

Enhancing ADR through Collaborative Clinical Legal Education: Law Schools and BANI's Optimized Partnership in Indonesia

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Abstract

This article endeavors to seamlessly incorporate the teaching of Alternative Dispute Resolution (ADR) directly into the

framework of Clinical Legal Education (CLE), utilizing collaboration with esteemed dispute settlement institutions, notably the Indonesian Arbitration Center (BANI) and the Indonesian National Mediation Center (PMN). The imperative for such integration is underscored by the heightened demand for skilled arbitrators and mediators, given the ubiquitous inclusion of ADR clauses in nearly every contractual arrangement. In the contemporary legal landscape where ADR clauses have become standard practice for resolving disputes arising from contractual relationships, the professional roles of arbitrators and mediators are indispensable. The significance of this initiative lies in recognizing that the success of CLE in ADR in Indonesia necessitates a fundamental shift in the mindset of the legal community. It is asserted that the conventional teaching methods, traditionally confined to the classroom, are insufficient for the cultivation of skills pertinent to amicable dispute resolution. Thus, the article advocates for the active involvement of professional arbitrators and mediators, calling for their comprehensive integration and support not only within law school curricula but also in the broader community. This transformative approach aims to bridge the practical gap between theoretical instruction and real-world application, envisioning a legal education system that produces professionals adept at ethical and effective dispute resolution in Indonesia.

Keywords

Alternative Dispute Resolution, Clinical Legal Education, Arbitration, Mediation

I. Introduction

The legacy of the Dutch East Indies had an influence on legal education in Indonesia,¹ in which the model of teaching relies heavily on a theoretical framework with very limited involvement with real work experience.² With focuses on the knowledge and pays less attention to practical experiences,³ law graduates are considered not having sufficient technical skills to enter legal professions.⁴ This is partly due to the method implemented with exclude legal professionals as a teaching component, insufficient transfer of skills as well as lack of experiential learning process. These methods are considered by many as the cause for students' lack of ability on legal problem solving.⁵ Consequently, when law

¹ Makdir, *Paper, Seminar dan Lokakarya Pengkajian Kurikulum Fakultas Hukum, Fakultas Hukum UII* [Seminar and Workshop on Faculty of Law Curriculum Review, Faculty of Law UII], 23 December 2006.

² Zainal Asikin, *Menggugat Pendidikan Hukum di Indonesia* in Tristam Pascal Moeliono and Widodo Dwi Putro (ed.), *Menemukan Kebenaran Hukum dalam Era Post Truth* (West Nusa Tenggara: Sanabil, 2020), p. 37. Furthermore, it is emphasized that the influence from the Dutch East Indies era has shaped a pedagogical paradigm that prioritizes theoretical understanding of legal concepts over practical application. This historical influence likely reflects a continuation of past educational practices, where theoretical foundations were emphasized. Consequently, the current legal education system in Indonesia may lean towards a more traditional approach, with limited integration of real-world work experiences into the curriculum. This emphasis on theory might result in graduates possessing a strong theoretical understanding of the law but potentially lacking the practical skills and experiences necessary for a seamless transition into professional legal practice.

³ Wanodyo Sulistyani, "Peran Klinik Hukum dalam Upaya Pemberdayaan Masyarakat", *INCLE 2nd Conference Diversity of Clinical Legal Education and The Road to Social Justice* (11-13 May 2016, Bali): 106-115, p. 106.

⁴ Sulistyani, p. 107.

⁵ Sulistyani.

graduates enter into legal workplaces, they are often unable to directly do the jobs.

In addressing this challenge, law schools worldwide strive to find a solution through the implementation of Clinical Legal Education (CLE).⁶ This educational approach seeks to cultivate comprehensive legal professional competency, encompassing knowledge, practical skills, and moral integrity.⁷ Those are needed to become practitioners such as judges, advocates, prosecutors, arbitrators and other dispute resolution practitioners. CLE is a method used to enhance law students' experience that offers multiple benefits and is integrated into the educational curriculum.⁸ The first wave of modern CLE was initiated by The United States (US), Britain, Canada and Australia.⁹ The obligation to participate in the CLE is manifested in the requirement for law schools to offer "live-client or other real-life practice experience". This method has succeeded in producing qualified law graduates, so that they have sufficient provisions to become practitioners.¹⁰ CLE provides students with an understanding of the legal environment before graduation by providing professional values and sensitivity to the concept of justice in society.¹¹ In general, CLE forces law students to be exposed to a more practical form of education. Students will jump

⁶ Sulistyani.

