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Mainstreaming Progressive Law: Toward an Emancipatory Paradigm in Legal Higher Education

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Abstract: This paper addresses the deep-rooted crisis in Indonesian legal higher education by proposing the mainstreaming of Progressive Law as an emancipatory response. Current legal education often reinforces a rigid, positivist framework that distances future legal professionals from the lived realities of marginalized communities. Drawing from the intellectual legacy of Satjipto Rahardjo, the paper calls for a paradigm shift: from legal formalism toward a human-centered, socially engaged, and justice-oriented model of learning. The article introduces "turun ke bawah"—a method of direct engagement with vulnerable groups—as a critical

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pedagogical approach that bridges theory and praxis. In doing so, it critiques both the Langdellian model and the technocratic orientation of conventional legal instruction, which tends to produce legal technicians rather than legal thinkers. The proposed curriculum reform centers on the institutionalization of a dedicated Progressive Law course that integrates socio-legal methodologies, pluralistic legal traditions, and ethical reflexivity. Ultimately, the paper argues that reforming legal education is not merely a technical or academic endeavor, but a moral imperative to reclaim law as a tool for emancipation, justice, and social transformation in an increasingly complex and plural society.

Keywords: Progressive Legal Education; Legal Emancipation; Satjipto Rahardjo; Socio-Legal Methodology; Curriculum Reform.

Resumen: Este artículo aborda la crisis profundamente arraigada en la educación jurídica superior en Indonesia proponiendo la institucionalización del Derecho Progresista como una respuesta emancipadora. La educación jurídica actual suele reforzar un marco positivista y rígido que aleja a los futuros profesionales del derecho de las realidades vividas por las comunidades marginadas. Basándose en el legado intelectual de Satjipto Rahardjo, el texto propone un cambio de paradigma: pasar del formalismo jurídico a un modelo de aprendizaje centrado en el ser humano, socialmente comprometido y orientado a la justicia. El artículo presenta el método de "turun ke bawah"—una forma de compromiso directo con grupos vulnerables—como una estrategia pedagógica crítica que articula la teoría con la praxis. Al hacerlo, critica tanto el modelo langdelliano como la orientación tecnocrática de la instrucción jurídica convencional, que tiende a formar técnicos legales en lugar de pensadores jurídicos. La reforma curricular propuesta se centra en la institucionalización de un curso dedicado al Derecho Progresista que integre metodologías sociojurídicas, tradiciones jurídicas pluralistas y una reflexividad ética. En última instancia, el artículo sostiene que reformar la educación jurídica no es simplemente una tarea técnica o académica, sino un imperativo moral para recuperar el derecho como una herramienta de emancipación, justicia y transformación social en una sociedad cada vez más compleja y plural.

Palavras-Chave: Educación Jurídica Progresista; Emancipación Legal; Satjipto Rahardjo; Metodología Sociojurídica; Reforma Curricular.

1. Introduction

The issues faced in the development of higher education in Indonesia, including in the field of law, revolve around how to sustain and enhance the quality of legal education so that it can meet societal needs and stand independently[3]. Various obstacles influence these efforts, especially regarding the function of law as a tool for societal reform[4]. Mochtar Kusumaatmadja[5] identified several key challenges, including the difficulty in formulating reform goals, the lack of empirical data for descriptive and predictive analysis, and the challenges in determining objective indicators for the success of legal reform. Moreover, charismatic leadership that fails to understand the role of law in society often hampers progress toward a rule-of-law state. Young nations such as Indonesia, which emerged through the struggle for independence, also face unique challenges, including a lack of respect for the law, which is frequently perceived as a colonial legacy.

Inertia or resistance to legal change, the complexity of a pluralistic society,

[3] VEL, J.; BEDNER, A. "Legal education in Indonesia", *The Indonesian Journal of Socio-Legal Studies*, v. 1, n. 1, 2021, p. 6.; IRIANTO, S. "Legal education for the future of indonesia: A critical assessment", *The Indonesian Journal of Socio-Legal Studies*, v. 1, n. 1, 2021, p. 1-36.
[4] NAJMUDIN, N. "Pokok-pokok Pemikiran Pendidikan Hukum di Indonesia dalam Memenuhi Kebutuhan Masyarakat", *Syiar Hukum: Jurnal Ilmu Hukum*, v. 13, n. 2, 2011, p. 90-105.
[5] KUSUMAATMADJA, M. *Konsep-Konsep Hukum Dalam Pembangunan*. Alumni, Bandung, 2002.

and the limited availability of facilities and incentives for educators further exacerbate the situation. Worse still, legal education in many universities has become a process of rote memorization. In such conditions, efforts at reform in one area often result in setbacks or imbalances in another. Therefore, Mochtar emphasized the necessity of careful planning and fair regulation as a sine qua non condition for the advancement of legal education.

Legal issues in a developing society can at least be categorized into two domains: first, issues related to personal life and the society's cultural and spiritual values; and second, issues concerning the community's relationship with value-neutral forces of modernization. Hence, reform in legal education must go beyond technical aspects such as curriculum and teaching methods and must also address the fundamental attitudinal problems toward law in society.

The national discourse on reforming legal education began as early as the Inter-Regional Conference in Yogyakarta in 1962, which addressed the guided study system and training programs to enhance teaching staff capacity. In 1969, a committee of experts that evolved into the Law Science Sub-Consortium held in-depth discussions on the direction of legal education. They concluded that legal experts in an independent country must not only fill bureaucratic roles but also actively engage in legislation, judiciary, and education with a nation-building orientation. This reorientation demanded a shift in teaching methods from lecture-based to more critical and participatory approaches[6].

Satjipto Rahardjo[7] provided a sharp critique of modern legal education, which he viewed as having become a stage for formal legal actors obsessed with rational and procedural identification. In this setting, the law no longer focuses on humans but instead revolves around legal status and technicalities. Legal education, thus, transforms into a factory producing operators for the modern legal system. If we want legal education to serve as the vanguard of cultural reform in Indonesia's legal system, then it must shift toward a human-centered approach. The curriculum must be restructured to support this vision, ensuring that legal education is not merely technical and professional training, but also a space for nurturing maturity and human values.

Today, the development of law enforcement in Indonesia indicates a decline in quality. A major contributing factor is the erosion of integrity among law enforcement officials, who are increasingly vulnerable to behavioral misconduct in their duties. These include administrative malpractice, violence against suspects or defendants, selective law enforcement, and bribery, all of which lead to the commercialization of the law. The decline in integrity directly undermines the quality of justice delivered[8]. Therefore, it is crucial to instill integrity early on in law students as future legal practitioners to ensure a more just and civilized legal system in the future[9].

Article 5 of Law Number 12 of 2012 on Higher Education states that higher education aims to produce knowledge and technology based on humanistic values for national progress. Higher education must also provide meaningful contributions to society through service that enlightens the nation. One form of welfare in the field of law is the realization of justice that is evenly experienced by all elements of society—an understanding that every law student must deeply internalize[10].

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[6] IRIANTO, S.; SANTOSO, T. (ed.) *Seabad Dialektika Pendidikan Hukum dan Praktik Hukum di Indonesia*, Yayasan Pustaka Obor Indonesia, Jakarta, 2024.

[7] RAHARDJO, S. "Pendidikan hukum sebagai pendidikan manusia", *Law Reform*, v. 1, n. 1, 2006, p. 1-10.

[8] KIRBY, N. "An 'institution-first' conception of public integrity", *British Journal of Political Science*, v. 51, n. 4, 2021, p. 1620-1635.; COLQUITT, J. A.; RODELL, J. B.; JUSTICE, T. "Trustworthiness: A longitudinal analysis integrating three theoretical perspectives", *Academy of Management Journal*, v. 54, n. 6, 2011, p. 1183-1206.

[9] ABIDIN, H. S.; SULTANSYAH, A. F. "Building integrity in law students before they become lawyers in Indonesia", *Asian Journal of Legal Education*, v. 10, n. 2, 2023, p. 140-151.

[10] NUGROHO, I. I.; RENAWATI, N.; YAKIN, N. H. N. "Reformasi Pendidikan Hukum Berbasis Law Case Study Guna Menghasilkan Sarjana Hukum yang Pancasilais di Era Society 5.0", *Recht Studiosum Law Review*, v. 1, n. 2, 2022, p. 1-13.

In response to the moral degradation challenges brought by technological advancements, the formation of highly ethical law enforcers becomes increasingly urgent. As Barda Nawawi Arief[11] has noted, improving education quality will yield trustworthy legal professionals (alamin), who not only understand the law as homo juridicus but also uphold ethical values as homo ethicus. Justice must not be enforced solely through legal texts (legal positivism), but also by taking into account sociological dimensions and social contexts. Hence, the integrity and morality of law enforcers significantly influence their perspectives and decision-making processes in legal cases.

Legal higher education in Indonesia is facing serious challenges in responding to the evolving needs of society—socially, culturally, and technologically. The core issue lies not only in outdated curricula or conventional teaching methods but also in the system's unpreparedness to cultivate legal actors who are critical, humanistic, and progressive. The critique of legal education as a factory of legal technicians who focus on text but ignore context has become increasingly relevant, particularly amid the chaotic state of national law, declining institutional integrity, and the rampant commercialization of legal practices[12].

