Implementation of Moot Court Learning-Based Model to Improve Learning Quality in Procedural Law Course

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Abstract—Procedural law is a subject that has high difficulty because in practice it should incorporate legal theoretical and legal procedure. Procedural law specifically learns about formal law, namely a set of legal rules governing the ways in which a case is filed in front of a court, as well as the ways in which a judge gives a verdict, or in other words procedural law is a series of regulations that regulates ways to maintain material law. Moot court learning based model is a solution that can be applied to answer problems in learning procedural law. Moot court provides additional learning for students to develop themselves, especially the concrete embodiment of law courses. Through this learning model, students are expected to be able to understand further about law in practice, the duty of judges, prosecutors, lawyer, and even the position of the accused and witnesses in the court.

Keywords: Moot court, learning quality, procedural law

I. INTRODUCTION

The Republic of Indonesia is a state of law that is explicitly regulated in Article 1 paragraph (3) of the Constitution, namely “The State of Indonesia is a rule of law”. The contents of the article result in that all behavior of the people in the sovereign territory of the Republic of Indonesia must obey and obey all regulations issued by the Republic of Indonesia.

Characteristic of a rule of law state is that it has a free and independent judicial system. The free and varied judicial system here is a system that contains an orderly and interrelated arrangement, which is related to the examination and termination of cases carried out by state courts, be they in general courts, religious courts, military courts, as well as state administrative justice, which is based on views, theories and principles in the field of justice prevailing in Indonesia.

The judiciary in Indonesia is a representation of legal function that is as a dispute resolution. The judiciary is a means of resolving disputes or conflicts that occur in the community, both these problems include civil incidents related to individual interests, as well as problems relating to criminal law such as crime and violations.

Article 24 of the Constitution of Republic of Indonesia that judicial power is exercised for the sake of law enforcement and justice, the following is the contents of Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia: "Judicial power is an independent power to administer justice in order to uphold law and justice. Judicial power is exercised by a Supreme Court and the judiciary below it in the general court, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court.

Knowledge of the Indonesian justice system is a knowledge that must be known by every citizen. a knowledge of legal regulations is one of the indicators of a citizen who is aware of the law. Indicators of legal awareness according to Kutschincky are [1]:
1. Knowledge of legal regulations (law awareness);
2. Knowledge of the contents of legal regulations (law acquaintance);
3. Attitudes towards legal regulations (legal attitude);
4. Patterns of legal behavior (legal behavior);

Law is the concretization of the system of values that prevails in society. A situation that is aspired to is the compatibility of law with the system of values. It is clear that the problem of legal awareness is actually a matter of values. So legal awareness is abstract conceptions in humans, about the difficulty between order and the desired tranquility or the appropriate [1].

Associated with knowledge as one of the indicators of legal awareness in society, legal education is a means to popularize the rule of law as knowledge. Formally, legal
education is carried out in law faculties and several majors who study law in general. Legal education is also carried out in the Civic Education Department at the Faculty of Social Sciences Education, Indonesia University of Education. The curriculum at the Civic Education Department (here in after referred to as Civics) contains courses in law.

The course law is a compulsory subject contained in the curriculum of Civic Study Programs. The Procedural Law specifically learns about Formal Law, which is a set of legal rules governing the ways in which a case is brought before a judicial body (the court), as well as the ways the judge gives the verdict. Or in other words, procedural law is a series of legal regulations governing ways to preserve and maintain material law. The procedural law course studies the implementation of judicial issues, consisting of:
1. Civil Procedure Law (Formal Civil Law);
2. Criminal Procedure Law (Formal Criminal Law).

The entire subject matter program law is taught in a convergent manner to Civics Study Program students, but because Civics Study Program is not an institution that prints lawyers like in the law faculty but prints prospective educators, therefore a strategy is needed in the form of effective learning models and in order to achieve the objectives of teaching and learning in procedural law courses.

According to Joice & Weil [2], learning model is a pattern or plan that has been planned in such a way and is used to arrange the curriculum, arrange subject matter, and give instructions to the instructors in the class. Meanwhile Accoding Istarani [3], learning model is a whole series of presentation of teaching material that covers all aspects before, being and after learning by the teacher and all related facilities that are used directly or indirectly in the learning process.