⁷ Frank S. Bloch and N.R Madhava Menon in Frank S. Bloch (ed), *The Global Clinical Movement, Educating Lawyers for Social Justice* (Oxford University Press, 2011), p 267.

⁸ James Marson, et al., "The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective" *International Journal of Clinical Legal Education* 7, (August 2005): 29-43, p. 29.

⁹ Jeff Giddings, et al, *The Global Clinical Movement: Educating Lawyers for Social Justice*, (Oxford University Press, 2010), p 3.

¹⁰ Roy Stuckey, et al, *Best Practices for Legal Education: A Vision and A Road Map* (the Clinical Legal Education Association, 2007), p 66.

¹¹ M. A. Riette, "The Role of Clinical Legal Education in Developing Ethical Legal Professionals", *De Jure Law Journal* (2021): 278-298, p. 278.

in and hear clients and their legal problems directly. thus testing not only their legal skills, but also their sense of empathy and fairness.¹²

The modern CLE entered Indonesia in early 2000 under auspices of the USAID (the United States Agency for International Development) through a pilot project involving Universitas Indonesia, Universitas Gadjah Mada, Universitas Padjadjaran, Universitas Airlangga and several other State-owned Universities. Therefore, the Indonesian CLE implements the United States (US) CLE model in the implementation. The clinics conducted under the USAID are: civil law, criminal law, environmental law and anti-corruption clinics all of which are litigation-focused clinics. While several Indonesian law schools have implemented CLE programs, clinical methods in Alternative Dispute Resolution (ADR) are very rare. Even in the US, ADR clinics are considered new. ADR is a term used for a range of dispute resolution processes outside the courts that includes negotiation, mediation, conciliation and arbitration. ADR has emerged as a primary mode of legal practice in almost every legal field in almost every country.¹³ Legal educators are in agreement that curricular reforms are essential to prepare graduates to practice in a legal world in which negotiation, mediation and arbitration are everyday occurrences.¹⁴ CLE needs to incorporate ADR to introduce students to multiple lawyering skill sets and strategies to counteract the risks of litigation that might develop by offering only litigation-focused clinics. ADR clinics will also be useful to advance social justice, fostering creative problem solving, valuing

¹² Robert MacCrate, "Yesterday, Today and Tomorrow: Building the Continuum of Legal Education and Profesional Development" *Clinical Law Review* 10, (Spring 2003): 1-43, p. 30.

¹³ Karen Tokarz and Annette Ruth Appell, Introduction: New Directions in ADR and Clinical Legal Education, *Washington University Journal of Law & Policy* 34, no. 1 (2010)

¹⁴ Tokarz and Appell.

the interests of the parties and promoting ethics and professionalism.¹⁵

CLE in ADR course has different characteristics from litigation clinics. This is due to the confidentiality nature of the ADR processes. Unlike litigation which is open to the public including students' participation, negotiation, mediation and arbitration processes are closed to the public unless the disputing parties agree to let non-party to the disputes present. Therefore, it is very challenging to provide real life experiences for students in respect to negotiation, mediation and arbitration process. Parties to disputes would prefer to keep their cases confidential. However, this should not be a problem if law schools can work together with mediation and arbitration institutions to provide clinical experience for students.¹⁶

This research project aims to integrate ADR teaching directly into CLE method by involving dispute settlement institutions such as Indonesian Arbitration Center/Badan Arbitrase Nasional Indonesia (BANI) and Indonesian National Mediation Center/Pusat Mediasi Nasional (PMN). This is an important step because professions as arbitrator and mediator are extremely needed. Almost every contract incorporates an ADR clause to settle any disputes arising out of the contractual relationship. If CLE in ADR is to succeed in Indonesia, the mindset of the legal community must change. Promoting amicable settlement to disputes can no longer be done in class by traditional teaching method, but instead must involve professionals arbitrator

¹⁵ Tokarz and Appell.

