very respect for the opinions or questions of his students, even though they are out of the discussion (Aulia, 2018).

This legal maestro is a big fan of Fritjop Capra's books. Many of Capra's books have inspired Satjipto's thoughts, such as *The turning point, the hidden connection, and the web of life*; not only does he like, but he agrees with some of the dialectics of thinking offered by Capra's book, one of which can be seen from his statement "*now we live in a time of turning point*" (Capra, 1997).

Rahardjo started his education at the People's School (SR) and Junior High School (SMP). After that, he continued his studies at the high school (SMA) in Semarang. Then he continued his education at the Faculty of Literature and Pedagogy, Gadjah Mada University but only lasted one year (1951-1952). Then Satjipto preferred to complete his legal

education at the University of Indonesia (UI) Jakarta in 1960 (Suteki, 2010).

Satjipto's career as a legal expert who understands social problems cannot be separated from his experience in the various jobs he does. It is evident from the beginning of his career in his early college days as a broadcaster of Radio Republik Indonesia (RRI) that he has also been in the Bureau of Legal Administration, Ministry of Labor and Development Bank Area in North Sulawesi. After various jobs, Satjipto returned to his identity as a complex legal expert. After obtaining his doctoral degree in law from Diponegoro University and his study of Law and Society at the Visiting Scholar California University in 1972 for one year, the Maestro was eyed again by Diponegoro University to devote his knowledge, where he got his doctorate. He was also asked to teach at several universities outside UNDIP, such as Gadjah Mada University (UGM), University of Indonesia, and Police College, and also as a lecturer flying between countries (Suteki, 2010).

Satjipto's career as a legal expert who understands social problems cannot be separated from his experience in the various jobs he does. It is evident from the beginning of his career in his early college days as a broadcaster of Radio Republik Indonesia (RRI) that he has also been in the Bureau of Legal Administration,

Ministry of Labor and Development Bank Area in North Sulawesi. After various jobs, Satjipto returned to his identity as a complex legal expert. After obtaining his doctoral degree in law from Diponegoro University and his study of Law and Society at the Visiting Scholar California University in 1972 for one year, the Maestro was eyed again by Diponegoro University to devote his knowledge, where he got his doctorate. He was also asked to teach at universities outside UNDIP, such as Gadjah Mada University (UGM), the University of Indonesia, and Police College (Aulia, 2018).

From one of the media where he often publishes his writings, Kompas, to become a free space for him to express his ideas regarding progressive law, the Kompas daily article entitled "Indonesia needs progressive law enforcement" has made various groups of people ask questions, including the students themselves who famous for the Tjiptian (Suteki, 2010). So not a few of the students cannot wait for his lecture hours, and seminars are often held to dismantle the maestro's progressive legal paradigm. He also held seminars such as "Progressive Law Prospects" on July 20, 2009, from the Tjiptian Neo-Felment sect entitled "The Evolution of New Legal Thoughts: From apes to humans, from Positivistic to Progressive as an effort to explore and ground deeper and wider about the

maestro's paradigm of thinking. The thinking paradigm of the maestro who gave birth to progressive law is the face of the typical problems of the judiciary in Indonesia, so progressive law is known as the law made in Indonesia.

The presence of a progressive legal paradigm in the style of legal expert Satjipto Rahardjo at least makes those who are restless about the problems of a dim judiciary find new cars to reform the legal world in Indonesia. Their rebellious thoughts were channeled so well that they also gave birth to leftist Psychoanalytic thinkers who reconstructed the establishment of rigid procedural legality positivism towards understanding law in meaning or hermeneutics, falsification based on progressive law in the style of Satjipto leading to legal thought and practice, which can present comprehensive justice, which is not just formal justice but substantive justice.

THE PORTRAIT OF EDUCATION AND CHARACTER-BUILDING AT THE FACULTY OF LAW

To explore more deeply the portrait of legal education in law faculties in Indonesia, it would be better if we first examine the tendency of the legal system that is implemented in Indonesia. In the world, two legal systems dominate after the expansion of England and France, namely Anglo-Saxon and Europa

Continental. The European Continental legal system focuses on the systematic codification of law and is considered final (Saputri & Kusdarini, 2021) This kind of method is inseparable from positivism's influence, which developed after the dark age. Then the codified law gets interpretation from the judges in its application. It should be noted that there are more adherents of this system globally than the Anglo-Saxon or Common Law systems (Anwar, 2011; Mohamad & Rideng, 2021).

