

# *ACTIO INSIGHT*



HUMAN FLOURISHING IN THE INDONESIAN  
LEGAL COMMUNITY AND EDUCATION SYSTEM



# HUMAN FLOURISHING IN THE INDONESIAN LEGAL COMMUNITY AND EDUCATION SYSTEM

By Setyawati Fitrianggraeni and Gabrielle Kezia<sup>1</sup>

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“A lawyer who merely fulfils role expectations and complies with the minimum required professional duties under the rules will not be a lawyer who flourishes as a human being. Nor will a legal community flourish if its ranks are dominated by lawyers meeting only the minimum standards for the ethical practice of law.”<sup>i</sup> (McGinniss, 2011)

For McGinniss (2011), such individual and community flourishing in the legal community necessitates “the development and support of generations of attorneys of strong and reliable good character who, while withstanding the temptations of authority and agency, lead virtuous lives worthy of emulation by their colleagues and descendants in the practice of law”<sup>ii</sup> This raises the question: how does an individual develop the good character necessary for the ethical practice of law?

In his inquiry, McGinniss (2011) turns to the concept of ‘virtue’ from ancient Greek philosopher Aristotle and his written work titled *Nicomachean Ethics*, exploring the question: what is the good life for human beings?<sup>iii</sup> Aristotle refers to ‘goodness’ apropos to the purposes toward which all human activities taken by an individual moral agent are intended.<sup>iv</sup> For Aristotle, the supreme good for human beings is ‘flourishing’ or ‘well-being’, and he posits that individuals can flourish by living in accordance with virtue that he divides into two: moral virtues and intellectual virtues. Among the virtues specified by Aristotle, McGinniss (2011) examined the moral virtues that are critical to the ethical practice of law, namely integrity, justice, courage, compassion, and honesty; and the intellectual virtue of practical wisdom.<sup>v</sup> Aristotle’s ideas continue to be influential in the field of ethics and are making its way to the field of education.

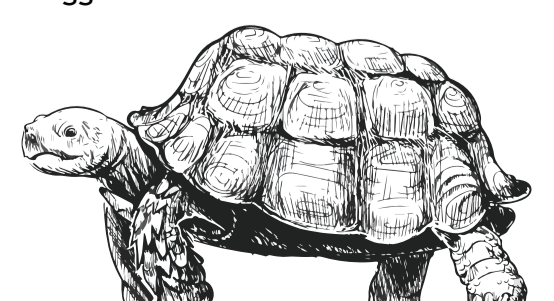
Indeed, literature finds that ‘human flourishing’ can be fostered through education; more specifically, education and human flourishing are mutually reinforcing. Education enables for flourishing, in that it provides opportunity for students to engage in and with the social, cultural, and natural world through the teaching and learning of knowledge, skills, values, beliefs and worldviews.<sup>vi</sup> Education, in turn, is improved by flourishing in that when the teaching and learning experience are characterized by the pursuit of developing one’s potential, live well, and finding purpose in their work and studies, the relationships of will teachers and learners will prosper and the teaching and learning will be of a better caliber.<sup>vii</sup>

## The Indonesian education system

Indonesia is working to make significant changes to its education system, including reforms to the curriculum, assessment practices, and teacher development. These efforts, known as the Merdeka Belajar (Emancipated Learning) initiatives, began in 2019 and are intended to address the longstanding problem of low learning outcomes in the country, which was a concern even before the COVID-19 pandemic.<sup>viii</sup> These reforms have the potential to be a major turning point for Indonesia’s education system.

*Kurikulum Merdeka* (Merdeka Curriculum)<sup>ix</sup> can be characterized by its “(1) focus on essential competencies; (2) flexibility to enable teaching to be adapted to student learning needs; and (3) a project-based learning approach, called *Projek Penguatan Profil Pelajar Pancasila* (Pancasila Student Profile Strengthening Project).”<sup>x</sup> Another commendable aspect of this new curriculum is the emphasis on character education and experiential learning. This approach is aligned with previous reforms, namely the streamlining of lesson plan requirements, the elimination of high-stakes national exams, and the implementation of the National Assessment (AN) as a way for the government to systematically evaluate school performance rather than individual student performance.<sup>xi</sup> The system evaluation focuses on evaluating three key competencies - literacy, numeracy, and character skills - that are considered essential for students to become lifelong learners and for creating a positive learning environment in schools.<sup>xii</sup> These competencies are included in MoECRT Ministerial Regulation No. 5/2022 on Competency Standard for Early Childhood Education, Primary and Secondary School Graduates.<sup>xiii</sup>

