



Evaluation of Judicial Practices by Students of the Faculty of Syari'ah Padang State Islamic University in the West Sumatra Religious Courts

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Abstract

Judicial practice is one of the compulsory subjects for the Syari'ah Faculty of UIN Imam Bonjol Padang which is held in the West Sumatra Religious Court. There are 18 religious courts in West Sumatra, while the number of students from the shari'ah faculty continues to grow from year to year. In order to improve practical activities, it is necessary to conduct an evaluation of student justice practices so far. To obtain data, interviews were conducted with judges, clerks for practicing supervisors, as well as with students who had practiced. Based on the research, it can be concluded that practical problems arise from internal problems and external problems. One of the most important problems is that when new students come to court, it appears that the students are unprepared and do not understand the procedural law of religious courts. even though they have received supplies. So it is necessary to conduct a further evaluation of the activities of debriefing students' judicial practices.

Keywords: Religious Court Practice, Briefing, Evaluation.

A. Introduction

The Syari'ah Faculty is one of the faculties within the State Islamic University (UIN) Imam Bonjol Padang in West Sumatra. Initially, UIN Imam Bonjol Padang was the State Islamic Institute (IAIN) Imam Bonjol Padang. then in 2017 IAIN Imam Bonjol Padang changed its status to UIN Imam Bonjol. At the Faculty of Sharia there are 4 (four) study programs, namely Comparative Schools (PM), Sharia Economic Law (HES), Family Law, and the last is Constitutional Law (HTN).

Based on the Academic Manual of IAIN Imam Bonjol Padang in 2013, it was determined that the student study load that must be completed was 156 credits. The 156 credits consist of several courses that can be grouped into five groups, namely: 1). Group of personality development courses (MPK) with a weight of 12 credits, 2). Group of scientific skills courses (MKK) with a weight of 109 credits, 3). Group of work skills courses (MKB) with a weight of 17 credits, 4). Group of work behavior courses (MPB) with a weight of 6 credits, and 5). Community life course group (MBB) with a weight of 12 credits.

Each course group has a target that must be possessed after students complete their studies at the Syari'ah Faculty. One of the subject groups is the Craft Skills course with a weight of 17 credits. One of the work skills courses is the Judicial Practice course

with a weight of 2 credits. Judicial practice courses based on the 2013 curriculum are implemented during 7th semester students, but after a change in the 2016 curriculum, judicial practice courses are carried out during 7th semester students.

Basically, the Judicial Practice course is given in order to improve the quality of graduates of the Syari'ah faculty of UIN IB Padang, especially in the field of legal expertise. Legal skills education for students is an important part of higher education, because higher education is required to produce graduates who have a high level of legal knowledge, high analytical skills, and also have legal skills. Likewise, the students of the Syari'ah faculty of UIN IB Padang who took part in Judicial Practice in the 7th semester in the Religious Courts in West Sumatra.

The implementation of student practice in the 18 religious courts is based on the MOU between the Syari'ah Faculty of UIN Imam Bonjol Padang and the Padang Religious High Court. Although the number of religious courts has increased since 2018, previously there were only 16 religious courts in West Sumatra, but the number of students who enter from year to year is also increasing. In 2013 there were only 236 student admissions, and it continues to increase. The highest number of admissions was in 2017 as many as 687 people, at that time IAIN had just changed its status to UIN. However, after 2018 there was a decline, but the acceptance was between 400 and 500 people per year.

With the increasing number of shari'ah student admissions every year, and in the seventh semester they will practice judiciary in these 18 locations, of course this has an impact on the number of students per group in each court. Sometimes not all locations can accept practical students, this is due to several things, for example: the court office is in the process of being renovated, the PA office is very far away so students cannot be there or because the PA office is small, and cannot accept practical students.

The management of student judicial practice activities was initially carried out by the study program in rotation. Likewise with the place where judicial practice was initially carried out only at the Padang Religious Court, but later it was also carried out in other religious courts in West Sumatra. Since 2016 the Faculty of Sharia has formed a Judicial Clinic which will help students improve their abilities in the field of law.

Since 2016 the management of judicial practice activities has been carried out by the judicial clinic, in 2017 a collaboration with the Padang City APSI has also been carried out in the context of advocate education as well as preparation for judge tests. However, everything needs more careful planning.

With the increasing number of students, this is also an obstacle for the court to accept such a number of students. The implementation of student judicial practice experiences many problems, for example the problem of students' ability to understand the procedural law of religious courts, the problem of the number of practicing students which is increasing from year to year. For example, in 2018 and 2019 the implementation of judicial practice experienced increasingly complex problems. One group consists of 20 people, even in one court there are 2 groups, which means the number of students in a court is 25 to 35 students, while there are only 3 judges in a court.