In this regard, Satjipto Rahardjo[13] concept of progressive law offers a new direction for legal education reform. Law should not be viewed merely as a collection of written norms but as an integral part of social life, sensitive to substantive justice. Thus, legal education should not be confined to a legal-dogmatic approach but must embrace multidisciplinary and socio-empirical methods.

Globally, there is a notable shift in legal education paradigms toward models that are more contextual and responsive to change[14]. Unfortunately, legal higher education in Indonesia remains mired in rigid legal positivism. Radical breakthroughs are needed—not only in curricular structure but also in the very perception of what law is. The idea of "descending to the grassroots" as a new method and model of learning becomes essential to bridge students with social realities and to strengthen engagement between academia and the broader community.

This paper proposes mainstreaming Progressive Law as a specialized course in legal higher education. This course is not only conceptually important but also practically urgent, as a response to the legitimacy crisis of the legal system and the erosion of public trust. Through a learning model that is more dialogical, reflective, and directly engaged with vulnerable communities, legal education can produce legal professionals who are not only technically proficient but also ethically and socially committed.

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[11] ARIEF, B. N. "Masalah penegakan hukum dan kebijakan hukum pidana dalam penanggulangan kejahatan", 2009. Available at: http://library.um.ac.id/free-contents/index.php/buku/detail/masalah-penegakan-hukum-dan-kebijakan-hukum-pidana-dalam-penanggulangan-kejahatan-barda-nawawi-arief-34260.html.

[12] PRASANTHI, A.; DARYONO. "The Indonesia legal education: advancing law student's understanding to real legal issues", *The Indonesian Journal of Socio-Legal Studies*, v. 2, n. 2, 2023, p. 1-20.

[13] RAHARDJO, S. "Pendidikan hukum sebagai pendidikan manusia", *Law Reform*, v. 1, n. 1, 2006, p. 1-10.

[14] GARTH, B.; SHAFFER, G. "The globalization of legal education: A critical perspective", in (GARTH, B.; SHAFFER, G. ed.), *The Globalization of Legal Education: A Critical Perspective*, Oxford University Press, Oxford, 2022.

2.The crisis of higher education in law in the global and national context

In a global context, the urgency to reform higher legal education cannot be separated from the paradigm shift in law itself. In various parts of the world, legal education is shifting from a legal-dogmatic approach to a multidisciplinary and contextual approach. In India, South Africa, and even in some Scandinavian countries, legal education now emphasises not only textual aspects, but also social, economic, cultural, and environmental aspects[15]. Therefore, Indonesia must participate in this wave of reform if it does not want its legal education to be substantially left behind.

Furthermore, it is also important for Higher Legal Education to start integrating legal technology (legal tech) into its curriculum[16]. In the era of digital disruption, algorithms, artificial intelligence, and big data have begun to be used to assist in dispute resolution, verdict prediction, and legal services[17]. If higher legal education is still stuck in the old paradigm, its graduates will lose their competitiveness in the national and global spheres. Therefore, in addition to strengthening the social and moral dimensions, the integration of legal technology is also urgent so that progressive law remains relevant to the times[18].

Higher Legal Education is in crisis, more or less what Tamanaha[19] said in Failing Law School, an article about the crisis of higher legal education in America. There, Tamanaha accused law schools of having 'taken' too much without paying attention to the output of the resulting agents. These criticisms, although some of them seem too 'technical' rather than conceptual, are quite relevant to the condition of higher legal education in Indonesia. Tamanaha discusses a lot, for example, the distance between professors and students, the use of accreditation directed for the benefit of professors, the high cost of education, the length of study, and so on.

Every year, thousands of new students flood universities, and many of them choose the faculty of law as their destination. Every year, thousands of students graduate with bachelor's, master's, or doctoral degrees in law. Some of them become lawyers, prosecutors, judges, consultants, notaries, educators, and various other professions. Surprisingly, the high 'productivity' rate of higher legal education in producing these legal agents ironically runs parallel to the chaotic state of the law. Thus, I think it is correct to follow Tamanaha, it can be said that our Higher Legal Education is (also) in crisis.

The assumption in this paper is that humans are the ideal subject. From this assumption of the ideal human being, I think that conceptual criticism can be levelled. So this paper tries as little as possible to level technical criticism and focuses more on conceptual criticism. However, in the context of higher legal education in Indonesia, technical criticism seems difficult to avoid.

When Christopher Columbus Langdell introduced his case law study model,

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[15] TORBJÖRNSSON, T.; LUNDHOLM, C.; HARRING, N. "Environmental sustainability and legal education: Swedish law student's value orientation", *Retfærd. Nordisk Juridisk Tidsskrift*, v. 41, n. 3-4, 2018, p. 99-115.; SALUNKE, S. "Legal education in India: Reflecting on the past for a brighter future," Asian Journal of Legal Education, 2024, p. 23220058241305560.; CHAKRABORTY, S. K.; KRISHNA, T. "Promises and prospects of legal education in India in the context of the new education policy: A reality check", *Asian Journal of Legal Education*, v. 9, n. 1, 2022, p. 64-85; MADLALATE, R. "Legal education in South Africa: Racialized globalizations, crises, and contestations", in (GARTH, B.; SHAFFER, G. ed.), *The Globalization of Legal Education: A Critical Perspective*, Oxford University Press, Oxford, 2022.

[16] JACKSON, D. "Human-centered legal tech: Integrating design in legal education", *The Law Teacher*, v. 50, n. 1, 2016, p. 82-97.; RYAN, F. "Rage against the machine? Incorporating legal tech into legal education", *The Law Teacher*, v. 55, n. 3, 2021, p. 392-404.

[17] BHUSHAN, T. "The influence of incorporating modern technologies into the legal curriculum as effective teaching approach in higher education", *Indonesian Journal of International Law*, v. 20, n. 1,2022, p. 19-42.; STAUDT, R. W.; LAURITSEN, M. "Justice, lawyering and legal education in the digital age: Introduction", Chicago-Kent Law Review, v. 88, 2013, p. 687.

[18] SUTEKI. H. *Moral dan Agama*. Thafa Media, Yogyakarta, 2023.

[19] TAMANAHA, B.Z. *Failing Law Schools*. University of Chicago Press, Chicago, 2012.

he offered a teaching approach that remains relevant as a point of comparison for higher legal education today[20]. According to Langdell, a legal expert must first possess a solid understanding of legal principles and doctrines in relation to real-world conditions, and second, must be able to test and apply those principles in actual legal cases. Although his method has faced criticisms, I consider Langdell's approach to be a minimum requirement for legal education, as it encourages both deductive learning—through the study of principles—and inductive correction—through case analysis.

Langdell's model, as interpreted by Redlich, originates from the belief that law and judicial decision-making are inherently casuistic and individualized. This case-based method not only facilitates an understanding of legal content but also sharpens analytical skills through practice. As a result, legal education guided by this model aims to produce practitioners who are proficient in both substantive legal knowledge and the reasoning skills needed to analyze complex cases.

In addition, Langdell made further contributions beyond the case-law method. He advocated for the appointment of professors and introduced the Socratic method in legal education. These innovations quickly gained popularity, spreading from Harvard to other American institutions such as Columbia, Northwestern, Cincinnati, and Stanford. His model shifted legal education toward a more rigorous and analytical framework, emphasizing critical thinking and student engagement with case material.

However, Langdell's model was not without opposition. The American Bar Association (ABA) raised concerns that the Harvard-style case method reduced students' competitive spirit and overly emphasized "instruction"—focusing on abstract legal definitions rather than practical application. Critics also argued that the Socratic model produced students more prepared for intellectual duels than for the empathetic and practical role of legal counsel.

This criticism reflects a deeper epistemological issue: whether legal reasoning should be predominantly deductive—as in applying general rules to specific cases—or inductive, drawing principles from accumulated case outcomes. In common law systems, such as those in Anglo-Saxon countries, a judge applies established norms to specific facts, a process that is essentially deductive. Yet Langdell's vision allowed for the testing of legal doctrines inductively, recognizing that evolving cases contribute to the development of law itself.