Anglo-Saxon or common law is a legal system based on jurisprudence or previous judges' decisions. So that the judge is freed in determining the decision, this method prioritizes the existing reality, and the judge is not bound by legislation or is more inclined to legal realism and *Freirechtslehre* (Setiawan, 2018; Warkum Sumitro, Moh. Anas Kholish, 2017). In other words, this legal system was not originally written in the law because this system emphasized more on the principles of complete universality towards humanity.

Qodry Azizy (Azizy, 2006) sees the reality of Indonesian society as customary law that exists together with culture and religion. According to him, it is closer to the Common law system than Roman Law. We can note that growing customary law in Indonesia is an existing reality, plus the

consensus of legal experts agreeing on the legality of customary or customary law. The customary leaders understand the historical flow and customs of the community so that the essence of the law is attached to the role of the customary leader as the judge. (Muhammad Kamil, 2013)

The facts are different from reality. After the Dutch colonial expansion, the legal system of Continental Europe was also brought in so that the view of the nineteenth-century legalism-positivist school was strongly felt with the Napoleonic Civil Code, with the assumption that the Act was a final and perfect law. (Spence, 2004) This has implications for the judges who only apply the articles in the legislation in determining a decision.

If we examine more deeply, the Roman Law system brought by the Dutch is not a solution for the socially heterogeneous and feudalistic Indonesian society. This is because the legal system of Continental Europe emphasizes a repressive approach and protects the rulers and this is not in accordance with the soul of the Indonesian nation, as the law reflects the soul of a nation (Aulia, 2020; Budiarta, 2020) The judge only decides, while the police may only carry out the investigation and investigation, and the lawyer only accepts the results from the

police (Arliman. S, 2019; Faizal, 2016; Ufran, 2019).

This description of reality is very appropriate to address the legal condition in Indonesia since the proclamation until now, which has inherited the Dutch colonial legal order and its substance. This is unavoidable because, for more than a century, Indonesia has been introduced and accompanied the development of the Dutch legal system. It is no exaggeration if Daniel S. Lev states that: "New states inherited a lot thing from its predecessor in the colonial era, due to various revolution that coincided with the total destruction, which is rare in developed countries cannot wipe out the traces of the past"(Mambaya, 2018).

Realities that are not coherent with facts may cause various law enforcement decisions that do not reflect justice. The portrait of legal education in Indonesia can be seen from the various decisions of law enforcers. Indiscriminate legal decisions increasingly erode public confidence in legal scholars who are said to be competent and side with the truth through the procedural mechanisms of legislation (Setiawan, 2018). The legality of formalistic-proceduralistic justice resulting from the work of these thinkers and law enforcers is claimed to be scientific. After all, it follows existing legislation by the rules or the Rule of Law without focusing on humans and their humanity (Handayani

& Arifin, 2020; Rhiti, 2016). From the rule of law system and eliminating the rule of breaking in Satjipto's language, we can read about the case of Mbah Minah, who had to spend one month and 15 days in prison for taking three cocoa pods, the case of Manisih and Sri Utami who had to be accused for taking two cocoa beans, kilograms of cotton, and so on (Pamungkas, 2010).

Indeed, thieves are still thieves, both small people, and upper-class people, and everyone is equal before the law, but the fact is that it is the small people whose crimes are not as big as the big-time corruptors (Mukhidin, 2014). However, this does not apply the other way around, and if white ape criminals are caught, it is not uncommon to get a dispensation from law enforcement. (Pamungkas, 2010). The various cases above are only a few of the many other cases that have become a blurry portrait of law enforcement in Indonesia.

The rule of law is a slogan touted from the mouths of legal scholars; it is worth asking whether it is a sign of progress or decline in Indonesia's legal system and education. This is because the practice of law and legal education only emphasizes understanding the articles in the legislation but ignores the most important aspects of the science of law itself. Law will only become a fossil of civilization. The law will lose its essence,

of upholding justice and benefit (Faizal, 2016; Handayani & Arifin, 2020).