¹⁶ See Dori Cohen, "Making alternative dispute resolution (ADR) less alternative: the need for ADR as both a mandatory continuing legal education requirement and a bar exam topic." *Family Court Review* 44, no. 4 (2006): 640-657.

and mediator, fully integrated and supported not only in the law school but also in the community.¹⁷

Mediation and arbitration training for Law Practice is premised upon the recognition that this set of skills is essential for effective problem-solving in all areas of law practice.¹⁸ Law students should acquire the capacity to make effective judgments in complex and uncertain situations. In the US, the Carnegie Foundation's report on legal education (Carnegie reports) identifies several negative outcomes including law students' disconnection from the reality of applying technical expertise to the practice of law. To overcome this situation, the report suggests to integrate ADR into CLE to enable students to anticipate a wider variety of future professional roles than litigation. This research will look into how law schools in the US integrate ADR into CLE as a comparative study. This research endeavors to explore viable approaches to engage professional arbitrators and mediators, leveraging their institutional affiliations, in delivering Clinical Legal Education for Alternative Dispute Resolution courses. The methodology prioritizes upholding fundamental ADR principles, including confidentiality, parties' interests, and professionalism.

This project is a collaborative work between Faculty of Law UGM and Indonesian Arbitration Center/Badan Arbitrase Nasional Indonesia (BANI). BANI is eagerly willing to participate in this project because they have an urgent need for the availability

¹⁷ See I. Gusti Ngurah Parikesit Widiatedja, "Fostering Social Justice through Managing Civil Law Clinic in Indonesia: A Comprehensive Framework and Practice." *Mulawarman Law Review* 3, no. 1 (2018): 1-14; Seno Adhi Wibowo, and Massulthan Rafi Wijaya. "Implementation of the Small Claims Court in Dispute Case Settlement in Indonesia." *Lex Scientia Law Review* 5, no. 1 (2021): 165-178.

¹⁸ Beryl Blaustone and Carmen Huertas-Noble, "New Directions in ADR and Clinical Legal Education: Lawyering at the Intersection of Mediation and Community Economic Development: Interweaving Inclusive Legal Problem Solving Skills in the Training of Effective Lawyers", *Washington University Journal of Law and Policy* 34 (2010): 157-183.

of arbiters and mediators to settle commercial disputes. BANI is an independent arbitration center which has its headquarters in Jakarta and several offices across Indonesia. The mission is to take active roles in the law enforcement process through the application of arbitration and ADR for resolving national and international disputes in the various sectors of trade, industry and finances.¹⁹

This research project carries significant implications for Indonesian law schools, aiming to bolster their Clinical Legal Education (CLE) programs and refine curricula to meet professional legal standards. The active involvement in the advancement of Alternative Dispute Resolution (ADR) adds a crucial dimension, providing law schools with the opportunity to contribute to the shaping of future mediators and arbitrators in alignment with industry standards. Simultaneously, ADR institutions, notably BANI, stand to benefit by collaborating with law schools, creating a synergistic relationship that enhances the training and proficiency of dispute resolver practitioners.

Furthermore, the judiciary stands to gain from the development of adept ADR practitioners. Proficient dispute resolution can potentially elevate the success rate of amicably settling cases, thereby reducing the burden on the court system. Rooted in this context, the research explores two key inquiries: the extent to which ADR institutions can synergize with law schools in producing proficient dispute resolver practitioners and the obstacles and opportunities for the seamless implementation of Clinical Legal Education in the Alternative Dispute Resolution Course. These inquiries not only contribute to the advancement of legal education but also hold the potential to enhance the overall efficiency of the legal system in Indonesia.

¹⁹ BANI Arbitration Center, <https://baniarbitration.org/>, downloaded on 28 October 2022.

II. Method

To answer the research questions, this study will employ a normative method and empirical legal research,²⁰ by doing library research to obtain secondary data and conducting interviews as the primary data.²¹ The legal materials which will be studied include primary legal materials;²² such as law and regulation concerning alternative dispute resolution, legal education; as well as secondary legal materials;²³ such as books, journals, and articles relevant to the topic.

Interviews will be conducted using open-ended questions with resource persons, namely arbitrators, mediators and negotiators as well as academicians in charge of running legal clinics in the following Faculty of Laws: Padjadjaran University, Airlangga University and University of Indonesia. Thus, empirical sources will be studied to answer the advantages, difficulties, challenges, and implications of the CLE in ADR course in Indonesia. The result of the research will be analyzed and presented in a qualitative method involving grouping similar kinds of information together in categories.

