

## TRAINING OF JUDICIAL PRACTICE TO IMPROVE HANDLING SKILLS CIVIL CASES

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### ABSTRACT

Trial training through moot court is expected to produce graduates who are not only superior in theory, but also skilled in actual legal practice. This is one of the strategic efforts to improve the quality of legal education in universities, especially for students in legal studies programs, including at PDKU Ponorogo UNMER Malang. It's just that sometimes this activity is not carried out comprehensively due to a lack of adequate preliminary training. Such training should include a basic understanding of procedural law necessary to carry out moot court practice well.

This service in the form of training aims to provide insight and experience regarding the main components of civil procedural law as well as skills in compiling case lawsuit files. In this way, participants are expected to be able to understand and apply the basic principles of civil procedural law and be able to prepare lawsuit files correctly.

The result of this training activity is that students experience increased knowledge in the basics of civil procedural law and gain a better understanding of the procedures and principles underlying judicial practice. The next result is an increase in ability to compile lawsuit files and become more skilled in collecting, organizing and presenting relevant information to prepare lawsuit documents that meet applicable legal standards. Overall, this moot court practice training provides significant benefits for students in understanding and applying civil procedural law and increasing their competency in the legal field. It is hoped that this can support the educational process and improve the quality of graduates of the PDKU Ponorogo UNMER Malang Legal Studies Program.

**Keywords:** *quasi-judicial practice, components of civil procedural law, and lawsuit files.*

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## I. Introduction

### Situation Analysis

The academic community is a very important concept in the world of higher education based on Article 11 paragraph (1) of Law Number 12 of 2012 concerning Higher Education (Higher Education Law). Lecturers and students as a higher education community from the academic community are a vital part in creating, developing and disseminating science and technology, through the tridharma activities of higher education, namely education, research and community service. Students play an important role as agents of change and problem solvers in the context of higher education. The Higher Education Law provides a strong legal foundation for students to develop their potential, take an active role in society, and contribute to national development. It is hoped that universities can continue to support and facilitate this development through relevant and quality programs. The aim is for students to develop into intellectuals, scientists, practitioners and/or professionals.

Through the implementation of Article 13 paragraph (1) of the Higher Education Law, students are expected to not only become graduates who are competent in their fields but also able to contribute positively to society and develop their own potential. This means that as students in higher education they are very strategic and integral in achieving national education goals, namely to educate the life of the nation and develop Indonesian people as a whole, they are required to be active and independent in the learning process, innovative and creative in developing potential and knowledge, responsible for self-development and contribution to society, as well as being ethical and having high integrity in all academic and professional actions

### Solutions and Targets

In order to achieve optimal competence and ability, students must carry out learning activities both in the classroom which include basic textual and theoretical knowledge so that they can apply knowledge or apply theoretical knowledge in real situations obtained during the learning process. Learning activities inside and outside the classroom complement each other because the basic knowledge obtained in the classroom is a very important foundation before students can apply and develop this knowledge outside the classroom to ensure students' readiness to contribute effectively in the practical and professional world.

Practice is an important component in higher education which provides a medium for students to apply the knowledge gained in class in a laboratory environment (Pertiwi, 2013, p. 47). With this practical experience, students not only develop technical skills but also critical thinking, collaboration, and problem-solving abilities. Good implementation of practicum activities requires integrated curriculum support, adequate facilities, and collaboration with industry and research institutions.



Service with moot court practice training has different characteristics compared to practice in the field of science or other disciplines, because this practice focuses on handling cases, through legal/litigation channels or outside legal/non-litigation channels. Where the moot court practice model is a form of application of knowledge during learning that connects theory (law in book) with real practice (law in action). Rustamaji (2012, p. 69) explains that moot court is an innovation in legal learning that brings theory closer to practical application.

The benefits of participating in moot court practice for students include:

1. Helping students and alumni of legal studies programs to develop the ability to adapt to the differences between theory and practice in line with legal developments and the dynamics of social life.
2. Provide a stimulus for student sensitivity in handling current cases, including case analysis, application of law, and selection of solutions.
3. Improve students' ability to learn to analyze cases in depth, understand the application of relevant laws, and choose the right solution to an incident.

