Managing Legal Issues at Local Level to be Appealing for Students to Learn International Law

By:

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The difference in the substance of international law compared to other types of law that students are more familiar with makes students view international law as something rather foreign and difficult to understand. This is especially the case when the teaching materials speak mainly at the level of principles, theories and concepts in relation to topics such as international legal personality and subjects of international law, the concept of sovereignty, jurisdiction and state responsibility. These concepts are difficult to understand for students who are new to international law. In addition, explaining the application of the principles, theories and concepts through classic case examples makes international law courses boring and remote for some students because they feel that the law is out of date and alive only in the past. On the other hand, lecturers who have received higher education in Java or overseas tend to use up-to-date case examples that occur abroad. But it turns

out that for students, such materials are also not very interesting because students lack familiarity with such materials which are too “westernized”. In fact, what they are often hoping and looking for is much simpler and more straightforward. They are seeking to understand how legal issues that are used as illustrative examples in international law materials could be used for problem-solving approach oriented at the local level. In my view and experience, these students need to learn the principles, theories and concepts of international law in a manner that makes it possible for them to find solutions to the problems they see and face every day in their real world in the Maluku region.

Maluku is an archipelago province in Indonesia where the land area is only 30% compared to the sea area which reaches 70%. The unique characteristics of Maluku as an island province greatly influence the patterns of behavior of people whose lifestyles are oriented towards maritime affairs. Likewise, the dynamics of the problems they face today are more related to the management of marine natural resources and fisheries, such as illegal fishing, human trafficking in the fisheries sector, and the difficulties caused by the central government’s licensing and management of fisheries areas, a system which is considered detrimental to the people of Maluku. The perceived injustice could become fertile ground for the growth of separatist ideology resulting in the reappearance of sympathizers of the rebel organization of the Republic of South Maluku (this complex topic needs further research).

Students at the Faculty of Law at Pattimura University in Maluku are very interested in discussing and studying the legal issues referred to from an international legal perspective because such studies touch directly on the roots of the problems they face. The fundamental rights and interests of the residents of these vulnerable territories and maritime areas are prone to violation, and the predicament of the people thus requires legal solutions scientifically developed from international and national legal perspectives.

By addressing and elaborating upon legal issues at the local level using the principles, theories and concepts of international law derived from international law teaching materials, teachers are able to provide some possible answers or solutions to the problems. This approach of using international law as a means

of dealing with local problems has proven to be an entry point for the students' attraction to study international law.

In a number of journals/articles studied, not many scholars have explored or explained the importance of compiling teaching materials that include legal issues at the local level as a source of teaching materials for international law. Antony Anghie's essay titled "Connecting International Law to Local History" suggests only the use of locally relevant materials, history and personalities as sources of learning international law. No mention is made at all about legal issues at the local level that can be used as a means of learning materials for international law in order to motivate students to be interested in studying international law. Likewise, Nang Kalyar Woon's essay titled "Applying Research to the Classroom" only discusses how to link international law and Myanmar's history as a way to attract students' interest in international law. Nang Kalyar Woon points out that the use of case studies can help students to better understand the concept of international law. But there is no further explanation on what kind of case studies can be used. My view is that it would be even better if the approaches of Antony Anghie and Nang Kalyar Woon are combined with the approach I have developed, which is by making legal issues at the local level part of the teaching materials of international law. This approach appears to be more attractive and encouraging for students to study international law and that the expected learning objectives are achievable.

In this new approach, Pattimura University students are trained to respond knowledgeably to the challenges and problems they analyse. They are expected to produce bright ideas needed to help empower people in their neighborhoods independently and sustainably to maintain the ecology of the marine environment with the principle of building island-based groups without damaging nature (for example, improving conditions from "unsustainable" to "sustainable"). Further, there is an added value in this approach because students are trained to be sensitive and develop civic responsibilities to respond to changes and dynamics of society that exist outside a strictly educational setting—the cultural, social, economic and technological dynamics and politics that occur and shape their everyday lives.

To be able to achieve this goal, this research intends to change the main set of

conditions for studying international law that were previously seen as boring or irrelevant. According to Marie Paz Morales (citing Elliot), in order to make a subject interesting, teachers or researchers must “initiate changes based on the sentiment that something needs to be changed in order to achieve a better human situation.” Teachers also provide direction towards the realization and transformation of values through the learning process.

The quality of the learning process involves the quality of the delivery of materials, the quality of interaction between lecturers and students and the quality of student empowerment in studying international law. All of these are highly dependent on the ability of lecturers to use learning tools or elements effectively by exploring and absorbing legal issues at the local level and addressing a problem typical in regions characterized by islands. If this is done appropriately, the creative potential of lecturers and students will be maximized in such a way that international law courses become more interesting for both lecturers and students.

The teaching materials sourced from legal issues at the local level are elaborated with the relevant principles, theories and concepts of international law so that they become interesting teaching materials. A sample module of these materials and international legal issues is as follows:

No	Legal Issues At The Local Level	Learning Materials / Topics	Learning Object
1	Illegal fishing and human trafficking in the fisheries sector	International legal sources: 1. International Agreement 2. Principles of International Law 3. Doctrine	Students are able the sources of public internati the form of intern studies that regul eradication of the illegal fishing and trafficking.

2	Management licensing for fisheries areas	Subjects of international law: 1. Jurisdiction 2. Sovereignty	Students are able elaborate on the s a subject of intern law, state jurisdict international law.
3	Republic of South Maluku Separatist Organization (RMS)	Subject of International Law : 1. Belligerents 2. Legal personality, exemption, organization 3. Recognition 4. Succession	Students are able on legal personali liberation organiza as subjects of inte law, and also on o concepts, such as and succession

The advantage of technical teaching like this is that lecturers can explain to students the relationship between international law and national law, and how international law may work effectively to solve problems at the local level. Combining international law and national law in teaching aspects such as teaching about illegal fishing according to international law and national law involves the study of numerous instruments, namely:

1. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved by FAO Conference in November 1993 and entered into force on 24 April 2003.
2. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, approved by FAO Conference in November 2009 and entered into force on 5 June 2016.
3. Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in the Region
4. Convention for the Conservation of Southern Bluefin Tuna, entered into force on 20 May 1994.

Initiatives have been taken in Indonesia, for example with a number of international provisions, which are expected to improve the situation for national fisheries management and conservation. Currently, Indonesia has become party to two existing Regional Fishery Management Organizations (RFMOs), namely the Indian Ocean Tuna Commission (IOTC) and the Commission for the Conservation of Southern Blufin Tuna (CCSBT), as well as being a non-member partner of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC).

The efforts of Indonesia in protecting fish resources in the high seas can be seen from Presidential Decree No 109 of 2007 concerning Ratification of the Convention for the Conservation of Bluefin Tuna. Further, Indonesia passed Law No. 21/2009 concerning the Ratification Agreement for the Implementation of Provisions of the United Nations Convention on the Law of the Sea dated December 10, 1982 Relating to Conservation and Managing Aquatic Fish Stocks and Distantly Migratory Fish Stocks.

Meanwhile, Indonesia is currently processing the ratification of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels in the High Seas (FAO Compliance Agreement) 1993.

By explaining the provisions of international law as well as national laws that specifically regulate fisheries, for example, Law No. 45/2009 amending Law No. 31/2004, then we can explain various theories about the relationship between international law and national law, such as the theory of monism, dualism, harmonization, delegation, and the theory of transformation.

The result of combining international law and national law lecture materials by adopting legal issues at the local level turned out to be very interesting for Pattimura University students in their study of international law. This also motivated them to be more diligent in attending international law classes.

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