



University Name	:	HASANUDDIN UNIVERSITY
Faculty Name	:	FACULTY OF LAW
Department Name	:	BASIC LAW
Study Program Name	:	UNDERGRADUATE LEGAL STUDIES

SEMESTER LEARNING PLAN (SLP)					
COURSE	COURSE CODE	CSU	Status	Department	SM
LEGAL ETHICS AND PROFESSIONAL ETHICS	405B1112	2	COMPULSORY (NATIONAL)	BASIC LAW	VII
AUTHORIZATION	LECTURER		Vice Dean of Academic and Development		
	Signature		Signature		
	Dr. Mustafa Bola, SH, MH.		Prof. Dr. Ahmadi Miru, SH, MH		
Expected Learning Outcomes (ELOs)					
S1	Having integrity and legal professional ethics based on values of Pancasila				
KU1	Ability to think critically, logically and systematically				
KU2	Ability to perform oral and written communication				
P4	Demonstrate mastery of substantive laws (criminal law, civil law, international law, administrative law, constitutional law)				
KK1	Ability to conduct legal research to construct legal arguments				
LEARNING GOAL					
Students are able to analyze basic concepts and comprehension of the importance and the standing of philosophy and profession ethics in reinforcing ethics, morality, and integrity of legal apparatus and law enforcement.					

#### **SHORT DESCRIPTION OF THE COURSE**

**This course provides basic, whole, and comprehensive understanding about the standing of philosophical studies in legal thinking, the principles of legal philosophy, the importance of the study of legal philosophy in relation to the progress of seeking nature and/or essence of law. This course also explains the function and purpose of legal philosophy, schools of thought in legal philosophy, how Legal Philosophy provides answer to fundamental issue in law dynamics and law enforcement, the existence of Pancasila values as the highest philosophical values in society which becomes the basis in developing national law system according to the highest ideals in society, and comprehension of the importance and the standing of profession ethics in reinforcing ethics, morality, and integrity of legal apparatus and law enforcement.**

MEETING NUMBER	LEARNING GOAL	LEARNING MATERIAL	LEARNING STRATEGY	ASSESMENT CRITERIA (INDICATOR)	WEIGHT (%)
I		<b>INTRODUCTION</b> <ol style="list-style-type: none"> <li>1. Explanation of Course Specification</li> <li>2. Course contract and formation of class organization</li> <li>3. Term and definition of Philosophy, Legal study, and Legal Philosophy</li> <li>4. Relation and status of:               <ol style="list-style-type: none"> <li>(1) Philosophy and Legal Study</li> <li>(2) Philosophy and Legal Philosophy</li> </ol> </li> <li>5. Scope and fundamental questions of Legal Philosophy</li> <li>6. Characteristic of Legal Philosophy study</li> <li>7. Advantage of studying Legal Philosophy</li> </ol>	Interactive lecture Discussion  <b>Assignment: Create a Summary of One of the CHAPTERs in the Mandatory Book</b>		0
II		History of development, function, and purpose of Legal Philosophy	Interactive lecture Discussion		5

		Correlation between state science and other study where state is the object of the study.	Reviewer		
III		<p><b>ESSENCE OF LAW</b></p> <p>Development of schools of thought in Legal Philosophy to answer fundamental questions: (1) basis of obedience to the law and (2) the concept of justice</p> <p><b>School of Thought I: Natural Law:</b></p> <p>(Religious Law, Aristoteles, Cicero, J.J. Rosseau, Thomas Aquinas, Lon Fuller, Thomas Hobbes, Gustav Radbruch, Ammatoa Kajang, Baduy Lebak Tribe)</p> <ol style="list-style-type: none"> <li>1. Essence/concept of law.</li> <li>2. Proficient figures</li> <li>3. Basis of attachment to the law</li> <li>4. Advantages and disadvantages of this ideology</li> <li>5. Concept of justice: Substantial Justice vs Formal Justice</li> <li>6. Supremacy of Morals vs Supremacy of Law</li> <li>7. Relevance and contribution of</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p> <p><b>Assignment:</b></p> <p><b>Write a difference between natural law and positive law</b></p>		5

