



**USAID | INDONESIA**

# CHANGES FOR JUSTICE PROJECT

## FINAL REPORT

MAY 2010 TO MAY 2015

**May 11, 2015**

This publication was produced for review by the United States Agency for International Development. It was prepared by Chemonics International Inc.

# **CHANGES FOR JUSTICE PROJECT**

**FINAL REPORT**

**MAY 2010 TO MAY 2015**

**Contract No. DFD-I-00-08-00070-00  
A Task Order under the Encouraging Global Anticorruption and Good  
Governance Efforts (ENGAGE) Indefinite Quantity Contract (IQC)**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# CONTENTS

<b>ACRONYMS .....</b>	<b>4</b>
<b>I. EXECUTIVE SUMMARY.....</b>	<b>5</b>
A. Introduction .....	5
B. Summary of Achievements .....	6
C. Summary of Challenges .....	8
D. C4J Results Framework .....	11
E. Key Results .....	12
F. Summary of Lessons Learned.....	12
<b>II. PROGRESS AND ACHIEVEMENTS .....</b>	<b>16</b>
A. Component 1: Sustaining and Broadening Reforms in the Supreme Court.....	16
1. Enhanced Management, Transparency, and Accountability of the Supreme Court.....	17
2. Improved Capacity, Integrity, and Technical Legal Competence of Judge and Court Staff (Education and Training) .....	50
3. Improved Court and Public Interaction.....	71
B. Component 2: Sustaining and Broadening Reforms in the Attorney General’s Office.....	90
1. Enhanced Management Transparency and Accountability in the Attorney General’s Office (AGO).....	90
2. Improving Staff Technical Competence and Accountability through Attorney General’s Office (AGO) Training Development .....	97
3. Strengthened Public Information Interface in the Prosecutor’s Offices .....	102
C. Biodiversity Program .....	107
1. Improved Capacity, Integrity, and Technical Legal Competence .....	113
2. Improved Court, Prosecutors’ Office, and Public Interaction .....	118
<b>III. ANNEXES (<i>submitted as attachments</i>) .....</b>	<b>130</b>
Annex A: Success Stories .....	130
Annex B: Check List for Standardized Templates .....	130
Annex C: Integrated Public Services Guidelines (Bahasa).....	130

*Photo credits: All photos by C4J staff.*

# ACRONYMS

AGO	Attorney General's Office
AIPJ	Australia Indonesia Partnership for Justice
AJI	Indonesian Journalist Alliance
ASN	Civil Servant Apparatus
BKN	State Personnel Agency
BPS	Central Statistics Agency
BUA	Supreme Court Administrative Unit
C4J	Changes for Justice Project
CARE	Candidate Acting Registrar Education
CARS	Court Automation Readiness Survey
CCJC	Commercial Court Judges Certification Program
CHRP	Certified Human Resources Professional Program
CIMS	Case Information Management Summit
CJE	Continuing judicial education
CMS	Case management system
CTS	Case tracking system
DAR	Digital audio recording
DPO	District prosecutor's office
DPR	Parliament House of Representatives
ELMARI	E-Learning for the Supreme Court
ENGAGE	Encouraging Global Anticorruption and Good Governance Efforts
FJEC	Federal Judicial Center
ICEL	Indonesian Center for Environmental Law
ICCP	Indonesia Control of Corruption Project
IFACS	Indonesia Forest and Climate Support Project
In-ACCE	Indonesia Anticorruption and Commercial Court Enhancement Project
J4P	World Bank Justice for the Poor Program
JKMA	<i>Jaringan Komunitas Masyarakat Adat – Aceh</i>
JRI	<i>Jaringan Riset Indonesia</i>
JSRP	Justice Sector Reform Program
KIP	Central Information Commission
KPK	Corruption Eradication Commission
MCC	Millennium Challenge Corporation
OPDAT	Overseas Prosecutorial Development, Assistance, and Training
P3K	Civil Servant Work Agreement
PPATK	Financial Transaction Reports and Analysis Center
PPID	Documentation and Information Management Officers
PPO	Provincial prosecutor's office
SEKMA	Supreme Court Secretary General
SIEJ	Society of Indonesian Environmental Journalists
SIMARI	Supreme Court Information System
SOP	Standard operating procedure
UI	University of Indonesia
UKP4	President's Unit on Development Monitoring and Oversight
UNODC	United Nations Office of Drugs and Crime
USINDO	US-Indonesia Society
WCS	Wildlife Conservation Society

# I. EXECUTIVE SUMMARY

## A. INTRODUCTION

The Changes for Justice (C4J) Project was funded by the U.S. Agency for International Development (USAID) under Contract No. DFD-I-00-08-00070-00, a Task Order under the Encouraging Global Anticorruption and Good Governance Efforts (ENGAGE) Indefinite Quantity Contract (IQC) awarded to Chemonics International with a start date of May 12, 2010. The C4J contract effective end date was May 11, 2014, but the project received a cost extension until May 11, 2015.

The C4J Project was based on several recent USAID efforts to support the bureaucratic reform processes of the Indonesian Supreme Court and the Attorney General's Office (AGO), including the Justice Sector Reform Program (JSRP) focused on the AGO, the Millennium Challenge Corporation (MCC)/USAID Indonesia Control of Corruption Project (ICCP), focused on the Supreme Court, and the Indonesia Anticorruption and Commercial Court Enhancement (In-ACCE) Project, focused on five first-instance general (district) courts with jurisdiction for commercial and anticorruption cases.<sup>1</sup> C4J was designed to sustain those earlier projects' reforms, compare the knowledge and experiences of each, and deepen the reforms by improving management and increasing transparency and accountability within Indonesia's judicial and prosecutorial systems.

The goals of the C4J Project were divided into three parts: Sustaining and Broadening Reforms in the Supreme Court (Component 1); Sustaining and Broadening Reforms in the Attorney General's Office (Component 2); and Special Initiatives (Component 3). Key activities included institutional reforms in human resources, budget and financial management, case management, information technology, education and training programs, and public services. Technical activities included development and launching of prosecution guidelines, a new prosecutorial code of conduct, a new certification program for judges on juvenile cases, and an integrated justice sector training program on combatting threats to biodiversity.

Special Initiatives of the project under Component 3 included installation of public information desks, creation of Version 1 of a new case tracking system (CTS) in three pilot district courts during the first year of the project,<sup>2</sup> and a new program to combat threats to biodiversity in three pilot districts, including district courts, district prosecutors' offices, and rural communities. These pilot programs proved to be an excellent model for testing, evaluating, and rolling out reforms.

---

<sup>1</sup>The commercial “courts” in Indonesia function within the structure of the general jurisdiction “district courts”. Commercial cases in Indonesia are limited to bankruptcy and intellectual property rights. Anticorruption courts were extended from one to 30, one per province, but those courts also function within the structure of the district courts. The In-ACCE Project found that any effort to improve the commercial or anticorruption courts must include institutional reforms of the district courts generally. Hence, the focus of that project was expanded to develop a case management system for all types of civil and criminal cases.

<sup>2</sup>As described in this report, Version 1 of the CTS was subsequently expanded, under Component 1 activities, through substantial enhancements in Version 2 in 2012, and Version 3 in 2014.

## B. SUMMARY OF ACHIEVEMENTS

### SUPREME COURT

Reforms in human resources, budgeting, public services, education and training, legal aid, and case management have been implemented in the Supreme Court and courts under its jurisdiction. These reforms are linked, especially the modernization of case management, which relies on complementary reforms in human resources, budgeting, job training, information technology, and public services. The project demonstrated that reforms must be implemented jointly to support sustainable improvements. Achievements in the Supreme Court and courts under its jurisdiction include the following:

- *Certified Human Resources Professional (CHRP) Program* – The program was conducted for Echelon III and Echelon IV positions in the Supreme Court’s Personnel Bureau, Planning Bureau, Finance Bureau, Directorate General for General Courts (*Badilum*), Directorate General for Religious Courts (*Badilag*), and Directorate General for Military and State Administrative Courts (*Badimiltun*). The alumni were envisioned to become champions of human resources reforms.
- *Development of career paths for IT position in the Supreme Court* – The C4J Project facilitated the establishment of a credit point system for professional IT staff in the Supreme Court and courts under its jurisdiction through cooperation with the Central Statistics Agency.
- *Study on judiciary budget independence* – This study was conducted to define a common vision on judicial budget independence.
- *The 350 general district courts and 30 high courts have applied the Case Tracking System (CTS) Version 3* – The enhanced Version 3 of the CTS was developed by the Supreme Court’s CTS Development Team based on the earlier versions 1 and 2.
- *Standardization and automation of more than 300 court document templates for civil and criminal cases into the CTS*.
- *Automation of juvenile case administration workflow into the CTS*.
- *Fellowship program* – Twenty mid-level judges, who were selected through an application process, completed a tailor-made Master’s Degree in Judicial Practice at the University of Indonesia’s Faculty of Law. All students obtained a grade point average of 3.0 or above.
- *Continuing Judicial Education (CJE II Program)* – This program, adopted by the Supreme Court Training Agency, was designed to develop the core skills of mid-level, general court judges in case management, writing, and ethics.
- *Candidate Acting Registrar Education (CARE)* – Based on the CJE II Program, and also adopted by the Supreme Court Training Agency, the CARE program was designed to enhance the skills of all candidate (beginning) acting registrars in all types of courts.
- *Juvenile Judges Certification Program* – The Supreme Court and C4J Project cooperated on the development of a special curriculum for certifying judges to manage juvenile cases, in accordance with Law No.11 of 2012, on the Juvenile Justice System.

- *Supervision Training for High Court Judges* – This training program introduced a new system of supervision mandated by the Supreme Court in conjunction with implementation of the automated case tracking system in the general courts.
- *E-Learning for the Supreme Court (ELMARI)* – The online training application developed by the Supreme Court Training Agency, in cooperation with the C4J Project, increases access to training for all judges and court staff regardless of geographic or travel limitations.
- *Court Website Standardization Development* – The website standards were developed for implementation in all types of courts under the Supreme Court, including the type of information to be provided, consistency in design, layout, website platform, and handicapped access, while still encouraging innovation.
- *Public Information Services Mentoring and Coaching* – The Supreme Court Public and Legal Relations Bureau (*Humas*) and the C4J Project cooperated in conducting in-house training for court judges and public information staff on public information services, media relations, and crisis management and mitigation within *Humas* and 12 district courts.

## **ATTORNEY GENERAL'S OFFICE**

In support of the priority reforms envisioned by the AGO, the C4J Project focused on human resources, a new Prosecutorial Code of Conduct and accompanying training module, improved governance of the AGO Training Agency through new standard operating procedures, and new training programs on public information services. A summary of C4J achievements within the AGO includes the following:

- *Prosecution Guidelines on Terrorism* – These guidelines, developed in cooperation with the AGO, provide guidance on management of terrorism cases in all prosecutors' offices.
- *Prosecution Guidelines on Illegal Logging and Land Conversion and Wildlife Trafficking and Poaching* – These guidelines, also developed in cooperation with the AGO, are a detailed technical reference for prosecutors managing criminal cases relating to illegal logging and land conversion, wildlife trafficking and poaching, and related crimes through the “multi-door” (multiple-charges and multiple-defendants) approach.
- *Establishment of Leadership and Technical Prosecutorial Competencies and Case Studies* – The new competencies provide transparent criteria for an open system of evaluation and promotion in the AGO, plus guidance on essential, specialized training needed to meet specific technical competencies required of prosecutors.
- *Prosecutorial Code of Conduct* – The new code was developed in cooperation with the AGO. An integrity module was subsequently developed in cooperation with the AGO Training Agency for integration into training programs, including the Candidate Prosecutorial Training Program.
- *Improvement of AGO Training Agency Organization* – Standard operating procedures for the AGO Training Agency were developed to define and guide each working unit in its tasks to improve training programs for prosecutors and support staff.

- *Strengthening the Public Information Interface in the Prosecutor's Offices* – The AGO Legal Information Center (*Puspenkum*) and C4J Project cooperated to develop training curricula on public information services and media engagement.

## BIODIVERSITY

- *Integrated Justice Sector Workshop on Managing Cases to Protect Indonesia's Biodiversity* – This workshop, led by the Supreme Court Training Agency, was the first to train judges, prosecutors, police, and civil investigators jointly to strengthen coordination and to apply a “multi-door” approach in managing biodiversity-related cases to improve protection of environmental resources.
- *Public Information Campaign* – The public information campaign began with radio talk shows involving the Ministry of Forestry and the Ministry of Environment. In collaboration with the Supreme Court and AGO, this was followed by media engagement activities, community training programs, and dissemination of a video, posters, and a community handbook in three pilot areas in Riau, Aceh, and West Kalimantan.
- *Community Engagement Program* – C4J supported activities to train communities, focusing on development of local paralegals and empowering women, to help address local threats to biodiversity in Aceh, Riau, and West Kalimantan.

## C. SUMMARY OF CHALLENGES

Substantial strides were made throughout the five-year project through the enhancement of capacity, integrity, and technical legal competence of courts and prosecutors’ offices, and the shift from manual case record handling to an automated system. Yet, there remain ongoing challenges that the Supreme Court, general courts, AGO, and prosecutors’ offices must overcome to sustain their achievements, including the following:

### SUPREME COURT

- The Court must ensure that consistent direction is provided, and that all personnel in all types of courts have the same vision.
- The orientation to public services and community outreach must be sustained. Only through such efforts can the formal legal system bridge the wide gap between itself and the local, customary (*adat*) systems of the communities.
- Support for development of community paralegals will help local communities access the formal legal system.
- Commitment and expansion of legal aid services in the courts must be sustained and prioritized.
- Although the CTS was implemented in 350 district and 30 high courts throughout Indonesia, the automated CTS and manual register books continue to be used in parallel in the general courts. Court leadership and personnel must be vigilant in resisting the tendency to fall back into old ways of doing their work (the manual system) and in improving use of the CTS.
- Court personnel have to maintain consistency in updating cases in the CTS correctly and in timely manner, and learn to use the standardized documents.
- IT infrastructure must be adjusted to meet the dynamic needs of IT-based courts.

- Budgets must be improved through a transition to performance-based budgeting based on reliable performance data from the courts.
- Newly-adopted training programs and approaches must be sustained, particularly CJE II, CARE, E-learning, and the Integrated Biodiversity Training Program.
- Effective systems of supervision, promotion, and transfer must be maintained based on fair, objective assessments of performance in relation to clearly defined competencies. Data from the CTS and Training Agency are key factors that must be taken into consideration.
- Several Supreme Court units are led by judges when they should be led by management experts in their respective fields – including human resources, budget and finance, and information technology among others.

## **ATTORNEY GENERAL'S OFFICE**

- Specialized training programs, such as on the code of conduct and the three new prosecution guidelines, must be supported, expanded, and sustained.
- Consistent direction is required to ensure that all personnel in all prosecutors' offices share the same reform vision of the AGO.
- The orientation to public transparency and access to information must be sustained.
- Newly-adopted training programs and approaches must be sustained, particularly the Training Agency's new standard operating procedures and the public information training program.
- The AGO must maintain effective systems of supervision, promotion, and transfer based on fair, objective assessments of performance in relation to clearly defined competencies. Reform requires an extended period of time and continuity in leadership. Leaders who are rotated and transferred too frequently are unlikely to have a lasting impact on reform.
- The prosecution of forest, wildlife, and terrorism crimes must be conducted consistently, following the standardized guidelines developed.
- AGO headquarters units are led by prosecutors when they should be led by management experts in their respective fields, including human resources, budget and finance, and IT.