According to Satjipto, social knowledge is very much needed for law enforcers because progressive legal science is not linear, determinative, or mathematical, nor can it always be logical. According to him, the consequence of such a method is an expansion of the science of law itself because it denies humans the existence of their reality and considers logic as *primus logos*, so Satjipto considers construction in such a way to be logically correct but humanly strange (Rahardjo, 1997, 2006, 2007; Rheti, 2016).

Legal education in Indonesia has existed since 1908 under the Dutch colonial government, equivalent to *Rechtschool* senior high school. In 1924 it was increased again at the university level, equivalent to the University marked by *Rechshogeschool* legal higher education. The Dutch goal of establishing a law school for indigenous people was to fill the *rechtsambrenaren* bureaucracy with indigenous legal experts as *landraad* judges. Ascertained with such a purpose that judges or legal experts tend to formal legality, which is fixated on the text and ignores the existing facts. (Arif Setiawan, Lucky Suryo Wicaksono, Siti Anisah, 2017; Juana, 2005; Putro, 2020)

After independence from the Dutch colonial government, the old goal of legal

education made a significant impact on the implementation of inhumane justice, so in the Old Order government, the objectives of legal education changed during the Indonesian revolution that developed at that time the purpose of the law was influenced by the perception of the revolution to release from colonial laws (Dayanto, 2013).

Even in the *Orde Baru* era, the purpose of legal education changed with the government brought in by authoritarianism. So it can be ascertained that the goal of legal education during a tough situation is to produce law school graduates who can support and legitimize Suharto's policies to make Indonesia's development process a success. Mochtar Kusumaatmaja, who then served as chairman of the Legal Science Consortium, emphasized the importance of sociological education in every educational effort and legal study. Thus, the law in theory and practice is always related to the latest socio-economic development problems. (Juana, 2005)

Apart from the confines of the authoritarian of *Orde Baru*, marked by the 1998 reformation towards a democratic Indonesia, the goals of legal education have changed. Although it is not heard from the demands for reform, the changes in the objectives of legal education gradually occurred from various academics

and spread to law enforcers, marked by the emergence of legal reformers such as Satjipto Rahardjo with his progressive law, Adji Samekto with his critical legal studies, Mochtar Kusumaatmaja with his legal theory of development and many others. The characteristics of progressive law initiated by Satjipto Rahardjo are education that is creative, responsive, protagonist, has a liberating character, and is oriented to Indonesia and Indonesia's needs (Arif Setiawan, Lucky Suryo Wicaksono, Siti Anisah, 2017; Juana, 2005).

It turns out that from several periods of government, it reflects the goals of legal education; in other words, changes in the goals of legal education occur because of government fundamentally. This is in line with the term used by Soetandyo, the purpose of legal education not an autonomous process, but rather: a process that is functionally required to follow political developments, especially politics related to government policies and efforts to utilize the law to achieve goals that are not in the realm of law and/or the realm of justice. (Anwar, 2011). Thus, the portrait of the purpose of legal education in Indonesia is very dependent on the government's situation, and it is as if the law is not neutral.

The portrait of legal education in Indonesia at this time can be seen in its absurdity before entering lectures, so the

author wants to see a comparison with the education of other legal countries, even those that used to be the mecca of legal education in Indonesia. High school majors can enter the law faculty, be it science or social studies. Even though character-building is not as short and instant as intellectual cultivation, it seems that an ecosystem that does not support character formation in lectures will result in character formation for four years being difficult to form, so ideally, character-building starts from school elementary, middle, and upper secondary.

We can look at the Netherlands to create a society that understands the law. Since high school, the children have been directed to the *Voorbreidend Wetenschappelijk Onderwijs* Law School. Only a few percent of the graduates of that school will be accepted by the law faculty. The rest go to other vocational courses so that both those who study not in law majors they can see the law from the eyes of their majors, now the Dutch do not learn the basic concepts and dogmas of law. (Putro, 2020) When compared with the education system in Indonesia. This depravity has been detected before entering a university with a culture of rampant gratification, so to enter the law faculty at a well-known university becomes an identity of enjoyment for the Indonesian feudalistic society, so it is not

strange to hear the decisions and actions of law enforcers that do not reflect justice.