Appropriate learning models can improve the quality of learning. Improving the quality of learning is done by selecting, determining and developing optimal learning methods to achieve the desired results. To improve the quality of learning carried out by the learning designer with a foothold of assumptions about the nature of learning design, namely [4]:
1. Improving the quality of learning begins with a learning plan;
2. Learning is designed using a systems approach;
3. The design of learning is based on knowledge of how a person learns;
4. Learning design refers to individual learners;
5. Learning outcomes include direct results and accompaniment results;
6. The final goal of learning design is to facilitate learning;
7. The learning design includes all variables that affect learning;
8. The core of learning design is to determine the optimal method for achieving the stated goals.

Learning model that can facilitate and adapt the lecture material for procedural law is the simulation learning model. According to Abu Ahmadi [5], simulation means an imitation or an act that is only mock. As a teaching method, simulation can be interpreted as an activity that describes the real situation. Practically students (with the guidance of lecturers) play a role in mock simulations to try to describe the actual events. So in the simulation activity, participants or role holders make a mock environment of the actual event.

Simulation learning method is a learning method that makes an imitation of something real, to the circumstances around it (state of affairs) or process. The simulation method that the research team will try to implement is the moot court method. For those who are laymen and are not from the Faculty of Law, they may rarely even have heard of this term. Etymologically, "moot" can be interpreted as "debatable" or "pseudo," and "court" can be interpreted as "court / justice." Thus, if put together, "moot court" can mean "debatable trial." In its current development, the moot court is known as pseudo justice.

II. THEORETICAL REVIEW

Learning Model
Learning model is a plan or a pattern that is used as a guide in planning learning in class. The learning model refers to the learning approach that will be used, including teaching objectives, stages in learning activities, learning environment, and classroom management [6].

Meanwhile, according to Mulyani Sumantri [7], learning model is a conceptual framework that describes a systematic procedure in organizing learning experiences to achieve certain learning goals, and has a function as a guide for learning designers and instructors in planning and implementing teaching and learning activities.

Based on the two opinions above, it can be seen that the learning model is a conceptual framework that illustrates systematic procedures in organizing learning experiences to achieve certain learning goals and serves as a guide for learning designers and teachers in designing and implementing teaching and learning processes.

According to Trianto [6], the function of the learning model is as a guide for instructor designers and teachers in implementing learning. To choose this model is strongly influenced by the nature of the material to be taught, and also influenced by the objectives to be achieved in the teaching as well as the level of ability of students. Besides that, each learning model also has stages (syntax) that students can do with the guidance of the teacher. Between one syntax with
another syntax also has differences. These differences, including the opening and closing of learning that is different from one another. Therefore, teachers need to master and be able to apply various teaching skills, in order to achieve the diverse learning objectives and learning environment that characterizes schools today.

According to Trianto [8], learning model term has a broader meaning than strategy, method, or procedure. The teaching model has four special characteristics that are not owned by the strategy, method, or procedure. The special characteristics of the learning model are:

1. Logical theoretical rationales compiled by the creators or developers. The learning model has a theory of thinking that makes sense;
2. The foundation of thought about what and how students learn (learning objectives to be achieved);
3. The teaching behavior needed for the model to be implemented successfully;
4. Learning environment is needed so that learning objectives can be achieved.

Finally, each learning model requires a different management system and learning environment. Each approach assigns different roles to students, to the physical space, and to the class social system. Material properties of the nervous system are many concepts and information from text books, student teaching materials, in addition to the many activities of observing pictures. The objectives to be achieved include cognitive aspects (products and processes) of reading comprehension activities and student activity sheets.

Learning Quality Improvement

Quality in education includes the quality of inputs, processes, outputs, and outcomes. Educational inputs are declared good quality if they are ready to proceed. A quality education process if it is able to create an atmosphere that is active, creative and enjoyable learning. In an effort to improve the quality of education at least since the beginning of the first long-term national development period, the quality of education means the ability of education in utilizing educational resources to improve learning abilities as optimal as possible [9].

Improving the quality of education is closely related to improving student learning outcomes it can even be said the quality of education is reflected in student learning outcomes. The aspect that needs to be considered to improve the quality of student learning outcomes is the teaching and learning situation. An effective teaching and learning situation will result in an increase in the quality of education [9].