## **BIODIVERSITY**

- Courts must resolve both criminal and civil disputes, but many communities are far from the nearest court. Citizens in those communities cannot afford to travel or pursue cases in the nearest court, and they have a very poor understanding of their rights, of legal processes, and of how to resolve disputes through the formal justice system. Hence, communities are seriously disadvantaged as parties in cases against wealthier, more sophisticated parties, such as the wealthy, companies, and the government. This poses a threat to the protection of biodiversity and local rights because many disputes relating to the environment – such as land disputes, illegal logging, illegal fishing, illegal mining, and non-compliance with environmental regulations – happen in rural communities where the citizens lack the funds and knowledge to pursue cases in the courts.

- Communities tend to understand and rely on customary law, but the courts and prosecutors do not have sufficient guidance on when, how, and if they may apply customary legal principles. Furthermore, customary or *adat* laws vary from one local culture to another. In some locations, customary law would be a valuable supplement to civil and criminal laws. Thus, judges and prosecutors would benefit from more research and guidance on how those customary principles may be applied, and the local communities would benefit from more community legal education from the courts.
- Citizens in rural communities need simpler, more accessible, and more affordable alternatives for resolving their disputes, such as through simplified small claims processes, mobile courts, and enhanced legal aid services through the courts and the Ministry of Law and Human Rights.
- Paralegals, i.e., community leaders with an interest in supporting their communities with legal disputes, are not well developed in all locations. Many paralegals are not sufficiently educated on legal processes. Female community members are not adequately engaged. More support is needed to develop the knowledge and capacities of paralegals and to expand paralegal networks. This should be included as an important part of the courts' public services to reduce the gap between the formal justice system and communities.
- The media is not well developed in all locations. Many reporters are not sufficiently educated on legal processes, how to report on cases, or how to play a more effective and collaborative role in monitoring issues related to the environment. More support is needed to develop the knowledge and capacities of media and to expand effective media networks. This is an important part of the courts' and prosecutors' public services.
- Judges and prosecutors, as well as the rest of the justice sector, need improved access to resources, experts, and training programs to understand how to effectively and professionally combat threats to the environment.

## D. C4J RESULTS FRAMEWORK

### CHANGES FOR JUSTICE (C4J) RESULTS FRAMEWORK\*

USAID Indonesia Development Objective I: Making Democratic Governance Deliver

- Intermediate Result 1: Community of Accountability Improved
  - Sub-Intermediate Result 1.1.1: Accountability of Justice Sector Improved

***C4J Primary Objective:***

***Sustain and deepen reforms in the justice sector to produce a less corrupt, more accountable and higher-performing justice system***

#### **Component 1: Sustaining and Broadening Reforms in the Supreme Court (SC)**

KRA 1.1 Enhancing the Management, Transparency, and Accountability of the Supreme Court to Support Bureaucratic Reform

Sub-KRA 1.1.1 Human Resources: Human resources more strategically placed in the Supreme Court's management

Sub-KRA 1.1.2 Budget and Finance: Enhanced quality and efficiency of the Supreme Court's administration and finance staff

Sub-KRA 1.1.3 Court Business Processes and Administration (formerly Case Management: Strengthened court capacity to use case management systems (CMS))

Sub-KRA 1.1.4 Information Technology: Improved IT capacity at the District Courts

KRA 1.2 Improved Capacity, Integrity, and Technical Legal Competence of Judges and Court Staff (Education and Training)

Sub-KRA 1.2.1 Department of Juvenile Court Judges Certification Program

Sub-KRA 1.2.2 Enhanced Training Opportunities for Judges through E-Learning

Sub-KRA 1.2.3 Public information and legal services

Sub-KRA 1.2.4 Supervision training program

Sub-KRA 1.2.5 CTS Trainer Development and Training Programs

KRA 1.3 Improved Court and Public Interaction

Sub-KRA 1.3.1 Improved public information services and transparency

Sub-KRA 1.3.2 Improved court engagement with the media

Sub-KRA 1.3.3 Improved access for women, poor, and marginalized communities to court services

#### **Component 2: Sustaining and Broadening Reforms in the Attorney General's Office (AGO)**

KRA 2.1 Enhanced Management Transparency and Accountability in the AGO

Sub-KRA 2.1.1 Human Resources: Improved AGO's human resources capacity

Sub-KRA 2.1.2 Prosecutorial Capacity: Development of prosecution guidelines

KRA 2.2 Improved Staff Technical Competence and Accountability

Sub-KRA 2.2.1 AGO Training Agency (*Badiklat*): AGO training agency developed

KRA 2.3 Strengthened Public Information Interface in the Prosecutors' Offices

### **Component 3: Biodiversity Activity**

KRA 3.1 Improved Capacity, Integrity, and Technical Legal Competence (formerly Improved Prosecution of Crimes Related to Biodiversity)  
Sub-KRA 3.1.1 Development of prosecution guidelines  
Sub-KRA 3.1.2 Training on management of biodiversity cases for judges and prosecutors

\*Approved July 2014

### **E. KEY RESULTS**

In collaboration with the Supreme Court, the C4J Project provided training to more than 1,000 judges in Indonesia, of which approximately 23 percent were women judges. The project also trained 2,783 court staff, i.e., in non-judge positions, 34 percent of which were women. The number of persons trained was far beyond the expected target of 300 judges and non-judges. The project found huge interest from its counterparts, who participated in a variety of training, including human resources, budget and finance, case management, IT, legal aid, public information services, media engagement, ethics, supervision, and new technical training programs. The percentage of overall training index satisfaction rate<sup>3</sup> for judge and non-judge staffs was 79 percent.

The project delivered and/or facilitated training programs to more than 1,000 AGO personnel, of which 18 percent were women. The training included a Public Engagement and Media Management program in 11 prosecutors' offices, which reached 132 prosecutors. The index satisfaction rate for training in the AGO was 85 percent.

In conjunction with the Biodiversity Program, the project trained more than 400 additional people, including judges, non-judges, prosecutors, media, and community members in Aceh, Riau, and West Kalimantan. Thirty-five percent of the Biodiversity Program trainees were women. The index satisfaction rate for training on the Biodiversity Program was 88 percent.

### **F. SUMMARY OF LESSONS LEARNED**

#### **SUPREME COURT**

- *Vision and Policies* – To ensure implementation of the Supreme Court's vision and policies for the judiciary through its working group processes, it must issue a Supreme Court decree (SK), or other decrees such as a SEMA or a PERMA.

---

<sup>3</sup> The Index Satisfaction Rate was calculated based on three question (overall satisfaction rate, overall rate of usefulness, and benefit rate for participant) from C4J's Training Evaluation Form with answers of 4 and 5 only from a range 1-5 (unsatisfied to very satisfied).

Supreme Court policies, once adopted, are implemented with detailed instructions by the Secretary General's Echelon I and/or Echelon II units.

- *Innovation* – Innovation should continue to be encouraged in the first-instance and high courts by:
  - a. *Piloting and testing* new ideas for reform (such as piloting new IT applications or enhancements)
  - b. Identifying *best models for reform* among all types of courts
  - c. Recognizing the most innovative and productive courts and staff through *awards*
  - d. *Information sharing*
- *Adoption of Reforms* – Reforms should be encouraged, piloted, tested, and reviewed by the appropriate Supreme Court Working Group. After thorough testing and review by the working group, they should formally be adopted by the Supreme Court with instructions on appropriate implementation.
- *Authorities* – Supreme Court authorities are divided into two branches:
  - a. *Judicial*, overseen by the Vice Chief Judicial, regarding appeals from the high courts, which are filed through the Supreme Court Registrar
  - b. *Non-Judicial*, overseen by the Vice Chief Non-Judicial, regarding administration of all lower courts through the Supreme Court Secretary (SEKMA)
- *Supervision* – Decision-making of judges is evaluated directly through the Supreme Court. Administration by court leaders is evaluated through the Vice Chief Non-Judicial and the Secretary, in consultation with the Directorate General. Promotions and transfers should require a formal evaluation process that includes inputs on both quality of decision-making and administration. Supervision responsibilities of high courts should be divided among its judges by function, so that all district courts are evaluated fairly. No one high court judge can fulfill all supervisory responsibilities, so high court judges should specialize on only one supervisory function at a time (for example, IT, case management, budgeting and financial management, public services, etc.).
- *Administration* – The administrative structure of the judiciary needs to be reorganized to be more efficient and manageable under the Supreme Court Secretary. For example, four different Echelon 1 units have responsibilities and different systems for managing human resources, budgeting and financial management, and IT. High court Chief Judges are responsible for administering the first-instance courts under their authority, and must have good administrative skills. First-instance court Chief Judges are responsible for administering their court, and also must have good administrative skills.
- *Promotions and Transfers* – Promotions and transfers should be effectively managed to ensure that court leaders have strong skills in decision-making and administration. A court that is being reformed needs the same strong Chief Judge for at least three to four years, and the Supreme Court should ensure that an equally strong leader replaces that Chief Judge. For courts with more serious management problems, the Supreme Court should take advantage of the transfer system to make a larger scale replacement of judges and court staff. For courts with problems of backlog, the Supreme Court should take advantage of the transfer system to move highly skilled judges there for the period of time necessary to eliminate the backlog. To more effectively evaluate judges and their

- skills, especially during their first several years as a judge, the Supreme Court should consider transferring judges within only one region so that the High Court can help monitor performance and make recommendations to the Supreme Court.
- *Court Management* – The Directorates General (which are currently divided by General Courts, Religious Courts, and Military and Administrative Courts) need to strengthen their role overseeing:
    - a. *Case management and administration*, including monitoring court and judge performance, reviewing periodic reports, and making recommendations to the Secretary for improving court performance
    - b. *Standardization of data* in all types of courts, and
    - c. *Delegation of authorities* to the high courts to provide training programs and oversee in the first-instance courts:
      - i. human resources
      - ii. budgeting
      - iii. case management
      - iv. compliance with ethical standards, and
      - v. implementation of IT
  - *Case Management* – Improved case management through the implementation of IT has been hugely successful in the General Courts. A plan should be adopted for expanding the transition to automation and for eliminating manual registers. As many courts will resist a change in court practice, the Supreme Court should set a specific date on which the courts will be required to make a full transition from manual to automated processes.
  - *Standardization* – Court policies and practices should be standardized among all types of courts. Successful approaches have included:
    - a. *Legal aid services*: standardized legal aid services via PERMA 1 of 2014
    - b. *Public information services*: standardized guidelines for websites and integrated public information services
    - c. *Training programs*: standardized training programs, including:
      - i. candidate acting registrars education
      - ii. supervision training
      - iii. public information services training
      - iv. IT administrators training
      - v. E-learning
    - d. *Information technology*: standardized automated CTS for the general courts and an integrated platform through SIMARI for all case information systems and Supreme Court databases
    - e. *Case management*: Standardized templates for decisions, minutes, orders for the automated CTS for the general courts
    - f. *Human resources*: Development of a national IT career path in the courts
  - *Flexibility* – As flexibility encourages innovation, courts should continue to be encouraged to pilot new ideas and approaches. For example, legal aid and juvenile services at Stabat District Court, new applications using CTS data at Praya and Sungailiat District Courts, integrated public information services at Bankinang and Singkawang District Courts, new supervision system at Medan High Court), and reporting successes to appropriate Supreme Court working groups.

## ATTORNEY GENERAL'S OFFICE

- *Vision and Policies* – The AGO is a very hierarchical organization. This should lead to faster implementation of reforms when adopted by the Attorney General in consultation with the other leaders. However, frequent rotations and transfers of leaders prevent continuity and the implementation of difficult reforms.
- *Promotions and Transfers* – Incentives are needed to promote professional development that reward reform and leadership, and rely less on frequent transfers and promotions.
- *Innovation* – Innovation is not yet encouraged in the management of the prosecutors' offices. In contrast, reforms in the Training Agency and Legal Information Center have been innovative and successful.
- *Piloting Reforms* – Along with encouraging innovation, reforms should be encouraged for piloting and testing in district prosecutors' offices (DPO) in cooperation with their provincial prosecutor's office (PPO).
- *Management* – To support reforms, the AGO needs access to accurate, consistent, and timely data on cases and performance in all prosecutors' offices. This data is needed to make effective management plans and decisions.
- *Case Management* – A simpler, more reliable automated management system is needed. More careful study should be dedicated to this by a team of internal and external experts. Improvements in case management should include delegation of some authority to provincial prosecutors' offices, such as installation of regional servers in each PPO and increased supervision and accountability at PPO level.

## **BIODIVERSITY**

- Intensive public education and improved access to the courts are required to combat threats to the environment.
- Counteracting threats to the environment requires intensive media engagement by the entire justice sector and improved coordination between the public and media.
- Combating environmental crimes requires effective, constant coordination among judges, prosecutors, police, civil investigators, military, and port authorities. This coordination is critical at ports of entry and exit throughout Indonesia.
- The focus of illegal logging and wildlife trafficking activities must be on plants and wildlife originating from inside and outside of Indonesia because criminals also use Indonesia as a transit point for illegal activities.
- There are indications that environmental crimes are linked to other criminal activities, including corruption, money laundering, human trafficking, narcotics, and other organized criminal activities. Combating environmental crimes requires a multi-door approach of pursuing multiple suspects and charges simultaneously.

# II. PROGRESS AND ACHIEVEMENTS

## A. COMPONENT 1: SUSTAINING AND BROADENING REFORMS IN THE SUPREME COURT

Achieving the vision of “one-roof,” to manage all courts under the authority of the Supreme Court, is a priority of the Judicial Reform Blueprint 2010-2035. The Blueprint presents a vision and priority objectives of a “noble judiciary”, including the following:

- Adjudication of cases independently, fairly, and effectively
- Independent, performance-based budgeting
- Reorganization of the judiciary with a clearly-defined organizational management structure
- Case management and administrative processes that are simple, fast, timely, affordable, and proportionate to the complexity of the case
- Facilities and infrastructure that support a comfortable, safe, and conducive work environment in the courts
- Human resources managed objectively to create a workforce of professionals
- Supervision implemented effectively for both adjudication and administration
- Public service
- Information management that is accountable, credible, and transparent
- Modern information technology that is integrated to support improved performance and service

The Blueprint states that the vision of the Supreme Court shall be attained through the following missions:

- Sustain judicial independence
- Provide fair legal services to all persons accessing the courts
- Improve the quality of judicial leadership
- Improve the transparency and credibility of the judiciary

The C4J Project began in May 2010, prior to the release of the Supreme Court’s new Blueprint. Since its release, the project’s priority has been to ensure that its programs are consistent with the values and priorities of the new Blueprint.

The activities of the C4J project have been defined annually through regular meetings and consultations between C4J technical staff and Supreme Court leaders, including vice and deputy justices/heads of chambers, reform working groups (comprising justices), Echelon I and Echelon II leaders and their respective staff, chief judges and secretary/registrars from first-instance and appellate courts, the Supreme Court’s Judicial Reform Team, the

National Planning Agency (*Bappenas*), civil society,<sup>4</sup> and other programs. C4J project activities coordinated with the Supreme Court have included:

- Human resources
- Budgeting and financial management
- Information technology
- Case management
- Education and training programs
- Legal aid services
- Public information services

Key activities and achievements of Supreme Court reform are described under Component 1 of this final report. Some activities were implemented within the context of the project's Biodiversity Program to combat threats from illegal logging, land conversion, and wildlife trafficking and poaching. Biodiversity activities are described under Component 3.

To finalize the learning component and recommendations in this report, the Supreme Court and C4J organized a project closeout workshop on April 28, 2015, which produced action plans for sustaining the CTS and other reforms in the following five fields: human resources, budget and financial management, case management, public services, and education and training. Those five action plans are included within the recommendations that follow each component of this report below.