In a feudalistic society, identity is a pleasure. There are various ways to get it done, even in education, including universities. Educational institutions are not only places to print students' intellectual abilities but also character formation and development. However, in feudal society, the tendency to exploit each other is very strong, so deconstructing and covering the feudalistic paradigm in the education system begins with improving the ecosystem and a comprehensive and binding curriculum. This is in line with the thoughts of Karl Marx that all kinds of relationships, orders, and norms imposed in a feudal society are nothing more than a veil to cover the exploitation of the feudal classes against the lower classes. (A. Samekto, 2006)

Starting legal education by violating the law is considered normal because the orientation of getting a job is only limited to salary, not the substance of the profession undertaken. Cicero once said *Ubi societas Ibi Ius*, where there is a society, there is a law; in other words, good law will be born in a good society, so the Dutch efforts to fix the order of society who understand the law in this way. (Arif, 2019)

It is different in America, for Liberal Art students or in Indonesia called

Humanities, who want to enter the law faculty must complete their education there for three years. They study various fields of social studies, and when they have broad horizons, then at the master's level, they can enter the law faculty with the capacity of insight and knowledge that is already extensive. The two examples from these countries reflect that the cultivation and formation of the character of law enforcement at the university level are urgent and cannot be carried out instantly. Character education for law student may be the beginning of reforming the legal system in Indonesia.

Observing the multi-dimensional crisis in Indonesian legal education shows that a great nation, as predicted, is only a mere jargon. The moral crisis that impacts character degradation results in the growth of negative attitudes and actions of law enforcers in the midst of community life, which leads to a crisis of legal substance. Sudarminta stated that three social symptoms can be an indication that the Indonesian nation is experiencing a moral and character crisis; among the three social symptoms are: *First*, collusion, corruption, and nepotism from upstream to downstream bureaucracy becomes common. *Secondly*, it is not. There is a sense of responsibility of the nation's leaders and officials to the public, thus causing an attitude of indifference that

leads to misorientation. *Third*, the lack of a sense of humanity among Indonesian people. The main key to all forms of tyranny that occur is curriculum reform and ecosystem reconstruction at the law faculty. A comprehensive law school curriculum will print the character of law enforcers who are knowledgeable and considerate, not 'black letter' characters.

So from the various descriptions above, it is not enough to blaspheme the existing educational practice at the law faculty, but must provide a solution by improving the curriculum at the law faculty.

Improving the curriculum is not the main thing in character-building. The addition of courses without any conditioning of the lecture ecosystem will undoubtedly form a character because the addition of legal support courses is only a contract on paper. The conditioning of the lecture ecosystem includes the system and the workforce, both the lecturers and the campus bureaucracy. Seriousness for improving the two-way character must be intensified, including the seriousness of the lecturers to conduct research with students on problems in society, the seriousness of the campus bureaucracy to the urgency of funds for activities that support students' knowledge of the law. Even though in many campuses, there are already legal consultancy institutions to understand the existing legal problems, presumably it is

non-science, it does not have a significant impact on law graduates if only for formalities.

THE URGENCY OF CHARACTER-BUILDING FOR LAW STUDENTS IN CREATING PROGRESSIVE LAW ENFORCEMENT FROM THE PERSPECTIVE OF SATJIPTO RAHARDJO

The existence of law faculties in universities as a formal educational institutions has the aim of creating intelligent and legal human resources. Also to cultivate law students' ability of analysis and thinking, value analysis, and decision-making by law as well as understanding personal rights and obligations to further cultivate the law-abiding habit, and become the responsible citizens (Suparman, 2015; Wang, 2020).

Thus, in this context, the faculty of the law becomes an effective place in shaping the character of law enforcers, who will be able to interact well in carrying out legal substances in society. In order to achieve comprehensive law enforcement, the higher education system must touch on three aspects, namely cognitive, affective and psychomotoric (Mujiburrahman, 2016), because dialectics in the law faculty and the world of law enforcement professions will be realized by touching these three aspects. In other words, Satjipto wants to say that legal education today focuses more on

professional legal education (Rahardjo, 2006, 2007; Suparman, 2015; Ufran, 2019).

A noble character is important value in basic legal education. Because the main objects of progressive law are humans and humanity (Rahardjo, 2007; Rhiti, 2016). To build character of law students must condition the legal education ecosystem. Such as labor orientation of the lecturers, supporting facilities, and reading books that do not tend to be formal legality. Lecturers must reorient their work not only as teachers but must turn into educators. Teaching is just conveying without being accompanied by a sense of responsibility whether students will change for the better or not, but educating is not just conveying but following the development of students to arrive at the desired goal.