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What has been missing from these assessments, however, is the component of human flourishing. As previously mentioned, the concept of ‘human flourishing’ has gained prominence in education. Scholars who have developed educational theories and approaches around human flourishing, include Harry Brighouse,<sup>xiv</sup> Doret de Ruyter,<sup>xv</sup> John White,<sup>xvi</sup> Kristján Kristjánsson,<sup>xvii</sup> Martin Seligman,<sup>xviii</sup> Tyler J. VanderWeele.<sup>xix</sup> The UNESCO 2022 International Science and Evidence-based Education Assessment (ISEEA) urges the adoption of more thorough evaluations in schools.<sup>xxi</sup> The report informs that, “Inclusion of large-scale regular flourishing assessments in schools, and their results being considered in evaluations of school provisions, may help bring flourishing to the central stage of educational policy.”<sup>xxii</sup>

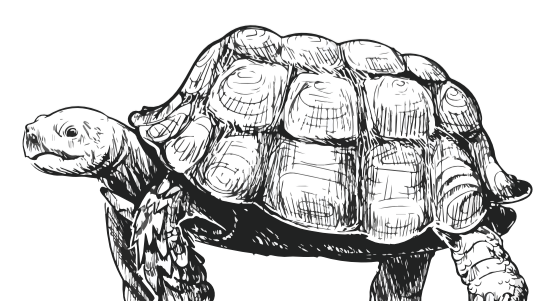
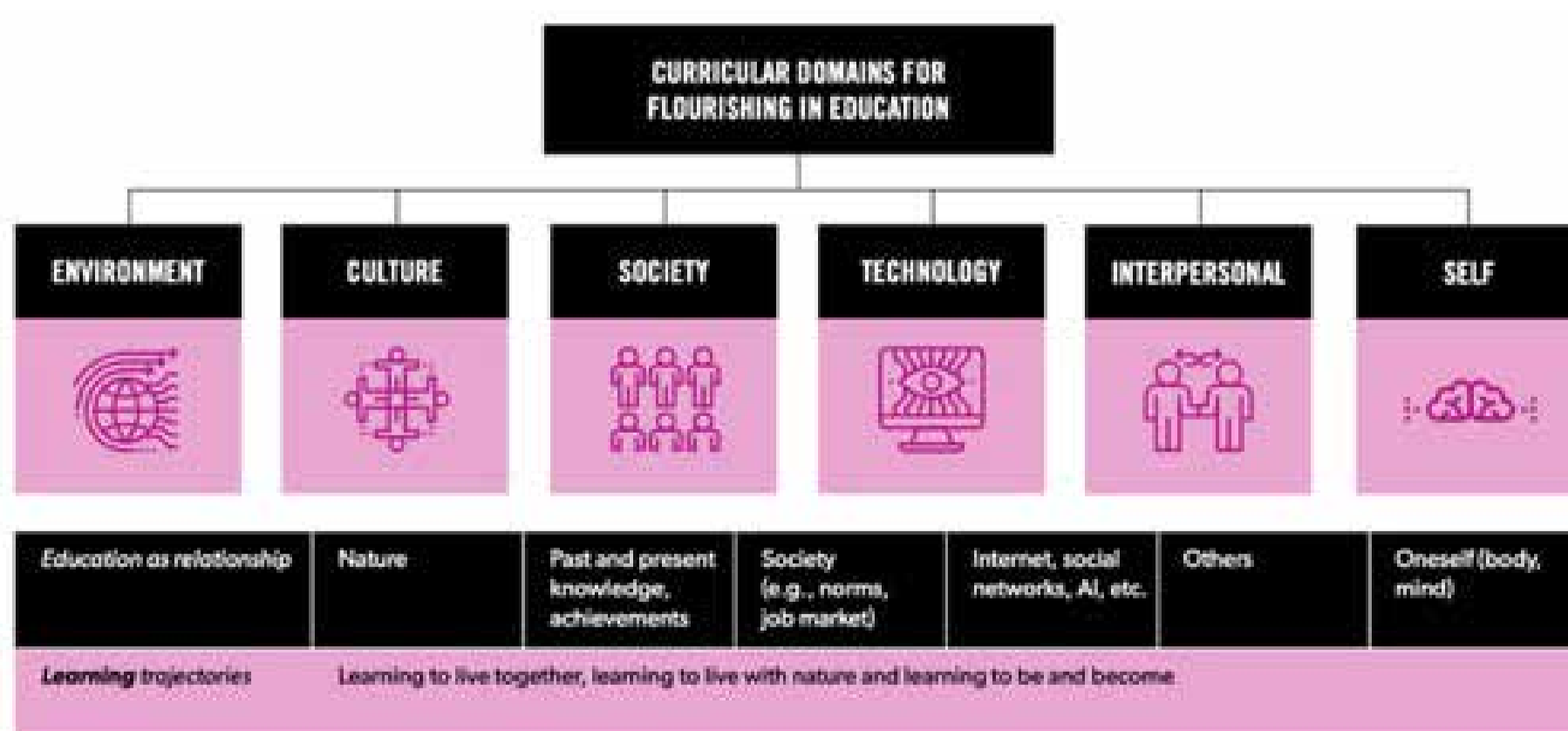
## The aim(s) of education