III. The Significance of CLE for Fostering Competent Indonesian Legal Professionals

The method of teaching law since the 19th century still uses the Socratic method, in which law students are taught to focus on classroom lectures based on textbooks and not through practical

²⁰ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif*, Cetakan ke-8, (Raja Grafindo Persada: Jakarta, 2004), p. 14.

²¹ Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Universitas Indonesia Press: Jakarta, 1986), p. 51.

²² Soekanto, p. 19.

²³ Soekanto.

training.²⁴ Even though law students have become good students, this is not enough,²⁵ because when working in the field, law students need more than just knowledge, such as student's interpersonal, analytical, advocacy skills, and other skills.²⁶

To strengthen the knowledge learned in class, several universities have introduced CLE. CLE is a method used to improve the student experiences,²⁷ and has various benefits in improving core skills such as letter-writing and reading cases. The method used is a combination of practical and theoretical basis which aims to provide an understanding of how law works in society.²⁸ Thus, CLE can be defined as programs where law students act for real clients in the handling of legal problems.²⁹ The skills that law students will acquire are also useful for increasing understanding, confidence, and providing an overview of the law that is closely related to society.³⁰

As previously explained, law is closely related to society, where the cases encountered intersect with client problems that require skills other than those taught in class. These skills include ethical lessons and interviewing clients to collect data needed as a defense.³¹ This matter cannot be found in class or lecture-based

²⁴ Riette, "The Role of Clinical Legal Education in Developing Ethical Legal Professionals", p. 278.

²⁵ Suellyn Scarnecchia, "The Role of Clinical Programs in Legal Education", *Michigan Bar Journal* 77, no. 7 (1998): 674.

²⁶ Scarnecchia.

²⁷ Marson, et al., "The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective".

²⁸ Marson, et al., p. 4.

²⁹ Adrian Evans, et al., "The Reason for This Book." *In Australian Clinical Legal Education: Designing and Operating a Best Practice Clinical Program in an Australian Law School*, 1–10. ANU Press, 2017, p. 40. <http://www.jstor.org/stable/j.ctt1q1crv4.6>.

³⁰ Evans, et al., p. 3.

³¹ Malcolm M. Combe, "Selling Intra-Curricular Clinical Legal Education," *Law Teacher* 48, no. 3 (December 2014): 281-295.

method, but through cases that arise in society, law students can have a critical analysis of these cases.

In order to strengthen understanding and skills for law students, training in legal professionalism and ethics is the most important part of law school.³² In Indonesia itself, law graduates are considered less able to practice their knowledge in the world of work. This is generally because the methods used are memorization methods and lecture methods,³³ different from the US and Australia which have practiced CLE in their learning curricula.

In the United States, there are 3 (three) different branches of CLE, namely in-house live-client clinics, externship programs, and simulation courses. In-house live-client clinics are clinics set up under the auspices of the faculty itself with clients who have legal problems. On the other hand, externship programs are made for students to do internships outside the faculty, including law offices within governmental agencies and non-governmental organizations. Meanwhile, the simulation course is a course where students simulate as lawyers or other legal positions to perform some aspects of the law.³⁴

In 1988, the University of Michigan in the US finally created in-house clinical education including the Michigan Clinical Law Program, Child Advocacy Law Clinic, and Legal Assistance for Urban Communities Program. These programs were initiated to complement the needs of law students in terms of the practical

³² Riette, "The Role of Clinical Legal Education in Developing Ethical Legal Professionals".

³³ Wanodyo Sulistyani, "Peran Klinik Hukum dalam Upaya Pemberdayaan Masyarakat", *Diversity of Clinical Legal Education and the Road to Social Justice* (2016): 106.

