

Structures and Practices of University-Based Legal Aid Clinics in Malaysia and the United States

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ABSTRACT

Clinical Legal Education (CLE) has become a defining element of contemporary legal training, transforming how law schools prepare students for professional practice. Traditional doctrinal teaching, while foundational, has long been criticized for its limited capacity to equip future lawyers with the skills, ethics, and social awareness necessary for effective lawyering. CLE bridges this gap by embedding students in real or simulated legal settings where they can apply substantive law, engage with clients, and confront ethical dilemmas firsthand. Legal aid clinics—often hosted within universities—represent the most prominent form of CLE, simultaneously serving pedagogical and social justice functions. They provide law students with structured, experiential learning while extending legal assistance to underserved communities, thereby advancing the global commitment to access to justice under Sustainable Development Goal 16.

This paper provides a comparative analysis of university-based legal aid clinics in Malaysia and the United States, examining how their structures, operations, and pedagogical goals reflect differing institutional and legal traditions. Employing a qualitative and comparative methodology, the study draws on scholarly literature, institutional reports, and academic commentaries to map the organization, curriculum integration, and student participation models in both jurisdictions. Findings indicate that while both systems recognize the pedagogical value of clinical education, their levels of institutionalization differ markedly. In the United States, CLE is a well-established and mandatory component of legal education, supported by accreditation standards and evaluated through learning outcomes. In contrast, Malaysian legal aid clinics remain largely cocurricular, relying on voluntary participation with limited academic credit and inconsistent integration into the law curriculum.

Despite these structural differences, both countries share a commitment to cultivating law students' professional identity, ethical competence, and community engagement through practical exposure. The comparative analysis underscores that Malaysia's CLE framework can be strengthened by embedding legal aid clinics into formal curricula, supported by clear policies, supervision protocols, and sustainable funding models. Drawing lessons from the U.S. experience, the paper concludes that integrating CLE as an assessed academic component will not only enhance the quality of legal education in Malaysia but also reinforce the role of universities as agents of social justice and civic responsibility.

Keywords: legal education, experiential learning, legal aid clinic, community engagement, curriculum

INTRODUCTION

Clinical Legal Education (CLE) has emerged as a cornerstone of modern legal training, offering students the opportunity to bridge the gap between legal theory and practical application. There is growing recognition that traditional, lecture-based teaching alone cannot sufficiently prepare future lawyers for the realities of legal practice (Farber, 2024). Clinical legal education addresses this gap by placing students in real or simulated legal environments, fostering experiential learning and the development of a professional identity. A professional identity focuses on what it means to be a lawyer and the special obligations that lawyers have to their clients and society. The development of a professional identity should involve an intentional exploration of the values,

guiding principles, and well-being practices considered foundational to successful legal practice (Hamilton & Bilionis, 2022). David I. C.

Thomson emphasizes that faculty can use experiential learning “to develop professional identity by equipping students to navigate the ways in which their personal identity and lived experience impact their lawyering.” (Thomson, 2015). By engaging with real clients and legal challenges, students are encouraged to reflect on their values, biases, and roles within the justice system that not only develops technical proficiency but also the ethical grounding essential for responsible legal practice (Wizner, 2002). Legal clinics aim to enrich legal education by immersing students in practical knowledge and training them in core legal skills such as interviewing clients, oral advocacy, legal writing, court pleadings, drafting memoranda, and conducting legal research and analysis (Bentalha, 2024).

Thus, legal clinics represent one of the most prominent forms of applied legal education. Moreover, legal clinics also promote access to justice and legal empowerment, supporting the United Nations Sustainable Development Goals, particularly Goal 16, which advocates for peace, justice, and strong institutions. This paper conducts a comparative analysis of clinical legal education through legal aid clinics in Malaysia and the United States. While Malaysia and the United States recognize the pedagogical value of CLE, their approaches differ in structure, integration, and student engagement. Through this comparison, the study aims to highlight both shared practices and unique challenges, offering insights into how legal aid clinics can be optimized as platforms for experiential learning and social justice.

RESEARCH METHODOLOGY

This research employs a qualitative and comparative approach, mostly based on an extensive analysis of secondary sources. The methodology encompasses a comprehensive analysis of scholarly journal articles from esteemed sources, academic critiques, and reliable law school websites. The aforementioned materials were comparatively examined to legal concepts, scholarly perspectives, and expert discussions on legal aid clinics in Malaysia and the United States to analyse the distinctions and commonalities in the practices and conceptual frameworks of Malaysia and the United States.

