

THE ORDER OF THE COIF^{*)} Washington Chapter

Erman Rajagukguk^{**)}

*Prof. Daniel S. Lev;
Dean Joe Knight;
Mr. Walter L. Walsh
President, University of Washington
Chapter of the Order of the Coif;
Prof. Veronica Taylor, Director of Asian
Law Program and former classmate;
Distinguished members of the Order of the Coif;
Ladies and Gentlemen,*

It is my great honor to be inducted into the Order of the Coif as a distinguished foreign alumnus.

I hope this award will strengthen my commitment to working both in academia and government. Working in two separate worlds at the same time requires a certain talent to make the activities compatible and avoid conflicts. Thus, I would like to share with you tonight, a little bit about these two worlds, hoping they will not collide.

First, legal education in Indonesia needs reforms to produce competent lawyers in addition to conquering the so-called digital divide, to take advantage of the current development of information technology and communications.

On-going legal education reform covers curriculum, teaching materials and methods.

Some faculties of law in Indonesia now are suffering a crisis, including a real shortage of qualified lecturers. The shortage is due in part to demographics, since the older generation of law faculty is now retiring, but the younger replacements may not be of comparable quality.

So, one of key themes in Indonesian legal education is regeneration, meaning how to attract and retain qualified younger faculty, who are competent and professional.

My experience with American legal education has been very helpful in this endeavor.

Last Tuesday I delivered a speech at the University of North Sumatra in Medan, a city approximately 1300 miles away from Jakarta, on the occasion of that university's forty-fourth anniversary of its founding. There, I witnessed that the progress of communication

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^{**)} Professor of Law, University of Indonesia.

technology has helped the faculty of law of this university to link with the University of Indonesia in Jakarta and even with universities overseas. The University of North Sumatra, almost already 50 years of age, itself faces a critical shortage of suitable faculty since the senior faculty are retiring, but the junior faculty are not ready to step into their shoes without intensive faculty development efforts.

Thanks to current technological progress, we are able to work hard at such faculty development through means such as video conferencing from Jakarta to provincial law schools of lectures from the University of Indonesia in Jakarta. We are now providing graduate legal education within Indonesia via video conferencing.

Ladies and Gentlemen,

I also confess that the internet permits some universities within Indonesia to access information from all parts of the globe. Thus, we can now easily obtaining online information available at the library of the University of Washington as well as Mac Gallagher Library. Addressing the gathering at the University of North Sumatra, I also stressed the importance of mastering English by Indonesian law faculty and students. As we all know, the current development of technology has made the world smaller and smaller in some ways. Thus, even things happening outside the country feel right next door. But, without good English, that closer distance will seem to recede, ever further away. I acknowledge that mastering foreign languages has become more important since the globalization of law has now touched Indonesia, among others, on economic and human rights affairs. Entering the 21st century, Indonesia has enacted a variety of laws, such as, Trade Secret, Anti-Monopoly and Fair Competition, Integrated Circuit, Industrial Designs and Money Laundering. I feel strongly that a comparative study or areas encompassed by newly passed acts is a must in the curriculum of law schools in Indonesia. Unfortunately, it has become difficult for Indonesians to study overseas, since Indonesia is still embroiled in an economic crisis. I believe that domestic legal education needs strengthening, and that the development of technology should help Indonesian law students obtain support from universities abroad.

Secondly, at the same time, in my government job I am also Vice Cabinet Secretary, whose main responsibilities include the review of drafts of laws, government regulation, and presidential decrees.

These activities have become more difficult too during the economic crisis and our on going democratization process.

Countries which are at present being referred to as industrialized countries have implemented their development through three stages: unification, industrialization, and the welfare state. At the first stage the main problem is how to achieve political integration to create national unity. At the second stage comes the struggle for economic development and political modernization. Finally, at the third stage, the task of the state is particularly to protect the people from the negative aspects of industrialization, correcting errors at the previous stages by emphasizing public welfare. Such stages traditionally are passed consecutively and take a relatively long time. National unity is the prerequisite to enter the industrialization phase. Industrialization is the way to achieve the welfare state. The history of nations indicates that legislators, judges and legal institutions played a significant role in changing norms and values to designate new social priorities from one development level to the next development level.

The conventional way of thinking says that national unity, the creation of stability coupled with dynamics of the public and market are the prerequisites to establish industrial infrastructure, and industrial growth is the prerequisites for successful effort in overcoming poverty, ignorance and various kinds of malady.

Developing countries have rejected such assumptions. Industrialization without thinking about social welfare will merely engender the anger of the new generation which may threaten national unity. GNP increase does not automatically bring about social unity, stability and happiness. The people of developing countries are fully aware that the above three historical development stages must be achieved concurrently under current circumstances. This is attributable to many factors, among others current fast development of the communication and technology sectors, thereby enabling nations to communicate and see one another within seconds.

So far, Indonesia has committed to achieve three goals of development concurrently : unification, economic recovery and social welfare.

Friedman said that legal system consist of three elements: substance, institutions and legal culture. In line with that system, Indonesia has enacted a variety of laws to achieve the abovementioned three goals.

Our newest 35 laws passed during the last two years constitute only one of the elements in a legal system. In order to enable it to live and proceed, the apparatus and the legal culture of the people must support the operational aspect of the law. Legal reform must therefore be continued for the improvement of judicial, executive, and legislative institutions.

In line with this, there must be reform of our legal culture on the part of the Indonesian people to support democracy, justice and protection of human rights.

Law and regulations alone will not suffice. There is a need for clean and efficient apparatus to implement the laws and regulations.

The role of courts will be increasingly important in the future. The task of the judge is applying law to social facts. Efforts must be redoubled to secure clean and dignified courts. In this context, additional budgetary expenditures to improve the welfare and quality of judges cannot be avoided. We cannot expect realistically an honest and clean judiciary in the present condition of judges' welfare.

Within our legislative institutions, individual commissions and committees need to be staffed with experts. Although the DPR is a political institution, well founded knowledge and information on matters of a technical nature must be available to the Indonesian people's political representatives. Therefore Indonesia experts from various areas must support the DPR. Thus the DPR will be able to perform its function at a level of quality that is on par with that of the executive.

The quality of personnel in the Legal Departments of various government agencies must be improved. This is required by the more intensive role for law envisioned in the future, not only with regard to local and national legal issues, but also with regard to international issues reaching into different areas of concern.

The most difficult issues, however, is how to ensure law enforcement realistically. Law in Indonesia is heavily influenced by political factors. Prosecuting corruption is still difficult since law enforcement must take many political aspects into considerations. Meanwhile, our continuing economic crisis breeds crime in some areas and hinders business investment.

Continuing political will and strong commitment are needed to overcome these serious problems in Indonesia.

Ladies and Gentlemen,

I would like to thank, specifically, Prof. Daniel S. Lev, Prof. Veronica Taylor, of Asian Law Program, Prof. Roy L. Prosterman and Robert Mitchell of the Rural Development Institute (RDI), Prof. Toshiko Takenaka of CASRIP and Ms. Sharon Nelson of the Center for Law, Commerce & Technology for their help. I would like to thank also Dean Joe Knight, Associate Dean Paula Littlewood, Dean Speer, Ruth Beardsley and Mr. Walter J. Walsh,

The President of the University of Washington Chapter of the Coif, for making this event possible.

I shall return to Indonesia from my Seattle visit, heartened by this honor and hope for your longer-term support of our critical efforts developing my country. Thank you.