### **Implementation Method**

This research uses a descriptive qualitative method that describes the implementation of moot court practical training in the Legal Studies Program at PDKU UNMER Malang. This method was chosen to obtain an in-depth description of the process, experiences, and results of the training. The research was conducted in the Legal Studies Program at PDKU UNMER Malang, specifically in the judicial practice room. The moot court training involved second and fourth semester students enrolled in the Civil Procedure Law course. The moot court practical training invited Mrs. Endang Lestari, S.H, M.Kn as a speaker. Mrs. Endang Lestari provided material on Civil Procedure Law as formal law, the litigation process, and the stages of civil court practice.

## **II. Results and Discussion**

Moot court or moot court is an important component in legal education that provides practical experience for students to understand and apply procedural law in situations that resemble real trials. Through this activity, students can develop litigation skills, think critically, work together in teams, and increase self-confidence. Good implementation of moot court requires comprehensive curriculum support, adequate facilities, as well as guidance from lecturers and legal practitioners (Irianto, 2005, p. 4).

Moot court practice as part of the learning curriculum is carried out in the judicial practice room of the PDKU UNMER Malang Legal Studies Program which is attended by participants consisting of second and fourth semester students accompanied by lecturers who teach the Civil Procedure Law course. In order to



carry out activities optimally, moot court practical training is first held starting from the briefing stage to the practicum stage. In order to carry out this training, Mrs. Endang Lestari, S.H, M.Kn was invited as a speaker. The material presented is: (Muhammad, 1986, p. 18).

1. Civil Procedure Law as formal law, namely civil procedural law regulates formal procedures that must be followed in resolving cases in court. This includes the rules about how cases are filed, the documents that must be prepared, the requirements for filing a lawsuit, the trial process, the submission of evidence, and various other stages that must be followed in order for the case to be decided legally.

2. Civil Procedure Law and Litigation Process, namely civil procedural law, also known as litigation law, which regulates how disputes or disputes between parties can be resolved through court. It involves a formal process in which the parties involved in the dispute must follow the rules set out in civil procedural law to ensure that the trial takes place fairly and in accordance with applicable law.

The practice carried out begins with the stages of a civil trial, namely filing a lawsuit, mediation process, evidence, until the court decision and continues with identifying the role of each party involved in a civil trial, including the plaintiff, defendant, judge and lawyer using the principles basic principles in civil procedural law such as the principle of legality, the principle of speed, simplicity and low costs, as well as the principle of audi et alteram partem (listening to both parties).

In this training, students are given guidance in compiling civil case files starting from collecting evidence, preparing legal arguments, to preparing files that are ready to be submitted to court and the structure and format that must be followed in preparing lawsuit files, including the format of the lawsuit letter, list of evidence, and documents. other supporters.

Increasing student understanding in this training includes:

1. Mastery of theory (Law in Book)
2. Application of civil procedural law in practical situations and
3. Increase current insight regarding procedural law

Increasing students' ability to prepare civil lawsuit files in the PDKU Ponorogo UNMER Malang Legal Studies Program can be achieved through various strategic steps such as integrating curriculum with practice, intensive training, guidance, access to legal resources, practical experience through internships, as well as



continuous evaluation and feedback . It is hoped that the implementation of these steps will make students more proficient and ready to face the professional world in the legal field.

It is hoped that this training activity will be able to encourage students to be able to resolve factual issues in civil matters, especially through litigation or court, starting from the stage of filing a lawsuit, trial, until the court decision.

Students in the Legal Studies Program are often identified with groups of people who are educated and understand the law, so that the experience in this simulation is felt by students about what actually happens in court so that they are able to contribute to resolving legal problems in society.

Student involvement in resolving legal problems can also increase public trust in PDKU Ponorogo UNMER Malang graduates and be able to develop the character and competencies needed to become effective legal professionals with integrity.