The dialectic of law enforcement and legal education should be realized as fundamental in creating law enforcers who stand for real justice. Thus, the role of the law faculty in reforming the legal system in Indonesia through a character-building-based curriculum is a fundamental step that can be taken to reform the legal system in Indonesia. Fundamental changes, both intellectually and character-building through educational institutions in the law faculty, have much urgency for law enforcers in the future. It can be said that intellectual law enforcers composed of

interdisciplinary fields of science will not only shape their IQ intelligence, but SQ and EQ intelligence will be formed character. (Luneto, 2014)

Understanding the law is, of course, comprehensively through legal science and other supporting sciences. The effort to determine the actual legal object is a continuation because, according to Satjipto, the object of law is very large and wide (Rahardjo, 1997). At the same time, the tools or nets used are very limited, namely language and brain. According to Sajtipto, the object of law is truth (Aulia, 2018; Rahardjo, 2007; Rhiti, 2016).

The truth is something comprehensive and inherent in all aspects. So, according to the progressive law, a comprehensive intellectual is the key to finding the real truth by understanding the law holistically and not in a scholastic way (Arif, 2019; Gunaryo, 2006; Mukhidin, 2014; F. X. A. Samekto, 2012). Holistic ability is an effort to avoid academic legitimacy of justification by using rigid articles. The reduction of the truth to humans and humanity leads to routine and submissive legal actions. However, it cannot be denied that the understanding of positivism is a powerful anesthetic in responding to the thirst for legal practice.

Holistic understanding or holism is a view of the various systems in the universe as a unified whole. Implementing a holistic

understanding of progressive legal science creates the necessity to link legal science with other sciences, including sociology, economics, politics, anthropology, and other fields of science. The legal approach method in this way is the task of educators at the law faculty (Anwar, 2011; Budiarta, 2020; Mohamad & Rideng, 2021; Rahardjo, 2006; Yuan, 2021). Reuniting the law with its environment, nature, and the larger order of life. The integration of legal science into a larger order aims to eliminate the separation between law and human life, which is called returning the law to its substance. The legal substance for the community is a complete frame of The Law-society framework, which has certain relationship characteristics, as stated by Brian Z. Tamanaha (Tamanaha, 2004).

The intended relationship includes two fundamental components; the first component consists of the idea particle, which states that law is a mirror of society, and the idea particle, which states the function of law as an effort to maintain social order. The second component consists of Consent, Morality, and Positive law particles. What is meant by Consent and morality, according to Donald Black's thinking, is a habit. (Donald Black, 2010)

Rahardjo stated that the presence of progressive law is an attempt to correct the mistakes and shortcomings of legal positivism, which does not fulfill the two

components above. According to him, progressive law demands reconstructing the mind on the law, how to study it, and practically applying the law to present human justice or legal substance; or he said that "law with a conscience" (Rahardjo, 2006, 2007; Rhiti, 2016; Setiawan, 2018)

So the urgency of character-building through the reconstruction of the curriculum and ecosystem in the law faculty leads to morals for law enforcers. The reconstruction has become the supremacy of urgency as an effort to overcome the psychological burden of the professional world, intellectual positivism in weighing complex problems, and barbaric actions that override work professionalism. The progressive legal character-building in the law faculty seems to describe the real situation of the substance of the law itself, so that law enforcers will be able to release the restraints of ritual positivism and not rely on material and procedurally.

CONCLUSION

The future of law enforcement in this country is determined by the quality of education at the Faculty of Law today. According to Satjipto Rahardjo, the poor configuration of law enforcement in Indonesia is influenced, among other things, by the legal education model, which is more dominant with a positivistic

pattern and ignores ethical, moral, and justice values. Law enforcement in Indonesia is often blunt up and pointing down. In this context, Satjipto Rahardjo wants the formation of a progressive-minded character in the Faculty of Law. Such as internalizing the understanding that the law is for humans, not humans for the law; legally, not artificially; and judge holistically, not sketonically. Therefore, Satjipto Rahardjo, a legal expert in Indonesia, sees the need for character-building for prospective law enforcers at the Faculty of Law. According to Satjipto Raharjo, the Faculty of Law must be able to become a leading cause of progressive law enforcement. The legal education curriculum must be reoriented from the legal education model of positivism an sich towards progressive legal education.

