

Clinical Human Rights Education: The Optimal Approach for Teaching Human Rights in Indonesian Higher Education?

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FOLLOWING THE 1998 REFORM MOVEMENT (*gerakan reformasi*) that effectively ended three decades of authoritarian rule, Indonesia formally embraced international human rights standards by passing Act 39 of 1999 on Human Rights. Simultaneously, the country amended the Constitution of 1945 to modify the state system following democratic ideals, one of which was enhancing human rights for its citizens. The first democratically elected government in 2000 created the Ministry of Human Rights to promote human rights ideals in the country. In addition, Act 39 of 1999 authorizes the establishment of a national human rights institution, which is responsible for promoting and enforcing human rights standards. This law became the basis of the continued existence of the *Komisi Nasional Hak Asasi Manusia* (Komnas HAM), which was established by Presidential Decree No. 50 of 1993.¹ At the grassroots level, activists and universities founded human rights non-governmental organizations (NGOs) or institutes to cultivate awareness of human rights among the citizens. Considering this, the Indonesian National Education System Law (Act Number 20 of 2003) mandated that the national education system be democratic and non-discriminatory, in line with human rights ideals, religious values, and cultural and national diversity perspectives. Consequently, human rights education entails the acquisition of knowledge on human rights principles to empower individuals to advocate for their own and others' rights.

However, after nearly twenty-five years of traditional human rights education, instilling ideas about human rights remains a significant challenge in Indonesia. Therefore, an alternative approach to human rights education is imperative.

The human rights clinic, a pioneering program designed to promote human rights concepts, especially among students, has shown promising results in other countries. While the clinic's method is not as popular in

Indonesia as in the U.S., where it has been extensively implemented in law schools, its successful implementation offers hope for its potential use in Indonesia.

Faculty of Law, Universitas Negeri Semarang

The Institute of Teacher Training and Educational Science (IKIP), founded in 1963, evolved into Universitas Negeri Semarang in 1999. This move created a larger mandate for teacher training programs to include professional workers. As a result, the Ministry of Education and Culture changed the University's statutes in 2000 to allow the development of non-educational study programs, including a legal program, which later became the Faculty of Law.

The Faculty of Law at Universitas Negeri Semarang was formed under a license from the Directorate General of Higher Education (*Dirjen Dikti*) on 19 November 2007, and was publicly inaugurated by the University Rector on 30 November 2007. The faculty's objective is to equip the students to become professionals in their legal vocations as judges, prosecutors, lawyers, notaries, researchers, scholars, or legal officers. Consequently, the curriculum of the Faculty of Law incorporated theoretical and practical teaching and learning methods. The theoretical components of the courses are delivered by the lecturers, but the practical components are taught by legal



Building of the Faculty of Law, Universitas Negeri Semarang

practitioners affiliated with the law faculty. These legal practitioners come from judicial offices, prosecutorial offices, law firms, notarial offices, and other professions with legal components, including government agencies, enterprises and NGOs.

Human Rights Education Framework

The concept of human rights education is distinct from conventional education. It covers human rights and education on five domains of practice and research, including (1) teaching about and for human rights; (2) education as human rights in itself; (3) human rights in education; (4) education and training of professionals confronted with human rights issues; and (5) educational and social work aspects of the rights of the child.² In this context, UNESCO asserts that effective human rights education not only cultivates knowledge of human rights and their protective mechanisms but also develops the skills and attitudes necessary for students to promote, defend, and implement human rights in everyday life. Moreover, human rights education is founded upon essential principles of respect, equality, justice, inalienability, interdependence, interrelatedness, indivisibility, and universality of human rights. Consequently, human rights educational initiatives ought to be practical and student-centered by integrating human rights with the real-life experiences and contexts of the students.³

In practice, human rights education varies by country. It depends on the situation in a country, such as the influence of religion and politics. A democratic nation inherently supports the adoption of human rights policy. But human rights education is affected when human rights are not properly defined and promoted without consideration of the long-term political ramifications of such effort. Western states promote human rights education under the principle that each state is primarily responsible for human rights violations, although third-party states are also accountable for massive and widespread violations of human rights.