## **1. Enhanced Management, Transparency, and Accountability of Supreme Court**

### **HUMAN RESOURCES REFORM**

Indonesia's Supreme Court Blueprint, 2010–2035, envisions a performance-based and knowledge-based judiciary, that is professional, effective, efficient, transparent, and accountable. During the first five years of the Blueprint – within the period of the C4J Project – the Supreme Court successfully created a forum for sharing knowledge and experiences on human resources reform. Specific achievements have included new competency profiles and individual assessments for Echelon II and Echelon III court leaders, a Certified Human Resources Professional (CHRP) Program, and a new career path for IT positions in the courts.

#### ***Competency Profile Development***

A competency profile is a reference tool to measure and evaluate staff performance. The Supreme Court collaborated with the C4J Project to develop competency profiles to define the core competencies, technical competencies, and non-technical (behavioral)

---

<sup>4</sup>Unfortunately, there are an insufficient number of civil society organizations (CSOs) working on justice reform. Of those few organizations that call themselves CSOs, they tend to be led by a very small group of people. They sustain themselves through contracts with the Supreme Court and projects, and tend to rely on relationships with key Supreme Court or project leaders. The greatest weakness of most CSOs is that they lack a constituency of members. A recurring cycle of projects determine that these CSOs can only work with a few organizations because there are no others, and there are insufficient opportunities being created to build new organizations.

competencies for positions responsible for case management in the courts. The core competencies developed included the positions of chief judge, deputy chief judge, judges, secretary/registrars, deputy secretaries, acting registrars, junior registrars, and bailiffs in the general first-instance (district) courts and appellate (high) courts.

The research for development of the competency profiles consisted of questionnaires and interviews with judges and court staff, and desk reviews in the courts. The research was conducted in a total of 23 general courts (eight high courts and 15 district courts) in DKI Jakarta, Banjarmasin (East Kalimantan), Makassar (South Sulawesi), Medan (North Sumatera), Gorontalo (Gorontalo), Ternate (North Maluku), Mataram (West Nusa Tenggara), and Jayapura (Papua). These locations were selected to represent courts of various sizes, cultures, and workloads. The competency profile questions were designed to test respondents' understanding of their own responsibilities, while at the same time verifying their views of the workload through the desk analyses.

Prior to finalization of the competency profiles, a series of workshops was held with the Supreme Court's Working Group on Human Resources, Assets, Planning, and Finance to adopt the proposed profiles. The December 2012 workshop informed Indonesia's general high court chief judges and secretary/registrars about the competency profiles, the development process, and the objectives of competency-based human resources management as an alternative to earlier, less transparent, and less objective systems for assessing human resources. The final workshop to review the competency profiles in March 2013 included the chief justice, vice chief justices, all deputy justices, and Echelon I and Echelon II leaders. The chief justice proposed applying the new competency profiles to the new guidelines on transfers and promotions.

Through the new competency profiles, the Supreme Court should be able to improve staff evaluation, recruitment, and selection and identify the best candidates for each respective position, particularly for leadership positions in the courts.

### ***Individual Assessment Echelon II and Echelon III***

In conjunction with the Supreme Court's efforts to define competency profiles and to develop standardized guidelines for transfers and promotions, the Supreme Court, the C4J Project, and a local subcontractor began an assessment of staff working in Echelon II and Echelon III positions in the Supreme Court. The assessment was made based on the competency profiles for case management-related positions in the general high courts and district courts, which were developed throughout 2012.

In preparation for the assessment, several meetings were held with Echelon I positions and the Deputy Chief Justice for Advancement in his capacity at the time as Head of the Human Resources, Assets, Planning, and Finance Working Group. In April 2013, C4J staff and the local subcontractor met with the Supreme Court's Echelon I leaders to review the final competency profiles and instruments/tools to be used for the assessment, such as interview questions to be asked, role-play guides, and score sheets.

The competency profiles for Echelon II positions were developed through desktop analyses and comparisons with other government institutions such as the Attorney General's Office, the Ministry of Finance, the Ministry of Education, and the State

Personnel Body. The individual competency assessment was conducted for 28 Echelon II staff and 10 Echelon III staff. The results of the individual assessments were delivered to the Supreme Court Secretary and Head of the Administrative Unit (BUA). The individual assessment program was aligned with a human resource reform monthly discussion series, one of which featured the head of Civil Service Competency Assessment from the State Personnel Agency (BKN), as key speaker.

### ***Human Resources Reform Monthly Discussion***

In conjunction with other human resources reform activities, the Supreme Court expressed interest in learning from the experiences and best practices of other ministries, government institutions, and the private sector. The C4J Project facilitated a series of four monthly discussions on human resources reform at the Supreme Court as follows:

- *Session 1:* “Harmonization of the organization, procedures, and human resources through the implementation of competency-based human resources,” led by the Corruption Eradication Commission (KPK) and the Ministry of Finance.
- *Session 2:* “Best practices for conducting a competency assessment and its benefit to development and career planning,” led by the Assessment Center of the State Personnel Agency
- *Session 3:* “Competency standards and career path of IT functional positions”, led by the Central Statistics Agency (BPS)
- *Session 4:* “Performance targets for civil employees,” led by the State Personnel Agency, and “The public institution performance accountability report,” led by the Ministry of State Personnel and Bureaucracy Reforms

In addition, a retired head of human resources from the formerly state-owned national oil company Pertamina was invited to participate in subsequent discussions in the fourth session (Performance Targets for Civil Employees), during which she shared her experiences developing and implementing key performance indicators during the transformation of Pertamina from 2010 to 2013.

Participants commented that the monthly discussions with other Indonesian institutions and experts on human resources reforms:

- Provided a forum to share knowledge and experience
- Created a comfortable venue for learning about best practices and lessons-learned in human resources management and planning
- Offered an opportunity for human resources professionals and court leaders to come together to discuss reform needs and challenges

The discussions reinforced the vision and strategies for defining competencies, conducting individual assessments, defining career paths, developing human resources capacities, and creating professional IT positions in the courts.

### **Certified Human Resources Professional Program (CHRP)**

To strengthen the capacities of the Supreme Court's human resources personnel, C4J facilitated the CHRP program, in coordination with the Supreme Court and the University of Atmajaya, from August to November of 2013. Following an application process, students were selected from among Echelon III and Echelon IV officials from the Supreme Court's Personnel Bureau, Planning Bureau, Finance Bureau, Directorate General for General Court (*Badilum*), Directorate General for Religious Court (*Badilag*), and Directorate General for Military and State Administrative Court (*Badilmiltun*).

The urgency in implementing the CHRP program corresponds to the Supreme Court's Blueprint, which states that all reform paths should be strategic, comprehensive, structured, planned, and integrated with the Human Resources Management System. The CHRP also corresponds to the Supreme Court's objective that its Human Resources Management System be "competency-based" and, ultimately, that appointing the right leaders with appropriate, requisite leadership and management skills will support and sustain the emergence of a "performance-based" organization.

The CHRP program addressed technical issues of change management, organizational development, performance management, job analysis, roles of leaders, human resources audits, competency-based human resources management, strategic human resources planning, workforce planning, recruitment and selection, learning and development, knowledge management, career planning, career development, talent management, job evaluation, and applying merit principles for public service. Of the 30 participants, 28 successfully completed the 11-week program,<sup>5</sup> with three students being recognized for outstanding performance.



*CHRP students in a discussion on "Human Resources Function and Management in the Supreme Court" and how roles and responsibilities are implemented.*

---

<sup>5</sup>A written thesis was required at the end of the program. The deadline was extended once. Because the majority of students were cooperative and completed their work on time, the project determined that it would have been unfair to offer more extensions to those students who had failed to make reasonable efforts to complete their work on time. Hence, in consultation with the Supreme Court and the university, two students were removed from consideration for graduation.

Since their graduation, the graduates of the CHRP program have been champions of Supreme Court human resources reform. They have participated in meetings to develop strategic recommendations and to provide clear guidance and leadership in developing a competency-based human resources system for the Supreme Court and its lower courts. The Supreme Court has expressed its commitment to sustain the CHRP program in future years by engaging the CHRP alumni in the evaluation, revision, and implementation of human resources strategies and performance.

### ***Development of Career Paths for IT Positions***

One of the most significant successes of the C4J Project was the implementation of the CTS. By the end of the project, all 350 general district courts and 30 general appellate courts had implemented the system. With the CTS in place, the Supreme Court recognized the need for competent, professional IT staff to operate and sustain the application - and IT systems generally - in the courts. The project found that approximately 75 percent of courts do not have permanent IT staff officially employed (as civil servants). Instead, past practice had been to hire “honorary” employees (paid unofficially by the court) or outside subcontractors, because there were neither well defined court budgets nor an established career path. This has posed an increasingly serious threat to the courts as more data must be maintained in the automated systems, and because current data and systems are being entrusted to persons who may not be fully qualified to manage the information and/or are not fully accountable to their court.

The Supreme Court and the project also observed a growing challenge from each type of court - and under the authority of three separate directorates general - being allowed to manage their own IT systems, and define their own data standards and IT staff needs. Because a key focus of human resources reforms was to develop objective, standardized performance measures, all court systems must transition to produce and manage comparable data.<sup>6</sup>

The Supreme Court determined that, under government regulations, there were two ways to develop an IT career path in the courts, a structural position or a functional position. A structural position must be defined in the organizational structure: If it is not defined in the structure, then reorganization is required. A functional position can be implemented within the current organizational structure. The Supreme Court has readily accepted that IT staff must possess relevant competencies to carry out their duties and responsibilities. The Court has agreed that, because IT positions are not defined in the courts’ organizational structure, the best approach is to focus on creating new functional positions within the existing organization.

As a result of the new Law No. 5 of 2014 on Civil Servants (ASN), the transition to professional IT career staff will become much easier through a Civil Servant Work Agreement (P3K) system. Through P3K, IT staff who are honorary employees may be elevated without the long process needed to become a civil servant candidate and then

---

<sup>6</sup>Without data standards, different types of courts cannot be compared with each other. For example, religious and general courts manage similar types of civil cases, and military and general courts manage similar types of criminal cases. Their performance can only be compared and evaluated fairly if they are recording cases in the same way and applying the same standards.

civil servant. They may be recruited as a government employee through a contractual system. P3K implementation is currently waiting for government implementing regulations from the State Personnel Agency.

The creation of IT functional positions has been embraced by the Supreme Court as an essential reform. The Supreme Court's Personnel Bureau, in cooperation with the C4J Project, has assigned a team of five of its most outstanding CHRP graduates – representing the Personnel Bureau, Planning Bureau, *Badilum*, and *Badilag* – to lead in creating and implementing the new IT career path. The work has already begun through identifying and mapping out tasks and responsibilities of IT activities in the courts using questionnaires distributed within the Supreme Court and four first-instance and appellate courts. The C4J Project has facilitated coordination with the Central Statistics Agency, BPS, as the government institution assigned to review civil service reforms relating to information technology, based on analysis of IT tasks and responsibilities in the Supreme Court and its lower courts.

A recommendation was submitted to BPS for implementation of a credit points system for IT staff in the courts, per Regulation No.16 of 2008, on Technical Guidelines for Credit Points Evaluation for IT Functional Positions. BPS approved the recommendation on May 4, 2015. Currently, the Supreme Court is establishing a decree/circular signed by the secretary of the Supreme Court to formally implement the credit points system.

## HUMAN RESOURCES REFORM: ROAD MAP

### Short-term Recommendations

- Prioritize the development of chief judges and secretary/registrars, and offer another route for development and promotion of judges who lack the sufficient leadership and management skills to serve in those executive-level court management positions.
- Apply the new competency profile, competency dictionary, and individual assessment methodology to the assessments, promotions, and transfers of all court leaders, including chief judge, deputy chief judge, secretary/registrar, and junior registrar.
- Use the individual assessment and competence methodologies as a basis for new, advanced technical, management, and leadership training, e.g., CJE III, under the Supreme Court Training Agency.
- Consistent with the authority delegated to the high courts, grant full authority to the high court chief judges to recommend staff promotions and transfers, and make them directly accountable for adhering to the new performance assessment system based on competencies.
- Accelerate the implementation of IT functional positions across all courts, and ensure that IT positions are allocated based on case workloads.
- Sustain the development of judges through future development and implementation of the CJE II Program and the Master's Degree Program on Judicial Practice.
- Develop a new CJE III Program focused on development of court leaders, especially on advanced case management and leadership.
- Sustain the development of assistant ("acting") registrars through future development and implementation of the CARE Program.

- Develop a new continuing education program (CARE II) for assistant (“acting”) registrars with more than five years of experience.
- Continue regular coordination with the Ministry of State Apparatus Reform and other government institutions on the Supreme Court’s reform agenda.
- Apply the new IT career path to support all first-instance and appellate courts and the Supreme Court, including a vertical system of supervision and accountability, to ensure all IT policies and decisions are directed from a centralized IT Center instead of from individual court leaders. This will require strict guidance through standard operating procedures.
- There is a proposal to separate the functions of “registrar” and “secretary” in the first-instance and appellate courts, based on Law No. 49, 50 and 51 of 2009. However, it is the best practice in modern court systems worldwide to have only one executive-level manager/administrator. Creating two high-level positions for registrar and secretary positions is not justified because there is not enough work for two executive-level positions (the two positions have been effectively combined already for years), and it would be very expensive to create another executive-level position. Further, it would lead to confusion and conflicts in the management of the courts, and administrative burdens for oversight and management are already being streamlined through the implementation of IT. (The separation of registrar and secretary in the Supreme Court is completely different because the registrar focuses on the Supreme Court, and the secretary oversees the administration of all others, i.e., more than 800 courts. Therefore, the Supreme Court secretary functions, in effect, as the head of a judicial council.)
- Implement a central Human Resources Agency to manage all human resources under a standardized fair, transparent, and accountable system within the courts. The process should continue gradually through the medium term, starting with coordination and integration of roles and responsibilities of each human resources unit in the Administrative Agency (BUA) and each of the three directorate generals.
- Ensure that new positions of IT functional staff are not assigned duties of data entry. Data entry must remain the primary responsibility of other staff responsible for the case and case file.
- Implement the Civil Servant with Work Contract (P3K) by evaluating existing honorary staff and assessing their potential for supporting the courts as professional IT functional staff.