From year to year there will be more and more problems in judicial practice, so to be able to design the implementation of judicial practice in the following year to

achieve more targets, in-depth research is needed on the practice of student justice. For this reason, a research entitled: Revitalization of Judicial Practices for Students of the Syari'ah Faculty, Imam Bonjol State Islamic University, Padang in the Religious Courts of West Sumatra will be conducted.

Based on the background that has been stated, the problems in this research are: how is the planning and implementation of judicial practice for students of the sharia faculty of the State Islamic University of Imam Bonjol Padang in 2019 and 2020?

B. Research Methods

The research conducted is empirical research, namely research that is primarily designated to obtain primary data, namely with regard to what is in the field in connection with the formulated problems. The research approach in the first stage was carried out by means of a qualitative descriptive approach, based on data available in the religious courts and also in the Syari'ah faculty of UIN IB in the implementation of student justice practices within the Religious Courts in West Sumatra.

This research was conducted in the Religious Courts in West Sumatra, which is a place of practice for students of the Syari'ah faculty of UIN IB Padang every year as well as in the Syari'ah faculty of UIN IB Padang. Determination of respondents with snowball sampling technique. The primary data sources are: a). Judges, clerks and other employees in religious courts in West Sumatra, both in the district and in the city. b). Lecturer of the Faculty of Sharia who becomes the supervisor of judicial practice. c). The leadership of the Syari'ah Faculty, starting from the Dean of the Syari'ah Faculty to the Department level, is also the staffing department. e). Students who have attended judicial practice in 2019 and 2020.

To obtain data, the data collection techniques used are: Document Study, carried out on documents at the Syari'ah Faculty related to data on the implementation of student justice practices from 2018 and 2019.

Furthermore, data collection was done by interview (semi-structured interview). Interviews were conducted with: deans, deputy deans, study program heads, study program secretaries, Judicial Clinic administrators, judicial practice supervisors, students who have attended judicial practice in 2018 and 2019. Interviews were also conducted with clerks and judges at the religious court where students take part in judicial practice.

C. Results and Discussion

1. Religious Court Practice

The practice of religious justice is one of the subjects that must be carried out by students of the Syari'ah faculty at the Religious Courts in various series of activities in accordance with the process of resolving cases in religious courts and is calculated equivalent to 2 (two) credits. The purpose of this activity is so that Syari'ah faculty students can better understand and practice a series of procedures for resolving cases in religious courts (Academic Management System Book, 2016, 37).

For students who will take part in judicial practice, they must first register. Students who can register are students who have met the following

requirements: Registered as an active student at the Syari'ah Faculty of IAIN Imam Bonjol Padang and has passed prerequisite courses, namely: procedural law of religious courts and courses on religious courts in Indonesia. Prior to 2017, the registration process for practicing students was carried out manually to study programs that were authorized to manage judicial practice on a rotating basis every year. In 2017 registration of students participating in the practice has been done online. The practice management is carried out by the Shariah Faculty of Justice and Advocacy Clinic.

After students who will practice register, based on the registration data, it can be seen the number of students who will practice. Based on this data, the groups were divided according to the location of the religious courts in West Sumatra. The division takes into account the number of practice locations, gender and respective study programs.

After dividing the groups, the next step is to determine the field supervisor. Each group practicing religious justice will be guided by a lecturer and partner advisor from the judges and court clerks where they practice. The criteria for supervising lecturers are determined based on several things, namely: a). Based on the competence/expertise of the lecturer (formal law and religious court material. b). Rank order list. c). Experience as a supervising lecturer in the practice of religious justice. d). Scoping practice locations.

Before practical activities are carried out, the leadership, committee and prospective field supervisors conduct an assessment to the religious court where the judicial practice takes place. As for The objectives of conducting this field work practice assessment are as follows:

- a) To find out the actual conditions and readiness of the Religious Courts concerned in accepting and guiding students participating in the Practice of Religious Courts.
- b) The implementation of the collaboration between the Syari'ah Faculty of UIN Imam Bonjol Padang and all stakeholders who became resource persons for the activity;
- c) The achievement of the goals of the Faculty of Sharia is to become a source of graduates who are faithful and cultured, knowledgeable and have integrity, have character and are responsible and uphold the values of justice, equality, and independence for the benefit of the people and the nation.