LITERATURE REVIEW

The establishment and evolution of universitybased legal aid clinics cannot be understood in isolation from broader developments in legal education and access to justice movements. The literature on Clinical Legal Education (CLE) reveals its dual purpose: to serve as a pedagogical innovation that develops practical competencies among students, and as a mechanism for social justice that ensures access to legal assistance for marginalized communities. Early scholarship on CLE emphasized its transformative capacity in legal training—shifting the focus from rote learning to experiential, reflective, and client-centred practices. Recent studies have expanded this discussion to include its role in advancing professional identity, ethical reasoning, and civic engagement among future lawyers.

In Malaysia, existing literature has primarily focused on the evolution of legal aid institutions and their role in enhancing public access to justice. However, fewer studies examine how law schoolbased clinics function within the academic ecosystem. In contrast, the U.S. scholarship on CLE offers extensive documentation of institutional models, accreditation mechanisms, and outcome-based evaluations. This section, therefore, situates the comparative discussion within existing scholarly debates on CLE’s objectives, its varying structural and pedagogical designs, and its implications for both student learning and community empowerment.

The establishment of legal aid clinics worldwide is influenced by several factors. One of the primary reasons is to provide assistance to the poor and less fortunate citizens who require legal representation or are facing legal issues. Governments recognize that legal representation can be costly, and not all groups of citizens can afford it. Another important factor in establishing legal aid clinics is to assist law students in applying their legal skills and broadening their knowledge of the law. By providing legal aid clinics in universities, students can participate in hands-on learning and gain exposure to real-life cases.

Therefore, the development of legal aid clinics arose from the understanding that, without access to legal assistance, many individuals would be vulnerable and at risk of having their rights violated or ignored (Ab.Wahab & Khairi, 2020).

Legal aid clinic services and assistance in Malaysia are typically restricted to Malaysian citizens, meaning that refugees and migrant workers do not have access to such services (Ab. Wahab & Khairi, 2020). Legal aid providers in Malaysia are divided into two sectors: private legal aid schemes and government-led initiatives, the latter of which was introduced under the Legal Aid Department established in 1970 (Ab.Wahab & Khairi, 2020). The legal aid framework in Malaysia is governed by legislation, specifically the Legal Aid Act 1971, which was later amended by the Legal Aid (Amendment) Act 2017 (Tri et al., 2025). However, it is important to note that not everyone receives free legal aid, as a registration fee may be imposed by the Director General of Legal Aid (Tri et al., 2025).

Reflecting on Malaysia's legal aid structures, government-led legal aid consists of three main bodies: the Legal Aid Department (LAD), formed in 1970; the Malaysian Bar Council's Legal Aid Centre (LAC), founded in 1982; and the National Legal Aid Foundation (NLAF), established in 2011. Each of these bodies has its own eligibility requirements, determined by the Means and Merits Tests. The Means Test determines whether an applicant is financially eligible for legal aid, ensuring that services are provided only to those with low income. For example, the LAD only accepts applicants with an annual income of not more than RM25,000. Applicants earning between RM25,000 and RM36,000 may still qualify but are required to pay a small contribution fee (Tri et al., 2025). The Merits Test, on the other hand, assesses whether the case itself warrants legal aid, ensuring that limited legal resources are not expended on hopeless or frivolous cases (Tri et al., 2025).

As mentioned, the three main government-led legal aid bodies serve different functions. The LAD provides civil and limited criminal representation, as well as mediation and legal advice. Applicants must pass both the Means and Merits Tests. Officers and staff are appointed by the government, with branches across most states and districts in Malaysia. In contrast, the LAC handles pro bono cases for the poor and marginalized, focusing on both civil and criminal matters. Each state has its own LAC organized by the Bar Council, and these centres are staffed mostly by volunteer lawyers, pupils-in-chambers, and interns. Ultimately, the NLAF primarily focuses on criminal legal aid, ensuring that every accused person has access to legal representation. Its eligibility is broader than the LAD or LAC, as it is available to all arrested persons regardless of income. The NLAF is run by a Board of Trustees, and its lawyers are paid by the government for their services (Tri et al., 2025).