The moot court practicum training method implemented is:

1. The lecture or public lecture model is an effective method for conveying knowledge from presenters to participants in a direct and structured manner. According to Killen's opinion conveyed by Muhamad A., this process describes the efficient and systematic transfer of knowledge. Even though it has several limitations, the lecture model can be implemented effectively with careful preparation, use of appropriate tools, and inserting constructive interactions and evaluations.
2. Active participant interaction, namely the active participation of participants in exploring the material presented, either by asking questions to clarify the material or providing responses to the information provided. (Afandi, Chamalah, & Wardani, 2013, p. 16).
3. Interactive component in the form of discussion and questions and answers for participants who are invited to participate in the discussion to deepen their understanding of the main points of civil procedural law being studied.
4. Participant responsiveness is key in ensuring good understanding, by providing responses to the material presented, participants discussing aspects that may still require clarification.

The lecture or public lecture model is an effective method for increasing participants' understanding of the main points of civil procedural law. Through the



delivery of structured information, the use of visual aids, real case examples, as well as question and answer sessions and discussions, participants can gain in-depth knowledge and practical application of civil procedural law. Effective implementation of this lecture model into moot court practicum training requires thorough preparation, active involvement of participants, and ongoing evaluation to ensure learning objectives are achieved in this service activity.



Figures 1 and 2: Delivery of training material by the presenter

In civil law material, there are two main sub-systems related to interactions between individuals or legal entities, namely public law and private law and their application in dispute resolution. Public law and private law are two main areas in the legal system that differentiate the types of rules regulated and parties involved in legal relations.

The meaning of public law and private law is:

1. Public law is the field of law that regulates relations between the state (government) and individuals or other legal entities. The main focus of public law is the regulation of state authority and public interests.

Some branches of public law include:

- a. Criminal Law is the law that regulates criminal acts and criminal sanctions imposed on criminals.
- b. Constitutional Law is the law that regulates the structure and functions of government, including the formation of state institutions, the authority of state institutions, and the rights and obligations of citizens.
- c. State Administrative Law is the law that regulates government administration procedures, including administrative procedures, state administration, and government administrative responsibilities.

d. Public International Law is the law that regulates relations between states at the international level, including international treaties, the laws of war, and other international laws that regulate international organizations and human rights.

The first main focus of public law is state authority with regulation of the power and functions of government and other state institutions and the second is the public interest, namely providing protection and regulation of the rights of society as a whole for the common good.

## 2. Private Law

Private law (or civil law) regulates relationships between individuals or legal entities engaged in private or commercial activities.

Areas included in private law include:

- a. Civil Law (Civil Law), regulates relationships between individuals or legal entities in terms of engagements (contracts), property (materials), and families (family law).
- b. Company Law regulates the establishment, operation and termination of legal entities such as companies, cooperatives and other business entities.

The main focus of private law is regarding the regulation of relationships between individuals or legal entities in terms of personal transactions, business and daily life as well as the protection of the rights and interests of individuals or legal entities in their personal transactions and activities. The first difference is in the subject of regulation, in that public law regulates the relationship between the state and individuals/legal entities, while private law regulates the relationship between individuals or legal entities with each other. And the second is that public law focuses on state authority and public interests, while private law focuses on personal or commercial relationships between individuals or legal entities.

With a clear understanding of the differences and main focus of these two areas, the legal system is able to provide a comprehensive regulatory framework to regulate various aspects of people's lives and the relationships between them. Private law is divided into two main areas, the first is material civil law regarding the substance or materials of civil relations such as the rights and obligations of individuals or legal entities. And the second is formal civil law (procedures) regarding the procedures that must be followed in resolving material civil legal disputes, either through court or other mechanisms such as mediation or arbitration.

Civil procedural law is the main key in enforcing material civil law because the parties can obtain a guarantee of legal certainty that their disputes will be resolved fairly and in



accordance with established procedures, for example in disputes over sale and purchase agreements, leases, debts and receivables and inheritance disputes. (Djamali, 2013, p. 193).

In legal terms, Contentious Jurisdiction is the court's authority to make decisions on disputes at issue. So that the court will determine the rights and obligations of the parties involved in the case. (Muhammad, 1986, p. 18) Civil procedural law is a branch of law that regulates procedures or procedures for resolving civil disputes in court.