After an assessment has been made to practice locations, and students who will practice have been grouped according to their respective court locations, the next stage is the debriefing activity for practical students. The briefing is carried out by presenters who have been appointed by the Justice and Advocacy Clinic team. By holding this debriefing activity, it is hoped that students who go to the field already have knowledge and understanding of the procedural law of religious courts and administration in religious courts. Although basically there are many supporting courses, but to further strengthen and remind them of the material they have received during the previous lecture.

When the time agreed with the court has come, the students who will practice will be submitted directly by each supervisor to the head of the religious court of each religious court in West Sumatra. In the monitoring book distributed to students, there are a series of student activities while participating in judicial practice in the religious

court environment, namely: a). Internship in the secretariat and registrar of religious courts. b). Observations in the courtroom. c). Making case scenarios. d). Record and report daily activities. e). Trial simulation exercise.

After several weeks of students carrying out the practice, the supervisory lecturer carried out the monitoring process in the field. The final stage is the evaluation process. The process of evaluating students' abilities regarding procedural law in religious courts. the evaluation process is carried out by means of trial practice in accordance with the trial scenario they have prepared. The making of trial scenarios is carried out under the guidance and care of judges and clerks who are appointed by the head of the religious court to guide the group. In this trial practice exam, each student changes roles in each trial, sometimes as a judge, as a clerk, as a plaintiff, as a defendant, or as a witness.

2. Planning and Implementation of Judicial Practices for Students of the Syari'ah Faculty of Imam Bonjol State Islamic University, Padang in 2019 and 2020

In 2017, Laboratories were formed at the Syari'ah Faculty, one of which is the Judicial Clinic. In 2017, Nurhasnah was the chairman of Labor, then in 2018 she was chaired by Aulia Rahmat. This labor is responsible for carrying out student judicial practice activities. In addition to being responsible for managing judicial practice activities, Labor has also collaborated with the Padang Branch of the Syari'ah Lawyers Association (APSI) to hold PPPA (Professional Advocate Education and Training), and has also held preparations for the Cakim (Prospective Judge) test for alumni of the Syari' Faculty. Ah.

The implementation of judicial practice for the students of the Syari'ah Faculty in 2018 has been prepared since the end of 2017, the implementation of judicial practice in 2019 has been prepared since the end of 2018, as well as the implementation of judicial practice in 2020 has been prepared since 2019. Because the Judicial Laboratories have been formed , so it also has a Judicial Clinic, which has the task of managing student judicial practice activities. To prepare for all series of activities, a judicial practice team was formed consisting of several lecturers, namely: Nurhasnah, Zufan, Yan Fajri, Masna Yunita, Arlis and Eskari Ushali, M. Yenis and M.Arif.

The judicial practice activities for the 2018/2019 Academic Year were carried out for 40 days, starting from January 15, 2019 to February 14, 2019. The 2019 judicial practice activities were managed by the Justice and Advocacy Clinic of the Syari'ah Faculty of UIN IB Padang. The stages of the practice of judicial activities for students of the Faculty of Sharia are: Preparation, implementation and reporting. The stages are described below:

1) Preparation

The preparation for the activity started from October 8 2018, the Preparatory Meeting for the Judicial and Advocacy Clinic team with the Deputy Dean of Division I. Besides being attended by the Justice and Advocacy Clinic Team, the meeting was also attended by the heads of each study program. Based on the results of the student recapitulation, the prospective practice participants are: 359 BP 2015 students (Semester VII), and 74 students in 2016 (Semester V). Judicial practice is usually followed by students who are in semester VII, but during the 2019 implementation, semester V students were given the opportunity to take part in judicial practice with

the following conditions: potential for graduation in semester VII, minimum GPA of 3.5, proposal has been processed (with a letter recommendation from academic supervisor/head of Study Program),

2) Registration of Candidates for Judicial Practice.

After the meeting, socialization of the acceptance and registration of prospective practice participants was held. Registration is done online via google form. The deadline for registration is October 28, 2018, and given the opportunity to complete the registration requirements until October 30, 2018. After collecting data on students who have registered and completed the requirements, they can be grouped by batch: 1 batch of 2013 and 7 batches of 2014, class of 2015 as many as 340 people, and class of 2016 as many as 16 people.

3) Pre-test,

On November 3, 2018, the Justice and Advocacy Clinic Team conducted a pre-test on prospective participants. The pre-test was divided into several classes supervised by the Justice and Advocacy Clinic Team;

4) Scoping,

The assessment of the 18 Religious Courts in West Sumatra was carried out for 5 (five) days, namely on 23, 26-29 November 2018. Every day, 2 teams that have been prepared carry out an assessment of the 2 (two) Religious Courts that have been determined. At the time of conducting an assessment to each court, participate in the prospective supervisor in each location.

