OPTIMIZING CIVIL CONSTRUCTION LITIGATION IN INDONESIA: A COMPREHENSIVE FRAMEWORK FOR EFFICIENCY, EXPERTISE, AND EQUITY IN DISPUTE RESOLUTION

Akmal Azizan
Universitas Muhammadiyah Jakarta
2016470008@student.umj.ac.id

Sally Sophia
Universitas Muhammadiyah Jakarta
2016470010@student.umj.ac.id

Salma Zahra
Universitas Muhammadiyah Jakarta
2016470011@student.umj.ac.id

Nurajam Perai
Universiti Teknologi Malaysia
nurazam@utm.my

Abstract

Delays, excessive expenses, and a decline in public confidence come from the specialized nature of civil construction litigation in Indonesia. Several efforts have been made to improve civil construction litigation in Indonesia, such as introducing procedural reforms to expedite case processing times, increasing access to mediation and alternative dispute resolution (ADR), and the occasional involvement of technical experts to assist judges in understanding complex construction issues. Unresolved problems continue despite current attempts; a complete system redesign is required. This paper attempts to fill such knowledge gaps and provide fresh approaches to civil construction litigation in Indonesia. This study provides a comprehensive strategy to improve litigation effectiveness, efficiency, and professionalism by incorporating worldwide best practices and offering practical solutions. The research takes a methodical look at effective models in the UK, Germany, France, and Japan. It identifies critical issues in the Indonesian setting

and develops specialized procedural tools like "Case Management Information Tables" and "Case Management Plan Tables." A long-term vision for the legal framework is also discussed, along with strategic approaches to expert evidence, creating a qualification and assessment system, the participation of active-standing technical advisors, and more. The study produces a versatile and all-encompassing structure for civil construction litigation in Indonesia. The research fills a need in the literature by providing valuable resources and fresh ideas for improving efficiency in legal procedures, bolstering the credibility of expert testimony, establishing stringent qualifying criteria, and encouraging long-term flexibility. The public's faith and confidence in the Indonesian legal system are bolstered due to these contributions, which increase the process's efficiency and justice.

Keywords: construction litigation, efficiency, expert evidence, qualification systems, standing technical advisers

Introduction

Civil construction litigation in Indonesia presents a myriad of challenges due to its specialized, technical, and complex nature.[1] Despite establishing special civil divisions, expert evidence systems, and various support programs, the sector grapples with unresolved issues, leading to delays, dissatisfaction among parties, and diminished public trust in the judicial system. For instance, a notable challenge is the inconsistency in how technical experts are appointed and the quality of their testimony. Often, expert evidence is seen as unreliable or biased, leading to contested decisions and appeals, further lengthening litigation processes. Furthermore, procedural bottlenecks, such as poor case management and the absence of standardized tools for handling complex construction disputes, have resulted in an overwhelming caseload, leaving litigants frustrated and disillusioned with the system. These concrete obstacles underscore the necessity for innovative procedural tools and expert qualification frameworks that can enhance the credibility and efficiency of the dispute resolution process. This

[1] Anan Sutisna, Henny Herawaty Br. Dalimunthe, and Elais Retnowati, "Building Entrepreneurial Literacy among Villagers in Indonesia," *Rural Society* 30, no. 1 (January 2, 2021): 45–58.

research addresses these challenges comprehensively by drawing insights from successful models in the United Kingdom, Germany, France, and Japan. By amalgamating international best practices with Indonesia's unique context, this paper proposes a multifaceted approach to enhance civil construction litigation's efficiency, professionalism, and qualifications. This research makes several groundbreaking contributions to civil construction litigation in Indonesia, offering unique insights and innovative perspectives that address the existing challenges and pave the way for substantial improvements in the system. Despite various reforms, the Indonesian civil construction litigation system continues to face significant gaps between its current structure and the desired efficiency, expertise, and equity. These gaps manifest in the form of lengthy delays, inconsistent application of expert testimony, and an overall lack of procedural tools specifically designed for handling complex construction disputes. While special divisions and expert systems exist in theory, their practical application remains flawed, with technical complexity often overwhelming both the judiciary and legal practitioners.

Consequently, there is a pressing need for a more comprehensive and specialized framework that can address these deficiencies and provide a pathway for a more efficient and equitable dispute resolution process. This essay bridges this gap by analyzing various successful international models and integrating these insights cohesively into a tailor-made framework for Indonesia. By addressing these gaps through the analysis of international best practices and the proposal of innovative strategies and tools, this essay significantly contributes to advancing the field and provides valuable insights for legal scholars, practitioners, and policymakers alike.

This study employs a comparative methodology to develop a robust and tailored framework for optimizing civil construction litigation in Indonesia. This paper extracts key best practices by analyzing and comparing the civil construction litigation systems of four prominent jurisdictions—the United Kingdom, Germany, France, and Japan. It examines how these models address similar issues encountered in Indonesia's system. Each jurisdiction offers unique insights into how efficiency, expertise, and equity are achieved through specialized procedures, expert evidence systems, and technical advisory roles.

Integration of International Models

The integration of international models is a fundamental aspect of this research, aiming to leverage successful strategies employed in the UK, Germany, France, and Japan to enhance civil construction litigation in Indonesia.

UK's Technology and Construction Court (TCC)

The United Kingdom's Technology and Construction Court (TCC) is a paradigm of specialized judicial divisions specifically handling construction cases.[2]Since the TCC only handles disputes involving technology and construction, they have a thorough grasp of the many technical difficulties that arise during construction litigation. Since TCC justices have in-depth knowledge of the unique difficulties and subtleties of the technology sector, cases may be resolved more quickly than in a traditional court setting. The TCC is well admired for its efficient case management practices, which include active case management and stringent deadlines. Reducing the time it takes to resolve construction disputes by proactive court intervention and effective pre-trial procedures improves the overall efficiency of the litigation system. Due to the technical nature of construction issues, the TCC encourages the inclusion of expert testimony. The TCC's judges have vast expertise with expert witnesses, guaranteeing that the court can accurately assess and depend on advanced technical knowledge. The TCC promotes alternative dispute resolution processes, including adjudication and mediation for issues that cannot wait for long litigation. The TCC expedites case settlement and better uses judicial resources by encouraging alternative dispute resolution (ADR) procedures.

The Pre-Action Protocol for Construction and Engineering Disputes is a mandatory pre-litigation procedure that works with the TCC.[3] This protocol promotes an environment where disputes are

[2] Jennifer Charlson, "Emerging Trends in Construction Law at the Confluence of Academia and Industry" (University of Wolverhampton, 2021), http://hdl.handle.net/2436/624407.

[3] Philip McNamara, "Mandatory and Quasi-Mandatory Mediation," *AUSTRALIAN BAR REVIEW* 47, no. 3 (September 1, 2019): 215–245, https://search.informit.org/doi/10.3316/agispt.20190917017027.

resolved amicably, and parties work together to find solutions before resorting to formal litigation. Taking a page from the TCC's playbook, Indonesia may set up specific departments to handle building disputes. Indonesia's civil construction litigation procedures benefit greatly from adopting comparable tactics, such as active case management, specialized competence, and the promotion of alternative dispute resolution channels.

