

## THE DESIGN OF MOOT COURT PRACTICE IN LAW STUDY PROGRAM UNIVERSITAS TERBUKA

**Avelyn Pingkan Komuna<sup>1</sup>, Purwaningdyah Murti Wahyuni<sup>2</sup>, Megafury  
Apriandhini<sup>3</sup>, Nadia Nurani Isfarin<sup>4</sup>, Madiha Dzakiyyah Chairunnisa<sup>5</sup>, A.Rachmat  
Wirawan<sup>6</sup>**

*1, 2, 3, 4, 5, 6Universitas Terbuka (INDONESIA)*

### **Abstract**

Legal education in tertiary institutions must be strengthened to produce competitive law graduates in the era of society 5.0 by equipping students with legal skills that include both knowledge and practical aspects. Litigation practice is one of the legal skills that can be developed through moot trials. The characteristics of its students, whose domiciles are in all corners of Indonesia and abroad, pose a challenge for the Open University law study program, which implements a single mode of distance education, as not all of them can attend face-to-face moot court practices. As a result, the Open University law study program created a face-to-face court simulation court as well as an electronic court simulation adapted from an electronic court in Indonesia during the Covid

Keywords: Design, Moot Court, Court Simulation, Legal Study

### **1 INTRODUCTION**

Since the establishment of the *Rechthoeschool*, or legal higher education, during the Dutch colonial period in 1924, legal education in Indonesia has evolved. Initially, legal education was designed to meet the needs of bureaucratic employees, but the work environment today requires more law graduates who can apply their knowledge to solving societal problems rather than simply being a mouthpiece for laws.

Academics and companies have agreed that in order to produce competitive law graduates who can be absorbed by the world of work in an era of global competition, students must be equipped with various competencies, both theoretical and practical, starting in college (Adrian Bedner, Stin Cornelis, and Bivitri Susanti, 2020), as defined in Peraturan Pemerintah Nomor 8 Tahun 2012 Tentang the Kerangka Kualifikasi Nasional Indonesia (KKNI).

Competency in litigation or dispute resolution processes in court is one of the competencies required of law graduates. Students can hone their skills through trial simulations or the moot court, in addition to learning trial theory in procedural law courses. Moot Court is a simulation of a real court process that is as close to a real trial as possible. Moot Court is a simulation of a real court process that is as close to a real trial as possible. Students will be assigned roles based on the type of trial being conducted. In criminal justice, roles include judges, prosecutors, legal advisers, witnesses, defendants, and clerks, whereas in civil trials, roles include judges, clerks,

plaintiffs, defendants, attorneys for the plaintiffs, attorneys for the plaintiffs, defendants, and witnesses. The trial flowed according to the stages of the original trial, using scenarios and trial files that the students had previously prepared. The moot court has become a part of practical courses at several law schools in Indonesia, and it has even become a national competition.

Since 2015, the Law Study Program has developed a practical course, *Praktik Pengalaman Beracara (PPB)*, with the study code HKUM4410, which students must take and pass. This is an experimental learning course in which students observe the trial process in court and create legal document (Daryono et al, 2015). HKUM4410 can be taken face-to-face or asynchronously via a learning management system, depending on the preferences of the student.

The challenge for the Open University Law Study Program, which organizes a single mode of distance education, is that students' domiciles are spread throughout Indonesia and abroad, and the majority of students have jobs, so Moot Court as part of the practical courses cannot be implemented either synchronously or asynchronously.

The research team developed a Moot Court design that can accommodate the characteristics of Open University students in order to provide technology-based legal education to overcome distance and time limitations as part of the vision and mission of the Open University Law Study Program.

## **2 METHODOLOGY**

This study is a Research and Development (R&D) study, which is a type of research approach used to create new products or improve existing ones. Gall and Borg (1983;722). Preliminary studies, product design, product development, and evaluation are all stages of research.

## **3 FINDINGS AND DISCUSSION**

### **3.1 The Urgency of Online Moot Court in Practical Subjects**

Law is a popular study program at several Indonesian universities, including the Open University. The chart below shows a comparison of the number of law students in Indonesia and the number of law students at the Open University.

