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Ridwan Arifin SH LLM +6281225294499
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Ridwan Arifin SH LLM +6281225294499
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Actualization of Archipelagic Concept in Legal Curriculum to Create Integrity Law Graduates

Ayon Diniyanto
Faculty of Law, Universitas Negeri Semarang

ABSTRACT
According to the Constitution of 1945 Indonesia recognized as a rechtsstaat which means that every State activities have to be based on legal formal instrument. Meanwhile, in the practical, law enforcement in Indonesia still not appropriate as people as expected. Many factors lead to poor law enforcement in Indonesia from the legal substance, legal structure, and legal culture. The condition is certainly very problematic when law enforcement cannot enforce the justice. Its means there are various factors lead the poor quality of law enforcement in Indonesia. Educational factor on the legal study is fundamental to create law enforcement with integrity and fairness. No wonder when the legal education into the public spotlight rarely. The legal education have not been able optimally to create law enforcement with integrity. This means that there is something wrong in the legal education. The legal curriculum is one of the main factor on creating the law graduates with integrity. Currently legal educational has not been input or actualize the Archipelagic concept insight into the legal curriculum. Yet Archipelagic concept is a perspective nation of Indonesia as a whole for the benefit of the Indonesian people. Besides Archipelagic concept also taught to understand the nation of Indonesia as a nation that is diverse in the scope of unity. Archipelagic concept also provide insight to respect differences in order to achieve national goals. So the Archipelagic concept is the perception of the Indonesia goal as stipulated in accordance with the constitution, namely (1) protect the entire Indonesian nation and the entire motherland, (2) promote the general welfare, (3) educating the nation, and (4) implementing order world. The fourth Archipelagic concept is a unity to realize the Indonesia state goal. It is means that it is time for science education curricula to law to enter or to actualize the concept of Archipelagic concept. When the Archipelagic concept has been incorporated into the actualized legal curriculum, legal education will be able to create the law graduates which have Archipelagic concept. Law enforcement in Indonesia is required to have an Archipelagic concept. Its because law enforcement will enforce the law in Indonesia that have diversity. While the law in Indonesia have started in harmonize not mean law enforcement in Indonesia should be equated. Indonesia heterogeneous conditions it is possible to enforce a heterogeneity. Not all law enforcement performed equally will bring justice. Quite the different law enforcement can sometimes reflect justice is based on the insight that described the Archipelagic. Therefore it is time for law enforcement in Indonesia has Archipelagic concept depth so that when enforcing the law could lead to justice in accordance with the diversity of Indonesia based on Archipelagic concept. It can be ascertained if law enforcement is able to enforce the law fairly by the Archipelagic concept is possible law enforcement purposes in Indonesia will be achieved. So it should be stressed that the legal curriculum should be included or actualize the Archipelagic concept from now that law enforcement purposes and objectives of the Indonesian state can be realized.

Introduction
According to the Constitution of 1945 Indonesia recognized as a rechtsstaat, which means that every State activities have to be based on legal formal instrument. Indonesia as a legal state in the running life of the country is always based on the law. World Justice Project (WJP) stated there are four universal principles of law country, namely 1) the government, individuals or private parties accountable before the law; 2) State have laws are clear and enforced fairly; 3) law enforcement can be conducted in a fair and open; and 4) the realization of justice for the entire community. WJP further divide the country into nine factors...
according WJP law consisting of government power restriction factor; the loss factor of corruption; transparent governance factor; factor of human rights; factor of order and security; factor regulatory enforcement; factor of private law; factor of criminal law; and informal legal factors1.

Indonesia as a rechtsstaat in his journey is still experiencing problems related to law enforcement. Law enforcement in Indonesia is still not in line with expectations. Many factors lead to poor law enforcement in Indonesia starting from the legal substance, legal structure, and legal culture to the law enforcement that is often problematic. Data from WJP reported in 2015 stating that the enforcement of the regulations in particular law enforcement in Indonesia is still in 46th place worldwide. Private law section puts Indonesia at 67th in the world rankings with the problem of corruption and ineffective enforcement. In addition, the use of the court system is still minimal. Indonesia's criminal law section was ranked 71 out of 99 countries lagged. The state of paralysis because the process of investigation, social system that has not been effective, and violations of the law enforcement process2.