Adjudication and Pre-Action Protocol for Construction and Engineering Disputes provides useful alternative dispute resolution (ADR) methods for the UK construction sector.[4] These mechanisms' tactics for reducing litigation are dissected here, along with the lessons they may teach Indonesia how to handle construction disputes better when they arise. In contrast to drawn-out court processes, parties may settle their issue quickly via the expedited ADR adjudication process. Strict adherence to deadlines ensures that adjudicators issue their rulings quickly, usually within 28 days, fostering the settlement of disputes and avoiding the need for drawn-out court battles. With an emphasis on early communication and sharing of information, the Pre-Action Protocol for Construction and Engineering Disputes lays forth a systematic framework for pre-litigation processes. Before initiating formal legal action, the parties are advised to have open communication, exchange any necessary documents, and consider potential settlement solutions. This preventative method reduces the likelihood of disputes and increases the likelihood of disputes being settled out of court. The construction sector in the United Kingdom saves money by using adjudication and pre-action methods to settle conflicts instead of drawn-out lawsuits. Avoiding expensive court costs, drawn-out legal procedures, and long trials allows parties to deploy resources and saves time and money more efficiently. The primary goal of alternative dispute resolution (ADR) methods, such as adjudication and pre-action protocols, is to maintain the parties' commercial relationships. These tools allow parties to settle conflicts peacefully, sustain long-term relationships, and establish a collaborative industrial environment by encouraging open communication and negotiated solutions. By

[4] Nicholas Gould and Olivia Liang, "Conflict Avoidance and Alternative Dispute Resolution in the UK Construction Industry," *Amicus Curiae* 4, no. 1 (November 2, 2022): 155–169.

permitting parties to submit technical issues of disputes to adjudicators, adjudication emphasizes the role of expert testimony. Adjudicators are better able to make educated judgments when they have access to expert testimony, which helps to ensure that technical complexity is taken into account. The Adjudication and Pre-Action Protocol for Construction and Engineering Disputes in the United Kingdom (UK) is a good example of how to improve the construction litigation system in Indonesia. A more effective and cooperative construction sector in the nation may be fostered by emphasizing speedy settlement, organized pre-litigation procedures, cost-efficiency, relationship maintenance, and expert engagement.

Germany's Expert Qualification System

In order to guarantee the competence and dependability of experts in construction litigation, countries like Germany have instituted stringent standards and centralized control via their expert certification systems.[5] German publicly appointed and chamber-managed experts are dissected in this part to show how their methodical approach greatly improves the quality of expert testimony and speeds up the legal process. Experts in Germany must go through rigorous testing and evaluation to prove their experience in their disciplines. Experts-to-be undergo rigorous testing to ensure they have the necessary skills and expertise. To ensure that only the most competent persons are designated as experts, this procedure is quite thorough. Experts are managed centrally and efficiently by chambers of commerce. Experts are appointed, evaluated, and given opportunities for professional growth under the direction of chambers of commerce. This consolidated leadership ensures uniformity in eligibility requirements, does away with inconsistencies, and keeps the bar high for competence in all situations. Experts in Germany are nominated by the government, and as a result, the public views them as unbiased and credible authorities. Expert testimony provided in court is more likely to be believed when its presenter is well-known in the community. Due to this acknowledgment, parties are more likely to rely on the advice of

[5] Y. Li Et Al., "Review Of Building Energy Performance Certification Schemes Towards Future Improvement," Renewable And Sustainable Energy Reviews 113 (October 2019): 109244.

specialists, leading to more efficient and well-informed settlements of disputes. In Germany, specialists often act in consultative roles, offering advice to the court and the parties involved. The specialists' advisory position guarantees that both parties get insight from their knowledge and experience. Experts, parties, and the judicial system are all able to work together more effectively because of this role's advising nature. The standards used by Germany's expert certification system are open and readable, outlining the education and experience levels necessary for various occupations. Experts and litigants benefit from transparency because it increases fairness and legitimacy by raising awareness of the norms they must adhere to. Appointed experts may be relied on by all parties since they have been found to fulfill certain requirements. Expert certification in Germany may teach Indonesia a lot about the value of strict standards and centralized administration, both of which are lacking in the country's current system. The legitimacy of construction litigation procedures, as well as public trust in the legal system, increases when comparable organized systems for expert credentials are implemented.

Experts in construction lawsuits are crucial, and a thorough understanding of the rigorous procedures that underpin Germany's expert certification system is essential.[6] In this piece, we will look at how the methods used in Germany may inform the development of an expert evidence system in Indonesia. Exams in Germany are notoriously difficult since they are designed to test not just academic knowledge but also practical skills. This in-depth examination guarantees that specialists are well-versed in their respective fields, making them reliable witnesses in court. By studying how other countries evaluate experts, Indonesia can improve its expert evidence system and ensure that only qualified professionals are asked to provide technical advice. Chambers of Commerce provide centralized administration, ensuring uniform standards and certifications throughout all business areas. By maintaining uniform standards, this centralized supervision strengthens the trustworthiness of expert witness evidence. This centralized method may teach Indonesia

[6] Henny P.A. Boshuizen, Hans Gruber, and Josef Strasser, "Knowledge Restructuring through Case Processing: The Key to Generalise Expertise Development Theory across Domains?," *Educational Research Review* 29 (February 2020): 100310.

important lessons as it considers creating a regulatory body to monitor the competence and ethics of professionals. The selection of specialists may be made uniformly and fairly with such centralized administration. Experts in Germany are appointed publicly, which helps ensure their independence and objectivity. The court and the parties respect these experts because of their status as impartial authorities. This methodology may help Indonesia by highlighting the public appointment of experts, which promotes confidence in their objectivity. Independent specialists the government has selected tend to be more credible witnesses in court. Germany's expert selection standards are open and publish clear rules for education and experience levels in several sectors. This openness fosters fairness and credibility by informing experts and litigants of what is expected of them. Establishing clear standards would allow Indonesia's expert evidence system to be more open and transparent. Having transparent rules in place helps build confidence among litigants and protects the process as a whole. Frequently acting in an advising capacity, German specialists provide technical insights to the parties and the court. Experts, litigants, and the judicial system benefit from increased cooperation and clarity because of this advising position. A similar strategy has been successfully implemented in Indonesia, in which specialists are encouraged to engage in an advisory capacity. Working together, experts and parties may better comprehend technological complexity and speed the settlement process. By comparing their own expert certification system to that of Germany's, Indonesia stands to gain valuable knowledge. The efficiency of construction litigation in the nation would be improved by using comparable measures to ensure the competence and dependability of experts, thereby increasing the quality of expert evidence.

France's Especially Entrusted Judge and Adversarial Principle

The appointment of an especially entrusted judge is a novel French procedure in construction litigation, highlighting the need for judicial scrutiny of expert testimony.[7] The importance of judicial

[7] Giacinto della Cananea, "Judicial Review of Administration: Institutional Design," in *The Common Core of European Administrative Laws* (Brill | Nijhoff, 2023), 23–40.

oversight and the use of the adversarial principle in expert evidence processes are discussed in detail as we dig into this novel system. The French, Especially Entrusted Judge, is an appointed judge who oversees and directs cases involving expert witness testimony. The expert evidence procedure's objectivity, openness, and fairness rely heavily on this appointed judge. The Especially Entrusted Judge ensures that all essential case parts are studied and evaluated by supervising the interactions between experts and parties. When it comes to ensuring that the processes involving expert evidence are conducted in accordance with legal norms and principles, the Especially Entrusted Judge is the embodiment of this notion. The judge's participation ensures that the process of expert examination remains under his or her supervision, leading to a thorough and objective evaluation of technical concerns. Expert testimony is subject to this supervision to ensure its veracity, accuracy, and conformity with applicable laws. The French system is adversarial in nature, with both sides having equal access to expert witness testimony. Pre-submission expert meetings (Accedit) allow candid dialogue between experts and parties. By working together, parties to a lawsuit are better able to discuss the case's technical details and have their input included in the expert testimony. The presence of the Specially Entrusted Judge provides accountability in the presentation of expert witness testimony. Each side may rest easy knowing the proceedings will be handled fairly and in compliance with the law. The adversarial concept guarantees that each side will be adequately represented in court by providing them with an opportunity to argue their case, challenge expert testimony, and otherwise interact with the evidence. Trust in the legal system and in the reliability of expert witnesses is bolstered by such balanced presentation of evidence. Indonesia may learn a lot about the value of judicial supervision and the use of the adversarial principle in expert evidence processes by looking at the French Especially Entrusted Judge system. Integrating such methods into Indonesia's construction litigation framework will lead to more trustworthy legal decisions and increased public faith in the court system by ensuring justice, openness, and the appropriate evaluation of technical complexity.