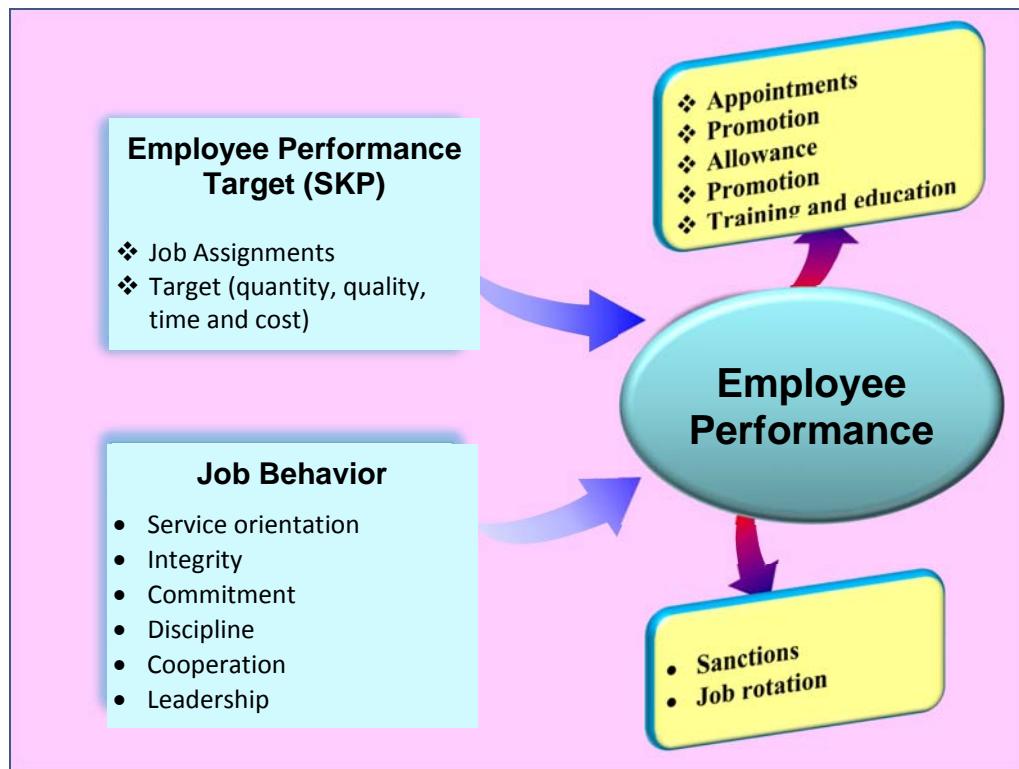
### **Medium-term Recommendations**

- Apply the competency profile, competency dictionary, and assessment methodology for other court positions below the level of court leaders/managers, especially for new IT functional staff.
- Apply the new competency profile, competency dictionary, and individual assessment methodology for the promotion and transfer of all court staff.
- Apply the transfer system to any court staff where there is a serious deficiency in the court that must be repaired, such as significant backlog, poor administrative and management support, or unprofessional conduct. For example, this could be in the form of a “special backlog reduction team” or “transfusion” when the problems in the court are particularly serious or a more dramatic change is required to fix the problem.

- Sustain the CHRP Program and lunch discussion series with a special budget allocation.
- Sustain the training programs developed for IT staff for new IT functional staff, and educate all judges and court staff on appropriate roles and responsibilities of IT functional staff and the importance of accurate and timely data.
- Develop new functional positions in the courts, e.g.. Public Information Officers, to enhance and manage all integrated public services, including the information desk, legal aid office and other legal aid services, security, civil case services, media room, and public relations.

### **Long-term recommendations**

- Allocate staff based on the filing trends of caseloads and complexity of cases in each court, and allocate more judges and support staff wherever there are needs for a “special backlog reduction team”. This may begin through a workload analysis, as required by the ASN (Civil Servant Apparatus) Law of 2014, on Hiring and Promotion.
- Limit transfers and promotions of candidate and mid-level judges by keeping them within a region so that the respective supervisory high court can monitor their professional development and conduct over an extended period of time. For transfers outside of a region, implement a transparent application process which is monitored and supported by the high courts.
- Conduct all promotions and transfers based on the results of individual assessments, including performance in the CTS, public service, and training programs. The ASN Law requires all public institutions to develop staff work targets as a reference for their performance assessment. Performance-based budgeting sets a similar requirement. The individual assessment system needs to use such targets, which also should be made publicly available to ensure accountability.
- Staff assessments and promotions should be managed regionally by dedicated staff working within the high courts to keep the human resources assessment system manageable and affordable.
- Implement a central Human Resources Management Agency to oversee and manage all human resources under a standardized fair, transparent, and accountable performance measurement system within the courts.
- The central Human Resources Management Agency must be led by a human resources management expert, who is experienced with reforms and working with government institutions responsible for monitoring reforms.



*Staff performance assessment, based on staff work targets and job behavior, is illustrated above.*

## BUDGET AND FINANCE REFORM

### *Study on Judiciary Budget Independence*

The Blueprint states that the Supreme Court's strategic objective is to achieve "judicial budget independence" as an integral part of independence of the judiciary. The Blueprint outlines steps for achieving budget independence, including:

- Fostering a common vision on judicial budget independence, both among the types of courts within the judiciary and among the other branches of government
- Assessing relevant laws on independence of the judiciary
- Determining the appropriate level of judicial budget independence, and appropriate mechanisms of accountability among the three branches of government
- Promoting the development of laws that strengthen budget independence of the judiciary

Considering the importance of budget independence to reform of the judiciary, the Supreme Court, in cooperation with the C4J Project, conducted a study on judiciary budget independence in Indonesia. Through subcontractor Paramadina Public Policy Institute, the study was initiated in June 2013. The study applied a qualitative methodology, including:

- Identifying, gathering, and developing a shared vision on budget independence among the Supreme Court, the Finance Audit Body, Parliament, the Ministry of Finance, and the National Development Planning Agency
- Identifying, gathering, and assessing Indonesian laws, regulations, and practices, and providing recommendations on amendments or new laws to support increased budget independence of the judiciary
- Examining the impacts of legislation related to judicial independence on the independence of judicial decision-making
- Reviewing relevant international best practices that could be applied in Indonesia
- Examining and determining the appropriate level of budget independence of the judiciary in relation to Indonesia's system of laws and financial systems



*Participants, including from the Supreme Court Secretariat, National Development Planning Agency, Commission III of the Parliament House of Representatives, Ministry of Finance, C4J, and PPPI during the second discussion session on judiciary budget independence.*

The results of the study were presented at a joint meeting in February 2014. Attendees included the Secretary and Echelon I leaders of the Supreme Court, the Deputy II Director of Budget at the Ministry of Finance, a member of Commission III of the Parliament, and the Director of Legal and Human Rights at the National Development Planning Agency (*Bappenas*). The study and subsequent discussions revealed that three factors impact budget independence of the judiciary in Indonesia: legislative policy, budget policy, and the internal capacities of the judiciary. The dimensions of improvements needed for reforming the internal capacities of the judiciary are substantial. The necessary solutions are fully within the authority of the Supreme Court. Thus, internal capacity reforms to achieve judicial budget independence should be the priority.

---

## **Lessons Learned**

The main challenge of the Supreme Court to develop its internal capacities for financial management has been defining precisely how to implement a performance-based budgeting system.

The Supreme Court must develop standardized performance indicators that capitalize on data made available on courts' and judges' performance from applications like the case tracking system. The Court must analyze and define standard costs, and conduct regular, well-executed performance evaluations of programs and activities. These efforts must be consistent across all types of courts.

The current system of developing and managing budgets differently among the three directorate generals is a substantial impediment to improving internal capacities. A standardized, well managed, performance-based budgeting system cannot be achieved if responsibilities are divided among separate directorates.

The C4J Project has recommended that internal capacities must be strengthened and unified under one Supreme Court agency that is dedicated only to budgeting and financial management. Such a reform will increase the Supreme Court's capacity to manage all courts, increase the Supreme Court's credibility with the Ministry of Finance, and it will contribute to the development of improved budget and legislative policies on the courts.

---

## **BUDGET AND FINANCE: ROAD MAP**

### **Short-term Recommendations**

- Enhance judiciary budget independence by revising regulations to increase the Supreme Court's authority to manage its budget independently. The Ministry of Finance and Parliament should agree on performance benchmarks that, if met by the Supreme Court, come with a reciprocal agreement to allow the Supreme Court increased levels of independence to manage its own budget.
- For the transition to performance-based budgeting, create a performance management system and performance indicators, standard costs, and evaluations of operations and activities throughout the court system consistent with international best practices.
- Prepare an effective case classification system for identifying costs and performance per type of case.
- Based on a study of business processes, workloads, and costs incurred, determine the standard costs for managing each type of case.
- Performance evaluations should be conducted based on the performance indicators defined in the Supreme Court's strategic plan. The Supervision Agency (*Badan Pengawasan*) and supervisory judges, in the Supreme Court or High Court, should be trained to effectively conduct performance audits in their respective courts. The capacity to effectively apply performance-based budgeting and human resources performance measures should be a requirement of all court leaders.
- If the performance benchmarks defined by the indicators are not achieved, the Supreme Court should be given sufficient time to diagnose the problem and take necessary action to ensure that performance targets are achieved in future. Those

- actions may include adjusting/restructuring court business processes, delivering capacity building programs, or providing directives to judges and court staff.
- Pilot the new performance-based budgeting system and performance measures in pilot courts to evaluate their implementation.

### **Medium-term Recommendations**

- Expand the implementation of the new performance-based budgeting system and performance measures to other courts after successful completion and evaluation in the pilot courts.
- Apply the performance-based budgeting system strictly to ensure the sufficiency of budget allocations for human resources, local training and mentoring programs, IT, and court facilities to support modernization in case administration and management.
- Monitor all reform programs supported by donors and, if the programs are successful, plan two years in advance to allocate sufficient budget funds to sustain the donor-funded activities at the end of these projects.

### **Long-term Recommendations**

- Implement a central Financial Management Agency to manage all budgets and expenditures under a standardized, fair, transparent, and accountable system within the courts. The organizational structure of the Supreme Court creates an obstacle to effective performance-based budgeting because it compartmentalizes financial and budgetary management in the courts. This is clearly evident in the separate offices in each of the Echelon I-level offices and directorates general for each type of court. The current organizational approach is inefficient, fosters inconsistencies in financial policies and practices, and is an impediment to achieving judiciary budget independence.
- Performance assessments must be consistently applied across all types of courts (e.g., civil case performance in general courts compared to civil case performance in religious and administrative courts), to support strategic and long-range financial planning and budget requests for the entire judiciary.
- The central Finance Management Agency must be led by a budget and financial management expert, who is experienced with reforms and working with the Ministry of Finance and Parliament.
- Consolidate all budget offices under the Echelon I-level Financial Management Agency as follows:
  - The Director's Office* should perform financial management and budget oversight and control, facilitate short-, medium-, and long-range strategic financial management and budget planning
  - The Policies, Procedures, and Internal Controls Division* should oversee and manage the development and implementation of all enterprise-level policies and procedures, ensure internal consistency and coherence of financial management and budgetary policies and procedures in the secretariat and the lower courts, develop a systematic national framework of internal financial controls in all lower courts, and implement a requirement for financial audits of all courts and agencies

- *The Finance Division* should oversee and monitor the management of all financial activities in the courts and entities under the secretariat.
- *The Budget Division* should be responsible for all budget activities in the courts and entities under the secretariat.
- Allocate budget funds based on the filing trends of caseloads and complexity of cases in each court, and allocate more staff and resources where there are needs for a “special backlog reduction team”.
- Implement a rewards or incentives system to recognize those courts that manage their budgets and expenditures more effectively and transparently.
- Fully implement the new performance-based budgeting system and performance measures in all first-instance and appellate courts in Indonesia.

### ***Legal Aid Services in the Courts***

During the fifth year of the C4J Project, the project staff reviewed budget performance in cooperation with *Badilum* and identified the country’s best performing courts at managing their legal aid budgets. Based on its review, the project sent staff to Balige and Tarutung District Courts in North Sumatra in February 2015, where they found that the greatest success of those district courts was the services that they had preserved for conducting hearings outside of the court building (*sidang diluar pengadilan*) at special locations funded by the court (*zittings plaats*). The C4J Project found that hearings outside of the courts effectively allowed parties to travel shorter distances and thereby lower the costs and timeframes for completing hearings. The project also observed mobile court hearings at the Stabat District Court in North Sumatra, which has been able to much more efficiently dispose of a high volume of civil petitions through “mobile court” days in its surrounding communities.

### ***Information Technology in the Courts***

In its Blueprint, the Supreme Court determined the guidelines for case management reform focused on modernization of business processes and public services. To support modernization, the C4J Project worked in close cooperation with the Supreme Court in developing an automated CTS. The priorities of the CTS were to make case information from each first-instance, general district court freely available to the public at each court’s public information desk and website, to standardize data collection and reporting, and to report court, judge, and staff performance in real time to the Supreme Court.

Following the successful pilot of Version 1 in four courts, in Decree No. 788 of 2011, the Director General for the General Courts directed the C4J Project to develop CTS Version 2 within one year to support additional court processes as defined in the Supreme Court Bench Book. This was followed by the Director General’s Circular Letter No. 599 of 2012, officially adopting Version 2 of the CTS. By the end of 2013, based on a directive from the Chief Justice of the Supreme Court, all 350 district courts had implemented Version 2 of the CTS, which automates all types of cases and produces automated performance reports. Version 2 was followed by Version 3 in 2014, and the application has gained recognition among court leaders and staff as an effective tool for managing cases and public information.

The Supreme Court has declared that the CTS is the only case management and information system for the general courts, making it essential to be forward looking in

using the application to support court administration. With this objective in mind, the C4J Project collaborated with the Supreme Court to develop a CTS Roadmap, which proposes a five-year development plan for the CTS and related reforms from 2015 to 2019.

In the middle of 2014, the C4J started to develop the CTS Roadmap in collaboration with the Supreme Court's Head of Facilities Maintenance for Information Technology and the Directorate General for the General Courts (*Badilum*). As the first step, C4J's budget and finance specialist joined various CTS training sessions, conducted by the Supreme Court's CTS Development Team, to gather information for the CTS Roadmap's framework. The Roadmap was refined through a series of focus group discussions between the C4J team and the Supreme Court Case Management Working Group beginning in October 2014. In finalizing the CTS Roadmap, after completing revisions based on a review by the Case Management Working Group, the C4J team also met with Supreme Court Head of Civil Chamber Justice, Djafni Djamal.

The finalized CTS Roadmap encompasses reforms in:

- Case management and administration
- Streamlined business processes
- Budgetary requirements for hardware, infrastructure, facilities, and other resource needs
- Human resources, including division of responsibilities and an IT career path for full-time professional technical support
- Monitoring and supervision
- Training programs
- Research based on CTS data, and data from the other types of courts, through a new, advanced Research Center
- Software development and IT support for implementation of the CTS
- Public services

To support the future enhancements to the CTS, the Supreme Court has begun implementing new reforms. It has allocated a budget for CTS server procurement in first-instance general courts in 2015 of IDR 40 million per court. The Supreme Court has also prioritized the establishment of an IT center within the Supreme Court, under an Echelon II leader, while the units at the high courts and first-instance level courts would be filled in by functional IT staff.

## COURT BUSINESS PROCESS AND ADMINISTRATION REFORM

Indonesia's courts have relied on written processes for managing their cases for years, but modern judicial systems have introduced efficiencies and better public services through the implementation of automated systems. In Indonesia, challenges of manual systems have included long waits to obtain information about cases, difficulties monitoring cases against required time standards such as detention periods, and obstacles to collecting and aggregating timely and accurate case data from all courts for the Supreme Court's Annual Report. Examples of manual processes that have been re-engineered to be more efficient through automated systems include, register books, court forms, fee management, and performance reports.

Effective use of IT to modernize the courts has been a priority reform of the new Judicial Reform Blueprint since 2010. One purpose of IT automation is to improve access to data. The transition to improved access to data began with a key reform in 2007, following the Chief Justice's Decree (SK) No.144 of 2007 on Disclosure of Court Information. The 2007 decree was replaced by Decree No.1-144 of 2011 on Guidelines for Public Access to Information in the Courts. The decree sets new standards for ensuring information transparency and for fulfilling the public's right to court information as guaranteed in Law No.14 of 2008 on Public Information.