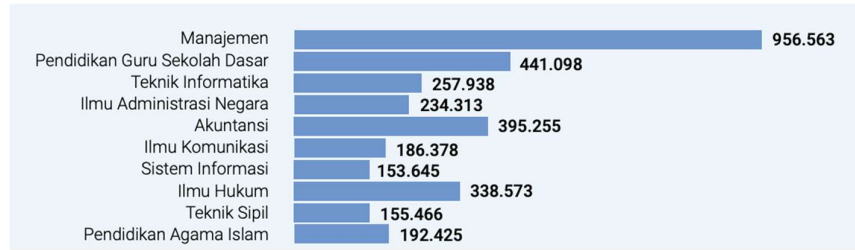


Figure 1. Statistics of Study Programs with the Most Number of Students in Indonesia

Source: Higher Education Statistics 2020, Secretariat of the Directorate General of Higher Education

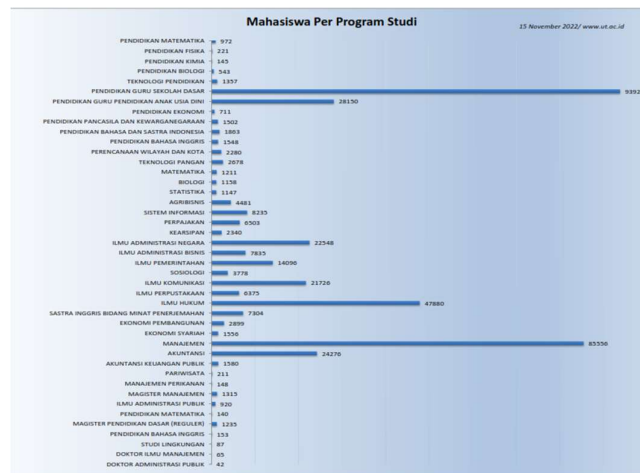


Figure 2. Statistics of Study Programs with the Most Number of Students at UT

Source: UT in numbers <https://www.ut.ac.id/ut-dalam-angka>

During the 2022.2 registration period, the number of law study program students reached 37,855, accounting for approximately 10.92% of all Open University students. Based on these two statistics, it is possible that the number of new students at both Indonesia and the Open University will increase significantly.

Along with the increasing number of law students, the quality of law education at the Open University must be aligned so that the graduates produced have equal competitiveness and even excel with other law graduates.

Litigation or court proceedings is one of the skills that every law graduate should have, even if they do not work as judges, prosecutors, or lawyers. Moot Court is one of the learning methods that can train students' abilities in the litigation process because by performing this role simulation, students can directly practice what they have learned.

Ideally, moot court is carried out directly by a group of students who register for the course because in one trial simulation, several main roles must be played by students, but at the Open University, several aspects make a direct simulation impossible, including the domicile factor that is remote, unavailable meeting location access, and work reasons.

Students have also increased the number of students who prefer online UN courses (HKUM4410) in the last four years, as shown in the graph below.

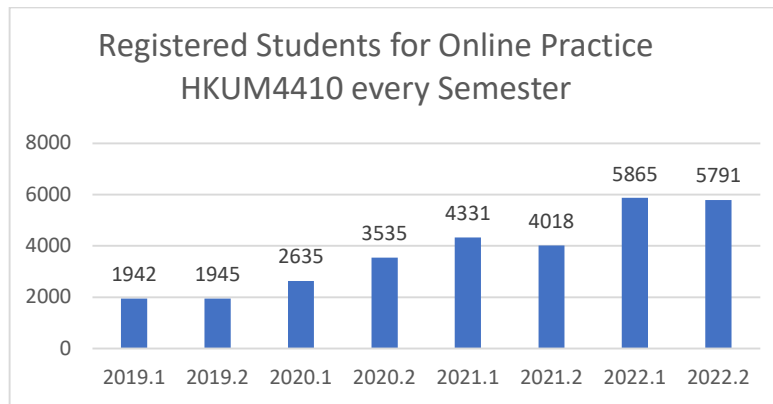


Figure 3. Graph of Students Enrolled in HKUM4410 Online Practices each year

Based on this explanation, moot courts can be designed to improve the quality and accessibility of Open University students by providing both synchronous and asynchronous options.

### 3.2 The Design of Moot Court Practice

Moot court is intended to be a component of criminal and civil practice courses, with an assessment weight that contributes to the overall grade for the practical course. The role-play method is the learning strategy used in moot court, in which students act out role simulations aimed at solving problems through intrapersonal communication patterns (Shaftel & Shaftel: 1982). Trial simulations in moot court are designed to be as realistic as possible so that students can feel their role.