REFERENCES

- Anwar, K. (2011). Pendidikan Hukum Di Era Transisi Dalam Negara Demokrasi Menuju Indonesia Baru. *Masalah-Masalah Hukum*, 40(2), 236–245.
- Arif, M. Y. Al. (2019). Penegakan hukum dalam Prespektif Hukum Progresif. *Jurnal Hukum*, 2(1), 173.
- Arif Setiawan, Lucky Suryo Wicaksono, Siti Anisah, E. R. N. (2017). Perbandingan Pengaturan Penyelenggaraan Pendidikan Profesi Advokat (PPA) Di Indonesia Dan Amerika Serikat Arif. *Arena Hukum*, 10(1), 120–140.
- Arliman. S, L. (2019). Mewujudkan Penegakan Hukum Yang Baik Di Negara Hukum Indonesia. *Dialogia Iuridica: Jurnal Hukum Bisnis Dan Investasi*, 11(1), 1–20. <https://doi.org/10.28932/di.v11i1.1831>
- Astomo, P. (2014). Perbandingan Pemikiran Hans Kelsen tentang Hukum dengan Gagasan Satjipto Rahardjo tentang Hukum Progressif Berbasis Teori Hukum. *Yustisia*, 90.
- Aulia, M. Z. (2018). Hukum Progresif Dari Satjipto Rahardjo: Riwayat, Urgensi dan Relevansi. *Jurnal Hukum*, 1(1), 162.
- Aulia, M. Z. (2020). Friedrich Carl von Savigny tentang Hukum: Hukum sebagai Manifestasi Jiwa Bangsa. *Undang: Jurnal Hukum*, 3(1), 201–236. <https://doi.org/10.22437/ujh.3.1.201-236>
- Azizy, A. Q. (2006). *Menggagas Ilmu Hukum Indonesia*. Pustaka Pelajar.
- Budiartha, I. N. P. (2020). The legal pluralism in law education in Indonesia. *Journal of Advanced Research in Law and Economics*, 11(3). [https://doi.org/10.14505/jarle.v11.3\(49\).09](https://doi.org/10.14505/jarle.v11.3(49).09)
- Capra, F. (1997). *Titik Balik Peradaban: Sains, Masyarakat dan Kebangkitan kebudayaan* (1st ed.). Yayasan Bentang Budaya.
- Dayanto. (2013). Rekonstruksi Paradigma Pembangunan Negara Hukum Indonesia Berbasis Pancasila. *Jurnal Dinamika Hukum*, 13(3), 498–509.
- Dewi, D. A. (2018). Membangun Karakter Kebangsaan Generasi Muda Bangsa Melalui Integrasi Pendidikan Formal, Informal Dan Nonformal. *CIVICS: Jurnal Pendidikan Pancasila Dan Kewarganegaraan*, 2(1). <https://doi.org/10.36805/civics.v2i1.267>
- Donald Black. (1979). Common Sense in the Sociology of Law Author. *American Sociological Review*, 44(1), 18–27.
- Donald Black. (2010). *The Behavior Of*