In addition to these, there are also non-government legal aid clinics in Malaysia, mainly operated by universities and law schools. These clinics offer free or low-cost legal services to low-income individuals and are operated by the legal aid organization within each university, comprising students, professors, lecturers, paralegals, and lawyers (Li & Isa, 2023). The legal matters addressed by these clinics include civil law, criminal law, human rights, consumer law, housing, employment, health law, immigration, and disability law, although each university differs in the types of cases it handles. Services typically include legal advice, representation, advocacy, and educational workshops on legal matters. Community-based initiatives also play a role in non-government legal aid, with organizations of volunteer lawyers providing free or low-cost legal advice. Thus, non-government-led legal aid in Malaysia is delivered through law school clinics and community-based initiatives, with a focus on providing free or affordable services, promoting experiential learning, and empowering the poor (Li & Isa, 2023).

In comparison, the legal aid structure in the United States (US) differs from that in Malaysia. Legal aid in the US is divided into three main bodies. First, the Legal Services Corporation (LSC), established by Congress in 1974, does not directly handle legal cases; instead, it provides funding to local legal aid organizations nationwide. It focuses exclusively on civil legal aid for low-income Americans, covering areas such as housing, family law, consumer issues, and public benefits (Rønning & Hammerslev, 2018). Second, the Public Defender System, created under the Sixth Amendment right to counsel and the Supreme Court decision in *Gideon v. Wainwright* (1963), provides criminal defense to individuals who cannot afford legal representation.

Not all states have statewide Public Defender Offices; in states without them, county-level defenders or court-appointed lawyers provide the service. Lastly, the US also has non-governmental and community legal aid

organizations, such as Legal Aid Societies, Pro Bono Programs, and Law School Clinics. These organizations focus on civil rights, immigrants, domestic violence victims, housing, and employment issues (Rønning & Hammerslev, 2018). Nongovernmental legal aid in the US is often based at universities and NGOs, run by private lawyers and law students. The aim is to provide legal aid to vulnerable groups and offer students experiential learning opportunities. Overall, legal aid in the US operates through a decentralized system, where states and counties design their own models, but all are tied to constitutional guarantees and federal funding (Rønning & Hammerslev, 2018). This paper focuses on a comparative examination of the structures and frameworks of legal aid clinics operated by universities. The discussion highlights key aspects, including curriculum integration, the range of legal services offered, the extent and nature of student participation, and the requirements for involvement in these clinics. By examining these elements, the paper seeks to offer insights into how various models of university-based legal aid clinics operate and contribute to both legal education and access to justice.

FINDINGS AND DISCUSSION

The following section presents the findings of the comparative analysis between Malaysia and the United States, emphasizing how university-based legal aid clinics are structured, administered, and integrated within law school curricula. It examines the degree of institutionalization of Clinical Legal Education (CLE), the nature of student participation, and the supervisory frameworks that ensure quality and accountability. By analyzing these components, the discussion highlights how different legal, cultural, and educational contexts shape the role of legal aid clinics as both learning environments and mechanisms for delivering justice. The analysis further identifies the strengths and limitations of each model, providing insights into how Malaysian law schools can refine their clinical programs by drawing from the more mature U.S. approach. Ultimately, this comparison seeks to illuminate pathways for developing a more structured, pedagogically sound, and socially responsive CLE framework in Malaysia.

A. Assessing Integration into Law School Curricula

In Malaysia, CLE is still in its developing phase. There is a dearth of empirical data reviewing the setup of CLE in public law schools in Malaysia and assessing its role as a teaching and learning strategy in legal education (Musa & Nawi, 2021). In Malaysia, clinical programs began more than twenty years ago at Universiti Teknologi MARA, where final-year students learned lawyering skills through a simulated program requiring them to work in a mock legal firm or clinic. But, there was no consistent clinical legal education model that provided both a social justice mission and simultaneously integrated the program into an accredited legal education course (Lasky & Nazeri, 2011).

Legal aid clinics are often housed under cocurricular or extracurricular structures. For instance, law faculties at Universiti Teknologi MARA, the International Islamic University Malaysia, and the University of Malaya run legal aid clinics that enable students to provide legal assistance under supervision. While participation is encouraged, it is often not tied to academic credit, and CLE is rarely offered as a formal course module. Some universities are slowly piloting CLE modules as part of final-year projects or electives; however, such offerings remain inconsistent across institutions. In recent years, Malaysia has seen a growing commitment to integrating Clinical Legal Education (CLE) into its law schools. This is especially evident in the increasing number of legal aid clinics established by both public and private universities, aiming to provide free legal consultation and advice to members of the public who cannot afford professional legal services (Tengku Maimun, 2024). These clinics serve a dual function, addressing access to justice while enhancing students' legal training.