The Indonesian approach to human rights, rooted in cultural values, is embodied in *Pancasila*, the five foundational principles of the nation's philosophy: belief in God, humanity, unity, democracy, and social justice. Nonetheless, no singular directive exists for the implementation of Pancasila-based human rights standards. Such human rights standards implementation is contingent upon the governing authority in the nation.

The human rights policy adopted in the first few years of the post-Soeharto era was liberally implemented, consistent with the practices of Western nations. In this instance, civil society enjoyed freedom of expression, freedom of association, freedom of the press, and all other relevant human rights. Conversely, the government vigorously ratified two major human rights treaties in 2005: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). During this period, the government led by President Abdurrahman Wahid was at the forefront of democracy. He also served as the chair of the largest Muslim traditional organization, Nahdlatul Ulama, or Awakening of Islamic Scholars. This impetus compelled Indonesian higher education institutions to incorporate human rights education into their curriculums, which was previously solely focusing on the nation's Constitution.

Human rights NGOs and institutions of higher learning played a significant role in advocating for human rights within Indonesian society and among students. The Center for Human Rights Study at Universitas Islam Indonesia (PUSHAM UII)⁴ is a leading entity in advancing human rights teaching initiatives for law lecturers across the nation's universities. Supported by the Norwegian Center for Human Rights, PUSHAM UII organized a series of human rights education training sessions ranging from basic to advanced levels. PUSHAM UII's effort and the government's top-down approach significantly promoted human rights education in Indonesia.

Clinical Human Rights Education

Clinical human rights education (CHRE) is an element of the clinical legal education (CLE) concept. The CHRE approach empowers students by combining conventional human rights pedagogy with experiential learning. Students are not just passive recipients of knowledge but active participants who apply their understanding of human rights to actual cases, primarily benefiting marginalized or disadvantaged individuals through advocacy or fostering human rights awareness.

Since the CHRE method originates from CLE, which combines theoretical understanding with actual legal skills and social values, students acquire extensive knowledge and experiences that differ from standard classes focused solely on cognitive learning or knowledge transfer. The clinical meth-

od is categorized into two types: in-house and out-house clinics. The in-house clinic comprises of students offering legal assistance and advocacy service to clients. Another example is a simulation clinic, where students demonstrate the handling of real cases in a moot court setting.



Moot court room at the Faculty of Law

The out-house clinic model has three programs. One is an intensive program, in which students intern in legal offices. Another is the community clinic program, where students engage with the community to provide legal or human rights consultation and advocacy.

The third program is the mobile clinic, which allows students to travel to various locations to provide legal or human rights consultation, advocacy and education to the community.

Before participating in these clinic programs, students should have learned three components in CHRE: knowledge, lawyering skills, and reflection exercise. The community clinic, formerly the street clinic, is the most prevalent practice in Indonesian law schools; it primarily targets junior and senior secondary school students as participants in the activities.

Clinical Human Rights Education in Universitas Negeri Semarang

The CHRE program in the Faculty of Law in Universitas Negeri Semarang commenced in 2018 with the intention of equipping law students with experience in advocating for and securing the rights of marginalized communities. Moreover, the program aims to instill in the students social justice ideas that directly apply to disadvantaged individuals. This program is integral to the law faculty's pedagogical approach of using clinical legal education (CLE) that started to be implemented in 2010.

The CHRE program primarily emphasizes civil and political rights. Students learn the basic principles of these rights and how to fight for marginalized groups to secure them. It is predominantly utilized for courses in human rights law. Nonetheless, other courses related to human rights, including agrarian law concerning land rights issues and constitutional law addressing specific citizen rights such as freedom of speech and citizenship rights, are also adopting the CHRE instruction format.