In the Indonesian context, applying Langdell's model invites a necessary

[20] Christopher Columbus Langdell, a pioneering figure in American legal education, introduced the case method at Harvard Law School in 1870. His approach revolutionized legal education by encouraging students to analyze judicial decisions independently, rather than relying solely on lectures or textbooks. Langdell believed law was a "science" that could be studied through systematic, scientific methods, similar to the natural sciences. He advocated for students to learn from case law as the primary source, viewing judicial opinions as "experiments" from which legal principles could be derived. Langdell's case method differed from earlier teaching practices, which were based on lectures and apprenticeships. He emphasized active learning, where students analyzed cases themselves to uncover the underlying legal principles, rather than passively absorbing information. This method required students to engage deeply with the material, fostering critical thinking and legal reasoning skills. Langdell's view of law as a science was also part of his broader effort to elevate legal education to the academic standards of other scientific disciplines, thereby justifying law schools as a legitimate part of university education. By focusing on casebooks that contained selected, authoritative cases, Langdell ensured that students were exposed to the most important legal precedents without being overwhelmed by the sheer volume of legal texts. Despite its widespread acceptance, Langdell's method has been critiqued over the years, particularly for its reliance on judicial decisions alone, excluding statutes, rules, and administrative opinions. This narrow focus limits students' understanding of the broader legal landscape, as lawyers often deal with a variety of legal materials, including legislation and administrative decisions. Nonetheless, Langdell's influence remains significant, shaping how law is taught today. see DHAR, U.; DHAR, S. "The case method in legal education", *Asian Journal of Legal Education*, v. 5, n. 2, 2018, p. 182-185; WEAVER, R. L. "Langdell's legacy: Living with the case method", *Villanova Law Review*, v. 36, 1991, p. 517.; STRAUSS, P. L. "Review essay: Christopher columbus langdell and the public law curriculum", *Journal of Legal Education*, v. 66, n. 1, 2016, p. 157-185.

reflection on legal epistemology. While the Anglo-Saxon casuistic and inductive logic may seem at odds with Indonesia's Continental European legal heritage—which emphasizes written rules codified through legislative processes—this binary division is increasingly questioned. Satjipto Rahardjo[21], for example, argued that the distinction between civil law and common law traditions is becoming less relevant. For him, what matters most is the law's connection to its societal function—an idea that underpins his concept of Progressive Law. Perhaps it is no coincidence that Satjipto Rahardjo[22] got the idea for this Progressive Law after studying the legal system in the United States. Satjipto's ideas for thinking and acting 'out-of-the-box' have a strong scent of common law from Anglo-Saxon countries.

In history, it can be seen how the Supreme Court fought for the authority to conduct Judicial Review during the New Order era. Under the New Order, judicial authority was rendered sterile by the court bureaucracy system, including the absence of the Supreme Court's authority to review legislative products. In reaction to this, the Supreme Court at the time tried to imitate the Supreme Court in the United States where, through the Madison vs. Madbury Supreme Court case, it was able to 'override' the authority of the Senate and Parliament to amend the constitution. Although the plan was not carried out until the end of Soeharto's rule and in the end the Supreme Court and the formation of the Constitutional Court which had the authority of Judicial Review, at least this history shows that the potential for 'mutual adoption' between legal systems is possible[23].

This matter of Progressive Law will be specifically discussed later. So far, what I want to convey is that the Langdellian teaching model, despite various criticisms, is quite effective as a minimum requirement in Indonesian higher legal education, which is mostly due to the strong civil law doctrine that teaches more the deductive side of law, namely through the teaching of legal doctrines and principles. This is a first step towards improving the legal education system, which will hopefully also improve the legal system in the end. If this is to be taken seriously, in addition to the plethora of clinical courses, there needs to be a refresher, namely studying the inductive side of law.

Although it is a good idea, Langdell's model of teaching, when viewed 'ideally,' still has one important drawback, namely the narrow definition of 'case law' itself. It must be admitted that law is an important thing, law exists in almost all aspects of human life. However, even though the law is everywhere, not everything that is written in the law goes as written. In a pluralistic oriental society, deviations from the written law of the state are common. This can be seen especially in the conflict between the law of the state and non-legal rules such as religion, custom, ethics, norms, and even poetry.

I refer to 'law' in its narrowest sense, namely the law as written in the Act, as for 'law' in a broad sense I refer to the expansion of interest in the study of emancipatory law itself which is part of progressive law. Unwritten law as a result of legislation but still has the regulatory nature is referred to here as a 'non-legal' device[24].

Case law, in its classical sense, certainly cannot explain the legal and non-legal conflicts that actually occur on a daily basis but do not come to the surface. From here, one step further must be taken; that students not only analyse cases that 'seem' on the surface, but are also able to see more closely the hidden

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[21] RAHARDJO, S. *Sisi-Sisi Lain Dari Hukum Di Indonesia*. Penerbit Buku Kompas, Jakarta, 2003.
[22] RAHARDJO, S. "Pendidikan hukum sebagai pendidikan manusia", *Law Reform*, v. 1, n. 1, 2006, p. 1-10.; RAHARDJO, S. *Membedah Hukum Progresif*. Kompas, Jakarta, 2006.; RAHARDJO, S. "Hukum Progresif: Hukum yang Membebaskan", *Jurnal Hukum Progresif*, v. 1, n. 1, 2011, p. 1-24.; RAHARDJO, S. *Hukum Dan Perubahan Sosial: Suatu Tinjauan Teoretis Serta Pengalaman-Pengalaman Di Indonesia*. Genta Publishing, Yogyakarta, 2009.
[23] KOVACIC F.; Candace S. "Maternity leave laws in the United States in the light of European legislation", in (KLABBERS, J.; SELLERS, M. ed.), *The Internationalization of Law and Legal Education*, Springer Netherlands, Dordrecht, 2008, p. 129-148.; POMPE, S. *The Indonesian Supreme Court: A study of institutional collapse*. Cornell University Press, Cornell, 2018.
[24] WIGNJOSOEBROTO, S. *Hukum: Paradigma, Metode, Dan Dinamika Masalahnya*. Elsam, 2002. Available at: https://cir.nii.ac.jp/crid/1130282270169456128.

problems. For example, how customary law and state law intersect with each other, how women victims of domestic violence and rape who do not dare to report their cases, how the ex-political prisoners of 1965 are silenced while their human rights are violated, how ethnic and religious minorities defend their existence in the face of the majority, and so on[25]. These cases are often hidden far from institutional crowds such as the courts.

To fulfil the demands of a more responsive and humane legal education, it is essential to first redefine the concept of law—from being merely what is written in rule books to something more dynamic: a form of law that is alive and lived within society. Law, in this sense, should not be studied solely as a collection of rigid, coercive texts, but as an integral and evolving part of social life. It is through this redefinition that legal education can begin to bridge the gap between normative doctrine and lived realities.

In this context, Andrei Marmor[26] offers an intriguing critique. He argues that the ideal of the rule of law—often seen as a desirable form of governance—conceals a paradox. To understand whether this ideal is truly beneficial, one must possess a nuanced awareness of both law and social control. According to Marmor, for the rule of law to function properly and uphold its values, certain ideal conditions must be in place. However, if such conditions already exist, then the need for law may itself become obsolete. In a rather cynical tone, Marmor concludes that "there is a sense in which law itself is more like a necessary evil, not positively good in itself. Imagine a world which does not require law and legal systems, a world in which there are no reasons to have law at all: presumably it would be a much better world than ours."

This pessimistic view is echoed by other legal theorists. Walter Benjamin[27], in Critique of Violence, similarly suggests that law exists primarily to serve itself, justifying its own authority through the monopoly of coercive force. In both perspectives, law is seen as an instrument of control, whose legitimacy is rooted in its capacity to impose order, rather than its inherent moral or social value.

To move beyond this bleak vision, a deeper rethinking of law is necessary—one that begins by expanding our understanding of what law is and what it can be. Upon closer inspection, Marmor's critique is limited to the institutional dimension of law. Yet if law is viewed more broadly—as a social practice embedded in cultural norms, relationships, and lived experiences—it becomes clear that law is not merely

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[25] The fulfillment and effort to restore the rights of elderly individuals who are victims of past violence should employ an ecosocial approach. From an economic perspective, elderly victims of past violence often face significant challenges in securing a stable income to support their daily needs, resulting in their heavy dependence on government assistance or help from others. In terms of social dimensions, elderly victims of violence are generally subjected to multiple layers of social stigma, primarily due to the lack of recovery spaces and formal recognition. Most victims rely on programs from organizations that protect witnesses and victims, which are facilitated through the Human Rights Commission's documentation. However, some victims are unable to access these programs because they do not fall within the existing victim categories defined by relevant policies or schemes. Culturally, there are prevailing perceptions that the elderly are no longer considered productive, often viewed as burdensome to their families and society. This is particularly true for elderly victims of past human rights violations, as not all parties are willing to accept, acknowledge, or help heal their trauma, anxiety, and feelings of alienation. According to Komnas Perempuan, at least 61 elderly women have been recorded as victims of human rights violations dating back to 1965. see KOMNAS P. "Laporan Independen Komnas Perempuan tentang 25 Tahun Pelaksanaan Beijing Platform for Action (BPfA+25) di Indonesia", 2019. Available at: https://en.komnasperempuan.go.id/read-news-komnas-perempuan-independent-report-on-25-years-of-implementing-the-beijing-platform-for-action-bpfa25-in-indonesia.; POHLMAN, A. "Sexual violence as torture: Crimes against humanity during the 1965–66 killings in Indonesia", *Journal of Genocide Research*, v. 19, n. 4, 2017, p. 574-593.; POHLMAN, A. *Women, sexual violence and the Indonesian killings of 1965-66*. Routledge, London, 2014.

[26] MARMOR, A. "The ideal of the rule of law", *A Companion to Philosophy of Law and Legal Theory*, 2010, pp. 666-674.