5) Debriefing,

The debriefing of Religious Court Practices is carried out for 3 (three) days with a total time of 10 JPL. This activity was carried out on November 30 to December 2, 2018. On the last day of the debriefing, a post-test was held to measure the development of potential participants' abilities during the debriefing process. The following is the schedule of student debriefing activities for the 2018/2019 academic year of judicial practice, along with the materials and tutors.

6) Implementation.

Student judicial practice activities in the 2018/2019 academic year were carried out for 40 (forty) days, from January 14, 2019 to February 15, 2019. The implementation of the 2019 practice was in 18 Religious Courts under the West Sumatra Religious High Court. . At the time of acceptance of registration of students who will take part in the practice, 371 students were registered, but when the practice was carried out, there were 344 students who participated.

Based on a series of judicial practice activities in 2019, starting from student registration to examination activities and student handovers from the court to each field supervisor. So based on the series of activities, based on the evaluation of the team in charge, there were several obstacles experienced, both internal (internal) and external (external) barriers. The obstacles based on the report are as follows:

1) Internal Barriers

There are several internal obstacles in the implementation of judicial practice for students of the Syari'ah Faculty of UIN IB Padang in the 2018/2019 Academic Year, while these obstacles are: a). The number of students who practice is not proportional to the number of religious courts in West Sumatra, and the time required available is also not enough. b). The slow administrative process needed in carrying out activities,

such as the management of supervisor's decrees, letters of assignment for lecturers who will go to the field, this also affects the performance of the committee in each activity. c). Slow financial problems. d). Slow submission of reports from lecturers.

2) External barriers.

In addition to internal barriers, there are also external barriers, namely: a). Weak coordination with several PTKIN in West Sumatra, for example with IAIN Batusangkar and IAIN Bukittinggi, so that the practice schedule between these 3 (three) universities is carried out simultaneously, resulting in an accumulation of students in several religious courts where students practice. b). There is still weak communication with the religious courts, so there is still misinformation between the PT and the religious courts, so that some practices cannot be carried out in the religious court concerned (Bukittinggi PA case, student rejection occurred, Bukittinggi PA was only willing to accept 1 (one) group course so that students were forced to be transferred to PA Payakumbuh who are willing to accept students in large numbers.

The number of activities carried out by the Padang Religious High Court involving all heads of religious courts in West Sumatra, so that field supervisors cannot meet with the head of the court, when the field supervisor takes data to the respective religious courts.

Based on the suggestions submitted by each court to the team that came to each court in the context of an assessment, it can be seen that there were 3 important points conveyed by the court to the team, namely: a). The maximum number of students in 1 (one) group is only 12 people, this indicates that more than 12 people eat the judicial practice that is carried out less effectively, because there are many students who must be mentored if there are more than 12 people. However, in reality there are at least 14 students, there are even 18 in one group, and there are even 2 (two) groups in one court. b). There is coordination between the Syari'ah Faculty of UIN IB Padang with the Syari'ah Faculty of IAIN Batusangkar and also with the Syari'ah Faculty of IAIN Bukit Tinggi, so that the implementation of judicial practice between the three religious universities in West Sumatra is not carried out at the same time, because it will make more students practice in one court, this is very ineffective, and tends to interfere with court performance. c). Conduct an evaluation by the faculty to each court regarding the ongoing practice activities, so that all the obstacles that have occurred so far can be overcome, and solutions are sought to improve the implementation of practice in the following years.

Based on interviews with judges or clerks who have guided students of the Syari'ah Faculty of UIN IB Padang in judicial practice, it can be concluded that:

First. Ethics, the average student has good ethics. Some stand out and some are mediocre. On average, the judges stated that in the first week of practice in court, students were still in the process of being introduced to the environment, a process of habituation. Not much activity yet. In the 2nd week, the new students started to be active, started asking questions, getting to know what their duties and responsibilities were in the field, starting to actively discuss.

Second, Students' ability in the field of judicial procedural law. All respondents said that when they first came to court, on average, students did not understand civil procedural law within the religious courts. Do not understand the lawsuit, the elements of the lawsuit, evidence of procedural law in the religious court environment, verstek

decisions, aborted decisions and other matters related to procedural law. Likewise with the material law, they still don't understand. Due to the condition of those who do not understand, the first step taken by partner supervisors in court is to provide legal materials to students, both material law and formal law. There are courts that hold pre-tests to students to measure students' abilities. After getting data on student abilities, then the court provides direction / guidance as well as lectures. After that, just enter the practice of the event.