### ***Automating general district courts through development of the case tracking system***

For the first two years of the C4J Project, efforts to improve case management were directed at developing and piloting Version 1 of the CTS. During this initial period, the Supreme Court and C4J staff cooperated to:

- Assess earlier automated solutions implemented in the courts, particularly the complex case management system, or CMS, implemented in five general district courts
- Survey all courts in the country through a Court Automation Readiness Survey (CARS), describing courts' readiness to implement automation
- Assess four general district courts selected by the Supreme Court to pilot Version 1 of the CTS: Bandung (West Java), Palembang (South Sumatra), Samarinda (East Kalimantan), and Surabaya (East Java)

Based on the assessments and court visits, the Supreme Court and C4J Project agreed not to adopt previous systems piloted in Indonesia, and to develop a new, more simplified Version 1 of the CTS as a basic, automated application for tracking only key performance indicators and the data required under SK 1-144 of 2011, i.e. cases filed, cases disposed, and intermediate hearing events for a few types of cases. The project and the Supreme Court agreed that, if the court adopted the application, CTS would be scaled-up over time to increased levels of complexity in conjunction with streamlining manual processes.

After a pilot period of more than one year, the Supreme Court agreed to adopt the CTS and to authorize the development of Version 2, per Decree No. 788 of 2011. This was followed by the Director General's Circular Letter No. 599 of 2012, officially adopting Version 2 of the CTS as the official case information management application for all of Indonesia's general courts. The Supreme Court thereafter allowed the C4J Project to continue development of the CTS to Version 3.



*Governor of Bali, I Made Mangku Pastika, accesses the Case Tracking System Version 2 launched in Denpasar District Court on 17 December 2012. With him are the Chief Justice, Hatta Ali, the Supreme Court's Director General of Directorate General for General Court, Cicut Sutiarso, the Supreme Court's Head of Legal and Communication Bureau, Ridwan Mansyur, and USAID Mission Director, Andrew Sisson.*

Implementation of each version of the CTS came with requirements to streamline manual processes. Version 2 of the CTS included case management reforms to monitor and create alerts for cases with defendants reaching the limit of their detention period, to report the location of each hearing (for hearing rooms and for hearings outside the court), to automate performance reports, and to aggregate and disaggregate data by customized queries in the Supreme Court. Version 3 of the CTS included case management reforms to standardize case numbers and naming conventions for the courts, to implement shorter time standards for all cases (per Supreme Court Circular No. 1 of 2002 and Supreme Court Regulation No. 2 of 2003), to report gender data, and to standardize and automate court orders, minutes, and decision forms.

During implementation of Version 3, the director general for the General Court issued Circular No.3/DJU/HM.02.3/6/2014 on IT-Based Court Administration in the General Courts. The circular letter directed all general district and high courts to ensure complete, timely, and accurate documentation, storage, management, and publication of all case data through the CTS. The circular letter also directed the general courts to:

- Process all incoming cases through the CTS, from January 2, 2014, forward, he
- Refrain from using any other case processing application that has the same functions as the CTS
- Enter all court data within 24 hours from the time of the transaction or case event
- Acknowledge all documents produced by the CTS as having the same legal force as the ones manually produced, as long as they have an authorized signature
- Monitor the online CTS implementation map



*Court staff input case data from the Registry Book to the CTS during a C4J-facilitated training. Each version of the CTS included streamlining manual processes.*

On March 24, 2015, the Directorate General for the General Courts issued Circular Letter No. 353/DJU/SK/HMO2.3/3/2015 on procedures for use and supervision of the CTS in high and district courts. This circular letter serves as the standard procedure for implementation of the CTS by all general first-instance courts and for supervision of CTS performance by the high courts.

#### ***Case Information Management Summit (CIMS)***

Following the completion of the Court Automation Readiness Survey, and during implementation of Version 1, the Supreme Court and C4J Project cooperated on a three-day Case Information Management Summit, held on March 12-14, 2012, to:

- Review international best practices
- Build a shared vision within the judiciary of necessary reforms to implement a progressive case information management system, improve access to information, re-engineer business processes, and manage organizational change
- Sharpen the focus and requirements for the CTS application that was under development
- Produce recommendations on how to achieve the envisioned reforms

Through the summit, participants, including Supreme Court leaders, were exposed to IT reforms underway in the courts and were encouraged to think innovatively and creatively about implementation of new technologies and organizational change. Speakers included the Supreme Court Chief Justice, other Supreme Court justices, the head of *Humas*, directors general for the general and religious courts, a former State Minister for State-owned Enterprises, a former Corruption Eradication Commission (KPK) chairman, and high court and first-instance court judges.

## **Supervision**

With Version 3 of the CTS, the supervisory system was enhanced to enable chief judges, high courts, the directorate general, and/or the Supreme Court to monitor the performance of courts, individual judges, and support staff. Version 3 provides the Supreme Court with an integrated database for monitoring performance at the levels of district courts and high courts, and a reporting system for monitoring courts for data synchronization with the Supreme Court server to provide multiple levels of transparency and accountability. In early 2015, a new Supervision Training Program was implemented jointly by the Training Agency and Supervision Agency.

The system of supervision has been strengthened through the development of the CTS Indicator Map. The map, shown below, is a reform implemented without support from C4J, and it represents one of the greatest reforms implemented by the Supreme Court.



Shown above is a CTS Version 3 indicator map for the general district courts (as per April 24, 2015). High courts which have implemented the CTS, and have a daily clearance rate of 75 percent or higher or data synchronization of less than 24 hours, are marked in green. Should the courts have a daily clearance rate between 50 percent -75 percent or synchronization of less than 24 hours, the CTS indicator is yellow. Those high courts that have not yet implemented the CTS and/or have a clearance rate below 50 percent or synchronization in more than 24 hours are marked in red. A clearance rate is the ratio between cases disposed and cases filed. It is an indicator for whether the courts are keeping up with their cases.

The CTS enables any user with access to generate customized case statistics for both the general district and high courts based on a specific time period, type of case, etc. for:

- Pending cases from previous period
- Cases filed
- Cases disposed
- Cases pending
- Clearance rate
- Backlog (cases exceeding the required time standard, e.g., five months for district courts, or as provided by law)
- Cassation

- Appeals
- Execution of judgments
- Clemency

Using the online CTS map, the public is able to monitor all cases in the first-instance level general courts. The Supreme Court has set a higher, more ambitious standard for monitoring courts than most other court systems internationally. Instead of tracking merely the standard clearance rate, the Supreme Court also created an indicator that tracks the number of cases disposed divided by the total number of cases filed and pending cases. This is a much more challenging indicator and it is intended by the Supreme Court to motivate all courts to eliminate their old and pending cases.

The C4J Project has recommended that, in the future, the Supreme Court should enable the public to monitor the following quantitative data:

- Clearance rate: the number of cases disposed divided by the number of cases filed
- Percentage of pending cases that are backlogged (older than five months)
- Data synchronization period (at least every 24 hours)

### ***High (Appellate) Court Visits***

Following the advancement of Version 2 of CTS, the scope of the application was extended to include case management and supervision by the high courts. Version 3 automates the management of appeals from the first-instance general courts and makes it easy for the supervisory judges in the high courts to get real-time, online data and case statistics in the first-instance courts. This enables the monitoring of the first-instance courts from the high court and cuts costs and travel time of in-court inspections.

Recognizing the importance of high court supervision through the CTS, the Directorate General for the General Courts (*Badilum*) and the C4J Project monitored CTS implementation and public services in a select number of high courts in:

- Gorontalo, Gorontalo (January 21, 2015)
- Bangka Belitung, Bangka Belitung (January 28, 2015)
- Samarinda, East Kalimantan (February 4, 2015)
- Medan, North Sumatra (February 11, 2015)
- Denpasar, Bali (February 19, 2015)
- Mataram, West Nusa Tenggara (February 23, 2015)

Staff from *Badilum* participated in all visits. The Director General and the Director of Administration from *Badilum* joined the visits to the high courts in Medan, Mataram, and Denpasar. The visits provided strong leadership on behalf of the Supreme Court in support of improved monitoring and supervision through the CTS.

### ***Standardization of Court Documents***

Following the implementation of Version 2 of the CTS, the Supreme Court and the C4J Project began working together to standardize and automate the templates for general

court case orders, minutes, and decisions for all civil and criminal cases. These templates were designed to:

- Standardize the production of court orders, minutes, and decisions to ensure continuity of court records and decisions among all courts in Indonesia
- Increase efficiency by making it easier to locate forms in an automated database
- Increase productivity and quality by generating the forms with the relevant case data inserted automatically, instead of having to type and/or re-type information each time
- Protect against loss or damage to forms by enabling the court to generate new copies
- Preserve copies of all orders, minutes, and decisions by creating an automatic backup of each completed court form
- Support supervision by making the work products of judges and assistant registrars more readily accessible
- Increase transparency and facilitate the uploading of decisions automatically in the Supreme Court's database of decisions

During 2012, the Supreme Court Case Management Working Group formulated the templates for general district court decisions, which were adopted in March 2014, by Supreme Court Decree (SK) No.44 of 2014. Expanding on the success of those decision templates, the Case Management Working Group and C4J dedicated themselves to creating templates for all other types of cases. The templates were successfully tested for the CTS at the Yogyakarta and Bekasi District Courts at the end of 2014. By March 2015, the Supreme Court had completed the standardization of a total of 423 templates for all general and special<sup>7</sup> categories of civil and criminal cases (Annex B). A Supreme Court decree adopting all of the templates and authorizing their use in the CTS was not issued by the end of the C4J Project. The task of promoting the decree, and adoption of the templates formally by the Supreme Court, was accepted by the EU-funded SUSTAIN Project, implemented by UNDP.

## COURT BUSINESS PROCESS AND ADMINISTRATION REFORM: ROAD MAP

### Short-term Recommendations

- Because the quality of case data is the single most important element for achieving all other reforms, the Directorates General must prioritize the supervision of case management and administration within the first-instance and appellate courts under their authority.
- Each appellate court chief judge must be directly accountable to the Directorate General for the performance of all courts under his/her authority in the region.
- The district court chief judge must be directly accountable to his/her respective appellate court for the smooth operation and management of his/her court and staff.

---

<sup>7</sup>Special civil cases include intellectual property, post-judgement bankruptcy, and labor. Special criminal cases include juvenile, corruption, terrorism, and human rights. Environmental cases, arguably, should be a special criminal case because of implementation of the “green bench” certification program by the Supreme Court.

- The registrar in each first instance and appellate court must have primary responsibility for supervising the management of case data in their respective courts including data entry by registry staff and assistant (“acting”) registrars, monitoring the performance of the junior registrars, submitting regular reports on their court’s performance to the chief judge, and making recommendations to the chief judge on improving court and case performance.
- Junior legal registrars in each court, working under the supervision of a registrar, must have primary authority for monitoring all court performance reports and ensuring that data is reported accurately, completely, and on time to his/her chief judge, registrar, appellate court, and Directorate General every month.
- The junior legal registrar should have primary responsibility for ensuring the quality of all data.
- The Supreme Court Supervision Agency and appellate court supervisory judges should prioritize supervision of performance and investigation of complaints through the CTS’s automated reports and online map to evaluate the performance of district courts, judges, and court staff.
- The Directorates General must coordinate effectively with all other Supreme Court agencies to ensure that effective capacity-building programs for judges and other court staff are delivered through formalized technical guidance (*Bimtek*) at the appellate courts to ensure that all first-instance courts’ personnel have the same understanding and skills in case management and operation of the CTS and that, as a consequence, all agencies are able to rely on data from the first-instance courts to improve their respective performance.
- The Directorates General should conduct regular inspections of data in the CTS and of the first-instance and appellate courts to ensure effective management of all cases, accurate, timely reporting of all case data, and effective delivery of public services.
- The Directorates General and appellate courts must sustain: a “special backlog reduction program” to dispose of old cases (older than five months), clearance rates of 100 percent or higher, and efficient management of all cases.
- On behalf of their Directorate General, each appellate court must sustain effective supervision over all first-instance courts under its authority by delegating specific supervisory responsibilities to its judges. Each judge should focus on one specific area of supervision, e.g., one supervisory judge should oversee the implementation of the CTS and management of cases in all first-instance courts to ensure consistency in quality and performance.
- The Directorates General need to be able to produce customized reports based on full access to all consolidated data on the Supreme Court’s server.
- Public requests for data should be directed to the appropriate Directorate General’s office.

### **Medium-term Recommendations**

- Court practices in classifying and recording cases are inconsistent. The Directorates General and the Supreme Court Case Management Working Group should begin developing new guidelines on case classifications and case definitions to improve the reporting of cases and performance-based budgeting.
- The Supreme Court and Directorates General should adopt standardized case classifications and case definitions for collecting performance data and comparing

performance of courts, judges, and staff across the different types of courts, especially civil cases among the general, religious, and administrative courts, and criminal cases among the general and military courts.

- The Supreme Court, Attorney General’s Office, and National Police should begin discussions on development of standardized case classifications, data collection, and data definitions for all criminal cases.
- The Supreme Court “decision database” should be linked to the CTS, and searchable by the public and judges among all courts, to support transparency, research, and improved decision-making. CTS decisions, through the decision templates function, should automatically upload into the decision database.
- It is essential that disputes be resolved as close as possible to the community where they arise because citizens cannot afford to travel long distances to pursue a case. Therefore, priority should be given to hearing even “special cases” in every general district court. For example, “juvenile” and “green bench” cases are heard in every district court, but “fisheries” cases are limited to only a few courts. The model of the “green bench” is the more effective model to follow.
- The case classification system must be improved for reporting special types of cases, especially those related to environment.

### **Long-term Recommendations**

- All courts should fully transition from manual register books to automated systems. This requires a migration strategy for shifting from manual registers to reliance entirely on the IT-based register (CTS). The full transition to electronic registers should be completed before 2018 (as proposed by the general appellate courts in the Action Plan from the C4J closeout meeting on April 28, 2015).
- All data in all types of courts should be reported the same way, compatible, and integrated for monitoring and comparing all types of cases for purposes of human resources performance, budget performance, public services, legal aid, supervision, etc.

## **INFORMATION TECHNOLOGY REFORM**

Development of information technology in the Supreme Court began in the mid-1980s with an application to register civil cases in the Supreme Court. In 2001, the Supreme Court Information System (*Sistem Informasi Mahkamah Agung Republik Indonesia*, or SIMARI) was introduced and, at about the same time, the Supreme Court implemented its first two websites.

Beginning in 2004, the Supreme Court “one roof” was established, whereby four types of courts in Indonesia were transferred from their respective ministries to a new judiciary structure under the authority of the Supreme Court. The four types of courts were absorbed within the structures of three Directorates General – General (*Badilum*), Religious (*Badilag*), and Administrative and Military combined (*Badimiltun*). SIMARI began being rebuilt from scratch in 2004 to encompass the needs of case management, personnel management, asset management, supervision and mentoring, library resources, administration, logistics and planning, and access to information via a new internet portal, SMS, and call center. Based on Supreme Court Chief Justice Decree No. 7 of 2006,

management of data processing and information management duties were delegated among the three Directorates General and the Legal and Public Relations Bureau (*Humas*) under the Administrative Agency to coordinate the implementation of IT.

By 2007, the SIMARI system was launched, the Personnel Bureau introduced its Personnel Management Information System (SIMPEG), the Directorate General for the Religious Courts (*Badilag*) pioneered its own open-source, licensed Religious Court Administration and Information System (SIADPA), and the Directorate General for the General Courts (*Badilum*) began development and implementation of an Oracle-based, non-proprietary, case management system for the Anticorruption and Commercial Courts within the first-instance general courts.

Thereafter, the Supreme Court began to abandon the fragmented approach to managing information technology, and to transition management of IT to its Administrative Agency, under the lower Bureau of Public and Legal Relations (*Humas*) two sub-sections, Information Technology Development and Maintenance, which previously had been carried out by a vendor.