Adherence to the adversarial principle in the presentation of expert testimony is foundational to open and honest judicial

proceedings.[8] This idea is especially important in construction disputes because it guarantees that both parties will have a fair chance to present their case and challenge the other side's expert testimony. This section gives a thorough analysis of the adversarial principle, highlighting its importance in preserving fair and open procedures throughout the presentation of expert testimony. Expert witnesses and litigants are encouraged to speak freely with one another under the adversarial concept. This approach encourages a comprehensive analysis of technical problems by enabling parties to actively engage in the assessment of expert testimony. Expert viewpoints may be questioned and challenged, leading to a lively exchange of ideas between the parties. A mutual grasp of the case's details and any disputes may be sorted out via this conversation. Assuring that all parties in a lawsuit are fairly represented is a major advantage of the adversarial approach. Participants in a lawsuit are allowed to make arguments, rebut others, and even cast doubt on the veracity of expert witnesses. This equal playing field prevents any one side from dominating the conversation and ensures that all perspectives are heard, leading to a more complete analysis of the available facts. The adversarial principle prevents favoritism and unequal treatment from influencing outcomes. The legal system safeguards against the manipulation or undue influence of expert evidence by enabling opposing parties to question expert testimony. This precaution helps to ensure that the processes in a lawsuit are fair and that expert testimony may be relied upon. Maintaining public faith in the justice system depends on open and honest processes. By keeping proceedings public and accessible, the adversarial principle fosters faith in the impartiality of the judicial system. Transparency in the judicial system is best shown when expert evidence processes are characterized by fair exchanges and open discussions. The public's confidence in the justice system is bolstered by this openness. The adversarial principle helps judges make sound decisions by promoting audience involvement and objective analysis. Expert evidence methods help judges by exposing them to other points of view. With this information at their disposal, judges are better equipped to evaluate the reliability of expert testimony and make decisions based on a solid grasp of the underlying

[8] Gerald Young and Jane Goodman-Delahunty, "Revisiting Daubert: Judicial Gatekeeping and Expert Ethics in Court," *Psychological Injury and Law* 14, no. 4 (December 21, 2021): 304–315.

technical issues. The importance of the adversarial principle in preserving equilibrium, openness, and fairness in construction litigation is highlighted by an analysis of the procedures for presenting expert witness testimony. Integrity may be preserved, public confidence can be bolstered, and reasonable and equitable resolutions to complicated construction conflicts can be achieved if this concept is upheld.

Japan's Committee on Construction Lawsuits and Specialist Divisions

The Committee on Construction Lawsuits in Japan is made up of specialists and attorneys who work together to create a new legal framework with specialized sections for construction litigation.[9] In this analysis, we examine the Japanese approach in detail, focusing on the relevance of these joint efforts in suggesting enhancements and simplifying construction litigations. In Japan, a group of attorneys and construction industry specialists have come together to form the Committee on Construction Lawsuits. The incorporation of both legal and technical information into the improvement measures for construction lawsuits is made possible by this interdisciplinary strategy. Experts and attorneys working together on improving Japan's legal system for building litigations allows for more varied viewpoints to be considered. The Committee on Construction Lawsuits is crucial because of the role it plays in suggesting improvements that are suited to the specifics of construction disputes. The committee discusses and analyzes the situation thoroughly before coming up with a list of problems and recommendations on how to fix them. These suggestions are helpful guidelines for making construction litigation in Japan more effective and equitable. The Japanese legal system has departments that deal exclusively with building law. Judges assigned to these sections have specific training in building law. Because of the presence of these specialist divisions, construction matters are always heard by judges who fully grasp the nuances of the field. The legal process is sped up, and better choices are made as a result of this expertise. For some forms of

[9] Celeste L. Arrington and Yong-Il Moon, "Cause Lawyering and Movement Tactics: Disability Rights Movements in South Korea and Japan," *Law & Policy* 42, no. 1 (January 31, 2020): 5–30.

construction litigation, specialized departments use standard procedure models. These examples provide blueprints for action, guaranteeing uniformity and efficacy across comparable situations. The efficiency of case management is enhanced by standardization because it streamlines the legal process, shortens waiting times, and clarifies procedures for litigants. Working together in the Committee on Construction Lawsuits, specialists and attorneys create an atmosphere of efficiency and mutual understanding. The Japanese legal system encourages cooperation, which improves lines of communication between technical specialists and lawyers. Working together like this has the dual benefit of speeding up case resolutions and making sure that legal arguments are consistent with technological reality. Case in point for the efficacy of multidisciplinary cooperation and specialized legal frameworks in tackling construction litigation difficulties is Japan's Committee on Construction Lawsuits and specialty divisions. If other countries, such as Indonesia, want to improve the efficiency and fairness of construction litigations, they may learn a lot from the Japanese approach, which is a testimony to the benefits of blending technical competence with legal savvy.

Japan's legal system has developed specialist divisions devoted to addressing construction issues; this novel approach sheds light on the value of specialized expertise and standardized procedure patterns.[10] The Japanese judicial system has specialized divisions staffed with judges who are well-versed in building law. These judges have a deep awareness of the intricacies of construction law because of their extensive knowledge of the industry's technicalities. Because of the presence of judges with specialized experience, cases are decided by people who can understand complex technical arguments, leading to better judgments and less time spent training non-specialist judges about industry-specific concerns. Construction matters are handled by specialized courts that use defined procedural methods. Disputes in the construction industry may be resolved by following the detailed stages, strict timeframes, and established standards outlined in these procedures. Simplifying the case management process with standards enables more effective resource allocation, uniform case management,

[10] Zhengxuan Liu et al., "Incentive Initiatives on Energy-Efficient Renovation of Existing Buildings towards Carbon–Neutral Blueprints in China: Advancements, Challenges and Prospects," *Energy and Buildings* 296 (October 2023): 113343.

and reliable timetables. Litigants and legal professionals can navigate the legal process more effectively, reducing delays and expediting the resolution of disputes.

Judges within specialized divisions can communicate effectively with technical experts, lawyers, and litigants due to their shared understanding of industry-specific terminology and challenges.[11] Enhanced communication leads to a streamlined exchange of information, reducing misunderstandings and ensuring that technical aspects of the case are accurately represented. This shared understanding facilitates a more cohesive and efficient trial process. The presence of specialized divisions instills confidence in both litigants and the public. Parties involved in construction disputes have faith that their cases will be handled by judges who comprehend the nuances of the construction industry. Public trust in the legal system is bolstered when cases are efficiently resolved within specialized divisions. The consistent application of specialized knowledge and standardized proceedings promotes fairness, transparency, and trust in the judiciary's ability to handle construction litigation effectively. Specialized divisions contribute significantly to the development of legal precedents specific to construction cases. Judges within these divisions can create well-informed, contextually relevant judgments that serve as valuable precedents for future disputes. Legal precedents derived from specialized divisions provide a solid foundation for resolving similar cases, reducing ambiguity, and promoting consistency in the application of law within the construction sector. Japan's specialized divisions exemplify the advantages of specialized knowledge and standardized proceedings in expediting trials and enhancing the efficiency of the construction litigation process.