Quality in the context of educational outcomes refers to the results or achievements achieved in lectures. So quality education is education that can produce graduates who have the basic ability to learn, so they can take lessons, even become pioneers in renewal and change by optimally empowering educational resources through good and conducive learning [9].

Regarding quality learning, Pudji Muljono [10] states that the concept of learning quality contains five references, namely:

1. Compliance with the theme;
2. Quality learning must also have a strong appeal;
3. The effectiveness of learning is often measured by the achievement of objectives, or can also be interpreted as accuracy in managing a situation, or doing the right things;
4. Learning efficiency can be interpreted as the equivalent of the time, cost, and energy used with the results obtained or can be said to do something right.

Simulation Method

According to Abu Ahmadi [5], simulation means an imitation or an act that is only mock. As a teaching method, simulation can be interpreted as an activity that describes the real situation. The point is that students (with teacher's guidance) perform a role in mock simulations to try to describe the actual events. In the simulation activity, participants or role holders perform a mock environment of the actual event.

Simulation learning method according to Nana Sudjana [11] is a learning method that makes a imitation of something real, to the circumstances around it (state of affairs) or process. Based on the opinions expressed by several experts mentioned above, it can be understood that the simulation method is a learning model implemented by the lecturer by presenting learning experiences using artificial situations to understand certain concepts, principles, or skills.

Simulation can be used as a teaching method with the assumption that not all learning processes can be done directly on the actual object. Learning how to operate a machine that has special characteristics, for example, students before using an actual machine would be better through simulation first. According to Wina Sanjaya [12], Simulation consists of several types, as follows:

1. Sociodrama;
2. Psicodrama;
3. Role Playing.

Moot Court Learning Model

The term pseudo justice academics is better known as the moot court. Moot court is etymologically, moot is interpreted as debatable or pseudo, and "court" can be interpreted as "court / justice." Thus, if a "moot court" is arranged it can mean "a debate that can be debated." In its current development, the moot court is known as pseudo justice.
Moot court provides additional learning for students to develop themselves, especially the concrete manifestation of procedural law courses. Although not completely correct, but the learning process experienced by students (read: undergraduate student) can be sought to understand more about the habits of practice law. The duties of judges, prosecutors, legal advisors, and even the position of the defendant and witnesses in the court are interesting to explore and digest their scientific aspects.

Students who study in a moot court digest lessons they get during college, analyzing cases and actions that need to be taken by law enforcement in an effort to handle cases. Of course, the moot court itself provides opportunities for students to work, try, and at the same time "pretend" to be a real law enforcer. They can be judges, prosecutors, legal advisors, and even witnesses and defendants in a court session.

Moot court also contains academic debates on the study of fiction and nonfiction cases which are seen based on analysis in a normative juridical framework based on legal theories that students get during college. Slowly but surely students are faced with the ideal level of judicial power that can decide cases regarding various cases that occur. The ability to make or practice making the files needed for court proceedings is at stake for students in the moot court. Indictments, letters of demand, judges' decisions, defense, are some of the various files that are absolutely necessary to carry out judicial proceedings.

Moot Court according to Zarik Hafez and Cecille Elisabeth Schjatvet [13] is a pedagogical exercise designed to focus students on lecture activities by holding a pseudo court. The term 'moot' which means 'hypothetical', is used because its activities are based on a fictitious case. Moot Court provides opportunities for students to practice advocacy skills by writing legal arguments and other relevant matters, to be documented and present oral arguments before the panel of judges.

The initial process for each moot court activity is to prepare a case for students or what is often referred to as a problem. Students use the facts presented in the problem, along with additional research, to develop a law of argument for one or more sides of the problem that arises. This legal argument is then refined and presented during the moot court in two forms.

First, students prepare a brief written submission and then submit it to the judges to read and assess. Second, students then prepare and present legal arguments before a panel of judges who will consider the quality of written documents and oral presentations in assessing the presentation.

The main function of the moot court according to Glanville L. Williams and ATH Smith [14] is a place to practice or implement theories, concepts, research and scientific development in the field of law, especially in procedural law courses, be it civil procedural law, criminal procedural law, and state administrative procedural law, so that it becomes an important element in educational and research activities.