As highlighted by the former Chief Justice of Malaysia, Tun Tengku Maimun binti Tuan Mat, during her keynote speech at the Malaysian Law Students Legal Aid Convention 2024 (MALLAC, 2024), legal aid clinics provide students the invaluable opportunity to deliver legal services under professional supervision (Tengku Maimun, 2024). These settings allow students to deepen their legal knowledge, apply it in real-life scenarios, and develop core competencies such as client interviewing, legal writing, and case analysis. Where direct assistance is not possible, students are trained to refer clients to appropriate legal bodies or organizations (Tengku Maimun, 2024). For instance, at the UiTM Legal Aid Clinic, students volunteer alongside qualified mentors to offer free and confidential legal aid.

The clinic serves as both a hub for free legal aid services and a hands-on learning platform for law students to develop their skills while giving back to society. This initiative provides hands-on learning while fostering a strong sense of civic responsibility among students. Similarly, Klinik Bantuan Guaman Universiti Malaya (KBGUM) is managed by final-year law students under the supervision of academic staff and professional lawyers. Clients are offered a structured consultation process, which includes case evaluation and legal advice, with referrals made to the appropriate legal bodies where necessary. However, in Malaysia, academic credit for participation in legal clinics is not yet consistently formalized across all institutions. Many legal aid clinics operate more as cocurricular or voluntary platforms. This means students may not always receive formal academic recognition for the valuable experiential learning they undertake.

Legal clinics in the United States, on the other hand, are typically integrated into the formal legal curriculum and often carry academic credit. Students enrolled in clinical programs are expected to meet rigorous standards, maintain reflective journals, and participate in faculty-led seminars in conjunction with their fieldwork. These programs are regarded as core components of legal education, and their contributions to student development are recognized institutionally. The United States' model of Clinical Legal Education (CLE) is more established and institutionally integrated. CLE in the U.S. is not merely an optional extracurricular activity; it forms a core part of legal education, carrying academic credit and fulfilling American Bar Association (ABA) experiential learning requirements. At many American law schools, CLE programs are formalized, credit-bearing, and highly structured. Students are entrusted with actual legal responsibilities, often engaging in client representation, conducting legal research, advocating on behalf of clients, and attending court appearances, all under the supervision of experienced faculty or legal professionals.

For example, at the Harvard Legal Aid Bureau (HLAB), students commit to a two-year academic and clinical program, devoting a minimum of 20 hours per week to legal practice and representing low-income clients in civil matters across courts, administrative bodies, and legislative settings. Under the guidance of seasoned clinical instructors, students are given the opportunity to manage cases from initial assessment to final resolution. At Emory Law School, clinical education is aligned with the ABA's Six-Credit Experiential Learning Requirement. Courses fulfilling this requirement include in-house clinics, externships, simulation courses, and trial techniques. Only courses listed on the official "Approved List" are recognized for experiential credit, underscoring the law school's commitment to rigorous experiential learning.

In the United States, continuing legal education (CLE) accreditation is governed by individual states. Each state establishes its own regulations and guidelines that determine which activities and types of instructional material are eligible for CLE credit. This decentralized approach means there is no universal accreditation system for the entire country. Instead, CLE credit is approved through state bar associations or other state-level bodies, not directly through the university's primary accreditation. As a result, universities and other CLE providers must individually apply for course accreditation in each state where they wish to offer it, providing comprehensive documentation and adhering to the specific regulatory criteria of that state.

In Malaysia, the landscape of accreditation presents notable differences. The Malaysian Bar Council does not provide direct accreditation to university law degrees. Instead, the responsibility for recognizing academic qualifications necessary for entry into the legal profession lies with the Legal Profession Qualifying Board (LPQB). Universities in Malaysia are subject to institutional and programme accreditation through the Malaysian Qualifications Agency (MQA).

Clinical Legal Education (CLE) programmes that form part of a fully accredited law degree at Malaysian institutions are duly recognised under the Malaysian Qualifications Agency (MQA) framework. MQA accreditation applies to the academic programme in its entirety, thereby encompassing all core and elective components, including CLE. This ensures compliance with national quality standards and educational benchmarks. The University of Malaya (UM), for example, has successfully incorporated an MQA-accredited CLE programme into its law curriculum.

Within this structure, the Legal Aid Clinic (Klinik Bantuan Guaman Universiti Malaya, KBGUM) is likewise subject to MQA's quality assurance mechanisms, confirming its integration as a formally accredited component of the degree.