- Law (Special Ed). Emerald Group Publishing.
- Faizal, L. (2016). Problematika Hukum Progresif Di Indonesia. *Ijtimaityya*, 9(2).
- Gunaryo, A. (2006). Dari Rule of Law Menuju Rule of Social Justice: Menggagas Hukum Progresif Indonesia. In *IAIN Walisongo Semarang dan Program Doktor Ilmu hukum Universitas Diponegoro* (1st ed.).
- Handayani, E. P., & Arifin, Z. (2020). Lonceng Kematian Pendidikan Hukum Di Indonesia Tinjauan Filosofis. *Suloh:Jurnal Fakultas Hukum Universitas Malikussaleh*, 8(1).
<https://doi.org/10.29103/sjp.v8i1.2491>
- Harold, S., Libicki, M., & Cevallos, A. (2016). Getting to Yes with China in Cyberspace. In *Getting to Yes with China in Cyberspace*.
<https://doi.org/10.7249/rr1335>
- Harun, M. (2019). Philosophical Study of Hans Kelsen's Thoughts on Law and Satjipto Rahardjo's Ideas on Progressive Law. *Walisongo Law Review (Walrev)*, 1(2).
<https://doi.org/10.21580/walrev.2019.2.2.4815>
- Johnston, J. S. (2007). Moral law and moral education: Defending Kantian autonomy. In *Journal of Philosophy of Education* (Vol. 41, Issue 2).
<https://doi.org/10.1111/j.1467-9752.2007.00555.x>
- Juana, H. (2005). Reformasi Pendidikan Hukum di Indonesia. *Jurnal Hukum Dan Pembangunan*, 35(1), 5.
- Karo-Karo, D. (2019). Membangun Karakter Anak Dengan Mensinergikan Pendidikan Informal Dengan Pendidikan Formal. *Journal of Chemical Information and Modeling*, 53(9).
- Kosim, M. (2011). Urgensi Pendidikan Karakter. *Karsa: Jurnal Sosial Dan Budaya Keislaman*, 1, 84–92.
- Kuchuk, A. M., Serdiuk, L. M., & Zavorodnia, Y. S. (2019). Modern law education in the context of natural understanding of law. *Asia Life Sciences*, 2.
- Lili Rasjidi, I. T. R. (2020). *Pengantar Filsafat Hukum* (5th ed.). CV. Mandar Maju.
- Luneto, B. (2014). Pendidikan Karakter Berbasis IQ, EQ, SQ. *Jurnal Irfani*, 10(1), 131–144.
- Mambaya, M. (2018). The Law Enforcement Reform Based on Pancasila Values: A Critical Review. *Papua Law Journal*, 1(1), 27–40.
<https://doi.org/10.31957/plj.v2i2.579>
- Mohamad, R. Bin, & Rideng, I. W. (2021). The Legal Pluralism in Law Education in Indonesia. *Sociological Jurisprudence Journal*, 4(1).
<https://doi.org/10.22225/scj.4.1.2635.1-5>
- Muhammad Kamil, E. K. (2013). Peran Pemimpin Adat Terhadap Proses Perumusan Kebijakan Di Desa (Studi Kasus Di Desa Adat Tenganan Pegringsingan, Kecamatan Manggis, Kabupaten Karangasem, Bali). *Jurnal Politico*.
- Mujiburrahman. (2016). Urgensi Perguruan tinggi dalam pembentukan karakter Bangsa. *Jurnal MUDARRISUNA*, 6(1), 162.
- Mujiwati, Y. (2017). Peranan Pendidikan Karakter Dalam Pembangunan Karakter Bangsa. *Jurnal Ilmiah Edukasi & Sosial*, 8(2).
- Mukhidin. (2014). Hukum Progresif sebagai Solusi Hukum yang mensejahterakan Rakyat. *Jurnal Pembaharuan Hukum*, 1(3).
- Nakissa, A. (2020). Cognitive science of religion and the study of islam: Rethinking islamic theology, law, education, and mysticism using the works of al-ghazālī. In *Method and Theory in the Study of Religion* (Vol. 32, Issue 3).
<https://doi.org/10.1163/15700682-12341474>
- Pamungkas, E. . (2010). *Peradilan Sesat: Membongkar kesesatan hukum di Indonesia* (U. Himawan (ed.); 1st