The purpose of the moot court, according to James A. Holland and Julian S. Webb [15], is to help expedite the implementation of the lecture process in the field of procedural law in order to maximize the potential of students in the classroom, so that it can help realize the vision and mission of the special law course be it civil procedural law, criminal procedural law, and state administrative procedural law.

Criminal Procedure Law

In Dutch, the Criminal Procedure Code or formal criminal law is called "Strafverordening", in English it is called "Criminal Procedure Law", in French "Code d'instruction Criminelle", and in the United States it is called "Criminal Procedure Rules" [16], Simon argues [17], Criminal Procedure Code is also called the formal criminal law, which regulates how the state through the intermediaries of its instruments of power exercise its right to punish and sentence, and thus includes its criminal procedure (Het formele strafrecht regelt hoe de Staat door middel van zijn organen zijn recht tot straffen en strafoorlegging doet gelden, en vivat dus het strafproces).

This distinguished from material criminal law, or criminal law that contains instructions and a description of offense, regulations on the conditions for which a crime can be convicted, instructions about a person that can be convicted, and rules about criminal prosecution; regulate to whom and how the crime can be imposed. According to Van Bemmelen [18] criminal procedural law means studying the rules created by the state because of alleged violations of criminal law.

Satokoit Kertanegara [19] states that the Criminal Procedure Code as a criminal law in the sense of "concreto" which contains rules about how criminal law in abstracto is brought into an in concreto. Criminal Procedure Law in the opinion of Andi Hamzah [16] has a narrower scope that starts from searching for the truth, investigating, investigating, and ending in criminal execution (execution) by prosecutors.

Several other opinions regarding the definition of criminal procedure law, one of them according to Wiryono Prodjodikoro [20], The criminal procedure law is closely related to the existence of criminal law, therefore it is a series of regulations that contain the manner in which government agencies in power, namely the Police, Prosecutors, and
Courts must act in order to achieve the goals of the state by establishing criminal law.

III. RESEARCH METHODS

Methodology used in this research is simulation learning method. Simulation learning method is a learning method that makes an imitation of something real, to the circumstances around it (state of affairs) or process. Based on the opinions expressed by several experts mentioned above, it can be understood that the simulation method is a learning model implemented by the teacher by presenting learning experiences using artificial situations to understand certain concepts, principles, or skills.

IV. RESULTS AND DISCUSSION

Planning Learning Model Based on Moot Court in Improving the Quality of Learning in the Subject of Procedural Law

Planning a moot court learning based model is carried out when making a Semester Learning Plan (RPS) for Procedural Law. The course of law is a course that comprehensively learns about the procedures of the justice system in Indonesia. The purpose of this course is civic education students know how to apply procedural law in the field. Lectures on procedural law have a fairly broad scope consisting of Criminal Procedural Law (Investigation, Investigation, Prosecution, Trial and Legal Remedies in the Indonesian criminal justice system), Civil Procedure Law (Filing a Lawsuit, Civil Case Examination at a Hearing, Proof of a Judge's Decision), and State Administrative Court Procedure Law (Citizen Lawsuit, Administrative Efforts, procedural examination, judge's verdict).

All material that has been determined in the RPS becomes the main material to be carried out in a moot court simulation at the end of the semester. At the first meeting, the lecturer divided the groups into 2 groups, namely the 2016 Civic class A and the 2016 Civic class B. The lecturer then gave a case theme to be analyzed and the scenario made by the group. The group members will be monitored every week by the progress of scenario making by the lecturer, until the scenario is approved by the lecturer. After the Midterm Examination, the group whose scenario has been approved will conduct exercises until the time of the Final Examination.

Implementation of Moot Court Learning Based Model in Improving the Quality of Learning in the Procedure Law Course