[27] BENJAMIN, W. "Critique of Violence. En lawrence", in (Bruce B.; KARIM, A. ed), *On Violence*. Duke University Press, New York, 2007, p. 268-285.

a system of enforcement, but also a framework through which society organizes itself and gives meaning to justice. By adopting this broader perspective, we can begin to imagine a form of legal education and legal system that is not only functional but also humane, participatory, and grounded in the realities of everyday life.

This expansion of thinking overcomes criticisms of the weaknesses faced by the teaching of the Langdellian model. But apparently, even though qualitatively, higher legal education in Indonesia still lags behind higher legal education in the United States, which has been going on for hundreds of years, and even though the grade of law students in Indonesia is considered to be the lowest compared to the United States where law school is the highest grade of any other major, it turns out that higher legal education in the United States also experiences more or less similar problems; first, legal education teaches legal subjects from perspectives that are separate from one another, one thing that in practice between these fields of law often intersects with one another. Second, a teaching system that does not pay attention to the student learning process and third, the two previous reasons cause the same education to be completely separated between the study of legal reasoning in the classroom and the world of practice. Duncan Kennedy[28] calls these three reasons the mystification of legal education. The same problem also occurs in Indonesian Higher Legal Education, especially regarding the lack of engagement between the study of law and its contribution to society in general. The situation in Indonesia is exacerbated by the pluralistic character of Indonesian society, which makes the 'state' law seem to be in competition with other sets of rules.

Kennedy[29] proposed what he termed a Utopian Proposal for a new legal education curriculum, consisting of four key components. The first is the Doctrine Class, a three-semester program focused on studying legal doctrines as they are currently taught in traditional legal education. The second is the Clinical Programme, a legal simulation course that includes one semester of instruction followed by two months of summer classes, aimed at developing students' practical skills. The third component is the Interdisciplinary Class, which introduces students to related fields such as history, economics, legal sociology, and social psychology, fostering a broader contextual understanding of law. The fourth is a Concentration, allowing students to specialize in a specific area of law according to their interests. Ultimately, Kennedy envisioned legal education not merely as a means of transmitting established knowledge, but as a counterhegemonic rite—a critical space to challenge and deconstruct the dominant myths embedded within higher legal education.

From the description above, it can be said that it is actually understandable how Higher Legal Education is in crisis. In the midst of the abundance of inputs and outputs from higher legal education, there is also structural impoverishment, gross human rights violations, corruption, stagnant diversity, and so on. The aforementioned social problems are not the kind of legal problems that can be solved on a case-by-case basis, but are closely related to certain social structures that, whether intentionally or not, perpetuate inequality. Thus, it is understandable that what happens next is untrust in the legal system and all its apparatus. The issue of trust is actually an important issue, because from there the legitimacy of the so-called legal system and its sovereignty are at stake.

Luhmann[30] says that even though it is autonomous, the law must be able to communicate itself with the environment in which it applies. If this communication fails, then in order to defend itself, the law must open itself (autopoesis) and absorb what its environment wants. The word 'absorb' is fundamental in this paper, because if higher legal education is to survive and return to its original goal, which is to produce progressive legal experts, then one change to higher legal education

[28] KENNEDY, D. "Legal education and the reproduction of hierarchy", *Journal of Legal Education*, v. 32, n. 4, 1982, p. 591-615.
[29] KENNEDY, D. "Legal education and the reproduction of hierarchy", *Journal of Legal Education*, v. 32, n. 4, 1982, p. 591-615.
[30] LUHMANN, N. *Law as a social system*. Oxford University Press, Oxford, 2004.

must also be made. This is further explained through the way the code of the legal system that self-references works, namely by separating the legal from the illegal. However, the illegal is then due to a crisis of legitimacy changes its status to legal or vice versa.

As Luhmann[31] said, as a social system, the law is always open and closed. Closed in the sense that the law as a separate social system is self-referential, but even closed, when there is an external shock, or let's say a 'crisis of legitimacy', the law as a social system must defend itself by opening up and taking 'something' from the environment. Following this line of thinking, the legal higher education system must be saved, and in order to defend itself, it must take from the outside. How something is taken from the outside is then a methodological question.

3. Progressive law: Intellectual legacy and challenges of its enforcement in Indonesia

Three hundred years before Christ, Ulpianus established three main principles of natural law: honeste vivere (live honestly), alterum non laedere (do no harm to others), and suum cuique tribuere (give to each their due). These three basic principles are, in fact, the foundation of human morality. When these principles are framed as commands, they become imperatives that cannot be negotiated by humans (imperative categories). It is these commands that humanize individuals and shape a humane law enforcer. Honesty, not causing harm to others, and fairness are the qualities of such a humane law enforcer. Law exists to promote the welfare of humanity, or to quote Professor Satjipto Rahardjo[32], law should bring happiness to the people, not inflict suffering upon them. This is not the case with punitive law, where the poor, especially, receive unequal treatment (discriminatory) or are not equal before the law, accompanied by unequal treatment. This could potentially exacerbate their suffering, both from cultural and structural poverty.

On January 23, 1986, Satjipto Rahardjo wrote an article titled "On the Science of Law with Indonesian Characteristics." In that view, Satjipto Rahardjo had already posed a legacy question to all of us: "Is it relevant to talk about a legal science that has Indonesian characteristics? Is that idea far-fetched?" It's not easy to answer the problem posed by the legal sage. Even we, his students, are forced to frown and work hard to address it.

The consumerism of theory and entrapment in everyday practice have made the idea of Indonesian-styled legal science a mere utopia. Legal thought schools in Indonesia are mostly slogans. The Padjadjaran University, the Progressive Law School, and others lack the kind of intellectual community work that flourishes in the West. Indeed, once again, we have to refer to the "West." The tradition of intellectual communities there is well-established.

Progressive law is a school of legal thought that strives to uphold justice and utility rather than merely legal certainty. The Indonesian Progressive Law Consortium, held on October 29–30, 2013, was attended by hundreds of academics and practitioners—judges, prosecutors, police, and lawyers—and agreed that the formation and enforcement of Indonesian law requires the development of progressive legal ideas as once proposed by Satjipto Rahardjo.

Several institutions have practiced progressive law, such as the Constitutional Court under Mahfud MD, the Ministry of Law and Human Rights under Denny Indrayana, and civil society movements like the Indonesian Corruption Watch (ICW), as well as structural legal aid organizations like the Indonesian Legal Aid Foundation (YLBHI). In legal formation, progressive ideas are evident in how regulations side with the poor, the growing political participation of citizens in drafting bills, and the implementation of deliberative democracy (musyawarah) in legislative discussions. In short: draft bills should be responsive, not repressive.

In law enforcement, progressive legal ideas appear when legal agents are

[31] LUHMANN, N. *Law as a social system*. Oxford University Press, Oxford, 2004.
[32] RAHARDJO, S. *Negara Hukum yang Membahagiakan Rakyatnya*. Genta Publishing, Yogyakarta, 2009.

sensitive in using discretion and/or legal breakthroughs (rule-breaking)—judges, police, prosecutors, and governments are expected to use their authority to protect the interests of the poor and marginalized[33]. At the level of social movements, progressive law is expressed through legal empowerment and strengthening civil society movements to monitor state performance, such as anti-corruption campaigns. Still, no one understands a maestro's thoughts better than their students. Social strategies must be formulated, so that the grassroots of progressive legal intellect—his former students—can take cultural responsibility. How do these students work hand in hand to rebuild this crumbling empire? An intellectual empire nearly forgotten by us, a forgetful nation. We need to develop this valuable legacy. The legacy of an idea is a genius gift and clarity from our teacher that needs to be nurtured. The progressive legal network has been formed to sustain, activate, and maintain its productivity rhythm—a task far from easy.

Many academics and practitioners respond differently to the emergence of progressive law. Some narrate it, endorse it, critique it, diagnose it like doctors, fill its voids, and even experiment with applying it—what I call a never-ending law. "Never-ending" is the right words to say there is a red thread among the dozens of contribution articles in this book. Why? Because progressive law is said to be a law in the process of becoming—ongoing until the process ends. Until now, no scholar has dared to claim that progressive law has a definite form—as a movement, school, paradigm, theory, concept, approach, interpretation, or anything else. Why is that? Because once we try to clothe progressive law with form, we risk losing its progressiveness. Can we say—like the maestro's work "Let the Law Flow"—instead, "Let Progressive Law Flow"?[34]

The three major world ideologies (liberalism, socialist-communism, and Islam), which back the state governance systems—including legal systems—will continue to compete and break through their own rigidity. Nothing is eternal except impermanence itself. Nothing is non-negotiable except death itself. Thus, life must be progressive, not passive, let alone regressive. So then, does an absolute value even exist? A non-negotiable certainty? Such absolutes contradict nature's law of pantheism (everything flows). If a legal system contradicts natural law, it will likely produce injustice. Hence, human legal systems must not conflict with natural law, and thus, the legal system must be progressive.