B. Student Participation and Requirement

Notably, there are specific criteria for students to participate in the Legal Aid Clinics offered by universities or law schools. In Malaysia, students accepted are typically from the Bachelor of Laws (LLB) or Bachelor of Syariah and Law programs. It is emphasized that students from other bachelor's degree programs are not allowed to join. However, some universities occasionally permit students from the Diploma in Judicial Administration and Islamic Law to participate, although this is rare (Saidon et al., 2023). Each student participating in the legal aid clinic has a defined role and responsibility.

For instance, they assist in meetings between lecturers and clients, organize files and cases according to case numbers, liaise with clients regarding appointments, organize programs to promote legal services, and take notes on the facts of each case. The roles of students vary depending on the organizational structure of each university's legal aid clinic, as different institutions adopt different approaches (Saidon et al., 2023). Nevertheless, what most universities have in common is that all students participating in the clinic must maintain strict confidentiality. Students are prohibited from sharing any information regarding the cases discussed and are required to sign a Non-Disclosure Agreement (NDA) to prevent the leakage of information. Their responsibilities also include upholding professionalism at all times in terms of dress code, attitude, and ethics, as the legal aid clinic functions as a formal office that receives clients; therefore, maintaining a professional image is crucial.

The legal aid clinic is not managed solely by students. Instead, students are supervised by lecturers, legal academics, and practicing lawyers. This is necessary because students are not yet qualified to handle legal matters independently; therefore, strict supervision is enforced. Many university-based clinics collaborate with the Malaysian Syariah Lawyers Association or local legal practitioners to ensure proper supervision and to expose students to legal education beyond their university environment (Saidon et al., 2023). In comparison, the criteria for law students in the United States differ. Firstly, only students who are in their second year (2L) or above are allowed to participate, meaning first-year students are not eligible.

All students must complete foundational law courses before applying to join a legal aid clinic. They must go through an application process and obtain approval from the faculty, not directly from the clinic. Additionally, some clinics only accept students in good academic standing. The roles of students in U.S. clinics include client interaction, legal research and drafting, representation in certain cases, advocacy, and community outreach. The fact that students are permitted to appear in court in some cases highlights a clear contrast with Malaysia's legal aid clinics, where students are not allowed to represent clients or appear in court. Similar to Malaysia, the responsibilities of U.S. students in legal aid clinics include maintaining confidentiality, as they are not permitted to disclose case information. Students must also remain professional at all times while on duty, since the clinic is treated as a professional office, where informal dress codes or casual language are not tolerated. They are further required to stay organized in handling case files, as proper record-keeping is essential.

Supervision in U.S. clinics is also strict, aligning with Malaysia's model. Students are closely monitored by clinical professors, lecturers, or lawyers from legal aid organizations, and some clinics even include adjunct practitioners. This ensures that students act appropriately and professionally when assisting clients.

Aspect	Malaysia	United States
Integration into Curriculum	Often cocurricular or extracurricular; not always credit-bearing.	Fully integrated into curricula; usually creditbearing and required by ABA experiential learning standards.
Academic Credit	Not consistently formalised; many operate without formal academic credit.	Clinics commonly carry academic credit with formal assessments and reflective work.
Structure and Model	Inconsistency across institutions; structure and supervision vary.	Highly structured, standardized, supervised by clinical faculty.

Supervision and Student Involvement	Students provide supervised legal aid; responsibilities vary.	Students provide extensive legal services including client representation and court appearances.
Accreditation of CLE Programmes	Recognised under MQA as part of accredited law degrees.	Accredited by state CLE boards; separate from university accreditation.

CONCLUSION

In conclusion, a more structured and effective model for optimising experiential learning is found in its integration into the curriculum of legal education, as demonstrated by the United States framework. This way, clinical training is formally embedded within the academic programme, driven by objective educational outcomes, evaluated assessments, and alignment with the professional skills required by the market. Curriculum integration ensures continuity, academic recognition, and quality assurance, optimizing both the pedagogical value of clinical experiences and the consistency of students' legal training, as opposed to ad hoc or voluntary participation. For Malaysia, the quality of legal education and the expansion of the legal aid services can be further strengthened by adopting a similar structured framework. To achieve this, future research should explore the feasibility of embedding clinical legal education more formally within Malaysian law schools, including policy support, resource allocation, and assessing its lasting impact on both students and communities.

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