The implementation of moot court learning based model in improving the quality of learning in the event law course was held on Wednesday 3 July 2019 in the classroom, the activity was attended by 98 participants from 2016 A and 2018 B Students. The moot court simulation is adjusted to the actual trial in court, while the stages of the trial include:

a. First Session (Indictment)
   1) Preparation, namely the parties are welcome to enter by the clerk;
   2) The Panel of Judges opens the hearing and declares it is open to the public, except in cases of decency or underage defendants;
   3) The defendant is welcome to appear at the trial;
      a) If absent because the summons is not ready, the trial is adjourned on the next day and date;
      b) The absence of the accused at the hearing without a valid reason, the attitude taken:
         i) Order the Public Prosecutor to summon the defendant;
         ii) If the second summons, the defendant is absent again without a valid reason, ordering the Public Prosecutor to summon the defendant again;
         iii) If the defendant is absent again, then ordered the Public Prosecutor to bring the defendant to the next session by force;
   4) The presiding judge asked the defendant's complete identity as stated in the indictment and reminded the defendant to pay attention to everything that was heard and seen at the trial;
   5) If accompanied by a legal counsel, the judge asks the attorney for attorney and legal counsel;
   6) The judge asked the defendant's health and readiness to attend the trial;
   7) The Presiding Judge requests that the Public Prosecutor read the indictment. Then asked the defendant if he understood the indictment, if he did not understand, the Public Prosecutor at the Judge's request explained as long as he did not understand;
   8) The Presiding Judge asked the defendant and legal counsel whether he understood the indictment read out by the Public Prosecutor;
   9) The Presiding Judge asked the defendant and legal counsel whether he objected to the indictment and whether to submit an exception;
   10) The legal advisor states his position on the indictment of the Public Prosecutor;
   11) The Presiding Judge states that the hearing is postponed (according to the time agreed upon);

b. Second Session (Exception)
   1) An exception is a form of resistance or refutation of an indictment by the prosecutor;
   2) Exceptions are not a requirement in criminal justice, but the rights of the accused or legal counsel that can be conveyed orally or in writing;

   c. Third Session (Public Prosecutor Response)

   d. Fourth Session (Lawyer Response to the Public Prosecutor Response)

   e. Fifth Session (Interim Verdict)
1) Interlocutory verdict is the judge's ruling on the exception of the defendant;
2) If the interim decision accepts an exception, the trial is terminated;
3) If the interlocutory verdict rejects an exception, the trial continues with an examination of proof;

f. Sixth Session (Proof)

1) Witness Examination
   a) Those who can be examined and heard as witnesses are people who can provide information at the level of investigation, prosecution and trial regarding a criminal case that he hears, sees or experiences himself;
   b) Becoming a witness is an obligation, so that a person who is called as a witness, expert or interpreter, according to the law, is obliged to fulfill it and if he deliberately fails to fulfill it he will be sentenced to a maximum of nine month imprisonment, unless otherwise stipulated by the Law;
   c) On the following hearing, the Presiding Judge examined whether all of the witnesses summoned were present and informed and prevented the witnesses from getting in touch with each other before giving statements at the hearing;
   d) Witnesses are examined one by one and if there are victims who become witnesses, he must be examined first;
   e) The Presiding Judge is obliged to hear the statements of witnesses both incriminating and alleviating the defendant; whether requested by the Public Prosecutor, defendant or Legal Counsel; whether listed or not in the case transfer letter;
   f) Before giving a statement the witness must swear and promise that he will give the truthful statement;
   g) A witness without a valid reason refuses to swear or promises to be held hostage for a maximum of 14 days at the detention center, and if he still does not want to, he will still be questioned but his testimony is not valid evidence, only the Judge can consider to add to his conviction. Witnesses who give doubtful statements are warned, and for that if the court considers it necessary for a witness to swear or promise after completing his statement;
   h) If the witness testimony at the trial is suspected to be false, the presiding judge warns seriously. Then the Presiding Judge due to his position or at the request of the Public Prosecutor on the suspect may order that the witness be detained and subsequently prosecuted in a perjury case;
   i) If the witness is absent for a valid reason, the statement in the Investigation Report in the Investigator is read out. If the statement is under oath then the value is equal to the witness statement under oath which is pronounced at the hearing;
   j) After each witness was examined, the presiding judge asked the defendant what his response was to the witness' statement;
   k) Member judges, Public Prosecutors, Legal Counsels, and defendants with intermediaries The Presiding Judge is given the opportunity to raise questions with witnesses. However, the Presiding Judge may reject questions that are considered to be unrelated to criminal offenses that are charged or questions that are entrapment, or that have been asked before;
   l) After completing the statement, the witness remained present at the hearing. Unless the judge gives permission to leave the trial, however, if the prosecutor or defendant or legal advisor does not want the witness to continue attending the hearing;
   m) In the event that a witness is reluctant to provide information in the presence of the defendant in the hearing, the presiding judge may order that the defendant outside the court when the witness is examined. However, the examination could not proceed before the defendant was told all matters when he was absent;
   n) Exceptions, namely giving the right not to be heard his statement and can resign from the obligation to be a witness, namely:
      i) Blood relatives in a straight line up or down to the third degree of the defendant or the same defendant;
      ii) Blood relatives in the bloodline to the side up to the third degree of the defendant or both defendants;
      iii) The defendant's husband or wife even though they are divorced or are both named suspects;
   o) If they are in points a, b and c who still want to be witnesses, then if the Public Prosecutor and the defendant do not object, the family witness provides an oath statement. However, if one of the public prosecutors or defendants does not want to, the witness will be examined by being not sworn.
   p) Can be freed from the obligation to be a witness, namely:
      i) People who because of their work;
      ii) People who because of dignity;
      iii) People who because of his position obliged to keep a secret about the things that were questioned to him;
   q) Exempted from the obligation to swear / promise before giving a statement at the hearing are:
      i) Children who are not yet 15 years old and are not married;
      ii) People who are mentally ill or mentally ill;
   2) Expert Examination
a) Experts are people who have special expertise in certain fields that are needed to make light of criminal cases;
b) Every expert witness must provide expert testimony for justice;
c) All provisions on witness examination, also applies to expert witnesses;
d) If reasonable objections arise from the defendant or legal advisor for expert testimony, the judge can order a re-examination;
e) Re-search is carried out by the original agency with a composition of personnel that is different from other agencies that have the authority to do so;