Law enforcement can be regarded as a step to make the enforcement of the legislation and also to uphold the rule of law. Efforts to enforce the norms can be done through the elaboration of the implementation of the norms and application of legal norms in a tangible form3. Not surprisingly, law enforcement in Indonesia is still low or bad. Condition is certainly very problematic when law enforcement can not enforce the legal justice. This means that there are various factors that lead to poor quality of law enforcement in Indonesia. Factors of education on the study of the legal science is fundamental to create law graduates with integrity and justice. No wonder when the education of legal science often once into the public spotlight. Legal education have not been able optimally to create law graduates with integrity and fairness. This means that there is something wrong in the educational process of law. The legal curriculum is one of the main factors in providing the design law graduates with integrity and justice through legal education.

The curriculum of legal education is many problem in the context and application. The curriculum of legal education has not been fully incorporate the curriculum related to the context of Indonesian. The curriculum of legal education forward current law over the law of the western theory and application of rigid from curriculum of legal education. Currently the legal education has not been input or actualize

1 World Justice Project. Laporan tentang Indonesia: Dipersiapkan oleh World Justice Project. 19-21 Januari 2015. p. 3-5
2 Ibid. p. 21-24.
3 Asshiddiqie. tt. Article. Pancasila dan Empat Pilar Kehidupan Berbangsa. p. 1.
of concepts related to Indonesia. Concepts related to Indonesia in legal education that Archipelagic. Archipelagic must enter into curriculum of legal education. Archipelagic is an Indonesian perspective whole nation for the benefit of the Indonesian people. Besides insight Archipelagic also taught to understand the nation of Indonesia as a nation that vary in scope unity and cohesion.

The entry of Archipelagic in the curriculum of legal education is one solution to create a sound legal science education Archipelagic. So as to create a sound law graduates Archipelagic and to uphold the law based on justice and Archipelagic.

**Actualization of Archipelagic Concept**

The Indonesian Archipelagic has tens of thousands of inhabited islands and uninhabited. Indonesian nation in the running life of the nation has a national perception that Archipelagic. Archipelagic has its own nature is the way complete and comprehensive view of the scope of the Indonesian Archipelag in the national interest or with the understanding that complete. Archipelagic for the Indonesian nation is a perspective and attitude about themselves and the nation of Indonesia condition with a diverse and strategic values of unity and urgent to unity and still appreciate and respect diversity in every aspect of national life to achieve national objectives Indonesia.

Archipelagic true for Indonesia is an important pillar in maintaining the integrity of the nation. Archipelagic for the Indonesian nation and state where at least can be viewed from two aspects, namely physical geography cultural aspects of Indonesia and the Indonesian people. Indonesian territory which consists of thousands of islands separated by the sea as well as the distance between the centre and regions far made Indonesia vulnerable to disintegration. Indonesian society consisting of various tribes, languages and customs can lead to potential conflict.

Despite the fact that Indonesia consists of various tribes, languages, and customs as well as having a separate area by the sea shore. Indonesia in the running life of the nation must be based on the law. This is according to the mandate of the Constitution of the Republic of Indonesia Year 1945 Article 3 which states that Indonesia is a *rechstaat*. Meaning of Indonesia in implementing good governance and social life must be based on law. Laws must be executed in Indonesia is a country of law recognized by Indonesia. Law recognized by the state not only the laws made by the state but also the living law in Indonesian society since ancient times and is still going on in society.