UNESCO asserts that before determining if our educational institutions are living up to their promises, we must first examine the fundamental question: What is the goal of education?<sup>xxiii</sup> Schinkel, Wolbert, and colleagues (2022) proposes an answer, suggesting that human flourishing is “the answer to the question what education is for, or what the point of it is.”<sup>xxiv</sup> Debates surround whether or not education has one or a set of aims. While it is unclear, the consensus on the general aims of education as epistemic is uncontested: education stands to cultivate knowledge and understanding in students (including subject-specific knowledge), cognitive abilities (e.g., reasoning, research skills) and epistemic virtues (e.g., critical thinking skills, autonomy, curiosity).<sup>xxv</sup>

It is important, at this point, to explain further the concept of human flourishing. Human flourishing has been described as “both the optimal continuing development of human beings’ potentials and living well as a human being, which means being engaged in relationships and activities that are meaningful, i.e., aligned with both their own values and humanistic values, in a way that is satisfying to them. Flourishing is conditional on the contribution of individuals and requires an enabling environment.”<sup>xxvi</sup> Thus, whether the students’ educational experiences improve their prospects of leading fulfilling lives in the sense that they are ‘optimally developed’ and ‘living well as human beings’ must be the guiding question to education for education itself ceases to be meaningful when human flourishing is not its main aim.<sup>xxvii</sup>

## Assessing human flourishing

The shift in the new sampling-based National Assessment (AN) from individual student performance to school performance is expected to further lower the stakes and provide valuable insights into the performance of the system as a whole rather than just individual students. Human flourishing, however, is both objective and subjective in that there are necessary conditions that need to be met by the individual seeking to flourish, while still acknowledging that there are different pathways in which those conditions can be met.<sup>xxviii</sup> In order to promote human flourishing, UNESCO suggests a multidimensional strategy that ranges from the individual student and teacher to educational policy. Underpinning the process is a number of crucial curricular domains that can be found in the following framework (Ellyatt, 2022):<sup>xxix</sup>





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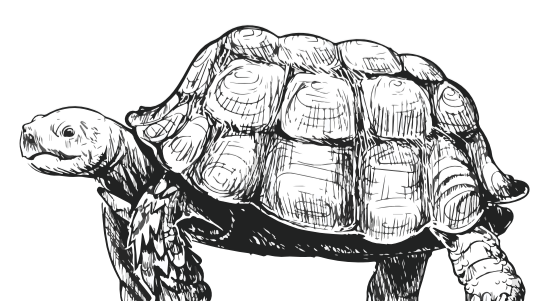
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The framework may be integrated with the *Kurikulum Merdeka* model for various evaluation procedures at various levels, from the within the school to policymaking levels. Several illustrative examples included in the report to realize the objective of human flourishing: “in the environment domain we would hope to see more sustainability practice; in the cultural curricular domain, more reading of literature, growing interest in arts; in the social domain, improved literacy, economic growth and higher rates of voting; in the technological domain, wiser consumption of news and reduced rates in consumption of unethical content; in the interpersonal domain, reduction in racism and growing inclusion; in the personal domain, higher levels of wellbeing, health, satisfaction and meaning in life.”<sup>xxx</sup>

The purpose of this article is to bring attention to the significance of the legal community to have an ideal virtue to aim towards in order to achieve individual and community flourishing. An empirical study found that early experiences dealing with an ethical dilemma in legal practice tend to direct the lawyer in all comparable future instances, even if their solution is morally incorrect. Human beings have a natural tendency to remain with their chosen path of action, whether it is out of a refusal to accept that their previous behaviours were in fact unethical, or out of pure practicality.<sup>xxxi</sup> Given this inherent attribute, it is especially important for those who are teaching law to foster a virtuous character, and for those who are learning or are new to the practice of law to establish and nurture strong relationships with ethical mentors and colleagues of virtuous character.<sup>xxxii</sup> It becomes crucial, then, to emphasize on human flourishing in education to promote the widespread development of moral and intellectual virtues within individual learners and the broader Indonesian society, present and future.

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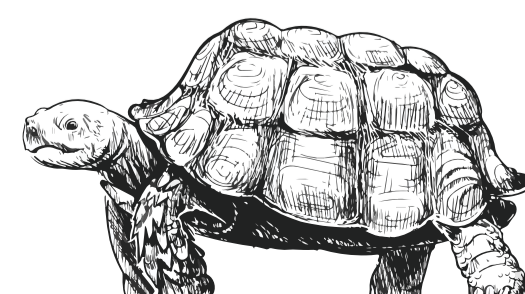
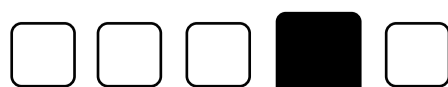
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