³⁴ Elliott S. Milstein, "Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations," *Journal of Legal Education* 51, no. 3 (2001): 375-381, p. 376.

skills needed by law students.³⁵ Apart from that, there are also two clinics related to public interests law offices such as Criminal Appellate Defense and Environmental Law Clinic.³⁶

Michigan Clinical Law Program offers a general civil/criminal clinic in litigation. The Child Advocacy Law Clinic provides an understanding of how the parties relate to child abuse and neglect cases. The Legal Assistance for Urban Communities Program relates to how students represent community organizations involved in economic development and building affordable housing in Detroit. Then, clinics that collaborate with public interest law offices such as the Criminal Appellate Defense and the Environmental Law Clinic teach students how to represent clients with attorneys from the State Appellate Defender's Office and the National Wildlife Federation's Office in Ann Arbor. Apart from that, Detroit College of Law at Michigan State University has 3 (three) types of externship programs. These programs are judicial, legal aid, and government attorney. At Detroit College of Law, law students are obligated to write a report at the end of the term and participate in class.³⁷

Similar to the US, Australia also has several reasons for the mandatory of CLE, which is to provide provision for law students to acquire skills that are not required in class.³⁸ Legal clinics in Australia started in the 1980s. Australia has supervisors in terms of CLE implementation, such as The Federal Government Office of Learning and Teaching (OLT), The Council of Australian Law Deans (CALD), the Law Admissions Consultative Committee

³⁵ Scarnecchia, "The Role of Clinical Programs in Legal Education", p. 675.

³⁶ Scarnecchia.

³⁷ Scarnecchia, p. 677.

³⁸ Evans, et al., "The Reason for This Book." *In Australian Clinical Legal Education: Designing and Operating a Best Practice Clinical Program in an Australian Law School*, p. 41.

(LACC), and the Australian Professional Legal Education Council (APLEC).³⁹

CLE in Australia requires students to work directly with clients and provide an analysis of the case, including observation and how to take responsibility for their clients along with legal issues.⁴⁰ Thus, the main objective of CLE in Australia is to provide legal analysis related to client issues, preparing legal documents, negotiations, defending in court, legal facts, legal reasoning, and so on.⁴¹

Not only litigation, CLE is also important when it comes to alternative dispute resolution (ADR). ADR itself begins to shift litigation with various considerations, so that law students are also expected to have the skills needed in alternative settlements such as negotiation, mediation, arbitration, and so on.⁴² There are case studies in mediation and collaborative law clinics for underprivileged families.⁴³ In that case, the law clinic resolved the family law issue pro bono by the students. It can be seen that the clinic provides access to justice for the community and gives responsibility and a sense of justice to students.⁴⁴

³⁹ Evans, et al., p. 3.

⁴⁰ Evans, et al.

⁴¹ Evans, et al.

⁴² Karen Tokarz and Annette Ruth Appell, "New Directions in ADR and Clinical Legal Education", *Washington University Journal of Law and Policy* (2010), pp. 2-3.

⁴³ Tokarz and Appell.

⁴⁴ Tokarz and Appell. In the context of law students in Indonesia, engaging in pro bono activities involves students offering their legal skills and knowledge to individuals or communities in need, typically those who cannot afford legal representation. Law students in Indonesia may participate in pro bono initiatives through legal clinics, university-sponsored programs, or partnerships with non-profit organizations. These initiatives aim to bridge the gap between legal expertise and access to justice for marginalized or underserved populations. Students may provide legal assistance in various areas, such as family law, human rights, consumer rights, and more, depending on the focus of the pro bono program.

Although relatively new, CLE's study of ADR is very important. As previously mentioned, ADR has begun to shift public interest in litigation, because CLE is very synonymous with the adversarial model and 'win-lose' approach.⁴⁵ With these shifting interests, other skills are needed that can strengthen students' understanding of ADR and produce a competent lawyer.⁴⁶

With the COVID-19 pandemic, contractual obligations have become difficult to implement. Fulfilling obligations for people and companies that cannot survive in the midst of this pandemic is even more difficult when they have to deal with legal