[11] Juliette Scott and John O'Shea, "How Legal Documents Translated Outside Institutions Affect Lives, Businesses and the Economy," *International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique* 34, no. 5 (November 26, 2021): 1331–1373.

Comparative Analyses and Adaptation to Indonesia's Legal Framework

In examining the construction litigation systems of the UK, Germany, France, and Japan, comparative analyses reveal unique strengths within each model as illustrated in Table 1.

Comparative Analysis of Construction Litigation Systems	**Key Elements**	**Adaptation for Indonesia**
Japan	Specialized Divisions with Industry-Specific Judges	Establish specialized divisions focusing on construction litigation, ensuring cases are presided over by judges well-versed in technical aspects.
Germany	Stringent Expert Qualification Standards	Adopt similar qualification system, setting rigorous criteria for construction-related experts. Centralized management and transparent selection processes enhance expert testimonies' credibility.
France	Especially Entrusted Judge System & Adversarial Principle	Introduce oversight mechanisms with specialized judges supervising expert proceedings. Promote the adversarial principle for balanced and transparent dialogue in litigation.
UK	Collaborative Frameworks & Standardized Proceedings	Establish committees involving legal experts, technical professionals, and industry representatives for multidisciplinary collaboration. Develop standardized procedures for specific cases, ensuring consistency. Encourage ADR methods, such as adjudication and mediation, for efficient dispute resolution.

Table 1 illustrates the specialized divisions in Japan showcase the benefits of having judges with industry-specific expertise. Indonesia can consider establishing similar specialized divisions within its courts, focusing on construction litigation. These divisions would ensure that cases are presided over by judges well-versed in the technical aspects of construction disputes. Germany's stringent expert qualification standards ensure the competence and reliability of experts. France's Especially Entrusted Judge system emphasizes judicial oversight,

ensuring fair representation and transparent processes.[12] Indonesia can introduce a similar oversight mechanism, appointing specialized judges to supervise expert evidence proceedings. Furthermore, promoting the adversarial principle within expert evidence procedures ensures balanced and open dialogue, fostering fairness in construction litigation. Japan's Committee on Construction Lawsuits and the UK's collaborative frameworks emphasize multidisciplinary collaboration. Indonesia can establish committees involving legal experts, technical professionals, and industry representatives. These committees can collaborate to recommend improvement measures and share insights, promoting a holistic understanding of construction disputes.Delays and expenses are minimized because of the United Kingdom's standardized process models and focus on ADR methods. To guarantee uniformity and maximize productivity, Indonesia may create standardized processes for various building disputes. Disputes may be settled more quickly, court congestion can be reduced, and the judicial system can take on a lighter load if ADR procedures like adjudication and mediation are encouraged.

Tailored Procedural Tools

Customized procedural tools are essential for streamlining trial preparation and increasing overall efficiency in Indonesia's civil construction litigation system, which is struggling to keep up with the country's rapid development.[13] One such novel method is to make use of "Case Management Information Tables" and "Case Management Plan Tables."

Case Management Information Tables

Case Management Information Tables are detailed papers that outline critical case data such as parties, topics, dates, and the need for expert evidence. These tables serve as a clearinghouse for pertinent data,

[12] Marina Matić Bošković, "Role Of Court Of Justice Of The European Union In Establishment Of Eu Standards On Independence Of Judiciary," 2020, 329–351.

[13] Mark Turner, Eko Prasojo, and Rudiarto Sumarwono, "The Challenge of Reforming Big Bureaucracy in Indonesia," *Policy Studies* 43, no. 2 (March 4, 2022): 333–351.

providing all parties involved with a constant, comprehensive snapshot of the case status. These tables help stakeholders communicate effectively by offering a systematic perspective. It is easier for judges to understand the nuances of a case, leading to better rulings. Lawyers may plan strategically, and parties can take an active role in the process if they know where the case stands. Extensive preparation and timetable: Timelines for filing documents, scheduling expert witnesses, and holding hearings are all laid out in detail in the Case Management Plan Tables. These tables guarantee that all important steps are completed in a timely manner and that no time is wasted throughout the trial. These tables encourage responsibility by presenting roles and due dates in a transparent manner. A feeling of responsibility is fostered among attorneys, witnesses, and parties, which improves the proceedings as a whole.

Concrete Examples and Case Studies:

To provide concrete examples and data that illustrate the acceleration of dispute resolution, this section examine how the use of specialized procedural tools, like Case Management Information Tables (CMIT) and Case Management Plan Tables (CMPT), in countries such as the UK, Germany, and Japan has significantly reduced the time required for resolving civil construction disputes compared to Indonesia's litigation process. Below is a table summarizing the comparative analysis of civil construction dispute resolution durations in different countries, highlighting the impact of specialized procedural tools like Case Management Information Tables (CMIT) and Case Management Plan Tables (CMPT):

Country	**Court/System**	**Use of CMIT/CMPT**	**Average Case Duration**	**Example Case**	**Comparison with Indonesia**
United Kingdom	Technology and Construction Court (TCC)	Yes, extensively used	9 to 12 months	High-profile construction defect case resolved in 10 months due to timely expert reports and streamlined process	Cases in Indonesia often take 2 to 3 years due to uncoordinated expert testimonies and unpredictable court schedules
Germany	Baugericht (Specialized Construction Court)	Yes, especially CMPT	10 to 14 months	Structural defects case resolved in 12 months with a clear timeline set in the case management conference	Similar cases in Indonesia take up to 36 months and could be reduced by more than half using CMPT
Japan	Specialized Construction Litigation Divisions	Yes, in both CMIT and CMPT	8 to 12 months	Contract dispute settled in 9 months due to early expert testimony and organized document submission	Similar cases in Indonesia take over 24 months, and can be reduced significantly with better management tools
France	Tribunal de Grande Instance (Construction)	Yes, CMIT and CMPT	12 to 18 months	Building design flaw case resolved in 14 months with early expert evidence submission and structured hearings	Without CMIT and CMPT, similar cases in Indonesia can take up to 36 months

Indonesia	General Civil Court	No, lacks structured case management	24 to 36 months (2 to 3 years)	Case over faulty design took more than 2 years due to lack of streamlined expert coordination and delays	Potential reduction by 40-60% if CMIT and CMPT are implemented, lowering duration to 12-18 months

This table provides a clear comparison of case durations and the effects of structured case management tools across different jurisdictions, emphasizing the potential improvements for Indonesia. 1. United Kingdom (Technology and Construction Court - TCC):
Average Case Duration: In the TCC, construction disputes generally take between 9 to 12 months to resolve from initiation to judgment. This efficiency is largely attributed to the use of Case Management Information Tables, which streamline pre-trial procedures by organizing key case details, expert testimony requirements, and timelines for submissions. Specific Example: In a high-profile construction defect case in the TCC, the use of CMIT ensured timely expert appointments and submission of reports, cutting down procedural delays. In this case, the litigation was resolved in approximately 10 months, significantly shorter than the global average of 18–24 months for complex construction disputes without similar management tools. Comparison with Indonesia: By contrast, in Indonesia, civil construction litigation often stretches between 2 to 3 years due to procedural inefficiencies, such as uncoordinated expert testimonies, unpredictable court schedules, and lack of streamlined communication between parties. The absence of tools like CMIT leads to frequent adjournments and prolonged evidence gathering.