The Chief Justice ordered all Directorates General and the courts under their authority to establish court information systems that were integrated with SIMARI in 2009. But when the C4J Project began in May 2010, there was still no integrated information system architecture to regulate implementation of technology and organizational management among the Supreme Court's Directorates General and lower courts. The development and implementation of information systems within the Supreme Court, Directorates General, and even individual courts were being executed based on individual initiatives without sufficient guidance, coordination, oversight, data synchronization, and focus on sustainability.

In 2010, the Supreme Court launched its IT Master Plan to guide the development of all automated information, and its new Supreme Court Blueprint, which sets the parameters for case management and IT reform. Per the Blueprint, the Supreme Court divided the reform agenda into the following three phases:

- Case management modernization
- Business process re-engineering and public service
- Integration of law institution service

Since 2010, the Supreme Court has made significant progress in realizing its vision for IT. In the process, however, it has learned that its reform agenda cannot be divided into phases. All reforms must happen at the same time. For example, the general courts have demonstrated that implementation of an automated system is achievable despite many obstacles, but they have also discovered that modernizing case management is not enough. Reforms are essential at the same time to accomplish the following:

- Re-engineering business processes, such as reducing the burden of manual reports and register books
- Sustaining public services – including information desks and legal aid – professionally and at all times at the court entrance

- Focusing on data to integrate it from all types of courts, ensure that data is entered and reported accurately, reliably, and on time, and to use case data to objectively assess the performance of courts, judges, and support staff
- 

### **Lessons Learned**

As the first-instance and appellate (high) courts have transitioned from manual processes to implementing all case data in the CTS, challenges have been identified that need to be addressed by the Supreme Court to sustain reform.

First, during visits to the district courts, many staff complained about the increase in their responsibilities or “double work”, because they are required to record case data manually in register books as well as electronically in the CTS. *Badilum* has issued a decree that staff may print the registers and reports from the CTS, but this information has not been disseminated well among the many courts. Thus, many leaders and staff in the general courts still feel obligated to use the register books. Other types of courts still mandate the dual entry of data into the register books and automated system.

Second, the public interfaces with IT are not yet well implemented. The public information desks, where the public should be provided with case information, are not yet adequately staffed full time with professional staff who are adequately trained to provide information. Further, the financial systems for tracking fee payments and legal aid services, such as prodeo costs of hearings outside the courts, are still severely inadequate.

Third, limited IT infrastructure and internet connections have affected the synchronization of data between the district courts and the Supreme Court database. Daily synchronization of data with the Supreme Court server is essential.

Fourth, the quality and timeliness of data entry is not yet optimum. To manage the courts more effectively and to transition to performance-based budgeting, the courts must become more precise in their data entry. This includes the need for consistency of data, and clearer classifications of cases, among all types of courts. Monitoring and supervision of data entry, and accountability for leaders and staff who fail to keep their data updated, must be increased.

---

### **Court Automation Readiness Survey (CARS)**

In September 2011, the Supreme Court and C4J began a survey to assess the level of readiness of Indonesia’s judiciary to implement automation. The Supreme Court had already conducted several baseline assessments: Asset Management in 2008, Website Assessment in 2010, and Information Technology Mapping in 2010. However, those assessments were limited primarily to the Supreme Court and did not compare all types of courts. The CARS, therefore, was conducted in cooperation with the Supreme Court in 800+ courts (all first-instance and appellate general, religious, administrative, and military courts) to produce an *Assessment Report on Court Readiness to Implement IT-based Public Information Services Based on the Supreme Court’s Blue Print, 2010 – 2035*. Questions addressed in the survey included the following:

- Human resources readiness in the courts
  - Understanding and skills of court staff toward IT
  - Internet usage
  - Availability of professional IT personnel in the courts (civil servants, subcontractors, and honorary staff)

- Designated operators for data entry<sup>8</sup>
- Software applications
  - Case administration applications in the courts
  - Website application availability
  - Public information display application availability
- Infrastructure
  - Electricity
  - Internet
  - LAN
- Hardware
  - Servers
  - Computers

The survey was distributed through the Supreme Court's national annual meeting website and collected during the annual meeting in September 2011, and through direct follow-up requests in early October 2011. Out of 800+ district and high courts, 734 courts responded.

The results of CARS were presented by the Supreme Court at the Case Information Management Summit in March 2013, to 86 judges and other court leaders from across Indonesia. The survey revealed that, in general, most courts are ready for a shift toward automation, given the introduction of IT solutions during the past decade. However, there are some important caveats, in which the primary structural obstacles were sufficient electricity and budgets. Another challenge was the existing technical and procedural practices, such as heavy reliance on paper-based processes and manual registers, which should be streamlined.

To verify the findings, C4J visited 22 sample courts to get a clearer picture of how automation, including CTS enhancement and business process re-engineering, could be better implemented across the court system. The verification visits found that guidance was needed through a Supreme Court Policy Paper on how case information should be managed in courts with few cases, poor infrastructure, and limited human resources, and how to prioritize and sustain court automation budgets.

Following the visits, the project developed an initial policy paper on institutional reforms within the Supreme Court and Directorates General and proposed business process re-engineering of procedures through Book II on Administration Control and Supervision. Recommendations on Supreme Court procedural rules and current court practices included potential efficiencies that could be gained via standardization and automation.

### ***Digital Audio Recording***

Prior to successful implementation of the automated case tracking system (CTS) in the general first-instance courts, the C4J Project provided six digital audio recording (DAR) units to three district courts (two units per court) in Bandung (West Java), Palembang

---

<sup>8</sup>There was a period when data could be assigned to “operators.” That practice is no longer allowed in the general courts. All professional staff, such as registry staff and assistant (“acting”) registrars, are required to enter their own data. Judges and senior registrars supervise their performance.

(South Sumatra), and Samarinda (East Kalimantan). These devices, manufactured by a company called For the Record, were expected to help the acting registrars to record hearing sessions, save and/or copy the recordings, and accurately produce minutes. Through DAR, voices of hearing participants are recorded on different audio lines so that their voices can be easily recognized and documented by assistant (“acting”) registrars to complete the hearing minutes.

Assistant (“acting”) registrars were trained on how to operate the DAR. The C4J Project, with assistance from International Court Services (based in Hong Kong), implemented a training-of-trainers (TOT) program in Palembang District Court in January 2012, to train representatives from the Supreme Court and the three pilot courts in Bandung, Samarinda, and Palembang on use and maintenance of the state-of-the art equipment. Following the TOT, training for judges and court staff of Bandung District Court and Palembang District Court were conducted in February 2012. The TOT participants from Bandung District Court successfully delivered DAR training for Samarinda District Court in December 2012. The training included instructions on how to ensure DAR devices were properly functioning and maintenance and filing of hearing documentation.

Following the training, the acting registrars were able to effectively operate DAR, resulting in accurate and efficient production of the official hearing records. However, despite the courts’ recognition of the benefits of DAR, the C4J Project found that the courts in Indonesia are not yet prepared to sustain and effectively manage the expensive complex DAR equipment.

---

### Lessons Learned

During the pilot phase, two DAR units were discovered not to be working properly. To replace the devices, the C4J Project researched complex repair/replacement options, as service and/or warranty options were not available in Indonesia. The replacements needed to be imported. The unavailability of devices, no access to repair within the country, and the related high costs, are impediments to the sustainability of DAR as a feasible solution in Indonesia.

However, other judicial systems have overcome those impediments. DAR would be a highly valuable resource for increasing the transparency and management of complex and high profile cases, such as corruption, if those impediments could be overcome.

---

### ***Case Tracking System (CTS)***

Based on earlier lessons learned, and the new direction set by the 2010 IT Master Plan, the C4J Project began developing a new automated system for the general courts in cooperation with the Supreme Court’s Case Management Working Group, Directorate General of the General Courts (*Badilum*), and *Humas*.

#### *Version 1*

Initial funding for this effort was provided by the MCC Threshold Program as a Special Activity under Component 3 of the C4J Project. The original intent of the MCC funding was to expand implementation of the Oracle-based case management system (CMS) that

had been developed by an earlier USAID-funded project, Indonesia Anticorruption and Commercial Court Enhancement (In-ACCE), and piloted in five general first-instance courts. However, the Supreme Court expressed its dissatisfaction with the earlier CMS because of its complexity, including the following:

- An Oracle-based system was expensive to procure and maintain, and required highly skilled IT staff to support the hardware
- The IT/communications infrastructure was not sufficient for affordably connecting all courts to a central Oracle server and, as a result, Oracle servers had to be procured for each of the five pilot courts
- The CMS was complex, with multiple functions and intensive data entry requirements by multiple persons
- The CMS was built from another system implemented in another country (Bosnia), thus offering limited opportunities for customization
- The complexity of the CMS required highly skilled IT staff to support the software, such as coping with glitches, usually from when staff fell behind entering data on a case, and modifying or enhancing the software
- Court staff (judicial and non-judicial) support was insufficient to keep up with the data entry requirements and to keep the data accurate
- The courts lacked sufficient budgets to sustain such a complex system and support staff
- The public could only access data at the court's public information desk, and even the Supreme Court could not access the data

Therefore, the C4J Project adopted a revised approach to automation that was more consistent with the Supreme Court's vision as follows:

- A system based on PHP and MySQL, which is open-source and most familiar to court IT staff
- A system that could run on any local server, including an individual computer, with even limited performance specifications, so that it could easily be expanded
- Limited functions and limited data needs allowed the design to focus on only key performance data and data required for public access
- A system that was easily customized to the requests of the Supreme Court, based on weekly consultations during the development phases
- A system that any IT staff member could easily learn to use regardless of their level of experience
- Data entry requirements were assigned to specific non-judicial support staff (but not IT staff), and judges were tasked with supervision responsibility
- While sufficient budget allocations are still essential, the initial budgetary needs were kept to a minimum (the C4J Project did not fund new hardware or infrastructure upgrades following the initial pilots)
- A system designed to push key performance data directly to each court's website, and a plan for later versions of the system (Version 2) to push data to the Supreme Court's server

Version 1 of the case tracking system CTS was developed for a limited number of types of cases for piloting in four general district courts in: Palembang (South Sumatra),

Bandung (West Java), Surabaya (East Java), and Samarinda (East Kalimantan). The design for Version 1 was based on the requirements of the Freedom of Information Law No. 14 of 2008, and Supreme Court Decree No.1-144 of 2011 on Public Information Services. The functional design was refined and validated through on-site visits at the four pilot courts.

At the time of implementation of Version 1 of the CTS, the general courts were also piloting a system developed by a local company. The C4J Project recommended that the Supreme Court choose only one application, and not pilot or allow alternative systems beyond the pilot phase. The project offered to provide support to whichever application the Supreme Court and the Directorate General of the General Courts (*Badilum*) chose. In September 2011, a team was appointed by the Supreme Court and *Badilum* to assess both automated systems in district courts where they were being implemented, Surabaya District Court and Kepanjen District Court. Based on the assessment, a new decree was issued by the Directorate General of *Badilum* in October 2011: Decree No.788 of 2011 on the Result of IT Monitoring and Evaluation Visit to the Kepanjen District Court. This decree authorized the C4J Project to begin development of Version 2 of the CTS, as the preferred application for the general courts.

---

### Lessons Learned

To support the implementation of the CTS, the IT teams of the Supreme Court and *Badilum* initiated a Facebook Group designed to ease coordination among IT staff of all general district courts. The group was established in 2014, and has been regarded as the most effective way of communicating among the courts. In 2015, the Supreme Court established a Communication Forum ([www.forkom.mahkamahagung.go.id](http://www.forkom.mahkamahagung.go.id)) as a formal communication mechanism among the district courts and higher level courts to promote knowledge sharing and understanding among all IT personnel in the first-instance and appellate level courts.

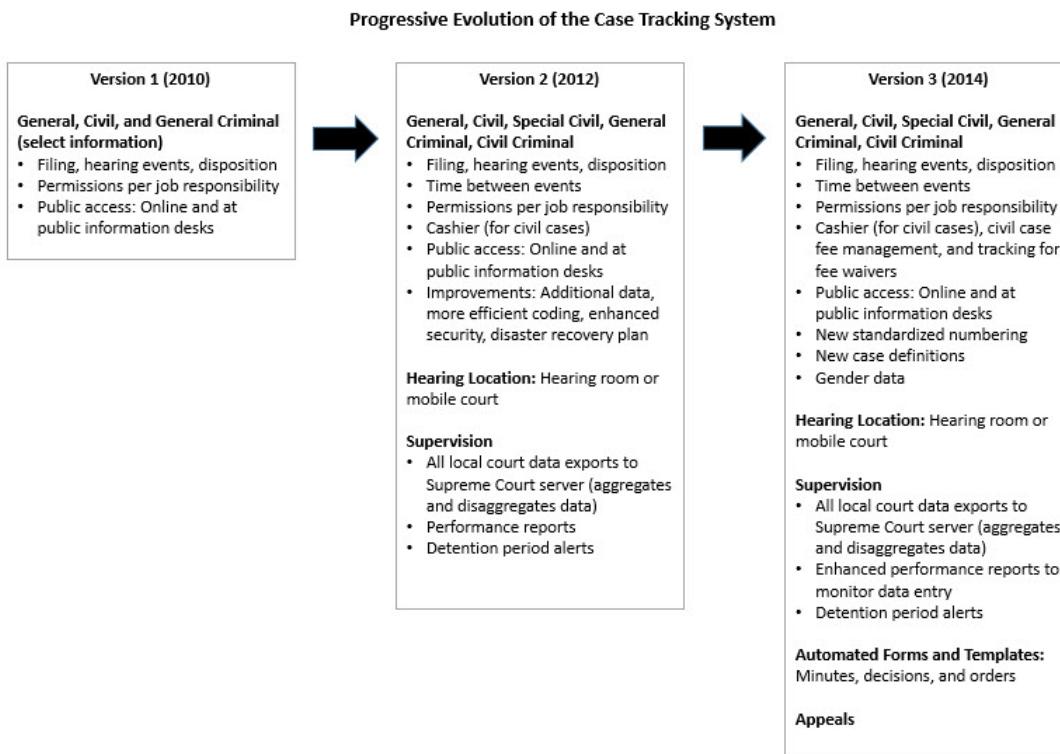
---

### Version 2

Following the decision of *Badilum*, the C4J Project issued a competitive request for proposals for a subcontractor to develop Version 2 of the CTS. A local subcontractor began development of Version 2 in April 2012, following approval of the subcontractor's proposed functional design by the Supreme Court and C4J. The enhanced version of CTS was piloted in the original four district courts, plus an additional five district courts in Medan (North Sumatra), Makassar (South Sulawesi), Semarang (Central Java), East Jakarta (DKI Jakarta), and Denpasar (Bali). Version 2 of the CTS was formally launched by the Supreme Court Chief Justice on December 17, 2012, at the Denpasar District Court. The launch also demonstrated the best example of a renovated public entrance and model public information services. The event was attended by the Chief Justice, the USAID Mission Director, and the Governor of Bali. The Governor of Bali expressed his support for the CTS and his hope that the application would improve court public services in Bali. In his speech to high court chief judges following the launch, the Chief Justice ordered them to ensure that all district courts implemented the CTS within one year, "before the dawn of 2013."

Although Version 2 of the CTS was piloted in only nine district courts, other district courts began experimenting with the application, which had been made available by the Supreme Court to any court that asked. By the end of December 2012, a total of 149 general district courts, through their own initiative, had implemented either Version 1 or Version 2 of the CTS.<sup>9</sup>

By August 2013, CTS Version 2 had been implemented in all 350 general district courts in Indonesia, four months earlier than the target set by the Chief Justice. While the increased use of CTS Version 2 was a positive sign, continuous technical training and support to the district courts was needed. By the time Version 2 was fully implemented by all 350 district courts, the project had spent more money on training than on software development as requests poured in from high courts that were trying to supervise and facilitate the implementation of the CTS in their provinces. Features of versions 1, 2, and 3 are illustrated below.