The CHRE program aligns with the *Kampus Merdeka* (Independent Campus) policy of the Ministry of Education, Culture, Research, and Technology. The *Kampus Merdeka* policy includes a credited program for students to undertake three-month internship. It was initiated in January 2020 by the Ministry of Education, Culture, Research, and Technology as a novel innovation in university education in Indonesia. The *Kampus Merdeka* policy seeks to provide students with the flexibility to engage in autonomous learning beyond their campus, within designated institutions such as industries, private sectors, government offices, or entrepreneurial ventures. The *Kampus Merdeka* policy aims to produce graduates with competencies relevant to the labor market's and society's demands. Consequently, the implementation of *Kampus Merdeka* policy involves collaboration among universities, industries, government bodies and NGOs. Students should have one semester or its equivalent, comprising twenty credits, to undertake the *Kampus Merdeka* according to their chosen program. However, the *Kampus Merdeka* policy recently allowed students to study at another university for up to two semesters, equivalent to forty credits, as an alternative to internship in business entities. 4,593 universities in Indonesia implement *Kampus Merdeka* programs, with 8.4 million students involved.



Law students completed internship at the Boyolali district court, where they learned about judicial procedures (2024).

Theoretical Understanding

Students intending to enroll in the CHRE program must have completed legal theories and practical law subjects, encompassing legal procedures and case analysis. This knowledge is crucial for students seeking to successfully achieve their objective in participating in the CHRE program.

The CHRE program at the Faculty of Law, Universitas Negeri Semarang, is available to students who have completed their third semester or second year, signifying that all necessary courses have been completed. It differs from international law schools, which require students to have completed at least their third or fourth year.⁵

The undergraduate course on law and human rights aims to provide a comprehensive understanding of the subject, encompassing seven topics, including the historical evolution of human rights. One topic pertains to the fundamental principles of human rights and the international human rights frameworks, primarily addressing the two founding covenants: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Another topic is the method for monitoring the implementation of international human rights treaties, encompassing the United Nations bodies and regional institutions such as the Council of Europe (European Court of Human Rights, Commissioner for Human Rights).

Upon concluding the study of international human rights concepts, tools, monitoring mechanisms, and enforcement, the remaining issue in the law and human rights subject pertains to applying human rights law in the Indonesian setting. This covers discussion of the historical evolution of human rights concept in Indonesia, followed by an introduction to the national legal frameworks governing human rights. Finally, the discussion covers the enforcement of the human rights law and the human rights court in Indonesia.

In addition to the human rights law course, various other courses incorporate human rights topics, including the subject of *Pancasila*, which encompasses the five state pillars: belief in God, humanity, unity, democracy and social justice. All these principles are intrinsically linked to human rights. The other subjects with human rights content include constitutional law, agricultural law, law and technology, juvenile criminal law, and local autonomy law. All these subjects utilize the clinical technique in their learning process, particularly with case studies.

Case Studies

With sufficient knowledge of basic legal concepts, including human rights theories, students acquire a framework on how to assess and resolve real human rights cases. In this context, students acquire the theoretical underpinning of human rights and develop analytical skills through case studies.

Students in the CHRE program are organized into groups based on their selected human rights topics and the specific communities they aim to work with under the program. This is the preliminary stage of the CHRE program.

The next stage involves identifying a relevant case related to their chosen topic. Students present their cases in class to get thoughts from peers and the lecturer, who serves as the supervisor for their CHRE activities.

Groups of law students select human rights issues confronting urban and underprivileged groups, such as people begging on the street, slum communities, and primary school students. Other groups choose to visit marginalized or suburban poor communities. Upon completing this stage, the Law Faculty's CLE section communicates with each targeted community and secures all necessary permits.

Practical Legal Skills

Students must complete legal skills before admission to the CHRE program, including lawyering and field research, notably interview and consultation skills. Practice-based law lectures include research methodology, legal aid, moot court simulations for criminal and private law cases, constitutional law procedures, and administrative law courts. The interview skills acquired from the methodology course benefit students in managing client human rights case consultations.

Before their departure to meet the client in the community, students receive training in the law laboratory concerning the technical and ethical considerations they must strictly observe while interacting with a client. At certain times, the training for live consultation is supervised by practicing attorneys who have formal agreements with the law faculty. Similarly, the moot court simulation is overseen and guided by lawyers, prosecutors or judges with formal agreements with the law faculty. With adequate training, students can better prepare for their CHRE in any format they choose.