		<p>Natural Law to the development of national legal system: constructing principles of morality in framing law material and law enforcement</p> <p><b>8. Case study: the Japanese who uphold moral supremacy, liberal countries with a low level of corruption, Baduy tribe towards environmental sustainability, congregation corruption.</b></p>			
IV		<p><b>School of Thought II: Legal Positivism</b></p> <p>(Hans Kelsen, John Austin, Jeremy Bentham, H.L.A. Hart)</p> <ol style="list-style-type: none"> <li>1. Essence/concept of the law.</li> <li>2. Criticism y the ideology on the concept of Natural Law ideology</li> <li>3. Proficient figures</li> <li>4. Basis of attachment to the law</li> <li>5. Advantages and disadvantages of this ideology</li> <li>6. Concept of formal justice v. substantial justice</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p>		5

		<p>7. Relevance and contribution of each ideology to the development of National Law system: preparation of legal materials (Legislation) and enforcement of formalistic law (judicial decision).</p> <p>8. <b>Case study: former corruptors are allowed to participate in election, case of pretrial decision Judge Sarpin, Constitutional Court legalizing dynasty of politics, corruptor receiving remission</b></p>			
V		<p><b>School of Thought III: Legal Historism &amp; Utilitarianism</b></p> <p>(Carl von Savigny, Puchta, Jeremy Bentham, Rudolf von Jhering, Henry Maine, E.A. Hoebel, Paul Bohannon, Eughen Ehrlich),</p> <ol style="list-style-type: none"> <li>1. Essence/concept of the law.</li> <li>2. Criticism of this ideology on the concept of legal positivism ideology</li> <li>3. Proficient figures</li> <li>4. Basis of attachment to the law</li> <li>5. Advantages and disadvantages of</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p> <p><b>TUGAS PR:</b></p> <p><b>Difference between legal positivity ideology and legal historism historis</b></p>		10

		<p>this ideology: development of legal pluralism</p> <p>6. The concept of justice</p> <p>7. Relevance and contribution of this ideology to the development of national law system: law design based on legal values in society (living law, local wisdom, customs, tradition).</p> <p>8. Development and influence of this ideology on legal products (constitution, regional regulation) (plural), General Court and Constitutional Court which prioritizes legal values and justice as well as the advantages in society</p> <p>9. Contribution of customary on reinforcement of national legal system</p> <p><b>10. Case study: UU NAD, UU Special Autonomy Papua, UU Privileges of Yogyakarta, Nagari system in Minangkabau/West Sumatra, Synergy between DesaAdat / Pakraman and Autonomous Village in Bali, indigenous people land burning tradition (recognized by forestry law, but</b></p>			
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		caused forest fires)			
VI		<p><b>School of Thought IV: <i>Sociological Jurisprudence</i></b></p> <p>(Roscoe Pound, Rudolf von Jhering, Max Weber, Emile Durkheim, Eughen Ehrlich, H.C. Bredemeier, Satjipto Rahardjo, Mochtar Kusumaatmadja)</p> <ol style="list-style-type: none"> <li>1. The essence/concept of the law</li> <li>2. Birth of empirical/sociological legal studies</li> <li>3. Correlation of this ideology with legal positivism and legal historicism. Criticism of this ideology on the concept of positivism and historicism ideology.</li> <li>4. Proficient figures</li> <li>5. Basis of attachment to the law</li> <li>6. Concept of Substantial justice and social.</li> <li>7. Relevance and contribution of each ideology to the development of national legal system: legal concept that is compatible with the needs of society (bottom up).</li> <li>8. <b>Case study: revocation of</b></li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p> <p>Assignment</p>		10



		<p>political rights for corrupters, prohibition of political dynasty in election, position auction system, law/judicial mafia, people's representative council has many power/facilities yet minimum achievements. Law that favors certain interests (foreign, capital, ruler, entrepreneur, etc.)</p>			
VII		<p><b>School of Thought V: Legal Realism /PragmaticLegal Realism</b></p> <p>(Oliver Wendell Hollmes, Benjamin Cardozo, K. Llewellyn, J. Dewey, Alf Ross, H.L.A. Hart, Bismar Siregar)</p> <ol style="list-style-type: none"> <li>1. The essence/concept of the law</li> <li>2. Criticism of this ideology to the concept of legal positivism.</li> <li>3. Proficient figures</li> <li>4. Basis of attachment of the law</li> <li>5. The concept of procedural justice towards substantial justice</li> <li>6. Relevance and contribution of the ideology to the development and reinforcement of a strong, independent, and trusted judicial system</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p>		10