Participating in pro bono work offers law students practical experience, allowing them to apply theoretical knowledge to real-life cases. It also instills a sense of social responsibility and ethics in future legal professionals. By actively engaging in pro bono activities, students contribute to the promotion of equal access to justice and help address legal issues faced by disadvantaged individuals or communities in Indonesia. This not only benefits the recipients of the pro bono services but also enriches the students' legal education and fosters a commitment to social justice within the legal profession. *See also* Chairani Azifah, "Pro Bono Legal Aid by Advocates: Guarantee of Justice for the Poor." *The Indonesian Journal of International Clinical Legal Education* 3, no. 4 (2021): 537-552; Hani Rafika Putri, "Implementation of Free Legal Aid (Pro Bono) for the Poor in Indonesia." *The Digest: Journal of Jurisprudence and Legisprudence* 3, no. 2 (2022): 173-202; Cahya Wulandari, Sonny Saptoajie Wicaksono, and Umi Faridatul Khikmah, "Paralegal Existence in Providing Access to Justice for the Poor in Central Java." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4, no. 2 (2019): 199-206; Choerul Amin, "Implementation of Legal Aid for the Poor as a Form of Practicing Pancasila Values." *The Indonesian Journal of International Clinical Legal Education* 3, no. 2 (2021): 235-244.

⁴⁵ Matthew Osborne, "Alternative Dispute Resolution and Clinical Legal Education in Australian Law Schools: Convergent, Antagonistic or Running in Parallel," *Journal of Professional Legal Education* 14, no. 1 (1996): 97-108

⁴⁶ Osborne.

proceedings.⁴⁷ Moreover, almost all contractual obligations have completion deadlines. Limitation of movement, lockdown, quarantine, social distancing, and so on due to this pandemic has made it difficult to carry out contracts.⁴⁸ Therefore, the clinic can

⁴⁷ The United Nations Conference on Trade and Development, “Impact of the COVID-19 Pandemic on Trade and Development: Lesson Learned”, The United Nations, 2022, p. 31. Furthermore, the pandemic has triggered various unforeseen circumstances such as lockdowns, supply chain disruptions, and financial hardships, making it increasingly difficult for parties to adhere to their contractual obligations. This holds true for a diverse range of sectors, including businesses, individuals, and various industries, exacerbating the challenges associated with legal proceedings. In the Indonesian context, navigating legal proceedings during the pandemic becomes especially challenging due to the complexities introduced by the crisis. The court system, like in many other jurisdictions, has faced operational constraints, delays, and backlogs. This further hampers the timely resolution of disputes, adding an extra layer of difficulty for those attempting to address contractual issues through legal channels. Understanding and addressing these challenges in the context of Indonesia necessitates considering the unique economic and legal landscape of the country. It underscores the need for adaptive and flexible legal frameworks that can accommodate the extraordinary circumstances posed by the ongoing global health crisis. As a response, legal practitioners and policymakers in Indonesia may need to explore alternative dispute resolution mechanisms, such as mediation or arbitration, to provide more expedited and practical solutions for resolving contractual disputes amid the challenges posed by the COVID-19 pandemic. *See also* Ahmad Siboy, and Sholahuddin Al-Fatih. "The Logic Position of State Emergency Law in the Implementation of Regional Head Elections during the Covid-19 Pandemic." *Unnes Law Journal* 8, no. 1 (2022): 65-86; Anis Widyawati, et al. "Covid-19 and Human Rights: The Capture of the Fulfilment of Rights During the Covid Outbreaks." *Unnes Law Journal* 6, no. 2 (2020): 259-286; Rama Halim Nur Azmi, and Muhammad Irfan Hilmy. "Actualization of the Force Majeure Clausula in the Law of Agreement in the Middle of Pandemic COVID-19." *Lex Scientia Law Review* 4, no. 2 (2020): 1-12.

⁴⁸ Fidelity and Surety Law Committee, “Dealing with the Construction Impact of Covid-19”, American Bar Association, americanbar.org. Accessed 6 March 2023.

be one way, because one of the focuses of CLE is to provide legal assistance to those who are less fortunate or have financial difficulties.⁴⁹ Therefore, the parties who are affected by this hardship may not suffer more damages.

IV. Why ADR Matters and become part of Civil Justice System?

Indonesia stands at a pivotal juncture where the promotion of Alternative Dispute Resolution (ADR) is imperative for effective dispute resolution. Evaluating the existing challenges in resolving disputes becomes paramount in this context. A discernible trend has emerged, with a substantial number of both domestic and foreign business entities expressing a preference for ADR mechanisms in addressing their commercial conflicts. This shift signifies a recognition of the efficacy and expediency offered by ADR processes in comparison to traditional litigation.⁵⁰

The inclination towards ADR is further underscored by legislative provisions in various Acts, such as the Banking Act, Construction Service Act, Medical Act, and Industrial Relations Act. These legislative mandates underscore the compulsory utilization of ADR mechanisms for addressing disputes within their respective domains. By enshrining ADR requirements into specific sectors, the legal framework not only reflects a recognition of ADR's efficacy but also actively encourages its adoption. This

⁴⁹ Nina W. Tarr, "Current Issues in Clinical Legal Education," *Howard Law Journal* 37, no. 1 (Fall 1993): 31-48, p. 32.