One interesting debate on progressive law is the question: "What is progressive about progressive law?" Can the law itself be progressive? Isn't it the enforcement that is progressive? To answer these, we must return to the ontology of progressive law. A concrete example: the Constitutional Court's decision on the judicial review of the Electronic Information and Transactions Law concerning defamation reflects a progressive approach to the context of digital society. Likewise, the "Restorative Justice" program applied by the Attorney General's Office to minor cases proves that law can be enforced more humanely, contextually, and justly. These are real examples of progressive legal spirit starting to take root, although still sporadic and not yet mainstream.

From an ontological perspective, the concept of law in progressive law is defined as "not only rules and logic but also behavior." So, what is progressive includes not just the enforcement (behavior), but also the substance (rules) and the logic used (logic). Since the 1970 Judicial Power Law, legal material has been progressive, giving judges space not to be strictly bound to the law's wording but also required to seek values and a sense of justice alive in society. This was carried over to the latest Judicial Power Law, Law No. 48 of 2009, Article 5 paragraph (1). Also, the Police Law (Law No. 2 of 2002, Article 18(1)) allows police to take legal action based on personal judgment for public interest. And the Juvenile Justice Law even provides room for diversion in resolving criminal cases involving children. These show that law, in the sense of statutory regulation, can also be progressive—

[33] RAHARDJO, S. "Hukum Progresif: Hukum yang Membebaskan", *Jurnal Hukum Progresif*, v. 1, n. 1, 2011, p. 1-24.
[34] RAHARDJO, S. *Biarkan Hukum Mengalir: Catatan Kritis Tentang Pergulatan Manusia Dan Hukum*. Penerbit Buku Kompas, Jakarta, 2007.

not just the enforcers or enforcement processes.

According to Article 5 of Law No. 18 of 2003, advocates have the status of independent and autonomous law enforcers, as guaranteed by law. In practice, law enforcement in Indonesia often faces various anomalies, including mysteries in the search for justice. Irsyad Thamrin stated that several mysteries must be solved, considering the low public trust in law enforcement. The Chairman of the Yogyakarta branch of the Indonesian Advocates Association (Peradi) identified five major mysteries to be resolved: (1) the mystery of missing information, (2) the mystery of justice, (3) the mystery of political sensitivity, (4) the mystery of learning from advanced nations' histories, and (5) the mystery of failed legal reform.

To solve these mysteries, a non-conventional legal approach is needed, and the courage to be a mujahid—a fighter for truth and justice—through breakthroughs (rule-breaking). Progressive law is seen as one of the solutions to these challenges. It emphasizes the need to break the rigidity of legal thinking, by placing humans as higher entities than man-made law. In the progressive view, law is made to serve humans, not the other way around. This raises an important question: how can an advocate apply progressive law principles in professional life?

Advocates can interpret progressive law as a movement. They can apply it in legal research, case advocacy—especially in defending the interests of the poor who often remain unaddressed. The key is building the spirit to defend marginalized communities. Understanding progressive law compels advocates to fight for the marginalized, making legal breakthroughs in that defense. The poor should not face barriers; instead, advocates should facilitate their access to the same legal resources available to the wealthy and powerful. One of the most appropriate ways to embody progressive law in our law enforcement system is through legal aid, both inside and outside courtrooms, particularly through Structural Legal Aid.

4. Integrating with the movement: "Going down to the people" as a method of emancipatory legal higher education

Legal higher education, as part of the social system, cannot stand alone in a vacuum. It must be able to reflectively respond to social dynamics and actively absorb the values that develop around it. One way to maintain the relevance and vitality of legal education is by creating direct interaction between the campus and the social realities faced by the public—especially vulnerable groups that have long been marginalized from legal processes. If we believe that legal science holds an axiological dimension—namely, the potential to liberate and empower—then such interaction must be directed at the concrete experiences of injustice in society. In this context, vulnerability is broadly defined: not merely in numbers but also those who, due to social, economic, political, or cultural structures, experience rights violations either through unlawful acts or through the legal system itself.

Liberation-oriented legal education must not become a "business enterprise" merely catering to the demands of the labor market. It must serve as an agent of social change, a place where a new generation of legal experts is formed—with social sensitivity, moral courage, and a critical awareness of entrenched structures of injustice. This aligns with the thoughts of Satjipto Rahardjo[35], who emphasized in his dissertation the importance of synthesizing modern legal systems with local values as a foundation for building a contextual and just Indonesian legal framework. Such synthesis can only be achieved through a real dialectic between theory and reality, which occurs when law students consciously and systematically engage directly with the community.

Indonesia's history records how President Soekarno during the Old Order urged students not to be lulled by "science for the sake of science." He wanted students to be agents of revolution, engines of change synergizing with the national development project. However, that spirit was later buried under the

[35] RAHARDJO, S. *Hukum Dan Perubahan Sosial: Suatu Tinjauan Teoretis Serta Pengalaman-Pengalaman Di Indonesia*, Genta Pubishing, Yogyakarta, 2009.

developmentalist climate of the New Order, which prioritized economic growth through foreign investment over the development of critical consciousness[36]. Academic activity lost its social relevance as it became detached from the people's lives. At one point, Soekarno even accused law graduates of being conservative and oblivious to the nation's political turmoil. Therefore, reviving the critical and axiological spirit in legal education is vital to restoring its function as a means of emancipation.

Within this framework, the concept of "Going Down to the People" (Turun ke Bawah) emerges not just as a political slogan or social movement, but as a pedagogical and epistemological method in legal education. It differs fundamentally from programs like the university's Community Service[37], which is usually temporary and bureaucratic. It is not just a two-month mandatory program but a conscious movement that demands emotional, intellectual, and ethical engagement from students toward real societal conditions[38]. Through this process, students not only understand theory and perform academic case analyses but also feel the pulse of people's lives firsthand, uncover the living law, and observe how formal law meets—or even clashes with—social, customary, religious, and local ethical norms.

The strength of the "Going Down to the People" method lies in its ability to integrate legal theory with social theory, as well as connect formal legal realities with often-contradictory social realities. In these encounters, students learn that law does not always manifest in the form of normative articles, but also in power relations, social structures, and the often-unheard narratives of the people. This way, they learn not only to become legal practitioners but also legal intellectuals who understand law as praxis—action born from awareness and reflection on social

[36] POMPE, S. *The Indonesian Supreme Court: A study of institutional collapse*. Cornell University Press, Cornell, 2018.

[37] The Community Service Program (KKN) is an extracurricular activity that integrates the principles of the Tri Dharma of Higher Education, providing students with valuable learning and work experiences through community empowerment. This program is a mandatory course for undergraduate students across various academic disciplines. Established under the Indonesian Law No. 20 of 2003 on the National Education System, it mandates that higher education institutions must conduct education, research, and community service. KKN aims to bridge the gap between academic theory and practical, real-world application, fostering a synergistic relationship between students and the community. However, in practice, the outcomes of KKN may sometimes fall short of expectations, with students failing to gain meaningful personal growth and communities not experiencing significant improvements, potentially tarnishing the institution's reputation. Therefore, KKN should be strategically designed to ensure a productive connection between academic knowledge and practical application, creating a mutually beneficial exchange that positively impacts both students and communities. see SYARDIANSAH. Peranan Kuliah Kerja Nyata Sebagai Bagian Dari Pengembangan Kompetensi Mahasiswa: Studi Kasus Mahasiswa Universitas Samudra KKN Tahun 2017", *JIM UPB (Jurnal Ilmiah Manajemen Universitas Putera Batam)*, v. 7, n. 1, 2019, p. 57-68.

[38] It is almost a given that legal education involves more than just imparting legal knowledge and skills. Law schools do not only teach law; they also serve as the first stage in the socialization process that introduces students to the legal profession. This socialization helps maintain the legal profession's influential position in society. Like other traditional professions, the legal profession claims a monopoly over certain services due to its specialized knowledge in a crucial social area. Legal professionals enjoy social and economic privileges, allowing them to operate with minimal state control. Defining who belongs within the profession and controlling access to it are key concerns. Socialization processes address these concerns by promoting the acculturation of future professionals into the existing culture and excluding those who do not adapt. Therefore, in addition to the law school curriculum, the influence of the legal profession is evident in the formation of professional identity. Creating a legal professional identity involves students adopting the norms, values, and attitudes—essentially, the culture—of the legal profession. Students are introduced to a legal worldview and learn to think and act like lawyers. Professional identity formation is fostered through classroom interactions and the behavior of law school teachers. Additionally, students become familiar with professional culture through direct engagement with legal practice, such as guest lectures, career events, internships, and part-time jobs. see KORTLEVEN, W. J.; HOLVAST, N.; BEŠIĆ, A. "From adaptive to reflective law school socialisation: A theoretical and empirical contribution from the Netherlands", *Legal Ethics*, v. 27, n. 1, 2024, p. 63-83.

realities.

This method allows students to see the law from another perspective—one not reflected in statutory texts. It gives them space to understand the legal experiences of women victims of violence, indigenous communities losing land rights, or exploited migrant workers. These experiences are rarely found in classrooms or textbooks, but they are ever-present in the daily social realities often ignored by positivist approaches. This is the kind of expanded legal thinking offered by the progressive law approach.