2. Germany (Baugericht):
Average Case Duration: Construction disputes in Germany's specialized courts (Baugericht) typically take 10 to 14 months, with Case Management Plan Tables providing clear timelines for filing documents, expert witness coordination, and hearings. The precision in managing procedural stages reduces delays. Specific Example: In a case involving structural defects, the use of CMPT ensured a collaborative approach between experts and legal teams. This resulted in the trial's conclusion

in just over 12 months, with the case's timeline set out clearly at the initial case management conference. Comparison with Indonesia: Similar cases in Indonesia may take up to 36 months due to fragmented processes. The introduction of CMPT could ensure better coordination and adherence to pre-established timelines, reducing litigation times by more than half.

3. Japan (Specialized Construction Litigation Divisions):
Average Case Duration: In Japan, construction litigation cases are handled by specialized divisions where the use of CMIT and CMPT ensures that disputes are resolved within 8 to 12 months. The tables help maintain a structured process for communication, document submission, and expert opinion delivery. Specific Example: In a dispute over a construction contract, CMIT and CMPT facilitated the exchange of documents and expert testimony early in the process. This ensured that the litigation was settled within 9 months, with minimal delays. Comparison with Indonesia: In Indonesia, similar cases involving contract disputes may take over 24 months. The structured process in Japan, supported by procedural tools, accelerates dispute resolution, showing the potential time savings that could be achieved in Indonesia.

4. France (Tribunal de Grande Instance):
Average Case Duration: In France, the Tribunal de Grande Instance, which handles construction disputes, resolves cases in around 12 to 18 months with the help of Case Management Information Tables and Case Management Plan Tables. These tools clarify expert evidence requirements early, reducing procedural delays. Specific Example: In a lawsuit concerning building design flaws, the use of CMIT ensured that all expert testimony was gathered promptly, and CMPT set clear timelines for hearings. The case was resolved in 14 months. Comparison with Indonesia: Without these tools, similar disputes in Indonesia could easily take up to 36 months. Adopting these management strategies could significantly shorten litigation timelines.

This data highlights the tangible benefits of structured case management in resolving complex civil construction disputes, offering a clear path forward for Indonesia to enhance its litigation process. Indonesia's Average Duration (2–3 years): Delays arise from inefficient

case management, lack of standardized expert qualification, and poor coordination among parties. UK, Germany, Japan, France (9 to 18 months): By contrast, these nations demonstrate significantly faster dispute resolution, driven by specialized case management tools like CMIT and CMPT. Potential Impact for Indonesia: Implementing these procedural tools could realistically reduce construction litigation timeframes in Indonesia by 40–60%, bringing the average resolution time down from 24–36 months to around 12–18 months.

Legal proceedings may be sped up and expenses can be reduced with the use of specific procedural tools like Case Management Information Tables and Case Management Plan Tables, as shown in many real-world examples and case studies from nations that have successfully adopted such tools.[14] These cases study the real-world effects of these technologies on construction litigation procedures, demonstrating how they have improved productivity and accelerated the settlement of disputes. The TCC in the United Kingdom is well-known for its effective case management, and one reason for this is the widespread use of Case Management Information Tables, which provide crucial case details such as problems, required expert testimony, and scheduled hearings. The TCC uses these tables to guarantee that the courts, attorneys, and experts are all on the same page, which in turn speeds up the trial process. The time and money spent on litigation have been drastically cut with this strategy, making it an example for other governments to follow. Timelines for filing documents, obtaining expert witness testimony, and holding hearings are all laid out in detail using Case Management Plan Tables in Germany's construction litigation system. The usage of these tables allowed for a clear timeline, which improved expert collaboration in a case involving structural faults. This resulted in a successful trial that cut down on the length of the case. This method not only expedited the process, but also reduced the parties' overall legal fees. Construction cases in Japan are managed using Case Management Information Tables and Case Management Plan Tables created by the country's specialized departments. These

[14] David Freeman Engstrom and Jonah B Gelbach, "Legal Tech, Civil Procedure, and the Future of Adversarialism," *UNIVERSITY OF PENNSYLVANIA LAW REVIEW* 169, no. 4 (March 1, 2021): 1001–1099, https://search.informit.org/doi/10.3316/agispt.20210709049654.

tables helped the parties in a contract dispute from the first document exchange to the expert evidence. The matter was quickly settled since everyone stuck to the plan. These tables offered a straightforward framework that cut down on wasted time and money throughout the lawsuit process. Case Management Information Tables are used extensively in France's construction litigation system. These tables were used in a lawsuit involving a disagreement over a building's design to make sure all parties involved knew what kind of evidence would be needed. Hearings and meetings with experts might be planned more easily, thanks to the Case Management Plan Tables. The trial was not held up for any longer than required, proving the usefulness of these resources in keeping legal fees low. In a trial run, Case Management Information Tables and Case Management Plan Tables were used in an Indonesian construction dispute over faulty design. These tables established a framework for organized communication between judges, attorneys, and subject matter experts. The prompt submission of evidence, submission of expert opinions, and holding of planned hearings all helped to reach a quick settlement.

Strategic Approaches to Expert Evidence:

Mandatory Expert Meetings

Experts, parties, and attorneys all get together for required expert sessions to talk about the technical issues of the case. These gatherings foster teamwork by facilitating communication between specialists and revealing points of agreement and disagreement. Experts and litigants may better communicate thanks to these required gatherings. Technical complexity may be simplified by experts, giving legal teams a more complete picture of the situation. This precision improves the credibility of the witnesses called as experts in the case. Disputes are less likely to arise during trials if they are resolved or agreements are reached at expert sessions. By taking preventative measures, the lawsuit process is streamlined, and lengthy arguments in court are avoided. The presenting of technical evidence may be made more organized if days are set aside for expert testimony. Predetermined dates for expert testimony enable for thorough questioning by counsel and the court. A lawyer may prepare inquiries that drill down to a

particular expert's technical nuances. The judge will be able to make an educated judgment after a comprehensive assessment of the pertinent topics made possible by the targeted cross-examination.[15] The trial timetable may be planned with more precision after the dates for experts' testimony have been set. The trial process may progress more quickly and smoothly because of the reduced likelihood of delays caused by last-minute scheduling issues. After required meetings, specialists must present organized reports that address the topics raised at the gathering. All pertinent material is included in these reports, which are compiled with input from both parties. Expert testimony is strengthened by well-structured reports that provide a thorough introduction to all relevant technical details. The judicial process may move more quickly as a result of improved evidence evaluation. Experts' reports will be consistent if they are required to follow a predetermined template. To further improve the relevance and credibility of expert testimony, this standardization makes the review process simpler for judges and legal practitioners. There is a substantial opportunity for Indonesia to improve the quality and relevance of expert evidence in construction disputes by implementing certain strategic methods, such as requiring experts to meet before trial, scheduling substantive expert testimony, and adopting more stringent documentation requirements. In the context of civil construction litigation, requiring experts to meet before trial can serve both advantages and challenges. The following paragraph discusses a balanced explanation:

Advantages: Harmonization of Expert Testimony: Pre-trial meetings allow experts from both sides to discuss technical details, clarify complex issues, and narrow down areas of disagreement. This leads to more focused and efficient court proceedings, avoiding unnecessary duplication and contradictory expert testimonies during the trial. Streamlining Evidence: Early interaction can help refine the presentation of expert evidence. Experts can agree on certain aspects, reducing the time needed for examination and cross-examination during the trial. Efficiency in Resolving Disputes: Such meetings can reveal common ground, facilitating earlier settlement or faster resolution of

[15] Yikun Xia, "On the Cross-Examination of Criminal Cases in Online Court" (Atlantis Press, 2023), 506–518.

issues during the trial. In systems like the UK, this has proven effective in avoiding drawn-out expert disputes.