⁵⁰ Hikmahanto Juwana, "Dispute resolution process in Indonesia". *IDE Asian Law Series*, no. 21 (2003). Available online at <<https://www.ide.go.jp/library/English/Publish/Reports/Als/pdf/21.pdf>>; Mas Achmad Santosa, "Development of Alternative Dispute Resolution (ADR) in Indonesia." *Asian Law Association in Singapore* (2003). Available online at <https://www.aseanlawassociation.org/wp-content/uploads/2019/10/w4_indo.pdf>

legislative support serves as a testament to Indonesia's commitment to fostering a conducive environment for alternative dispute resolution, aligning legal norms with contemporary dispute resolution preferences.

As the nation navigates its path towards a more ADR-centric approach, the concerted effort to address challenges and embed ADR into diverse legislative contexts positions Indonesia favorably in promoting a more efficient, accessible, and responsive dispute resolution framework. The legislative endorsement of ADR marks a significant stride towards aligning legal practices with the evolving needs of the business and legal communities in the country.

Those explanations serve as evidence how legal education can answer and fulfill the need of skillful dispute resolution practitioners in Indonesia to materialize the just, effective and credibility of the ADR method. This will lead to a more effective and efficient civil litigation system as well as improve the public's confidence towards the ADR method. At the end, the business community will be benefited as it will enjoy a more conducive business climate, a necessary condition for sustainable economic growth.

V. The Collaborative Synergy Between ADR Institutions and Law Schools in Nurturing Dispute Resolution Practitioners

Alternative Dispute Resolution (ADR) institutions, exemplified by BANI and PMN, hold a distinctive position in advancing both education and the legal profession in Indonesia. Their unique role extends to not only encouraging but also facilitating the widespread adoption of ADR practices throughout the country. Collaborating with law schools, institutions like BANI and PMN can actively contribute to the refinement of teaching

methodologies and the development of comprehensive syllabi tailored to the nuances of ADR. This collaboration is essential in bridging the gap between theoretical knowledge and practical application, ensuring that law students are equipped with the skills required for effective dispute resolution in real-world scenarios.

The symbiotic relationship between ADR institutions and law schools encompasses various facets. These institutions can actively engage in shaping the curriculum, bringing their practical insights and experiences into the educational framework. By integrating professionals from BANI and PMN into the teaching process, students gain firsthand exposure to the intricacies of ADR mechanisms. This hands-on learning approach not only enhances the educational experience but also cultivates a generation of legal professionals well-versed in the practical aspects of alternative dispute resolution.⁵¹

⁵¹ Additionally, it is emphasized that integrating professionals from the Indonesian Arbitration Center (BANI) and the Indonesian National Mediation Center (PMN) directly into the teaching process of Alternative Dispute Resolution (ADR) courses is a strategic approach aimed at providing students with a more immersive and practical educational experience. Unlike traditional classroom settings that primarily focus on theoretical concepts, this hands-on learning method allows students to interact directly with seasoned practitioners who have real-world experience in ADR. By participating in the teaching process, professionals from BANI and PMN can share valuable insights, practical scenarios, and case studies from their extensive experience in arbitration and mediation. This not only enriches the academic curriculum but also exposes students to the intricacies and complexities of actual dispute resolution situations. Students benefit from understanding how ADR mechanisms function in practice, including the dynamics of negotiations, the art of mediation, and the formalities of arbitration proceedings. This approach goes beyond theoretical knowledge, fostering a deeper understanding of the practical aspects of ADR. Students gain insights into the decision-making processes, ethical considerations, and strategic elements involved in resolving disputes outside of traditional court settings. Exposure to real-world examples and challenges equips them with the skills and mindset needed for effective and

Furthermore, such collaborations serve as a catalyst for fostering a culture of ADR within legal education. By actively participating in the design and delivery of coursework, ADR institutions contribute to the development of a skilled workforce that is not only knowledgeable about ADR principles but also adept at their application. This holistic approach ensures that the integration of ADR into legal education becomes a comprehensive and transformative endeavor, positioning Indonesia at the forefront of progressive legal practices.