- ed.). Navila Idea.
- Putro, W. D. (2020). Menemukan Kebenaran Hukum dalam Era Post-Truth. In W. D. P. Tristam Pascal Moeliono (Ed.), *Legalitas: Jurnal Hukum* (1st ed., Vol. 12, Issue 1). Senabil.
<https://doi.org/10.33087/legalitas.v12i1.190>
- Rahardjo, S. (1997). Pendayagunaan Sosiologi Hukum Untuk Memahami Proses-Proses Sosial dalam Konteks Pembangunan Globalisasi. *Tema Utama*, 4(7).
- Rahardjo, S. (2006). *Hukum Progresif Sebagai Dasar Pembangunan Ilmu Hukum Indonesia: Menggagas Hukum Progresif Indonesia. IAIN Walisongo Semarang dan Program Doktor Ilmu Hukum Universitas Diponegoro* (A. G. dan M. Ramadhan (ed.); 1st ed.). Pustaka Pelajar.
- Rahardjo, S. (2007). *Membedah Hukum Progresif* (F. M. I Gede A.B, Wiranata, Joni Emirzon (ed.); 2nd ed.). Penerbit Buku Kompas.
- Rhiti, H. (2016). Landasan Filosofis Hukum Progresif. *Justitia et Pax*, 32(1).
<https://doi.org/10.24002/jep.v32i1.760>
- Romadan, s. (2021). Peran Pendidikan Tinggi Hukum Dan Urgensi Mahasiswa Dalam Mewujudkan Hukum Yang Berkeadilan. *CREPIDO*, 3(1).
<https://doi.org/10.14710/crepido.3.1.33-44>
- Samekto, A. (2006). *Membangun Kesadaran Baru Melalui Studi Hukum Kritis: Menggagas Hukum Progresif Indonesia: IAIN Walisongo Semarang dan Program Doktor Ilmu Hukum Universitas Diponegoro* (A. G. dan M. Ramadhan (ed.); 1st ed.). Pustaka Pelajar.
- Samekto, F. X. A. (2012). Menggugat Relasi Filsafat Positivisme Dengan Ajaran Hukum Doktrinal. *Jurnal Dinamika Hukum*, 12, 74–84.
- Samsuri, M. (2021). Relevansi Hukum Progresif Terhadap Hukum Islam. *Mamba'ul 'Ulum*, 17(2), 38–48.
<https://doi.org/10.54090/mu.48>
- Saputri, N. E., & Kusdarini, E. (2021). Kontribusi Sistem Hukum Eropa Kontinental Terhadap Pembangunan Sistem Hukum Nasional Di Indonesia. *Masalah-Masalah Hukum*, 50(4), 363–372.
<https://doi.org/10.14710/mmh.50.4.2021.363-372>
- Sarmadi, A. S. (2012). Membebaskan Positivisme Hukum ke Ranah Hukum Progresif (studi Pembacaan teks Hukum Bagi Penegak Hukum). *Jurnal Dinamika Hukum*, 12(2 Mei), 333.
- Setiawan, B. (2018). Penerapan Hukum Progresif oleh Hakim Untuk Mewujudkan Keadilan Substantif Transendensi. *Kosmik Hukum*, 18(1).
<https://doi.org/10.30595/kosmikhukum.v18i1.2338>
- Spence, G. (2004). *Code Napoleon or The French Civil* (2nd ed.). The Lawbook Exchange, LTD.
- Sulaiman, S., & Rahayu, D. P. (2018). Pembangunan Hukum Indonesia Dalam Konsep Hukum Progresif. *Hermeneutika : Jurnal Ilmu Hukum*, 2(1).
<https://doi.org/10.33603/hermeneutika.v2i1.1124>
- Suparman, H. A. (2015). Pendidikan Hukum Humanistik. *Jurnal Wawasan Hukum*, 32(1), 52.
- Suteki. (2010). *Rekam Jejak Pemikiran Prof. DR. Satjipto Rahardjo, SH* > (Seminar Hukum Progresif Dan Pembaharuan Hukum Indonesia).
- Tamanaha, B. Z. (2004). On the Rule of Law. *On the Rule of Law*.
<https://doi.org/10.1017/cbo9780511812378>
- Tang, Y. (2021). Compiling Life-Oriented Moral Education Textbooks for Elementary Schools in China: The Mimetic Approach in Morality and Law. *ECNU Review of Education*.
<https://doi.org/10.1177/2096531120982961>

- Ufran, U. (2019). Penegakan Hukum Dalam Perspektif Hukum Progresif. *Perspektif Hukum*, 19(2). <https://doi.org/10.30649/phj.v19i2.205>
- Wang, J. (2020). A Study On The Effect Of Law Education On Attitude Toward Rule Of Law Based On The Perspective Of Legal Knowledge. *Revista de Cercetare Si Interventie Sociala*, 69. <https://doi.org/10.33788/rcis.69.24>
- Warkum Sumitro, Moh. Anas Kholish, L. M. (2017). *Hukum Islam dan Hukum Barat* (D. Y. Putri (ed.); 1st ed.). Setara Press.
- Yuan, X. (2021). On the knowledge education of law practice teaching in law education. *International Journal of Electrical Engineering and Education*. <https://doi.org/10.1177/00207209211013457>