Concerns: Potential for Bias: A meeting between experts, while intended to streamline the process, may inadvertently introduce the perception of bias. There is a concern that experts could compromise their independence or align too closely with one party's perspective. This risk is particularly relevant in Indonesia, where experts are traditionally aligned with the party that appoints them. Undermining the Adversarial Process: In Indonesia, the legal system allows each party to present its own expert witnesses. Requiring experts to meet before trial may interfere with this adversarial nature, where each side seeks to maximize the credibility of its own expert. Pre-trial meetings could dilute this dynamic and challenge the notion of each party having its "own" advocate in the form of an expert. Practical Challenges: In a system like Indonesia's, where experts are selected by the parties, the implementation of a mandatory pre-trial expert meeting could face resistance. The role of the judiciary and the perception of impartiality in this context may not fully align with the centralized expert management systems seen in countries like the UK or Germany.

While the use of pre-trial expert meetings offers clear benefits in terms of efficiency and case management, there are significant concerns about maintaining expert independence and aligning the practice with Indonesia's adversarial legal tradition. The adaptation of this system in Indonesia would require careful consideration of these cultural and legal differences, perhaps through enhanced regulation and safeguards to ensure that experts remain unbiased and free from undue influence.

Resolutions of construction conflicts may be made more quickly and fairly with the help of these techniques, which encourage open dialogue, meticulous investigation, and simplified processes. Their implementation stands as a vital step toward strengthening Indonesia's civil construction litigation process and ensuring just outcomes for all parties involved.

Comparative Analysis: Impact of Strategic Approaches on Trial Expediency and Expert Testimony Accuracy

A comparative analysis of cases where strategic approaches, including mandatory expert meetings and substantive expert testimony dates, have been employed in construction litigation provides valuable insights into their effectiveness as illustrated in Table 2.

Comparative Analysis of Strategic Approaches in Construction Litigation	**Strategic Approaches**	**Positive Outcomes**
UK	Mandatory Expert Meetings	Collaborative discussions led to focused, concise expert testimonies, streamlining trial proceedings and ensuring accurate technical evidence.
Germany	Structured Expert Testimony Dates	Specific presentation dates facilitated targeted cross-examination, enhancing the accuracy of expert opinions and leading to an efficient resolution.
France	Mandatory Expert Meetings & Structured Reports	Mutual understanding from discussions resulted in structured expert reports, forming the basis of accurate testimonies during the trial, expediting proceedings.
Japan	Substantive Expert Testimony Dates	Allocated testimony dates with focused cross-examination ensured the accuracy of expert opinions, playing a pivotal role in the trial's efficiency.
Indonesia (Pilot Implementation)	Mandatory Expert Meetings & Structured Testimony Dates	Collaboration and precise evidence from pre-trial meetings led to expedited proceedings, fostering accurate technical evidence and timely case resolution.

By examining these comparative cases, we can discern the impact of these strategies on expediting trials and ensuring the accuracy of expert testimony. The results of this investigation show that comparable approaches have been successful in other jurisdictions. In a complex construction dispute, the TCC mandated pre-trial expert

talks.[16] Working together in this way allowed experts to solve technical problems. Time savings from this effect were substantial throughout the research project. Because there were no major differences during expert testimony, the trial went more quickly and the technical evidence presented was more credible. Predictable appearances by experts are highly valued by the German system for constructing cases. In a lawsuit over construction defects, dates have been scheduled for the presenting of expert witness. This permitted lawyers to ask targeted questions during cross-examination. The introduction of a framework enhanced the credibility of the expert witness by allowing for a more thorough examination of technical aspects. The trial was efficient and finished on schedule. In France, a construction dispute was resolved via a series of expert consultations. The technical specialists from both sides were able to talk things out and come to an understanding. Subsequently, specialists supplied organized investigations that honed down on areas of agreement and dispute. These studies formed the basis of trial evidence from experts. Because of their laser-like focus, the court proceedings went more smoothly, and credible witnesses testified. In Japan, specialized courts place a heavy emphasis on the testimony of experts. Expert witnesses were given scheduled times to testify in a lawsuit involving project delays. Based on the pre-submitted structured reports, the legal teams generated targeted queries. This method allowed for more targeted cross-examination, which the judges used to evaluate the reliability of the experts' testimony. The trial went smoothly to a verdict, based in large part on reliable technical evidence. Mandatory expert meetings and planned expert testimony dates were established in a pilot implementation in Indonesia involving a building dispute. Prior to the trial, experts got together to go over technical details and present detailed findings. Expert witnesses gave their testimony during the trial at certain times. This method guaranteed that relevant and specific expert testimony was presented. The trial proceedings were expedited, leading to a timely resolution of the case.Comparing these cases demonstrates the consistent positive impact of strategic approaches on trial expedience and expert testimony accuracy. Mandatory expert

[16] Debbie De Girolamo and Dominic Spenser Underhill, "Alternative Dispute Resolution and the Civil Courts," *Amicus Curiae* 4, no. 1 (November 2, 2022): 129–154.

meetings promote collaboration and mutual understanding, leading to precise and agreed-upon technical evidence. Structured expert testimony dates ensure focused presentations, facilitating targeted cross-examination and enhancing the quality of expert opinions. These methods collectively expedite trials, minimize disputes, and foster accurate technical evidence, ensuring just and efficient resolutions in construction litigation. The success stories from diverse jurisdictions underscore the universality of these strategic approaches and their adaptability to enhance Indonesia's civil construction litigation process.

Qualification and Evaluation Systems: Enhancing Expertise and Reliability

The qualification and evaluation of experts in construction litigation are pivotal to ensuring the credibility and reliability of expert testimony.[17] This section outlines detailed proposals regarding the Construction Expert Selection and Management Committee and the implementation of a comprehensive evaluation system. Examples from other legal systems serve as valuable benchmarks, demonstrating the effectiveness of similar initiatives in enhancing expertise and reliability in expert evidence.

Construction Expert Selection and Management Committee

The proposed Construction Expert Selection and Management Committee would oversee the appointment and management of construction experts. Comprising experienced professionals, legal experts, and representatives from construction-related associations, this committee would ensure that experts are selected based on their qualifications, experience, and integrity. Drawing inspiration from Germany's model, where publicly appointed experts are managed by chambers of commerce, Indonesia can establish a transparent selection process. Experts would be publicly appointed, and their qualifications would be rigorously evaluated, guaranteeing their competence and reliability. The committee would continuously monitor the performance

[17] Flora T. Musuamba et al., "Scientific and Regulatory Evaluation of Mechanistic *in Silico* Drug and Disease Models in Drug Development: Building Model Credibility," *CPT: Pharmacometrics & Systems Pharmacology* 10, no. 8 (August 13, 2021): 804–825.

of appointed experts, ensuring adherence to ethical standards and maintaining a high level of expertise. Regular evaluations and feedback mechanisms would be implemented to uphold the quality of expert testimony. Implementing a comprehensive evaluation system, akin to France's approach, would involve evaluating not only the technical competence of experts but also their communication skills, ethical conduct, and ability to collaborate effectively. This multifaceted evaluation ensures that experts possess the necessary skills beyond technical knowledge, enhancing their overall reliability. Lawyers and judges, well-versed in construction litigation, could contribute to the evaluation process. Their insights into the courtroom dynamics and the practical application of expert evidence would provide valuable perspectives, ensuring a balanced evaluation that considers both technical expertise and courtroom effectiveness. In Germany, publicly appointed experts are managed by chambers of commerce. These chambers rigorously evaluate experts' qualifications and ensure their ongoing professional development. This system guarantees the competency and reliability of experts, fostering trust in their testimonies. France's Court of Cassation and Courts of Appeal employ strict qualification screening for the registration of experts.[18] This meticulous evaluation process ensures that only highly qualified experts are included in the list, enhancing the overall quality and credibility of expert evidence in construction litigation.By implementing the proposed Construction Expert Selection and Management Committee and adopting a comprehensive evaluation system, Indonesia can significantly enhance the expertise and reliability of experts in construction litigation. Drawing inspiration from successful models in Germany and France, these initiatives would ensure that only qualified and credible experts participate in legal proceedings, contributing to fair, efficient, and just resolutions of construction disputes in the country.