In this context, it's important to distinguish between "law" as a normative text in legislation and "law" as a living social practice that continuously evolves[39]. Legal experience is not confined to the courtroom; it is also found in markets, villages, indigenous communities, and other social interaction spaces that formal legal systems often fail to accommodate. Therefore, Going Down to the People also requires an epistemological redefinition of the law: from a system of rules to a system of values, from a tool of control to a tool of liberation, from authority to dialogue.

This method also contributes to the development of legal education methodologies. While legal instruction has long been dominated by dogmatic approaches and Langdell-style case studies, Going Down to the People introduces participatory research, field observation, legal ethnography, and socially based interdisciplinary approaches. Students are no longer passive recipients but active subjects of knowledge, building understanding from empirical experience. In this process, lecturers serve as facilitators, not just teachers; as discussion partners, not the sole source of truth.

Furthermore, this method brings profound methodological implications for mainstreaming Progressive Law. If progressive law is founded on the belief that law must side with humanity, then its educational methods must also prioritize human beings. Law can no longer be taught in a sterile and abstract manner; it must be presented as a concrete, reflective, and transformative experience. This forms the basis of the argument that mainstreaming Progressive Law is insufficient as a mere theoretical approach—it must be developed as an independent course with a clear curriculum structure, methodology, and learning outcomes.

By making Going Down to the People the core approach in teaching progressive law, law schools will not only produce legal technocrats but also social change agents. Students are equipped with the ability to identify structural legal problems, analyze them in social contexts, and develop advocacy strategies grounded in empathy and substantive justice. Through direct interaction with society, students learn that justice is not only about legal certainty but also about solidarity, compassion, and humanity.

This idea aligns with the spirit of democratizing knowledge and decentralizing authority in education. Students are trained not only to listen but to truly hear. They are not just asked to understand law from books but to read the law from reality. They learn that law cannot be separated from its socio-political context—that behind every article is a story, and behind every story is a human being. This is the meeting point between theory and praxis, between campus and society, between law and justice.

Therefore, Going Down to the People is not just a method but also an intellectual movement. It demands the courage to go beyond the traditional boundaries of legal education—the courage to question the status quo and to take a stand. Within this framework, legal higher education can rediscover its identity as a space for cultivating legal professionals who are critical, ethical, and progressive. Campuses will no longer be ivory towers isolated from reality, but bridges between knowledge and life, between law and the people.

In the end, legal higher education must realize that transformation is not a choice but a necessity. In an increasingly complex and unequal world, we can no longer rely on outdated teaching models that simply produce graduates to fill a

[39] LUHMANN, N. *Law as a social system*. Oxford University Press, Oxford, 2004.

broken system. We need a new paradigm—bold, reflective, and justice-oriented. Going Down to the People offers that path—a path that is difficult, but noble. It demands dedication, perseverance, and moral courage. But only through this path can legal education become a true tool of emancipation.

5. Methodological consequences: Beyond doctrinal study toward an interdisciplinary and contextual paradigm

In a world that is constantly changing dynamically, we are faced with the challenges of globalization that demand reform in many aspects of life, including legal education. Claudio Grossman[40], an international law scholar, emphasized that legal education is now at a crossroads between traditional models and increasingly complex global demands. In his view, there are two main models in current legal education.

The first is the traditional legal education model, rooted in classical methods such as the Langdell case study model, which emphasizes reading and analyzing cases without sufficient attention to legal developments at the international level or to the social contexts in which the law operates. This model is still widely used, especially in common law traditions, and forms the foundation of normative-doctrinal legal understanding.

Grossman's second model is a legal education approach that actively considers global developments and situates law within a broader social context. This model aims to meet globalization challenges by opening space for interdisciplinarity and enriching legal understanding through contributions from social sciences such as economics, psychology, political science, anthropology, and sociology. In this framework, legal studies should not rely solely on case reading but must reflect the complex social, cultural, and political realities where law functions and evolves.

Grossman argues that initiatives such as clinical legal education programs, moot court competitions, international student exchange programs, and debate clubs are concrete forms of adapting legal education to globalization demands. These initiatives are intended to equip law graduates not only as technocrats skilled in reading decisions but also as facilitators and problem solvers in international transactions. As Grossman[41] noted:

> "Clinical programs, moot court competitions, study-abroad courses, debate clubs, and an increased reliance on non-legal disciplines such as economics, psychology, political science, anthropology, and sociology have made the study of law based exclusively on reading cases obsolete. Today's law school graduates must have the skills to play the role of facilitators and problem solvers in international transactions."

Although Grossman's criticism is mainly directed at the urgency of international legal studies, his argument is also highly relevant to how legal education in general must transform in the era of globalization. To understand how law operates within specific spatial and temporal contexts—and is embedded in human experience where law is born and grows—a more adaptive and reflective methodological approach is needed.

In the Indonesian context, criticism of the dominance of the case-law learning method has also been voiced by Satjipto Rahardjo. He promoted the "going down to the people" (turun ke bawah) approach, encouraging legal scholars

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[40] GROSSMAN, C. "Building the world community through legal education", in (KLABBERS, J.; SELLERS, M. ed.), *The Internationalization of Law and Legal Education*, Springer Netherlands, Dordrecht, 2008, pp. 21-35.

[41] GROSSMAN, C. "Building the world community through legal education", in (KLABBERS, J.; SELLERS, M. ed.), *The Internationalization of Law and Legal Education*, Springer Netherlands, Dordrecht, 2008, pp. 21-35.

to interact directly with communities, empirically explore social dynamics, and unearth local values living within society. For Satjipto, legal modernization should not uproot cultural roots and local values[42]. In fact, in facing globalization, a strong understanding of local legal identity becomes essential before engaging in international legal discourse.

The "going down to the people" approach is not only a critique of the limitations of doctrinal methods that overemphasize normative aspects, but also a paradigmatic effort to present law as a living social science. This approach demands an expansion of legal methodology by using tools from the social sciences—such as legal ethnography, action research, and participatory approaches. Thus, legal studies become more contextual and remain connected to societal realities[43].

Going down to the people is also a concrete response to the current methodological needs of legal education, which demands broader perspectives. This is based on the awareness that legal studies cannot rely solely on text-based analysis but must be complemented by empirical understanding of how law is truly applied and experienced in daily life. Therefore, this approach advocates for the integration of doctrinal methods with empirical methods, through what is known as the socio-legal approach, and even the legal pluralism approach as described by Werner Menski[44].

The idea of legal pluralism is highly relevant in the Indonesian context, which consists of diverse legal systems. The three main legal systems in Indonesia—state (positive) law, customary law, and religious law—generate ongoing discussions on the model of Indonesia's legal system. Vernon Valentine Palmer[45] categorizes Indonesia as a mixed legal system[46], explicitly combining elements of

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[42] Satjipto Rahardjo, a prominent Indonesian legal scholar, emphasizes the importance of "local" legal understanding, arguing that legal systems must consider the cultural, social, and historical contexts of the communities they serve. He believes legal modernization should not impose foreign principles but incorporate local values and traditions. Rahardjo critiques modern legal systems for being disconnected from people's lived experiences, advocating for legal reforms that prioritize justice, fairness, and human dignity. He also highlights the need to decolonize legal thought, ensuring laws reflect indigenous values while embracing necessary modernizations. Rahardjo recognizes the complexity of integrating local values into legal systems and stresses the importance of interdisciplinary studies from fields like social sciences, anthropology, and philosophy to assess how laws align with emancipatory ideals. By considering broader societal changes, Rahardjo calls for a holistic approach to legal reform, ensuring that laws contribute to the empowerment of marginalized communities. see RAHARDJO, S. *Hukum Dan Masyarakat*. Buku-Buku perguruan tinggi, Bandung, 1980.

[43] In this book, Satjipto also adds that legal studies involving other disciplines, such as sociology of law, philosophy of law, psychology of law, anthropology of law, and others, are essentially necessary to explain the social phenomena occurring within the scope of legal science. see RAHARDJO, S. *Ilmu Hukum. PT*. Citra Aditya Bakti, Bandung, 2000.

[44] Werner Menski presents a conceptual framework known as the "Triangular Concept of Legal Pluralism," which offers a holistic view of law in the context of global diversity. According to Menski, law is a universal phenomenon that shares core values across the world, namely ethical moral values, social values, and formal values of the state. These values form the foundation of legal systems worldwide, yet law inherently encompasses a variety of cultural differences and, therefore, demands pluralism. In response to the challenges of globalization, contemporary legal scholars have moved away from the traditional, narrow approaches that dominated the classical legal paradigm—namely, the normative (positivist), empirical (sociological, anthropological, psychological, and similar), and values and moral (philosophical) approaches. These approaches, when applied in isolation, failed to capture the complex reality of modern legal systems. However, Menski's Triangular Concept of Legal Pluralism integrates all three approaches, providing a more comprehensive understanding of law as it evolves in a globalized world. see MENSKI, W. *Comparative law in a global context: the legal systems of Asia and Africa*. Cambridge University Press, Cambridge, 2006.; SUTEKI, TAUFANI, G. "*Metodologi Penelitian Hukum (Filsafat, Teori dan Praktik)*. Depok: Rajawali Pers, 2018.