Reflection Component

Students must compose a reflection paper detailing their experiences under the CHRE program encompassing the knowledge, advocacy and values acquired from their engagement with the targeted community. To thoroughly understand this phase, below are two examples of human rights clinics conducted by students utilizing the street legal clinic model and advocacy in the human rights course.

a. Street human rights law

Human rights clinics include visiting specific communities for clinical activities, promoting human rights awareness, and helping school students. In light of this, a group of five female students visited a primary school to promote the fundamental value of human rights, that is, respecting others or tolerance. Respecting the human rights of others is an essential element of human rights taught in the human rights course. In this case, students promote this human rights value to the primary schools as part of “eliminating the bullying at school” program. The incidence of bullying in Indonesian



Law students advocate for the right to education for people living in remote areas of the country.



Law students at General Election Office in Central Java, as part of the street human rights law program, advocating for protection of the right to vote (May 2025).



Law students conducting human rights clinic on empowering the Klaten district villagers (2024).



Law students after conducting human rights clinic on empowering the Klaten district villagers regarding assertion of economic rights by campaigning for access to funding support for their home industry businesses (2024).

schools has been rising markedly each year. Data released by the Indonesian Education Monitoring Network in 2024 indicate five hundred seventy-three incidences of bullying, a significant increase from ninety-one cases in 2020.⁶ The number of bullying incidents is expected to continue increasing in subsequent years. Therefore, promoting human rights, particularly tolerance and mutual respect, is essential for students in school.

In the human rights clinic at “Sekolah Dasar Negeri (SDN) Sekaran 1,” law students utilized puppets depicting various animals to facilitate comprehension of human rights among primary school students, illustrating the diversity of social existence. Initially, the primary school students reflected on the core principle of *Pancasila*, encapsulated in the phrase “Bhinneka Tunggal Ika,” meaning Unity in Diversity, which mirrors the actual social dynamics inside the nation. Following the demonstration of friendship and tolerance among various animals, the law student requested the primary school students to articulate in front of the class the moral of the story they learned, with each student primarily emphasized the benefits of tolerance in daily life and contrasted it with the detrimental effects of bullying.

The street law methodology of human rights education, grounded on students’ reflections during their human rights law class, affords the law students with substantial practical experience in promoting fundamental human rights among primary school students in cases of bullying. Law students engage in a productive interaction with the primary school students regarding the latter’s reflections on the concept of bullying and instances of bullying behavior they know. Conversely, law students articulate their difficulties in promoting human rights ideals and in conveying the benefits and effectiveness of their experiential learning related to this course.

b. Migrant fishing workers’ advocacy

The suffering of Indonesian migrant workers particularly those employed on Taiwanese-flagged vessels is a significant issue. In 2018, Wallace Yu-Jhong Huang, a lawyer and human rights activist of Yilan Migrant Fishermen Union, Taiwan, visited the law faculty to discuss the human rights issues faced by Indonesian migrant fishing workers in Taiwan. Following an extensive presentation on the plight of Indonesian migrant fishing workers in Taiwan, Wallace stressed the perilous conditions workers face in the fishing business, particularly those lacking sufficient Chinese language proficiency and requisite skills. During a segment of his presentation, Wallace

cited a case involving a fishing worker from Tegal, Central Java, who perished. Following this seminar, the human rights law clinic encouraged a cohort of students to advocate for the case of the fishing worker from Tegal. Before departing for Tegal, the law students received training in advocacy, consulting with victims' families, and obtaining local authority permit. Once all matters had been settled, five law students visited Tegal to conduct a clinic for several days.

The law students reported on their human rights clinic on migrant fishing workers in Tegal and their reflection on the experience. They recognized the challenges associated with advocating for human rights issues, including acquiring the necessary licenses from local authorities, locating the precise addresses of the victims' families, and conducting interviews with them. Their report highlighted several key recommendations to the Human Rights Law Clinic, including collaboration with human rights NGOs and legal advocacy alongside legal assistance institutions (such as Lembaga Bantuan Hukum [LBH]). According to their report, the clinic offered an opportunity for collaboration between institutions, resulting in an agreement between the Institute for Migrant Rights (IMRs) in Cianjur and the Human Rights Law Clinic signed by the Dean of the Law Faculty, and for advocacy purposes, the Dean also inked a cooperation agreement with Semarang LBH, Mawar Saron.