The Synchronous or face-to-face moot court refers to the code of law on both criminal and civil procedural law, supreme court regulations and other related regulations. Meanwhile, the asynchronous or online moot court refers to Supreme Court Regulation Number 4 of 2020 concerning the Trial of Criminal Cases in Electronic Trials and other related rules

If a class is formed with a minimum of 5 students and can hold face-to-face meetings, the class can practice moot court face-to-face; however, if students in one class are unable to carry out face-to-face activities, the moot court is carried out online.

The stages of synchronous and asynchronous moot courts are similar, as shown in the table below.

Table 1. Stages of Moot Court

NO	STAGES OF IMPLEMENTING MOOT COURT
1	Formation of groups by tutors
2	Case scenarios are given by tutors and can be developed by students
3	The trial file used is the file that received the best assessment on previous legal drafting practices.
4	Student guidance by tutors is carried out face-to-face or online.
5	Self-practice by students face-to-face or online.
6	The Appearance of criminal moot court with stages: 1. Opening Session 2. Indictment Reading Session 3. Pledoi Reading Session 4. Verstek Decision Session 5. Claim Reading Session 6. Objection Note Reading Session 7. Reply 8. Duplicate 9. Evidence 10. Judgment Session Civil moot court appearance with stages: 1. Opening of Session and Mediation 2. Lawsuit Reading Session 3. Trial for Reading the Answers to the Lawsuit 4. Verstek Decision Session 5. Reply 6. Duplicate 7. Evidence 8. Conclusion 9. Reading of the verdict
7	Assessment by the tutor

The difference between face-to-face moot court and online moot court is that trial participants can attend the trial process from different locations and use video communication media, in accordance with Supreme Court regulations regarding electronic trial procedures. The electronic criminal trial process at the Makassar district court is depicted in the figure below.



*Figure 4. Electronic Court at a Criminal trial with Zoom at the Makassar District Court*

In practice, the use of electronic justice that arose as a result of the Covid-19 pandemic has proven to be more effective and efficient than traditional trials (Panji Purnama, Feby Mutiara Nelson: 2021). As a result, the implementation of electronic courts in Indonesia is very likely to continue. The presence of electronic courts in Indonesian trials can serve as a model for online moot courts in law study programs at the Open University.

#### **4 CONCLUSION**

The implementation of moot court practice in law study programs is urgent because the law study program, which has seen a significant increase in student enrollment, needs to improve the quality of its graduates in order to compete with other law graduates in Indonesia and even internationally. Mastery of practice in the field of litigation is required of Open University law graduates, so students must be trained in moot court practice in addition to observing trials and practicing court dossiers. The challenges of the Open University as a distance tertiary institution, with students who cannot all meet synchronously, as evidenced by the large number of law students who prefer online practice, necessitate that the law study program design two modes of moot court implementation, namely face-to-face and online, so that all students can access it.

For both face-to-face and online moot court, the moot court design supports the role-play method and refers to relevant legal rules as the foundation for the stages of conducting trials. This is done

to ensure that the moot court implementation adheres to its main goal, which is to make it as similar to a real trial as possible. For students who are unable to attend face-to-face moot courts, online moot courts may be an option. Using video communication media, moot court can be implemented online at the location of each student..

## REFERENCES

- Anwar, K. (2011). Legal Education in the Era of Transition in a Democratic State Towards a New Indonesia. *Legal Issues*, 40(2), 236-245.
- Astuti, B. (2022). Practical Proficiency in Proceedings in the Pandemic Era for Undergraduate Students of the Open University Law Study Program. *Citizenship Journal*, 6(1), 1492-1497.
- Bedner, Adrian et al., (2020). Strengthening Legal Education in Indonesia, Legal Proficiency. Van Vollenhoven Institute.
- Daryono, et al. Practice Guideline for Undergraduate Legal Studies Study Program Experience. (2015). Open University.
- Dan Gall, B. (1983). Educational research, an introduction. *New York and London: Longman Inc.*
- Kusumaatmadja, M. (2017). Legal Education in Indonesia. *Journal of Law & Development*, 24(6), 491-501.
- Purnama, P., & Nelson, F. M. (2021). Implementation of E-Court Criminal Cases as One of the Efforts to Realize an Integrated Judiciary in the Criminal Justice System in Indonesia. *Journal of Rechts Vinding: National Law Development Media*, 10(1), 97.
- Shaftel, F., & Shaftel, G. (1982). Role playing in the curriculum USA: Prentice Hall, Inc.