Furthermore, PMN and BANI have the potential to offer students direct exposure to arbitration and mediation processes with the consent of the involved parties. In instances where experiential learning opportunities may be constrained, both institutions can orchestrate mock arbitrations and mediations, involving actual arbitrators and mediators. Simulating authentic arbitration and mediation scenarios provides students with a firsthand encounter of the real-life dynamics involved in these dispute resolution methods. Such immersive experiences play a crucial role in preparing students for their future roles as mediators and arbitrators, allowing them to develop practical skills and insights that extend beyond theoretical understanding.

VI. Challenges and Prospects in Integrating CLE into ADR Courses

ethical ADR practice in their future professional endeavors. *See also* Sulistyowati Irianto, "Legal Education for The Future of Indonesia: A Critical Assessment." *The Indonesian Journal of Socio-Legal Studies* 1, no. 1 (2021): 1-36; Zainal Asikin, "Legal Education in Indonesia Towards an Industrial Revolution 4.0." *International Journal of Multicultural and Multireligious Understanding* 6, no. 4 (2019): 389-395; Cliff F. Thompson, "Legal Education for Developing Countries: A Personal Case Study from Indonesia." *CAL Books 2: The Role of Law in Development Past, Present and Future* 2 (2005): 21-31; Hikmahanto Juwana, "Legal education reform in Indonesia." *Asian Journal of Comparative Law* 1, no. 1 (2006): 1-19.

The implementation of Clinical Legal Education (CLE) in an Alternative Dispute Resolution (ADR) course presents both challenges and opportunities, shaping the landscape of legal education in unique ways. One significant obstacle lies in the potential resistance to change within traditional legal education systems. Integrating CLE into an ADR course requires a departure from conventional teaching methodologies, and this may encounter resistance from established norms and practices. Faculty members, accustomed to more theoretical approaches, may require extensive training and support to effectively incorporate experiential learning methods. Overcoming these hurdles demands a concerted effort to change the mindset and culture within legal education institutions, emphasizing the benefits of CLE in developing practical skills and enhancing the overall educational experience.

Conversely, the integration of CLE into an ADR course presents a remarkable opportunity to bridge the gap between theory and practice in legal education. Offering students hands-on experience in resolving actual disputes through ADR mechanisms allows them to apply theoretical knowledge to real-world scenarios. This experiential learning approach can significantly enhance their problem-solving skills, ethical decision-making, and overall professional competency. The opportunity to engage with actual cases under the guidance of experienced practitioners enables students to develop a deeper understanding of the complexities involved in ADR processes. This practical exposure positions them as better-equipped professionals upon entering the legal workforce.

Furthermore, the implementation of CLE in an ADR course aligns with the growing demand for legal professionals with practical skills in dispute resolution. The legal industry increasingly values practitioners who not only possess theoretical knowledge but also demonstrate the ability to navigate and resolve

complex disputes effectively. This shift in perspective represents an opportunity for legal education institutions to stay relevant and produce graduates who are not only academically proficient but also well-prepared for the practical demands of the legal profession. Overall, while challenges exist, the opportunities presented by integrating CLE into an ADR course hold the potential to revolutionize legal education and produce more adept and practice-ready legal professionals.

VII. Conclusion

This study concluded that the integration of an Alternative Dispute Resolution (ADR) teaching method necessitates a harmonious blend of comprehensive academic education and practical insights. It is imperative for ADR institutions, such as BANI, to establish continuous collaborations with universities, offering in-depth ADR education through clinical legal education. This emphasizes the pivotal role of education, not merely as a conduit for theoretical introduction but also as a provider of experiential components. The program entails meticulous preparation from both academicians and practitioners, encompassing pleading training, arbitration-related role plays, drafting sessions for written submissions, and interactive discussions. In partnership with BANI, clinical legal education in ADR becomes a catalyst for instilling a vision of fairness and justice, enabling participants to act as architects of peace through the judicious use of ADR methods with professional integrity. This educational model ensures a prosperous future for arbitration and other ADR mechanisms as efficient alternatives to court litigation.

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