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4 Sunarto, et.al. 2013. *Pendidikan Kewarganegaraan di Perguruan Tinggi*. Semarang: UNNES PRESS. p. 63.
5 *Ibid.*
Constitution of the Republic of Indonesia Article 18B, paragraph 2 states that the State recognizes and respects units of indigenous and tribal peoples and their traditional rights long as they live, and in accordance with the development of society and the principles of the Unitary Republic of Indonesia stipulated in the legislation. See the article can be said that the nation of Indonesia recognizes customary law community unit, which is part of the Archipelagic. Linkages Archipelagic with the curriculum of legal education of the law is the concept of Archipelagic. Currently Archipelagic concept has not been applied in the education curriculum of law.

**Archipelagic Concept in Legal Curriculum**

Concept Archipelagic in the curriculum of legal education is the teaching of law related to the Archipelagic. Related teaching Archipelagic can be done by forming the subjects related to the Archipelagic directly. Basically the concept of Archipelagic in legal science curriculum that provides knowledge or materials related to the Archipelagic. Article 1, paragraph 19 of Act No. 20 of 2003 on National Education System states that the definition of the curriculum is a set of plans and arrangements regarding the objectives, content and learning materials as well as the means used to guide the implementation of learning activities to achieve specific educational goals.

The concept of Archipelagic addition to containing associated with the understanding also includes an understanding Archipelagic intact related to the level of how to implement Archipelagic in everyday life. So it can be said that the concept will provide know Archipelagic associated with intact while legal science curriculum, especially curriculum serves to achieve educational goals. This means that the curriculum can be used as a bridge to create educational of Archipelagic.

Archipelagic actually is pillar or a cardinal principle in the life of the nation. Jimly Asshiddiqie proposed four pillars to be used as the translation of the four basic principles. Four pillars, which are composed of:

1. **Undang-Undang Dasar 1945**
2. **Negara Kesatuan Republik Indonesia**
3. **Bhineka Tunggal Ika**
4. **Wawasan Nusantara**

*Wawasan Nusantara* or Archipelagic is one of the nation's philosophy Indonesia because it can affect the way people view the Indonesian nation in achieving the goals of the Indonesian nation. Unexaggeration to place Archipelagic as a pillar of the nation and state. Archipelagic actually should be promoted to the Indonesian people.

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6 Undang-Undang Negara Republik Indonesia Nomor 20 tahun 2003 Tentang Sistem Pendidikan Nasional.
7 Asshiddiqie. Op.Cit. p. 5-6.
considering Indonesia is a maritime country. Besides the differences in ethnicity, culture and customs as described above makes Archipelagic it become very important pillar of the Indonesian people viewing patterns to achieve the purpose of the State of Indonesia.

Archipelagic is proper concept in the legal curriculum. The legal curriculum not only contains material or concepts related to common law and anglo saxon. But there should be a legal science curriculum concepts related to the Archipelagic. The curriculum must include an understanding of law related to the Archipelagic. This means that in legal science curriculum there should be a matter or course that contains Archipelagic directly. Although the science curriculum there are subjects of law has been associated with the Archipelagic as customary law, customary inheritance laws and so forth. But in the legal curriculum would be better if there is a material or courses that contain related knowledge directly Archipelagic. Materials or courses not only offensive Archipelagic associated with it contains about the history, theory, concepts, and practices or implementation in life.

Archipelagic their concepts into the legal curriculum through matter or subject Archipelagic true legal science curriculum is the first step in providing an understanding of the Archipelagic of students of legal science. The entry of the concept of Archipelagic will provide a paradigm or worldview law students against the State of Indonesia in achieving the Indonesian State within the meaning of the Archipelagic.

**Actualization of Archipelagic Concept in the Legal Curriculum**

A concept will die or passive when the concept is not well implemented at the level of practice. Therefore actualization is a process or stage in the implementation of a real level. Actualization interpreted as a major early in spurring behavior. According Goldstein in Suryabrata. Self-actualization is the principal motive that drives the behavior of the individual (organism).³

The theory of actualization if it is associated with the concept of Archipelagic into the legal curriculum then it is the practice to apply the concept of Archipelagic in our life. Archipelagic concepts learned in the legal curriculum can be actualized by law students in our life. The actualization of the concept of Archipelagic is a process for creating legal students Archipelagic. Not only insightful but also the Archipelagic able to apply in everyday life. So if the student has completed legal studies and has law graduates can apply Archipelagic as pillars to uphold the law.