In practice, there are two types of matters that are generally regulated in civil procedure law, namely:

#### 1. Application (Voluntary)

An application is a matter where there is no dispute between the parties involved. That is, the party who submits the application asks the court to provide a ruling or legal certainty on something submitted.

Application matters in civil procedure law cover types of matters that are not disputes or disputes between the parties involved. In this matter, the judge acts as a "jurisdictio voluntaria" who adjudicates based on the voluntary will or at the request of the concerned party, without any conflict that needs to be resolved.

Some examples of application matters include:

- a. Designation of heirs is a matter that is done to determine who is entitled to inherit the estate of a person who died without leaving a will.
- b. Child adoption (child adoption) is a matter with the aim of officially establishing the legal relationship between a child and his adoptive parents.
- c. Itsbat nikah is a matter carried out to prove the validity or existence of a marriage bond before the court, usually in cases that question the legal status of a marriage.
- d. Triple pledge divorce is a divorce process in Islamic law where the husband utters the words talaq (divorce) three times in one time or in one meeting.

#### 2. Dispute (Contentiosa)

Dispute cases are cases where there is a dispute or conflict between the parties which requires resolution through court processes or alternative mechanisms such as mediation or arbitration. This dispute includes various types of disputes, such as inheritance disputes, agreement disputes, and so on.

The sources of civil procedural law are: (Ratnawati, 2009, pp. 4-8):



- a. Herziene Inlandsch Reglement (HIR) and Rechtsreglement voor de Buitengewesten (RBg) are two important colonial legal regulations in the history of law in the Dutch East Indies (now Indonesia)
- b. Burgerlijk Wetboek (BW/Perdata Code) is a Civil Code which regulates material civil law.
- c. Ordinance Number 18 of 1867 Number 29 is a civil procedural law regulation from the colonial period.
- d. Wetboek van Koophandel (WvK) is a Commercial Law Book which regulates commercial law, including civil procedural law in the context of trade.
- e. Law Number 37 of 2004 concerning Bankruptcy and Postponement of Debt Payment Obligations, Law Number 1 of 1974 concerning Marriage, Law Number 3 of 2006 concerning Religious Courts, Law Number 4 of 2004 in conjunction with Law Number 48 of 2006 2009 concerning Judicial Power, Law Number 14 of 1985 in conjunction with Law Number 3 of 2009 concerning the Supreme Court, and Law Number 2 of 1986 in conjunction with Law Number 8 of 2004 concerning the General Court are laws that regulate various legal aspects civil proceedings in Indonesia.
- f. Jurisprudence in court is court decisions that have permanent legal force and are an important source of law in developing interpretation and application of civil procedural law.

The principles used in civil procedural law include: (Ratnawati, 2009, p. 33).

1. The principle of Nemo Judex Sine Actore (the judge is waiting)

This principle is also known as the principle "there is no judge without a plaintiff". This means that the judicial process begins with the initiative of the interested parties. Judges do not have the authority to initiate or take active legal action without a lawsuit or request being submitted by an interested party. In other words, the judge must wait for a request or lawsuit from the litigant. (Sudikno Mertokusumo, 2006, p. 11).

2. The principle of judges is passive

In this principle, the judge only accepts the petition and cannot take the initiative to intervene or change the subject of the lawsuit or application submitted so that the judge only accepts what is submitted by the parties involved in the case and only assesses the truth of the facts submitted based on the evidence provided. presented at trial and does not seek substantial truth or go beyond the available evidence. In fact, litigants have the



freedom to end the case without the judge's approval so that they can withdraw the lawsuit or application that has been submitted (Ratnawati, 2009, p. 30).

### 3. The principle of open trials

Trials in court must generally be held openly to the public, unless there is a special need to cover the trial based on applicable law so that this principle guarantees that everyone has access to attend the trial and listen to the ongoing legal process with exceptions that can be applied for security reasons, morality, or other public interests, in accordance with applicable legal provisions. (Sudikno Mertokusumo, 2006, p.14)

### 4. The principle of hearing both sides (Audi Alteram Partem)

This principle means that both parties involved in a trial have the same right to be heard. This principle guarantees openness and objectivity during the trial that the judge must provide a fair and equal opportunity for both parties to express opinions, provide evidence, and respond to the arguments presented by the opposing party. (Sudikno Mertokusumo, 2006, pp.14–15).