		<p><b>Case study: Legal Reasoning corruption case decisions handled by the Supreme Court cassation team (Artidjo Alkostar, et.al), criminal penalty for narcotics crime, Jakarta corruption court becomes a byword for never releasing corruption suspects before. Artidjo Al Kostar cassation team who never reduces the decisions of corruption suspects</b></p>			
VIII		<p><b>Mid Exam (Evaluation of Material I to VII)</b></p>	<p><b>Written Exam</b></p>		5
IX		<p><b>School of Thought VI: <i>Critical Legal Studies</i></b></p> <p>(Roberto M. Unger). Three Legal Concepts: (1) Customary law or interactional law, (2) bureaucratic law, and (3) Legal hierarchy.</p> <ol style="list-style-type: none"> <li>1. The essence/concept of critical law ideology</li> <li>2. Criticism of the ideology to the concept of legal procedural (positivism) ideology, court decisions that are deemed fair</li> <li>3. Proficient figures</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p>		

		<p>4. Basis of attachment to the law</p> <p>5. Advantages and disadvantages of the ideology</p> <p>6. Concept of the ideology justice</p> <p>7. Relevance and contribution to the development of critical attitude toward the legal system that has already been deemed to meet formality standards (House of Representative with its authority), (Court and its authority) but does not meet substance and expectation of society.</p> <p><b>8. Case study: debate over the case of Judge Sarpin, political dynasty in election, region expansion that is failed, region with many natural resources with low income population (Papua and Freeport).</b></p>			
X		<p><b>PHILOSOPHY OF ISLAMIC LAW:</b></p> <p>1. Definition and characteristic of Islamic Legal Philosophy</p> <p>2. Instruments in Islamic Legal Philosophy (Syariah, Fiqh, dan Tasyri')</p>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p> <p>Assignment</p>		

		<ol style="list-style-type: none"> <li>1. Essence/concept of Islamic Legal Philosophy</li> <li>2. Criticism of the ideology to other ideology</li> <li>3. Proficient figures</li> <li>4. Basis of attachment to the law</li> <li>5. Concept of the ideology</li> <li>6. Relevance and contribution of each ideology to the development of morality and integrity of law enforcement apparatus and the content of the national legal system</li> </ol>			
XI		<p><b>BASIC PROBLEM IN LAW ENFORCEMENT:</b></p> <ol style="list-style-type: none"> <li>1. Law and moral: law partiality on authority (politic, economy, social), integrity and morality of human resources of law enforcement</li> <li>2. Law and justice (huge influence of positivism but sacrificing justice)</li> <li>3. Law and truth: formality truth that partialities on power, and not protection the weak.</li> <li>4. Law and authority: use of law to protect authority</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p> <p>Assignment</p>		

XII		<p>The status of Pancasila values and local wisdom in developing Legal Philosophy and national law system:</p> <ol style="list-style-type: none"> <li>1. Concept of religious/divinity law amidst of individualism / liberalism influence</li> <li>2. Concept of humanity: the emergence of gap that separating economic, politic, social, still concerning (officials-subordinate, employer-labour, rich - poor, locals - migrants, Javanese - non Javanese)</li> <li>3. Concept of integral law while maintaining diversity: kinship system, diverse of autonomy constitution.</li> <li>4. Concept of parley as the essence of democracy.</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p>		
XIII		<p><b>Development of RESTORATIVE JUSTICE concept in national law system:</b></p> <ol style="list-style-type: none"> <li>1. Definition and characteristic of restorative justice</li> <li>2. Advantages and disadvantages</li> <li>3. Implementation of restorative justice in our national law</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p>		

		<p>system</p> <p>4. <b>Case study:</b>diversity in Juvenile Justice System, Criminal code draft that adopting restorative justice, traffic incident case of Ahmad Dani's son, concept of applying social sanction in certain criminal case.</p>			
XIV		<p><b>Legal Profession Ethics</b></p> <ol style="list-style-type: none"> <li>1. Definition and scope</li> <li>2. Characteristics of legal profession</li> <li>3. Norms for law enforcement apparatus</li> <li>4. Differences in Ethical / Moral Enforcementwith Law Enforcement</li> <li>5. Development of Professional Ethics Trial: Judges, Prosecutors, Members of Parliament, Notaries, Advocates, Police, Corruption Eradication Commission, Judicial Commission, Constitutional Court, DKPP, etc.</li> </ol>	<p>Interactive lecture</p> <p>Discussion</p> <p>Reviewer</p>		

XV		<b>Code of Ethics in Legal Profession:</b>  Ethics code of Judges, Prosecutors, Police, Notaries, Lawyers, etc.	Discussion		
XVI		<b>Final Exam</b>	<b>Written Exam</b>		5