Third, Timeframe, because the first week of students are still adjusting, the ideal time in the field is 1 months. Regarding the exact time, on average the court said that judicial practice should not be carried out at the end of the year, because at the end of the year the court was busy with the trial agenda, so that it was not effective to hold practice in that month, the court did not have time to provide guidance or direction to the court. the end of the year, because the court's agenda was very busy. Also, don't hold practice in January, because there is no trial yet, so students in January are mostly sitting in court and there are no activities, so their judicial practice activities are not effective. Preferably the beginning of the year but starting from late January or early February,

To improve the judicial practice activities of the Syari'ah Faculty of UIN Imam Bonjol Padang students, the judges and clerks of the religious courts in West Sumatra provide several suggestions including: First, before coming to the field students have mastered the material of civil procedural law as well as material law, so that when they arrive in the field practical activities are even more effective. Because so far, the court aside from guiding the practice of the trial, the judges are also burdened with giving lecture material before being able to enter the trial practice. Therefore, students who will go to the field have received training on procedural law.

Second, there is a module from the campus about the stages of practical activities, **Third**, There is a description of the target of judicial practice, so that it is uniform for all locations, **Fourth**, don't have too many students in one group, because if there are many it is not effective. Fifth, try to practice not only in West Sumatra, but also outside West Sumatra.

Based on the search for existing data in the field, either through students, through practice supervisors, or through judges or religious court clerks, it can be detailed some of the problems that exist in student judicial practice activities, namely:

- a) There are a lot of students in one group, even up to two groups for one court.
- b) The ability of students about procedural law and material law is very low when they first come to court, they should already understand procedural law and material law before they go to the field.
- c) Often clashing schedules with students who practice from IAIN Batusangak and IAIN Bukittingi.
- d) If the practice in January was not effective, because there was no trial process so students could not see directly the trial process, even though it was one of the judicial practice agendas.
- e) The practice at the end of the year is also not effective, because at the end of the year the court is very busy and there are too many hearings, so it is not good for students to see because there are several specialties, sometimes there is no time to guide students.

- f) There is no clear target to be achieved in judicial practice, so that each court is different in guiding students, according to the habits of each counselor from the court, both judges and clerks.
- g) Lack of time for practice, effective time is as long as 1 months. Each supervising lecturer has its own pattern in guiding students, because there are no standard standards in the guidance process.
- h) The duties of the field supervisor are not the same in every supervisor's decree.
- i) The Syari'ah Faculty of UIN IB Padang already has a guidebook for monitoring judicial practice activities, but there needs to be additions and improvements according to input from the mantra supervisor and the secretariat supervisor of the religious court.

After conducting interviews and seeing inputs from various parties, it was deemed necessary to make changes to this student judicial practice manual. In this student judicial practice manual, there are several things that need to be improved, namely:

First, about prerequisite courses. In the existing book "Guidelines and Daily Agenda" it is stated that there are only 2 prerequisite courses, namely passing the subject of the Procedural Law of Religious Courts and the course of Religious Courts in Indonesia. Meanwhile, based on the results of interviews with judges of religious courts, on average it was stated that at the beginning of students coming to court, students still did not understand material law and formal law, so to overcome this the judge and clerks held special guidance on these materials. Thus, to better prepare students for the field, it is necessary to add prerequisite courses, so that it is easier for students to understand when they go to the field. The courses that need to be added are: Civil Procedure Law, Islamic Civil Law in Indonesia, marriage law/Fiqh Munakahat, inheritance law.

Second, There needs to be a determination of the competencies that students are expected to have after doing judicial practice. so that the expected target can be met. The following are the student competencies listed in the new manual:

D. Conclusion

Based on the results of the evaluation of the practice of judicial activities by students of the Sharia Faculty of UIN Imam Bonjol Padang, it can be concluded that there are several obstacles in practical activities, both internal and external problems. The problem that is often conveyed is about the number of students who are too many so that the activities are not effective. Then the problem that is also important is about the unpreparedness of students, especially regarding the procedural law of religious courts, even though they have received supporting courses and also briefing, it turns out that this does not have much effect on students.

For future improvements it is necessary to improve the practical activity guidebook, it is necessary to hold an MOU with religious courts outside West Sumatra, the implementation of practice twice a year so that the number of students does not accumulate in one activity, and the last is the need to conduct an in-depth evaluation of the debriefing activities. students who will practice. Evaluation of the material, presenters, format of debriefing and duration of debriefing.

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