Efficacy of Clinical Approach in Human Rights Education

As previously stated, human rights education is distinct from general education. It encompasses pedagogy and experience. It requires students to comprehend the theoretical and historical framework of human rights as a foundational knowledge that aids in understanding the protection of human dignity inherent in various rights. This awareness compels individuals to take tangible actions to safeguard human rights against any attempts to undermine their dignity. The clinical approach to human rights education equips law students with essential legal skills. These legal skills guarantee that students can apply what they have learned in different circumstances after graduation. Alongside the legal skills acquired from the human rights clinics, students also embrace the principles of social justice, and better understand the injustices, discrimination, and various human rights issues marginalized communities face. During the reflection session after com-

pleting the human rights clinics, law students articulate in front of the class their lawyering skills and the value of social justice. They exhibit great enthusiasm in sharing experiences in community consultation sessions and helping strengthen communities regarding human rights and access to justice throughout clinical processes.

According to the clinical technique of human rights teaching employed in my class, this approach is among the most promising in higher education. The clinical learning method fulfils the objective of human rights education. Students study the meaning of human rights while learning that education itself constitutes a fundamental human right. They also gain experience in promoting or campaigning for human rights in society. The clinical learning method also addresses the criticism that Indonesian law schools primarily focus on legal theories and lack a tradition of training students to address legal issues or human rights concerns. As a result, according to this criticism, Indonesian law graduates do not acquire practical legal skills. Law students are acquainted with legal theories and sources of law, yet they cannot apply them effectively. (Bedner, 2013)

Conclusion

The human rights education course of the Faculty of Law, Universitas Negeri Semarang represents a synthesis of theoretical and practical components that distinguishes it from other courses, particularly law school courses. A comprehensive understanding of the human rights concept is essential for effective advocacy concerning the issues marginalized people face. Consequently, the clinical approach employed in human rights class illustrates the successful efficacy of teaching human rights. Students acquire knowledge, legal skills and social justice principles essential in preparing them for graduation and subsequent practice as professional lawyers. Aside from financial gain in providing legal services to clients, they are also expected to demonstrate concern for the rights to justice of marginalized communities.

This clinical method is currently only a modified teaching method for human rights subjects and activities using it do not earn credit for students. Law school stakeholders should pay close attention to having an updated law curriculum that gives credit to clinical practice.

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Endnotes

- 1 See Komnas HAM, www.komnasham.go.id/tentang-komnas-ham.
- 2 See Human rights education in higher education, World Programme for Human Rights Education, Second Phase, <https://unesdoc.unesco.org/ark:/48223/pf0000217350/PDF/217350eng.pdf.multi>; and United Nations Declaration on Human Rights Education and Training, *Human Rights Education in Asia-Pacific*, www.hurights.or.jp/archives/asia-pacific/section1/pdf/11%20-%20UN%20Declaration%20on%20Human%20Rights%20Education%20and%20Training.pdf.
- 3 World Programme for Human Rights Education and United Nations Declaration on Human Rights Education and Training, *ibid*.
- 4 See the profile of PUSHAM UII in the Directory of Human Rights Centers in Asia-Pacific - <http://hurights.pbworks.com/w/page/11947505/Indonesia-Centers>.
- 5 In this context, students would have completed several foundational courses by the fifth semester, including Introduction to Law, Introduction to the Indonesian Legal System, Indigenous Law, Private Law, Constitutional Law, Customary Law, International Law, Law and Human Rights, Criminal Law, and other fundamental legal subjects.
- 6 See Umi Zuhriyah, Data Kasus Bullying Terbaru 2024, Apakah Meningkatkan?, [tirto.id](https://tirto.id/data-kasus-bullying-terbaru-2024-apakah-meningkat-g621), 30 December 2024, <https://tirto.id/data-kasus-bullying-terbaru-2024-apakah-meningkat-g621>.