3) Defendant’s Examination
   a) The defendant gave information about the actions he did, which he knew or experienced himself. The accused was not sworn in the hearing;
   b) If there are several defendants who are brought together, then the statement of one defendant can only be used to prove his own guilt;
   c) If the defendant denies his statement given in the Investigation BA, the presiding judge warns, especially if his statement at the hearing is contrary to the witness’s testimony or other evidence. ;
   d) If the defendant cannot speak Indonesian, or is mute, deaf, then an interpreter or translator is used, who was sworn in / promised first;
   e) The defendant who behaved disturbed the court order, he was reprimanded and could be expelled from the courtroom and the hearing continued without the presence of the defendant. However, efforts will still be made to bring the verdict to the presence of the defendant;

4) Inspection of Evidence
   a) Evidence can only be submitted at a court session that has been legally confiscated and has received approval or permission for confiscation from the head of the local district court;
   b) Letters submitted as evidence at the hearing must be read out then asked for opinions or responses from both the defendant and related witnesses;
   c) If there is evidence, it must be shown to the defendant and the witness whether he knows the object and the object’s relationship in the defendant’s case, is it a means of committing a crime or is it obtained or the result of a crime;
   d) Seventh Session (Prosecution)

In simple terms the contents of the criminal charge:
1) Defendant’s identity;
2) Indictment (primair, subsidair, etc)
3) Trial examination:
   a) Witnesses;
   b) Defendant’s statement;
   c) Letter;
   d) Inspection at the scene;
   4) Legal facts;
   5) Incriminating things;
   6) Lightening things;
   7) Penalty demands;
   e) Eight Session (Pledoi)
   f) Ninth Session (Replik)
   g) Tenth (Duplik)
   h) Eleventh (Verdict)

Obstacles and Efforts to Implement Moot Court Based Learning Models in Improving the Quality of Learning in Procedure Law Courses

The obstacles encountered in applying the moot court learning based model in improving the quality of learning in procedural law courses are as follows:
   a. In implementing the moot court learning based model, how many facilities and infrastructures must be prepared such as the courtroom and the uniforms of the actors including (Judges, Public Prosecutors, Attorneys, Law Clerks, and Defendants);
   b. In implementing the moot court learning based model, it requires a considerable amount of time, because all groups must simulate all stages of the trial;
   c. In implementing the moot court learning based model, lecturers and students need to be highly disciplined with regard to making scenarios, simulation exercises and guiding legal analysis in making scenario scripts.

V. CONCLUSION

The implementation and application of moot court learning methods in procedural law courses will improve the quality of learning quality as well understanding and mastery of subject matter by students in Department of Civic Education, Faculty of Social Science Education, Indonesia University of Education.

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