### Version 3

By early 2014, the Supreme Court and C4J decided to quit working with a local subcontractor and establish a CTS Development Team, comprising the best court IT staff in Indonesia, to support fixes for Version 2 and enhancements for a future Version 3. The CTS Development Team monitored CTS implementation through constant communication among the district courts' IT staff (such as their online Facebook Group) and quick responses to fix bugs and errors found in the system.

<sup>9</sup>Without any support from the Supreme Court or the C4J Project, 125 district courts were using Version 1, and 24 courts had already uploaded Version 2.

At the request of the Supreme Court, and with additional funding from USAID for a one-year extension, the C4J Project cooperated with the CTS Development Team to develop Version 3 of the CTS, which added new functions for the district courts and automated appeals to the high courts. To support the implementation of CTS Version 3 in the high courts and district courts, the C4J Project supported the Supreme Court's CTS Development Team and a team of staff from *Badilum* to train high court leaders on Version 3 in August-September 2014 in:

- Mataram, Lombok, Nusa Tenggara
- Yogyakarta, Central Java
- DKI Jakarta
- Bandung, West Java
- Pontianak, West Kalimantan
- Pekanbaru, Riau
- Banda Aceh, Aceh

In preparation for these training sessions, the CTS Development Team and *Badilum* staff attended a TOT program covering the training module for Version 3 of the CTS.

### ***Automated Forms***

One leap toward automation of court processes was achieved through the standardization and automation of approximately 423 templates of court orders, minutes, and decisions for the general courts. These templates, for all civil and criminal cases in the general district courts, were completed in March 2015. Development of the forms is addressed further in the section on case management.

### ***Juvenile Case Administration***

All types of cases in the general courts were automated with the completion of Version 3 of the CTS, except for tracking the enforcement of cases, post-judgment bankruptcy, and case processes that were amended following completion of Version 3, such as modifications found in Law No. 11 of 2012 on Juvenile Justice, and the subsequent PERMA No. 4 of 2014 that implemented the new law. Modifications to the juvenile case functions addressed the requirements of the Juvenile Justice Law to:

- Divert juvenile cases first, in an attempt at reconciliation, before beginning a formal hearing process
- Produce reports on juvenile suspects, victims, and parents of the juveniles
- Standardize juvenile case reports

#### ***In Their Own Words***

By September 2014, court leaders like Chief Judge Suharno and Secretary/Registrar N. Sagala at Bangkinang District Court had motivated their staffs to keep case information up to date in the CTS. According to N. Sagala, "Our judges and registrars dedicate their time to work together after hours to up-load information to the CTS." Chief Judge IGAB Komang Wijaya expressed the source of Singkawang District Court's success, "The implementation of the CTS, combined with dedicated staff at our public information desk, has allowed information transparency and a more accountable justice system."

The modifications to the juvenile case functions were tested in the Yogyakarta District Court and Bekasi District Court prior to obtaining approval from the Directorate General for the General Courts and the Supreme Court Case Management Working Group. A Supreme Court decree officially adopting the new juvenile functions, and launching it in a revised Version 3, was not issued by the end of the C4J Project. The EU-funded SUSTAIN Project, implemented by UNDP, has accepted the task of trying to help get the decree issued.



*Members of the CTS Development Team provide assistance to staff at the Yogyakarta District Court as they pilot new juvenile case functions in a revised Version 3 of the CTS. The court staff also tested new templates to be launched in the revised Version 3.*

---

## **Lessons Learned**

Several lessons were learned from modifying the CTS that can guide future software development and modifications.

First, all software development and enhancements should be led by an internal CTS Development Team appointed by the Supreme Court, in cooperation with technical experts/judges from the courts. The team and experts should be evaluated and adjusted regularly as necessary to increase professionalism and improve the system of IT development.

Second, all changes and enhancements must be approved in advance by the Supreme Court, with consideration given to avoiding unnecessary complexity, defining data needs and workflows, allowing streamlined processes, and ensuring transparency of information and systems of accountability.

Third, all authorized changes and enhancements to the software, however minor, must be thoroughly tested in at least three courts before being launched.

Fourth, all changes and enhancements must be reviewed and approved by the Supreme Court Case Management Working Group, in addition to any other relevant working groups.

Fifth, all IT development and supervision should be managed consistently by an IT Center under the authority of the Supreme Court. Management of IT under the Directorates General impedes standardization of data, leading to fragmentation of data and systems.

---

## **INFORMATION TECHNOLOGY REFORM: ROAD MAP**

### **Short-term Recommendations**

- Following the Supreme Court decree adopting the standardized 423templates, the Supreme Court must implement a formal mechanism for regular review and improvements to the automated templates.
- The Supreme Court should implement a “Change Control Board” responsible for approving proposals and piloting enhancements to the CTS, automated reports, automated templates, etc. The Board should report its recommendations to the Supreme Court IT Center, Case Management Working Group, and Directorates General.
- The Supreme Court should implement a central IT Center to oversee and manage all information technology within all types of courts, in coordination with the Case Management Working Group and Directorates General.
- All software procurement, development, and/or enhancements must be reviewed and piloted carefully, and must be compatible with policies and capacities of the Supreme Court and IT Center, and implementable within the capacities and resources of the first-instance courts, appellate courts, and agencies under the Secretariat.
- The Supreme Court (ideally through a Human Resources Agency) and IT Center should develop the internal capacities of court staff to support the development and maintenance of software applications.
- The Supreme Court (ideally through an IT Center) should create a “help desk” for supporting courts with all IT technical hardware and software problems. Problems should be reported to the Change Control Board.

- The implementation of the CTS must be supported with increased budget allocations for computer hardware for each court, so that each court has a reliable server and court staff are encouraged not to use personal computers in the court.
- To achieve the reform objectives of financial management, human resources management, public information services, and supervision, data entry of all case information is essential. Data entry must be the responsibility of all court staff, but not the professional IT staff. Those responsible for filing and managing the case are responsible for the accuracy and timely entry of all data relating to that case. Judges must supervise their support staff to ensure that all case data is entered accurately and on time.
- The implementation of the CTS must be supported with sufficient professional IT support personnel, who are tasked with IT support in each court. The IT staff are responsible specifically for ensuring that the IT system itself and computer hardware are operating efficiently at all times, and that all court data is backed up.
- The IT systems of the district police and first-instance general court should be integrated to facilitate transfer of data for processing traffic tickets by the court, to support the courts' efforts to dedicate more time and attention to management of other civil and criminal cases.
- The IT systems of the district prosecutor's office and first-instance general court should be integrated to facilitate the filing of indictments and the transfer of case data to the court for criminal cases.

### **Medium-term Recommendations**

- The implementation of the CTS must be supported with increased budget allocations for computer hardware on a recurring, annual basis in each court to keep up with depreciation and the computer needs of all judges and support staff.
- Future system development and IT procurements should be based on data from performance-based budgeting and inventories/procurement plans maintained by the Financial Management Agency, IT staff data from the Human Resources Agency, case management data from the Directorates General, and research data from the Training Agency (ideally, from a separate Research Center). This is the optimal approach to planning for IT, i.e., being performance data-focused, instead of relying on repeated court automation readiness surveys.
- The recommendations in the CTS Roadmap should be fully implemented by the Supreme Court.
- The standardized templates developed for the CTS should be enhanced to support:
  - Automatic transfer and uploading of judges decisions to the Supreme Court's "decision database"
  - Online management of court forms by the public, including fee waiver applications and approvals, filing small claims cases, scheduling a hearing outside the court, documenting payment of fees in civil cases, and downloading court orders and minutes
- The CTS of the first-instance courts should be enhanced to support the filing of civil cases online.
- The IT systems of the district prosecutors' offices and first-instance general courts should be integrated to facilitate the filing and transfer of all case data for criminal cases.

- The Supreme Court, AGO, and National Police should begin discussions on development of standardized case classifications, data collection, and data definitions for all criminal cases.

### **Long-term Recommendations**

- The Supreme Court, AGO, and National Police should begin discussions on development of an integrated criminal justice management system.
- Because court data is sensitive and some case information is confidential, the implementation of the CTS must be supported with regulations that:
  - Prohibit personal computers from being used by staff working in the courts
  - Prohibit anyone from using USBs to take court data home or to load software on the court computers
  - Prohibit inappropriate use of the Internet
  - Prohibit court visitors from accessing the same WiFi network as the court's server
- The standardized decision templates should be used by the Training Agency (or ideally a separate Research Center) to collect and study case decisions, and build a national jurisprudence to enhance the quality of judgments, as envisioned in the Judicial Reform Blueprint, 2010-2035.
- Currently, IT authority is informally attached to each Directorate General. Because access to consistent and complete data is so important to all Supreme Court reforms, authority over IT should be standardized and consolidated under a new IT Center with a proposed organizational framework as follows:
  - Director's Office
  - IT Policies, Standards, and Procedures Division
  - IT Systems, Network, and Data Security Division
  - IT Infrastructure Management Division
  - IT System Deployment and Support Division
  - Data Communications and Networks Division
  - Non-court Applications Development Division
  - IT Training Development and Administration Division

## **2. Improved Capacity, Integrity, and Technical Legal Competence of Judges and Court Staff (Education and Training)**

To ensure consistency and knowledge-sharing, all training programs under the C4J Project's five Key Results Areas (KRAs) were managed through the project training team. These training programs have been among the project's most successful activities. The Supreme Court Training Agency has become an incubator for development of the judiciary's future leaders. The TOT program is ensuring that the best trainers are identified and developed. All key training programs developed through the C4J Project – including continuing judicial education (CJE), candidate acting registrar's education (CARE), CTS programs, supervision programs, and new certifications such as juvenile justice – have been formally adopted by the Training Agency and are being sustained with allocations from its budget.

A welcome development has been the expansion of the project's recommendations and training programs to the religious courts and state administrative courts (both of which have jurisdiction over specific types of civil cases). In cooperation with the project, the Supreme Court Training Agency increased its collaboration with other Supreme Court agencies, such as the Supervision Agency (*Badan Pengawas*) on a new supervision training program, and with the Directorate General of the General Courts (*Badilum*) and the Public and Legal Affairs Bureau (*Humas*) on CTS and IT administration training.

A surprise success during the past two years of the project was the implementation of the Supreme Court E-learning program, known as ELMARI (*E-learning Mahkamah Agung Republik Indonesia*). The E-learning program is expanding rapidly. By the end of the project, programs had been developed in areas such as judicial ethics, case management, biodiversity, and leadership.

## FELLOWSHIP PROGRAM

During the first year of C4J, the Supreme Court, its Training Agency, the project, and the University of Indonesia Faculty of Law (UI) cooperated to develop Indonesia's first master's degree program for judges. The Master's Degree Program on Judicial Practice (also referred to as the Fellowship Program) was designed to fund advanced legal studies for mid-level judges, i.e., those with six to 15 years of experience. The program was designed to strengthen research capacities, improve judicial knowledge and skills, strengthen decision-making through legal and scientific analysis, develop open and proactive attitudes toward science and technology, promote good corporate governance, and encourage legal and judicial reform that promotes accountability and transparency.

Students for the fellowship program were selected through a competitive application and selection process that was agreed upon by the Supreme Court, UI, and C4J. Applications were reviewed transparently following a pre-agreed scoring system. To the extent that scores were close, preference was given to candidates from unrepresented geographical areas in Indonesia, and to maintain a representation of at least 30 percent women.<sup>10</sup> Five female and 15 male judges were accepted into the program, representing all regions of Indonesia. The Supreme Court agreed that each student would be granted a paid leave of absence from their court. The C4J Project paid tuition fees for the three semester program, research costs during thesis writing, and for study materials. The project also provided guest lecturers, when consultants visited Indonesia, to speak on such issues as impartiality, judicial independence, and writing quality judgments.

---

<sup>10</sup>Approximately 30 percent of all judges currently are women.



*Students of the Fellowship Program in Judicial Practice join in a discussion with a guest lecturer on judicial court decision making.*

The curriculum for the program was tailor-made for completion within 18 months or three semesters. The curriculum was specifically designed to meet the judges' practical needs and included courses in philosophy of law, politics of law, legal research methodology, bankruptcy and insolvency, criminal law and economic activities, environmental law, tax law, intellectual property rights, and legal ethics and professional responsibility.

All students completed the program in January 2013, and were awarded a Master's Degree in Judicial Practice. The grade point average of the students was above 3.0, and five students graduated with *cum laude* honors. The C4J Project recommended that the master's degree program be sustained. Most judges/students reported that the program was extremely valuable to them and that they would not have been able to afford such an educational opportunity without the fellowship program. Unfortunately, no funds were allocated by the Supreme Court to repeat the fellowship program.

### **ASSESSMENT OF EDUCATION AND TRAINING NEEDS**

From June to October 2010, the Supreme Court and C4J jointly assessed 12 general district courts, including five district courts that received training under the earlier USAID In-ACCE project. The assessment established a baseline for how the project could best support the Supreme Court with new training programs in line with the vision of the Supreme Court Judicial Reform Blue Print, 2010–2035.

Based on the results of the training needs assessment, the Supreme Court and C4J Project agreed to focus the judicial training program on mid-level judges, and specifically on case management, legal writing, and judicial ethics. Near the end of the project, the Training

Agency also expressed interest in leadership development. The Supreme Court required that all training programs be linked to the career development policy of the courts to develop the “Ideal Judge.” The project incorporated the following key principles and training elements into the recommended approach:

- Creation of clear participant criteria and transparent selection methods for trainers and participants
- Implementation of training programs that follow the design policies of the 2008 Training Manual developed by the Supreme Court Training Agency
- Implementation of a TOT program for each judicial training program developed, including identification and development of the best trainers
- Creation of pilot programs on new subjects that incorporate new, more productive teaching methods than traditionally used by the Supreme Court Training Agency
- Development of gender-sensitive and inclusive approaches to strengthen equitable opportunities for female judges
- Inclusion of elements of gender, anti-discrimination, social, and juvenile justice
- Improvement of existing curricula
- Adoption of a comprehensive approach to training
- Increase training dedicated to management and general management skills
- Introduction of distance learning, such as E-learning, to spread knowledge from the training to as many judges and court staff nationally as possible
- Monitoring and evaluating each training program
- Assessment of training sessions and methods

Over the course of the C4J Project, the findings and recommendations from the first and subsequent training needs assessments were all accepted and applied by the Supreme Court Training Agency.

## **CONTINUING JUDICIAL EDUCATION (CJE II) PROGRAM**

The CJE II Program<sup>11</sup> was developed by the Supreme Court and the C4J Project to meet the training needs of mid-level judges. Mid-level judges are divided into two subgroups: those with six to 10 years of experience in need of more advanced technical and management training, including some certifications in preparation for positions of leadership in the courts, and those with 11 to 15 years of experience, who should be focusing on advanced certifications and court leadership. CJE II was developed based on the training needs assessment to focus specifically on those judges with six to 10 years of experience. Based on the assessment, the Training Agency agreed to prioritize judicial ethics, quality of judgments (legal writing), and case management. The program was designed to apply well-designed materials and interactive exercises, and avoid theoretical and process-oriented discussions, to develop judges’ practical skills in management of cases, issue identification, and problem solving.

---

<sup>11</sup>The continuing education program for mid-level judges was named CJE II because an earlier continuing education program had been developed for candidate judges (young judges with zero to four years of experience). That candidate program was dubbed CJE I. As recommended in this report, a future CJE III program should focus on more advanced courses and leadership development.