### 5. The principle of no obligation to represent (Non-representation)

In the civil procedural law system which is based on the *Herziene Inlandsch Reglement (HIR)* and the *Rechtsreglement voor de Buitengewesten (RBg)*, there is no requirement to represent oneself or present a legal representative at the trial. This means that litigants can attend the trial directly without having to be represented by a lawyer or legal representative to provide arguments or defense directly to the judge (Ratnawati, 2009, p. 32).

### 6. There is a fee for the event

According to the provisions in the Judicial Power Law, *Herziene Inlandsch Reglement (HIR)*, and *Rechtsreglement voor de Buitengewesten (RBg)*, the judicial process in Indonesia involves certain costs that must be paid by the parties who submit cases to court. The purpose of this case fee is to cover the administrative expenses required to carry out the judicial process efficiently and fairly.

Components of case costs that generally include costs for court administration, such as document processing, case numbering, and other administration carried out by court clerks, costs arising from sending summons to parties involved in the case, including shipping or courier service costs, costs for notifying or delivering copies of documents or court decisions to the parties concerned as well as costs arising from the use of stamps for official documents required in the judicial process, such as lawsuits, answers, appeals and decisions. (Ratnawati, 2009, p. 33).



However, if the litigant is from an economically disadvantaged group, they can submit a request to obtain free legal assistance, known as prodeo. This application must be approved by the court after considering the financial condition of the party concerned. (Sudikno Mertokusumo, 2006, p. 17)

#### 7. The decision is accompanied by reasons

A judge's decision must always be accompanied by clear reasons as the basis and accountability for the decision taken as the key to maintaining public confidence in the justice system (Ratnawati, 2009, p. 33)

The training method in delivering material for preparing civil case files uses drafting techniques where participants are directly involved in the learning process by applying knowledge practically. The stages in delivering the material are:

##### 1. Delivery of material and case examples

The service speaker delivered material on techniques for preparing civil case files which were illustrated with examples of relevant real cases.

##### 2. Participants' responses to the material

Participants are given the opportunity to respond to the material presented by the presenter in the form of questions, clarification, or understanding of the material they have studied. Through this interaction, it can help ensure that participants understand the material being taught well.

##### 3. File preparation

Participants are given the task of applying the knowledge they have learned by compiling files according to the case examples that have been discussed. This process follows the principle of learning by doing, where participants learn while doing it directly.

In this training, students practice making examples of correct power of attorney and lawsuits guided by the speaker and lecturer as well as practicing in moot court.



Figures 3 and 4 . Photo of moot court practice training

The existence of good integration between theoretical learning in class and practical application in practicums provides participants with a deeper understanding and practical competence so that they are able to apply the knowledge gained in practical situations so that by carrying out this training activity there is continuity. During the implementation of the service there was active interaction between the presenters and participants to increase the participants' motivation and enthusiasm to continue developing their careers after attending the training.

### III. Conclusion

From the results of the service, it can be concluded regarding the benefits and importance of moot court practice training for students, namely:

1. This activity provides practical experience to students in compiling civil case files so that it really supports learning outside the classroom which is not only theoretical but also practical, because it is very necessary for preparation for entering the world of work.
2. Through moot court practice, students can understand more directly the process of preparing case files, case resolution strategies, and other practical aspects in the world of justice.
3. As preparation for entering the world of work so that it becomes a provision for students to be ready to enter the world of work directly, especially in the legal profession. Students not only have theoretical knowledge, but also relevant practical skills.
4. Integrating theoretical learning in the classroom with practical application through this training really helps students develop holistic competencies, so that students can understand how law works in a real context while preparing students for future professional challenges.
5. As an ongoing evaluation and communication between service providers and participants by showing commitment to continue improving this program to maintain the relevance and effectiveness of service in the future.

Thus, continuing moot court practice training for students is a very supportive step in producing graduates who are professionally ready.



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