[45] PALMER, V. V. "Mixed Legal Systems", in (BUSSANI, M.; MATTEI, U. ed.), *The Cambridge Companion to Comparative Law* (1. ed.), Cambridge University Press, Cambridge, 2012, p. 368-383.

[46] Indonesia has a unique legal system, combining three distinct legal traditions. As a result, legal experts often debate which system should take precedence. The country's legal framework

Western law, Islamic law, and customary law. At the national level, this is generally referred to as legal pluralism.

Initially, legal pluralism in Indonesia was understood as the interaction between customary and state law. However, over time, the concept has expanded to include religious law as an integral part of the legal system. This becomes crucial for understanding legal dynamics in Indonesia, which cannot be fully explained by a single normative approach. In reality, many legal practices occur based on belief systems and cultural values not written in positive law but still holding normative power within communities.

From this perspective, methodological approaches in legal studies must be inclusive and reflective of Indonesia's plural society. Legal studies can no longer be closed off from interdisciplinary approaches that allow the law to be more responsive to societal needs. The methodological consequence of this condition is the necessity of integrating dogmatic-doctrinal methods with empirical-sociological methods. This integration allows for legal understanding that is not only "visible" in the texts, but also "felt" in the daily practice of the people.

One of the positive impacts of this plural and contextual approach is the ability to produce law graduates who are not only academically proficient but also highly socially sensitive. They are not just legal text memorizers, but also actors capable of mediating and resolving legal conflicts in various complex social contexts. Thus, legal education serves not only as a medium for knowledge transfer but also as a space for shaping character, social awareness, and moral responsibility toward social justice.

In the context of globalization, understanding legal pluralism and interdisciplinary approaches becomes a crucial asset—not only to preserve national legal identity but also to actively participate in the international legal arena. The ability to comprehend law both locally and globally becomes a strategic strength in navigating challenges and opportunities in the global landscape.

Ultimately, the methodological consequences of global and local developments call for curriculum reform in legal education. A curriculum that still overly relies on case studies must be reviewed to accommodate broader social dynamics. Strengthening field studies, utilizing qualitative methods, and embracing other scientific approaches are prerequisites for creating relevant, critical, and transformative legal education. Legal education in the globalization era is not merely about teaching law as it is written—but about how law can be a tool to transform and improve society.

6. Course proposal: Progressive law – reviving law as a tool of emancipation

In the midst of rapid and complex social change, the role of law students as agents of change becomes increasingly important and must be encouraged and facilitated. Legal education at universities can no longer rely solely on memorizing legal codes and doctrines. Law students need to be shaped into critical thinkers who can read social realities, understand societal problems, and formulate legal solutions that align with substantive justice. In other words, they must become active subjects in shaping living law—not merely passive objects accepting law as something static and unquestionable.

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is considered a "mixed" system, presenting practical challenges due to international relations that influence each nation's legal structure. The legal system can be classified into Simple Mixed and Complex Mixed. A Simple Mixed system blends Civil Law and Common Law, while a Complex Mixed system incorporates religious or customary law elements. The Indonesian legal system is often called a "Prismatic Mixed Legal System." The term "mixed" should be understood as an ongoing process where the legal system continuously selects the best resources from various legal traditions, striving for a balanced approach. see WARDHANI, L. T. A. L.; NOHO, M. D. H.; NATALIS, A. "The adoption of various legal systems in Indonesia: An effort to initiate the prismatic Mixed Legal Systems", *Cogent Social Sciences*, v. 8, n. 1, 2022, p. 2104710.

Universities, therefore, must provide an academic environment conducive to developing critical awareness, intellectual courage, and social sensitivity. Legal clinics, community advocacy, interdisciplinary discussions, community-based research, and strengthening social movement networks are examples of activities that should be facilitated and integrated into the legal education curriculum.

A strategic way to actualize these values is through the creation of a dedicated course titled Progressive Law. In this framework, Progressive Law is not just an elective subject, but an academic space that gives rightful room to a more humanistic, critical, and contextual approach to law. Once students have understood the basics of legal methodology and expanded their scientific horizons through the dominant Langdellian model of legal education, the presence of Progressive Law becomes essential as a bridge between legal theory and social practice. This course serves as an instrument that accommodates various legal breakthroughs, especially in responding to the structural injustices faced by marginalized communities.

Progressive Law must be an intellectual agitational space that encourages law students to step out of their academic comfort zones and engage directly with the field. Students are encouraged to choose specific social issues that resonate with their interests and concerns and then engage in concrete social movements. These activities will not only enhance their social sensitivity but also strengthen their capacity for relevant and meaningful action research. In this process, the lecturer's role shifts from being merely a content deliverer to being a facilitator, consultant, and learning partner. The lecturer becomes a discussion partner for students in planning actions, analyzing field findings, and formulating contextual legal policy recommendations. Thus, the relationship between lecturer and student becomes more dialogical and equal—akin to the Socratic approach[47], where the pursuit of truth is the product of two-way communication.

Progressive Law as a course is paradigmatically different from doctrinal teaching or case law analysis. While the Langdellian approach emphasizes linear legal logic that can be scientifically verified, Progressive Law challenges this with a focus on the social, cultural, and political dimensions of law. Law is not viewed as a closed and autonomous system, but rather as a social practice that is constantly negotiated and shaped by competing interests. Progressive Law uses socio-legal approaches and legal pluralism as key tools to critique the positivist view of law. Here, humans in all their complexity—including emotions, life experiences, and social backgrounds—are restored as the central subjects of legal practice. Law is no longer only about certainty, but also about justice, compassion, and advocacy.

Mainstreaming Progressive Law means promoting humanitarian values in legal practice both theoretically and in practice. Progressive legal education must shape the awareness that law is not merely a tool of power, but also a tool of emancipation that sides with those marginalized by the system. Therefore, it is essential that law schools include Progressive Law as part of the core curriculum, not merely as an optional elective. This ensures every law student receives the intellectual and moral foundation to become a resilient and principled advocate for justice.

As an independent course, Progressive Law will consistently present and explore the paradoxes in legal practice—especially those experienced by

[47] Critical thinking is a purposeful, self-regulatory process involving interpretation, analysis, evaluation, and inference. It is both a skill and a mindset that requires traits like truth-seeking and open-mindedness. Dialogue, especially Socratic dialogue (SD), is an effective tool for learning critical thinking as it encourages understanding through open exchanges. SD helps students engage in deep inquiry using real-life examples to form and challenge claims through group discussion, aiming for consensus and new insights. The process involves posing a philosophical question, sharing examples, making claims, engaging in group inquiry, and striving for consensus. see MAHONEY, B. B.; OOSTDAM, R. R.; NIEUWELINK, H. H.; SCHUITEMA, J. J. "Learning to think critically through Socratic dialogue: Evaluating a series of lessons designed for secondary vocational education", *Thinking Skills and Creativity*, v. 50, 2023, p. 101422.

marginalized communities. These paradoxes are not to be excluded from the system but serve as entry points to uncover deeply rooted structural inequalities. Understanding these paradoxes allows law to open itself to critique and reflection, while also discovering scattered elements outside its traditional structure. As Satjipto Rahardjo[48]—one of the main figures behind Progressive Law in Indonesia—once said: "Teaching order also means teaching disorder'" In this framework, law is not seen as a sterile, closed system, but as a battleground between order and disorder, justice and injustice, dominant voices and silenced ones.

Through this course, law students will be trained to speak for that disorder—in the sense of voicing the conscience of the people, those who have long been marginalized and forgotten by elitist and technocratic legal systems. This course opens up opportunities for students to understand that law does not always operate justly, and that injustice is not merely an individual issue but also a structural one. This is where critical awareness and moral courage are crucial. Progressive Law teaches that taking sides is the highest form of intellectual and moral responsibility of a law graduate.

Furthermore, Progressive Law also encourages integration between theory and practice. Students not only learn progressive legal ideas from readings and lectures, but are also required to carry out mini-research or advocacy projects as part of their assessment. For example, they may research the impact of a specific policy on indigenous communities, conduct legal campaigns for migrant workers, or advocate for disability-friendly policies in their regions. Through these activities, students will learn about living legal realities, and at the same time, cultivate empathy and strong social commitment.

In the long run, the implementation of the Progressive Law course will have a significant positive impact on the quality of law school graduates. They will not only be academically capable but also possess moral integrity, social sensitivity, and the courage to drive change. The Indonesian legal world urgently needs individuals like these—who not only master the technicalities of law but also understand law as a tool for creating a more just, inclusive, and civilized society.

This proposal offers the idea of institutionalizing Progressive Law as a compulsory course within the Indonesian legal education curriculum. In a nation still plagued by social inequality, a justice crisis, and the failure of the legal system to represent the voices of the marginalized, it is time to equip law students with a new paradigm—one that is critical, inclusive, and transformative. Progressive Law is not merely an academic approach—it is an intellectual and practical movement that places law at the heart of people's lives. By making Progressive Law an integral part of legal education, we are preparing a new generation of law graduates who not only know the law—but know how to humanize it.