It has been explained above that the geographical condition of Indonesia's vast and Indonesia had a variety of tribes, cultures, and

³ Suryabrata, Sumadi. 2006. *Psikologi Pendidikan.* Jakarta: PT Raja Grafindo Persada. p. 326.
customs or customary laws made Indonesia has not been possible to apply the national law as a whole. The existence of constitutional guarantees related to the growth of customary law is a space for the development of customary law. Therefore, it has not been possible to apply the national law as a whole even though national law is as it should be applied thoroughly. These circumstances require different law enforcement. The multiplicity of cultures and customs in Indonesia provide space so that law enforcement is not done universally, but the condition of the surrounding area.

Indonesia heterogeneous conditions it is possible to enforce a heterogeneously. Not all law enforcement performed equally will have justice. Quite the different law enforcement can sometimes reflect justice is based on the insight that the country that has been described. Because, basically, more justice on the substance of justice. Aristotle in this book title Rethirica say that justice consists of two kinds of distributive justice and commutative justice. Distributive justice that justice is given to each individual based on their rights. So justice here is not on the similarity or equality, but rather comparable. Commutative justice that justice is given to every individual as equally or more on their similarities.

This means that if we refer to the theory of justice according to Aristotle does not necessarily embody equal justice, but justice is manifested when comparable. Linkages with heterogeneous law enforcement in Indonesia conditions different then law enforcement can also be performed vary as long as the purpose is to justice as distributive justice theory of Aristotle. Heterogeneous law enforcement can be done in a heterogeneous as well so that the results obtained can be realized which is comparable justice.

Heterogeneous law enforcement will be realized when law graduates has insight regarding the condition of Indonesia is heterogeneous. Law enforcement as it would exist if it is able to understand and be able to implement Archipelagic at the level of law enforcement. Because it was time for law enforcement in Indonesia has a deep insight into the Archipelagic so as to uphold the law can lead to justice in accordance with the diversity of Indonesia based on insight Archipelagic. Law graduates Archipelagic will be created if the law students are able to understand and actualize or apply Archipelagic since his student days and our life. That is the actualization of the concept of Archipelagic into the curriculum of law is very fundamental in order to create the integrity of law graduates and insightful Archipelagic and was able to realize that law enforcement based on justice and Archipelagic.

It can be ascertained if the integrity of law enforcement is able to enforce the law fairly based on the insights of the Archipelagic is

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9 Kansil. C.S.T. 1999. *Pengantar Ilmu Hukum Jilid 1*. Jakarta: Balai Pustaka. hlm. 15-16.
possible the purposes of law enforcement in Indonesia will be achieved. Because the purpose of law enforcement is a goal of country and teh purpose of Indonesia has been stated in the Archipelagic insight. So it should be stressed that legal science curriculum should include or actualize the Archipelagic insight from now that law enforcement purposes and objectives of the Indonesian state can be realized. Law enforcement purposes can be realized when law enforcement has the integrity and vision of the Archipelagic. The purpose of the state can be realized when law graduates to uphold the law fairly based on Archipelagic.

**Conclusion**

Actualization of the Archipelagic concept into real legal science curriculum aims to create a sound law students Archipelagic. Law students sound the Archipelagic will be law enforcement with integrity. It can be ascertained when the law students become law with integrity and Archipelagic so as to actualize and implement in practice the rule of law. The situation will certainly law enforcement in Indonesia will be able to realize the integrity and fairness Archipelagic.

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Ab Assuestis Non Fit Injuria is a Latin maxim. It means, from accustomed things an injury is not done. It denotes that a legal injury does not arise from a situation to which a person has long been accustomed.