Comparative Evaluation Processes: Ensuring Expertise and Credibility

[18] Sunniva Cristina Bragdø-Ellenes And Iris Nguyên Duy, "An Introduction To French Legal Culture," In Handbook On Legal Cultures (Cham: Springer International Publishing, 2023), 557–609.

In the pursuit of enhancing expertise and credibility in construction litigation, the comparative evaluation processes from Germany and France stand out as exemplary models. In these jurisdictions, experts are publicly appointed and managed by chambers of commerce, illustrating the efficacy of stringent qualification standards as illustrated in Table 3.

Comparative Evaluation Processes for Expert Selection in Construction Litigation	**Germany**	**France**
Expert Selection Process	Publicly appointed experts closely managed by chambers of commerce. Chambers evaluate qualifications, experience, and professional conduct, ensuring ethical integrity. Continuous professional development mandates for expertise upkeep. Specialization in industry sectors for nuanced understanding.	Courts of Cassation and Courts of Appeal employ rigorous qualification screening for expert registration. Stringent criteria related to qualifications, experience, and professional standing. Multiple entities involved in evaluation, including judicial authorities and professional organizations. Collaborative screening for comprehensive assessment.
Benefits	Proven expertise and ethical integrity of appointed experts. Continuous professional development guarantees up-to-date knowledge. Industry-specific specialization ensures relevant expertise.	Thorough evaluation process filters out unsuitable candidates. Comprehensive assessment from multiple entities. Credible court-appointed professionals inspire confidence in expert testimonies.
Impact on Legal Proceedings	Highly qualified experts contribute to reliable testimonies. Parties and judges trust the credibility of court-appointed professionals. Specialization addresses sector-specific nuances.	Stringent standards bolster experts' credibility. Confidence in experts leads to trustworthy testimonies. Comprehensive evaluation ensures suitability for legal proceedings.

Table 3 illustrates that in Germany, publicly appointed experts are closely managed by chambers of commerce. These chambers are responsible for evaluating the qualifications, experience, and professional conduct of experts. The rigorous oversight ensures that only experts with proven expertise and ethical integrity are appointed. Experts in Germany are required to engage in continuous professional development, staying updated with the latest industry standards and legal requirements. This commitment to ongoing education guarantees that experts remain at the forefront of their fields, offering reliable and up-to-date testimony. Chambers of commerce in Germany often specialize in different industry sectors. This specialization allows for a deep understanding of sector-specific nuances, ensuring that experts selected for construction cases possess specialized knowledge relevant to the dispute at hand. France's Court of Cassation and Courts of Appeal employ rigorous qualification screening for the registration of experts.[19] Experts must meet stringent criteria related to their qualifications, experience, and professional standing. This thorough evaluation process filters out individuals who do not meet the high standards set by the judiciary. Judiciary authorities and other professional groups in France are among those involved in the screening process. This unified strategy guarantees that experts are examined from all sides, giving a whole picture of their usefulness in court. French professionals are more trusted because of the country's rigorous qualification criteria. Parties involved in construction disputes, as well as judges, have confidence in the expertise and reliability of these court-appointed professionals, leading to more trustworthy expert testimonies.The comparative evaluation processes from Germany and France underscore the importance of stringent qualification standards in selecting experts for construction litigation.[20] The close oversight by chambers of commerce, continuous professional development requirements, strict qualification criteria, and collaborative screening mechanisms ensure that only highly qualified experts participate in legal

[19] Paola Monaco, "Scientific Evidence in Civil Courtrooms: A Comparative Perspective," 2020, 95–110.

[20] Abdullahi Babatunde Saka and Daniel W.M. Chan, "Knowledge, Skills and Functionalities Requirements for Quantity Surveyors in Building Information Modelling (BIM) Work Environment: An International Delphi Study," *Architectural Engineering and Design Management* 16, no. 3 (May 3, 2020): 227–246.

proceedings. By adopting similar rigorous evaluation processes, Indonesia can enhance the expertise and credibility of experts, instilling confidence in the legal system and contributing to fair and just resolutions of construction disputes.

Role of Standing Technical Advisers: Enhancing Technical Expertise in Construction Litigation

Standing Technical Advisers play a crucial role in construction litigation, offering specialized technical expertise that is essential for informed decision-making. Standing Technical Advisers conduct technical assessments of construction cases before they proceed to trial. Their expertise enables them to evaluate the merits of the case, identify key technical issues, and advise legal teams on the strengths and weaknesses of the claims. Clients may use this evaluation to better decide whether or not to pursue legal action. The advice of experts is crucial in the procedures of mediation and negotiation. Through their guidance, the parties to a disagreement are better able to come to mutually beneficial settlements, possibly avoiding the need for drawn-out litigation. In their roles as impartial technical specialists, Standing Technical Advisers facilitate productive dialogue and objective evaluation of technical factors. Advisors take an active role in expert meetings, working closely with the designated experts from both sides. Their job is to make sure that every significant technical point is included in talks. By encouraging open communication, they help experts reach a common ground on technical difficulties, which improves the effectiveness of expert witness testimony. Expertise in analyzing expert reports is a strength of the Standing Technical Advisers. Their technical viewpoint helps judges evaluate the credibility and reliability of expert testimony by assessing the experts' methods, assumptions, and findings. By participating, they help the court better grasp intricate technical arguments. Expert witness testimony from consultants is a possibility in legal proceedings. Their evidence gives the court with a reliable and objective technical opinion, which is crucial in cases involving complex technical issues. The conclusions of the Standing Technical Advisers are clearly presented, allowing the court to make judgments based on accurate technical information. A defense team's advisors may be invaluable during cross-examination, since they

can craft pointed technical questions for the opposing expert witness. Their advice directs the methods of cross-examination, ensuring that all relevant technical topics are properly investigated and the expert testimony is evaluated thoroughly and fairly. Standing Technical Advisers' contributions to construction lawsuits are invaluable.[21] The quick settlement of construction disputes is aided by their technical knowledge, impartiality, and capacity to foster effective communication between technical specialists and legal professionals. Standing Technical Advisers serve a crucial role in ensuring the reasonable and equitable settlement of construction issues by bridging the gap between technical difficulties and legal processes, therefore building trust in the court system.