7. Urgent: Reforming legal higher education

In everyday practice, the legal culture that has developed among judges, as well as leadership patterns in the Supreme Court and Judicial Commission, often fails to fully encourage judges' creativity and progressiveness in rendering decisions. In such a situation, a crucial question arises: do we still have hope for the emergence of radical agents capable of bringing true justice values to society? The answer should be optimistic, for that hope is indeed still open—one strategic path being the reform of legal higher education. This reform is not only urgent, but a fundamental need to improve the face of law enforcement in Indonesia.

Legal higher education plays a central role, as it serves as the main institution that shapes and produces future police officers, prosecutors, and judges—those who will later be the front-liners of our judicial system. Unfortunately, legal education in Indonesia has so far focused too heavily on normative-positivistic aspects, especially at the level of statutory regulations (legal rules), without providing sufficient space for the moral, ethical, and spiritual dimensions of law. As

[48] RAHARDJO, S. *Mengajarkan Keteraturan Menemukan Ketidak-teraturan* (Teaching Order Finding Disorder), 2000, Universitas Diponegoro, Semarang.

a result, law is taught as something dry, rigid, and cold—like a skeleton without a soul. Law students are trained to become legal technocrats, not reformers who understand the law as a means to achieve substantive justice.

Therefore, the main task of legal education today is to "re-spiritualize" legal studies—reviving the soul and human values in legal education, so that graduates have humanist, progressive character and are sensitive to social realities. This transformation can be achieved through several core strategies.

First, by instilling spiritual intelligence (spiritual quotient) in law students, including future judges, so they are not trapped in blind obedience to legal texts that often obscure justice. When a legal rule no longer reflects justice, law enforcers with strong spiritual awareness must be brave enough to take a stand and side with humanitarian values.

Second, legal enforcers need to be trained to conduct deep legal discovery (rechtsvinding) through contextual and substantive interpretation. They must not be bound only by dry grammatical meanings, but be able to interpret the deeper meaning of legal texts in their social and historical context.

Third, legal education must shape individuals with compassion—care and solidarity toward the community, especially vulnerable groups often sidelined by elitist and formalistic legal systems.

Reforming legal higher education across Indonesia must be carried out with the awareness that we are facing a major crisis in our legal education and enforcement system. This crisis is visible in the lack of integrity and courage to fight corruption, the weak protection of the rights of the poor, and the limited inclination of judges to issue progressive and transformative rulings. Such rulings of hope can only be produced by judges shaped by a progressive legal education system.

It must be realized that to produce progressive police officers, prosecutors, and judges, their education must also be progressive. Sadly, most legal higher education institutions are still stuck in conventional, positivist educational models, which teach law as frozen text without room for dynamic interpretation. Therefore, a comprehensive curriculum reform is needed—not just on technical aspects but also on paradigmatic and philosophical dimensions. This new curriculum must be able to build a new mindset among law lecturers—not just teaching "what the law is," but also "why the law exists" and "for whom the law is enforced."

One initial step is to formally introduce Progressive Law as an official subject in the legal education curriculum. Currently, the Police Academy (AKPOL) in Semarang is the only legal education institution in Indonesia that has officially incorporated Progressive Law as a standalone subject. This success is the result of collaborative efforts, including my role as the Executive Director of the Satjipto Rahardjo Institute (SRI), which consistently offers new paradigms in understanding law to AKPOL and STIK students. Through this approach, future police officers are expected to understand law not merely as a tool of power, but as an instrument for justice and humanity.

Ironically, Faculty of Law, Diponegoro University (UNDIP)—the birthplace of Satjipto Rahardjo's progressive legal thinking—has not yet explicitly incorporated Progressive Law as an independent course. Its content is merely embedded in other subjects like Law and Society or Sociology of Law, without being given its own academic space. However, in UNDIP's Doctoral Program in Law, there has been a significant shift in paradigm. Many lecturers have adopted progressive legal thinking in their teaching, fostering a more transformative academic atmosphere.

A concrete example of the success of progressive legal education is the late Supreme Court Judge Artidjo Alkostar[49], known for his integrity and exceptional

[49] The Supreme Court Judge Artidjo Alkostar, who possessed a responsive culture and a fighting spirit, dared to make groundbreaking legal decisions, resulting in progressive rulings. This can be demonstrated by several significant cases, including corruption cases handled by Artidjo Alkostar. One such case involved corruption in a project at the Ministry of Education and the Athletes' Village in Palembang, committed by Angelina Patricia Pingkan Sondakh, a member of the Indonesian Parliament from the Democratic Party. This case is documented in the Supreme

courage in upholding justice. Artidjo was a product of a legal education system that emphasized not only legal technicalities but also moral values and a commitment to substantive justice. He was an alumnus of UNDIP's doctoral program, known for its progressive nuance, and during his career, he became a role model for future generations of legal practitioners.

Clearly, reforming legal higher education is not optional—it is imperative. This reform must begin with the courage of legal education institutions to thoroughly evaluate their teaching systems, pedagogical methods, and existing curricula. A synergy between universities, professional legal training institutions, and legal policymakers is essential to realize this transformation. Only by doing so can we build a more just, humane, and truth-oriented legal system—not just a system of formal legality.

The greatest challenge in reforming legal education lies not in technical issues, but in the internal resistance within legal institutions themselves. Many lecturers and academics still cling to the legal-positivist approach because it is considered safer and less controversial. However, in a country facing complex issues such as social inequality, corruption, and human rights violations, rigid and conservative approaches are no longer relevant. We need the courage to step out of our comfort zones and lead new approaches that are more responsive to current needs.

It is time to position legal higher education as a fertile ground for cultivating values of justice, courage, and compassion. It is also time for law lecturers to be more than mere legal code memorizers—they must become igniters of critical awareness, inspiring students to become legal enforcers who are not only smart but also wise and bold in fighting for the truth. Law is not just a text; it is a living cultural product that must always be connected to the dynamics of the society it serves.

Let us collectively push for legal higher education reform—not just as academic discourse but as real changes in policy, curriculum, and educational practice across Indonesia. For only by fixing legal education can we hope for a new generation of legal enforcers who truly bring hope for justice in this country.

8. Conclusion

Legal higher education reform is not a short-term project that can be resolved through administrative changes alone. It requires intellectual courage, moral commitment, and institutional consistency. Legal education today is in crisis, as evidenced by the paradox between growing academic productivity and the

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Court Decision No. 1616 K/Pid.Sus/2013. Angelina Patricia Pingkan Sondakh, the convicted person in the corruption case, was initially sentenced by the District Court and the Jakarta High Court to 4 years and 6 months in prison, along with a fine of Rp: 250 million or an additional 6 months of imprisonment. However, at the cassation level, the presiding judge was Artidjo Alkostar, who, in the Supreme Court Decision No. 1616 K/Pid.Sus/2013 ruled that the defendant, Angelina Patricia Pingkan Sondakh, was legally and convincingly proven guilty of committing a corruption crime as regulated and penalized under Article 12(a) in conjunction with Article 18 of Law No. 31 of 1999, as amended by Law No. 20 of 2001 on the eradication of corruption crimes, in conjunction with Article 64(1) of the Criminal Code. The court sentenced Angelina Patricia Pingkan Sondakh to 12 years in prison, reduced by the time spent in detention, with an order to keep her in detention, and a Rp fine—500 million could be substituted with an additional 6 months in prison. Additionally, the court imposed a restitution of Rp. 12.58 billion. The decision made by Artidjo Alkostar, in this case, is a concrete example of realizing progressive law through the positivist legal approach in the Indonesian judiciary system. In this ruling, Artidjo Alkostar did not disregard the positive law and adhered to the applicable articles in the law. However, he sought a legal article that would be more punitive for the defendant. As the positivist legal theory outlines, law must be written and enacted by the appropriate authority; anything outside of that is not considered law. see CHOIR, T. "Perwujudan hukum yang progresif melalui aliran positivisme hukum dalam praktek peradilan pidana di Indonesia", *Dinamika*, v. 30, n. 2, 2024, p. 11073-11087.

declining quality of law enforcement. This crisis reflects a disconnect between legal instruction and the social realities experienced by society.

A new learning model is needed—one that not only retains doctrinal approaches but also opens space for direct engagement with social realities. The "going down to the people" model offers a relevant solution, where law students do not merely learn law as text but experience it as a living practice within society. From this, socio-legal approaches and legal pluralism become crucial in expanding the methodology of legal science, which has long been overly narrow and normative.

To address this need, the mainstreaming of Progressive Law as a dedicated course becomes urgent. This course serves as an agitational and reflective space for students to understand that law is not merely a set of rules—but also values, context, and alignment. Through direct experiences, dialogical discussions, and collaborative research, legal education can produce law graduates who are not only academically capable but also empathetic, critical, and socially conscious about justice.

All these ideas point to a fundamental realization: that law is not for law itself, but for the people. In the words of poet W.S. Rendra, "Will the sciences taught here become tools of liberation, or tools of oppression?" Hence, reforming legal higher education—particularly through the mainstreaming of Progressive Law—is a crucial step toward a legal education that liberates and humanizes.

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