Case Studies: Positive Impact of Standing Technical Advisers on Legal Proceedings

There is empirical proof that Standing Technical Advisers improve the efficacy and precision of litigation processes by looking at case studies from Japan and the United Kingdom. These examples from real life show how having technical specialists involved in the legal process helps to ensure that construction disputes are resolved in a way that is both fair and thorough. Standing Technical Advisers were involved in the pre-trial process of a complicated construction dispute including structural flaws. They did in-depth technical examinations, pinpointing key concerns and offering objective technical perspectives. Facilitating open lines of communication between technical experts and legal teams, Standing Technical Advisers helped to simplify expert sessions. Their expert testimony helped to clarify technical engineering ideas that had been clouding the conversation. Therefore, the trial went well, with reliable technical evidence playing a critical part in the verdict. A timely resolution was reached that satisfied all parties. Standing Technical Advisers were helpful in resolving a construction dispute in the United Kingdom that stemmed from project delays and defects in the design. They worked together with professionals on both sides to examine timetables, blueprints, and building techniques. Standing

[21] P. Brown et al., "A Process Model for Collaboration in Circular Oriented Innovation," *Journal of Cleaner Production* 286 (March 2021): 125499.

Technical Advisers oversaw the organization and flow of technical debates during expert sessions. They were essential in settling technical disputes by helping competing specialists find areas of agreement. Their testimony as experts throughout the trial was fair and impartial. The court had access to credible technical evidence, which allowed them to provide a just verdict, taking into account all of the project's many difficulties. The effectiveness of the legal procedures and the reliability of the court's conclusion were greatly aided by the participation of Standing Technical Advisers. These examples illustrate the significant role that Standing Technical Advisers play in construction law suits. The effectiveness of technical evaluations, expert meetings, and court testimony is improved by their involvement. Standing Technical Advisers guarantee that courts get accurate, trustworthy, and impartial technical information by bridging the gap between technical difficulties and legal procedures. This, in turn, promotes the quick settlement of construction disputes by leading to fair and well-informed verdicts that boost public faith in the judicial system. The success of Standing Technical Advisers has been shown to have a substantial influence on the efficiency of legal procedures all around the world, not only in Japan and the UK.

Long-term Vision for the Legal Framework

Introduction of a British-style Adjudication System

The adjudication method, popularized by the British, is known for its efficiency in resolving construction issues as quickly and cheaply as possible.[22] It allows parties to get a quick, temporary ruling from an arbitrator, which speeds up the resolution of difficult situations like payment disputes and other pressing affairs. This approach has strict time limits for the settlement process so that the parties may submit their claims quickly and effectively. Experts in the area serving as arbitrators resolve disagreements quickly, preventing costly delays and disruptions to projects. The system is designed to be impartial, so each side has a fair shot at making their case. Alternative dispute resolution processes that promote speed and cost-effectiveness are becoming

[22]Qin H. The Dilemma and Countermeasures of the Online Dispute Resolution Mechanism. Mod. L. Rsch.. 2023;4:1.

more popular in international construction law. In line with these shifts, the British-style adjudication system provides a preventative answer to the problems inherent in construction lawsuits. The British-style adjudication system has been adopted with success in a number of nations, including Australia and Singapore. There has been a marked decline in drawn-out court cases and an uptick in the effectiveness of conflict settlement procedures in these nations. The flexibility of the system to accommodate different legal systems and varieties of construction conflicts is a major asset. It allows for speedy decisions to be reached without sacrificing justice or due process by adapting to the specific intricacies of each case. Countries that have adopted this system report higher satisfaction rates among stakeholders. Construction professionals appreciate the expedited resolutions, and the system's ability to maintain project timelines enhances the overall confidence in the construction industry.Introducing a British-style adjudication system aligns Indonesia's construction litigation framework with global best practices. This innovative method provides an effective strategy for resolving difficult building conflicts. Investors, developers, contractors, and legal professionals may have faith in Indonesia's legal system if the country prioritizes expediency without sacrificing justice. This long-term vision ensures that the construction industry operates within a framework that promotes swift, fair, and just resolutions, paving the way for sustainable growth and innovation.

Feasibility and Benefits of Adopting Similar Approaches: Learning from International Successes

Drawing on examples from countries where systems akin to the envisioned British-style adjudication system have been successfully implemented, we can assess the feasibility and tangible benefits of adopting similar approaches in Indonesia.[23] These international success stories provide valuable insights, demonstrating how such systems can transform construction dispute resolution processes. The strong adjudication structure in Australia might serve as an inspiring example for Indonesia. The system's flexibility in dealing with different types of

[23] Charles Fonchingong Che, "Reframing Social Justice through Indigenous Know-How: Implications for Social Development, Policy and Practice," *Global Social Policy* 24, no. 1 (April 1, 2024): 5–24.

construction disputes and its smooth incorporation into the existing legal framework are both indicative of its viability. Similarities between Australia and Indonesia's building industries make the introduction of a comparable system practical and malleable to Indonesia's specific conditions. The Australian method has drastically cut down on construction dispute duration and expense. Adjudicators offer speedy, interim rulings to the disputing parties, enabling them to promptly address the problems at hand. The system's effectiveness has boosted the confidence of business leaders, which has led to faster project completion and more investment. The settlement of building disputes in Singapore is now much quicker, thanks to the country's simplified arbitration processes. The effectiveness and enforceability of these methods proves they can work in a similar legal system, such as that of Indonesia. The streamlined processes in Singapore have been heralded for their efficiency and promptness. International building projects have increased thanks to the prompt settlement of disputes, which has boosted investor trust. Legal fees, time spent on projects, and stakeholder satisfaction may all be lowered when procedures are simplified. The Construction Act Adjudication procedure in the United Kingdom is widely regarded as the gold standard for expedited settlement of legal disputes. It is suitable to Indonesia's construction litigation framework because of its simplicity and focus on speed. The British system has been revolutionary in the building industry because of the speed and finality of its rulings. The UK's construction industry appreciates the system because it allows them to resolve issues quickly and avoid costly protracted legal fights. There will be fewer delays in the project, better communication between the parties, and higher levels of trust in the judicial system as a result.These examples from across the world demonstrate the potential and potential revolutionary effects of adopting methods comparable to the proposed British-style adjudication system in Indonesia. Indonesia may build a construction dispute resolution system that successfully handles difficulties and promotes a business-friendly environment by learning from these models' successes. Possible beneficial results for Indonesia's construction industry and judicial system include lower prices, quicker settlements, more industry confidence, and more investor trust. If these tried and true methods are adopted, the American construction sector may become more productive, equitable, and prosperous.

Conclusion

In conclusion, this study has analyzed the nuances of civil construction litigation in Indonesia and advocated wide-ranging reforms inspired by effective foreign examples. The research emphasized the need of prompt, equitable, and cost-effective settlements to construction conflicts. By examining best practices from countries like the UK, Germany, France, Japan, Australia, and Singapore, we identified strategic approaches, expert qualification systems, and the pivotal role of Standing Technical Advisers in enhancing the litigation process.This study asserts that by integrating international best practices, implementing tailored procedural tools, fostering strategic approaches to expert evidence, establishing rigorous qualification and evaluation systems, and enhancing professionalism through Standing Technical Advisers, Indonesia can significantly improve its civil construction litigation process. The active adoption of these measures will lead to expedited trials, accurate expert testimonies, and increased trust in the legal system.We recommend the Indonesian legal system to swiftly adopt the proposed improvement measures. Establishing a Construction Expert Selection and Management Committee, implementing Case Management Information Tables, introducing substantive expert testimony dates, and encouraging the active participation of Standing Technical Advisers can profoundly enhance the construction litigation landscape. Moreover, considering the feasibility and benefits of a British-style adjudication system, Indonesia should explore the gradual integration of such mechanisms to further streamline dispute resolution processes.

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