The program began with a pilot training on October 18-20, 2011, at the Supreme Court Training Agency, for senior level judges from district courts throughout Indonesia. The pilot training was immediately preceded by a two-day TOT program, followed by the three-day training. All participants were evaluated during the program to identify future promising trainers for rolling out the CJE II program to three regions.

The regional training programs were held in Makassar (South Sulawesi) on February 20-24, 2012, Padang (West Sumatra) in April 2012, and Bandung (West Java) in June 2012. Participants at each regional training program were selected on the basis of:

- Geographical representation, with prioritization for judges from eastern Indonesia and other remote locations
- Balancing the representation of male and female participants

At each regional training program, C4J identified the best students to support trainers at future courses, facilitate small group discussions, and mature to become resource persons for the Supreme Court Training Agency in the future. This approach had limited success, because there is a cultural expectation in Indonesia that judges should be trained by more senior judges, but the top participants were commended to the Supreme Court.

---

### **Lessons Learned**

The CJE II Program was originally designed as a “3x3 formula”, i.e., a three-day course with one part conducted every three months. However, after assessing the pilot training program, it was determined that this approach, while allowing for intensive studies, was too lengthy for the judges and too costly for the Training Agency to sustain. The CJE II program was revised to a single five-day program, with alternative future plans of either encouraging each high court to host training in each province and/or supplementing the program with E-learning studies.

---

### ***Condensed Continuing Judicial Education (CJE II) Program***

The condensed CJE II program was created to resolve concerns about the length and cost of the program as originally designed. The program was reduced to five-days, and to support development of trainers for the condensed program, a new TOT program was also developed. The objective of the program remained focused on the same core topics. Although the condensed program was shorter, it was also enhanced to be more interactive through development of new hypothetical case discussions during the sessions on quality of judgments, video scenarios during discussions on judicial ethics, and more focused studies on the key challenges of case management in Indonesia’s courts. In their evaluations, participants reported that they found the condensed program more challenging due to the fast pace, but that the pace was better suited to balancing their work and training schedules.

Since 2014, the condensed CJE II Program has been adopted by the Supreme Court Training Agency and funded from its state budget.

The next steps in development of continuing judicial education should include development of an advanced CJE III Program for senior mid-level judges (with 11-15

years of experience). Content should focus on the same three core subjects, with more advanced content emphasizing leadership skills and a requirement that all judges complete a CJE program prior to participating in a certification program.

### ***Candidate Acting Registrar Education (CARE)***

Based on the success of the CJE II program, the Supreme Court and the C4J Project agreed to develop a comparable program, focused on the same three core courses, tailored to the needs of assistant (“acting”) registrars. The Training Agency asked C4J to follow the same approach as CJE II and develop the first registrar program for candidate assistant (“acting”) registrar education (CARE).

A training needs assessment, carried out jointly by the Supreme Court Training Agency and C4J, at general district courts in four provinces found that registry staff were never given an initial training prior to starting their jobs. The strongest feedback received was that assistant (“acting”) registrars need to improve their skills in writing minutes and their knowledge of court procedures.

During course preparation, C4J was encouraged to modify the original plan to include candidate acting registrars from district, religious, and state administrative courts, as all three types of courts need staff with comparable skills to manage civil and/or criminal cases and adhere to the same civil and/or criminal procedures.<sup>12</sup> Nevertheless, it was agreed with the Supreme Court that the project should pilot the CARE training for only general courts. A TOT program was held in October 2013, followed by the pilot in November 2013, at the Supreme Court Training Agency in Ciawi.

The CARE workshop covered essential subjects for registrars working on civil cases, including code of conduct,<sup>13</sup> supervision, case management, information technology, public services, Indonesian legal language, note-taking and minutes-writing, and judicial reform. The content and materials were linked with the structure of the CJE II program to foster a common understanding between registrars and judges. The C4J Project’s team also developed standardized court forms at this time to help automate all minutes, orders, and decisions in the CTS.

In contrast to the CJE II program, which was condensed to five days, it was decided that the CARE program should be a longer program of two weeks to give the younger, less experienced registrars a solid grounding in all necessary knowledge and skills. The CARE program has been adopted by the Supreme Court Training Agency and is now being funded from the state budget. It had been implemented by the Training Center for 240 acting registrar from all judiciaries in Indonesia by April 2015.

---

<sup>12</sup>The key differences are that state administrative courts hear civil disputes when one of the parties is a governmental entity. Religious courts hear a limited number of types of civil disputes between parties who want to apply Syariah law. Religious courts do not hear Syariah criminal cases (which are only allowed in Aceh). In reality, the civil disputes heard in the general district, religious, and state administrative courts have more in common than the civil and criminal cases heard together in the general district court.

<sup>13</sup>Court staff do not have their own code of conduct, so the C4J Project and the Supreme Court agreed to apply the values in the judicial code of conduct.

## PUBLIC INFORMATION TRAINING

In conjunction with its activities to improve public information services in cooperation with the Supreme Court's Public and Legal Relations Bureau (*Humas*) and the district courts, the project produced a training program on public information services in cooperation with the Supreme Court Training Agency. The first training program was delivered in June 2012 at Makassar District Court. Based on the success of the program, the training materials were adopted and redeveloped by the United Nations Office of Drugs and Crime (UNODC) for their training program in August 2013. Because of *Humas*'s priority in 2013 and 2014 to improve public relations for the courts, the training program was enhanced to increase the capacities of staff in the district courts to engage with the media.

At the request of the Supreme Court Training Agency, the project also supported development of a five-day training program for state administrative court judges on managing public information disputes. The training materials included actual cases to help trainees learn from past experiences and best practices. The first training program was held in October 2013 and it has been conducted annually since 2013, using funds from the state budget. Following this training, C4J developed modules and trainers for another public information workshop at the invitation of the Supreme Court Training Agency. The project team assisted with module development and a TOT session for in-house trainers in January 2014, followed by a session for secretary/registrars in four court jurisdictions (general, religious, state administrative, and military). This training program was conducted by the Training Agency with state budget funds in June 2014, and it has been budgeted again for 2015.

## JUVENILE JUDGES CERTIFICATION PROGRAM

Law No.11 of 2012, on Juvenile Justice, came into force in August 2014 and requires an integrated approach for juveniles accused of a crime. At each phase of the criminal process – from arrest through prosecution and adjudication in the courts – a child correction institution or other social institution must be involved and reconciliation efforts must be made to divert the case from the formal legal process through reconciliation. The Juvenile Justice Law also requires that all law enforcers and judges – at the first-instance and appellate levels – be certified through an integrated program coordinated through the Ministry of Law and Human Rights.

The objective of the law had been that all justice sector institutions would implement new certification programs at the same time and in coordination with each other. However, following delays in implementation, the Supreme Court sought approval from the coordinating Ministry of Law and Human Rights to begin developing its certification program for judges independently. In June 2014, the Supreme Court requested support from the C4J Project to develop the new certification program. To achieve the Supreme Court's ambitious goal of completing the program by the end of the year, the C4J Project assembled a team of experts on juveniles, child psychology, and restorative justice to develop a comprehensive program for effectively selecting and certifying judges. This certification program went a step further than other judge certification programs by creating a selection process for assessing the suitability of judges to work with children.

The curriculum of the certification program was tailored from the pilot program conducted by the Ministry of Law and Human Rights earlier in March 2014. The team reduced the duration of the ministry's course to two weeks and emphasized issues that are important for judges. In July 2014, C4J conducted a TOT program for development of trainers for the certification program. Ultimately, in cooperation with the project, the Supreme Court was the first justice sector institution to complete development of its certification program in August 2014.

The certification program, with the new trainers, has been conducted twice for a total of approximately 120 judges. This training has been funded from the Training Agency's state budget, and more training has been scheduled in 2015.

---

### **Lessons Learned**

Two noteworthy evolutions in the certification system were achieved through the new certification program for judges managing juvenile cases. First, Indonesia adopted an integrated system to ensure that all justice sector institutions maintain a common perspective and approach to restorative justice for juveniles accused of a crime. Second, the Supreme Court has set a goal of placing certified judges in every general first-instance and appellate court in the country.

These two distinctions make the program a valuable model for future certification programs, such as the environmental ("green bench") certification, which also needs an integrated program and certified judges in every court. This certification model is also important for considering the efficacy of establishing certifications/special cases in only a few courts. For example, marine and fisheries cases occur nationwide, in sea and fresh water, but only a handful of courts are allowed to hear those cases.

The most important lesson from development of the certification program is that courts must take extra steps to accommodate the needs of the public when there is a compelling public interest. In regard to juvenile cases, the justice system is recognizing the need for certified judges, who are carefully selected, to hear those special types of cases in every court to serve the needs of as many communities as possible.

---



*Trainers for Juvenile Judge Certification discuss training evaluation during a TOT session. Evaluation results are expected to improve training quality in the*

## **COMMERCIAL COURT JUDGES CERTIFICATION PROGRAM**

In 2013, the Supreme Court Training Agency requested that C4J support improvements in materials for the Commercial Court Judges Certification (CCJC) program, which was originally developed in 2008 by USAID's In-ACCE project. However, the Supreme Court asked the project to drop this activity because attention was being redirected to the new certification program for judges hearing juvenile cases and the Supreme Court dropped its plans to host another CCJC program in 2014. In addition, there is a more compelling need for the Supreme Court to target its training resources to those types of cases that are being filed in the highest volume, and that represent the most serious social concerns. Therefore, USAID and the C4J Project were supportive of reallocating funds to support a new training program for judges hearing disputes involving juveniles.

## **SUPERVISION TRAINING FOR HIGH COURT JUDGES**

With the success of the general courts in implementing the CTS, the increased availability of performance data to the Supervisory Agency, and the increased authority being delegated to high courts and judges, the Supreme Court and C4J agreed to cooperate on a new supervision training program. Program development was completed in January 2015.

Within the high courts, there had previously been a practice of supervisory judges being appointed from among high court judges by their chief judges. The district courts under the high court's authority would be divided among high court judges, who would be tasked with conducting routine supervision twice per year. The supervisory visits were based on a review of the manual register books, and each supervisory judge applied his or her own process and method for supervision. This system of supervision had proven to be inadequate, inconsistent, and unproductive. The Supreme Court recognized the need to

strengthen the supervisory process through the high courts. Its 2010 Annual Report focused on the theme of delegating more management and supervisory authorities to the high courts. The Supreme Court also recognized the potential of the CTS to improve the internal system of supervision and accountability instead of relying on physical inspections, costly and infrequent travel, and inconsistent supervisory practices.

Together with subcontractor *Lembaga Independensi Peradilan* (LeIP), the Supreme Court and the C4J Project developed a curriculum for the Supervision Training program. The first program was led by the Training Agency in October 2014. The C4J team and subcontractor observed the training and recommended refinements and improvements in the curriculum and materials. In January 2015, a TOT session was conducted for 20 judges seconded to the Supervision Agency along with trainers from the Training Agency. This resulting program created an improved, standardized system of supervision. The sessions provided detailed guidance on how to produce performance reports from the CTS and how to conduct routine supervision regularly online through a review of the CTS data, e.g., clearance rates, compliance with all time standards, entry of all case data per *Badilum*'s requirement of entry within 24 hours, performance reports by court and individuals (judges and assistant ("acting") registrars), court performance reports to assess the management of all district court chief judges, and financial management reports, among others. The training program demonstrated how, by using the CTS, all supervision of the district courts' CTS can and should be conducted by a single high court judge. Other high court judges can be assigned other specialized supervisory duties.

To support the Supreme Court in improving the skills and competencies of judges and court staff, C4J expanded its cooperation to work with the Supreme Court Training Agency's Leadership and Management Team and implement a new Supervision Program as part of leadership and management development of senior judges.

The supervision training in May 2015 was funded by the state budget to the Supreme Court Training Center for 100 participants from all judiciaries in Indonesia. As implemented, one class of more than 50 participated in a one-week session (shortened from two weeks). One solution to streamline this training is that Supreme Court's Supervisory Agency could develop more accurate supervisory criteria/indicators, to support supervisory high judges, which will be targeted in the training.

Through the improved system of supervision, the evaluation of the district courts will be more consistent and productive. Visits to district courts can be reserved for occasions when a serious problem must be addressed, and other high court judges can be assigned to other supervisory tasks, such as monitoring consistency in court practices in budgeting and financial management, human resources, public services, etc.

## INTEGRATED BIODIVERSITY WORKSHOP

A special activity was added to the C4J Project in 2013 that focused on combatting threats to biodiversity. The Biodiversity Program included the development and launch of Indonesia's first integrated training program for judges, prosecutors, police, and civil investigators. Development of the training program was led jointly by the Supreme Court Training Agency and C4J over the course of two workshops, in cooperation with subcontractors Indonesian Center for Environmental Law (ICEL) and the Wildlife Conservation Society (WCS).

The first, five-day pilot workshop was held in Denpasar (Bali) in August 2014, for judges and prosecutors from C4J Project pilot locations in Aceh (Riau) and West Kalimantan, as well as local judges and prosecutors from Bali. The second five-day workshop was held in Jakarta in January 2015, with co-funding from UNODC. The second workshop included judges, prosecutors, police, and civil investigators from C4J Project pilot locations in Aceh, West Kalimantan, and Papua with funding from UNODC. The second workshop was the product of coordinated efforts to evaluate and refine the training approach and materials based on the first pilot.

#### ***In Their Own Words***

"This training has opened our minds about enforcing the law and combatting crimes and other disputes relating to biodiversity issues. We see how it requires coordination from multiple parties." Arman Syah Putra, Chief Judge, Blangkejeren District Court, Aceh

As announced by the Chief Justice of the Supreme Court during the opening of the workshop, the integrated training program has been adopted by the Supreme Court Training Agency, but sustaining it will rely on cooperation from the AGO, National Police, and ministries overseeing civil investigators. Further information about the workshop is found under Component 3: Biodiversity Program" below.

### **E-LEARNING FOR THE SUPREME COURT (ELMARI) DEVELOPMENT**

With a total of 33,794 staff throughout the nation, including 7,584 judges, the Supreme Court requires substantial training budgets. Training programs in previous years have been conducted in the conventional way of transporting students and trainers to a central location, but the geography and size of the country pose challenges for the Court in reaching all staff with training. In 2013, the Supreme Court Training Agency was able to train approximately 3,678 judges and court staff, or roughly 15 percent of total staff.

Based on the successful implementation of a basic CTS in 350 general district courts, the Supreme Court Training Agency and C4J agreed to cooperate on a strategy for training court staff using an automated solution. These joint efforts began with development of a blueprint and roadmap for a cloud-based learning management system, known as ELMARI (*E-Learning for the Mahkamah Agung Republik Indonesia*), an online training system available on computers and mobile devices. The blueprint was designed to guide the Training Agency in overcoming existing limitations and to define requirements for successful implementation of the E-learning strategy throughout Indonesia. This included strategies to keep data manageable within the bandwidth of most communities in the country. Following approval of the blueprint and roadmap, the Supreme Court and C4J developed a prototype for the first E-learning course on judicial ethics.

ELMARI was originally designed specifically for judges.<sup>14</sup> The design requires that judges study a set of materials, which may include video, prior to taking randomly-generated, multiple-choice tests of 10 questions. Questions relate to carefully written hypothetical scenarios based on actual issues encountered by judges in Indonesia. The questions are tailored to each type of court (i.e., general, religious, and state administrative). As questions are randomly generated from a large database of questions,

<sup>14</sup>Hopefully the program will be adjusted for training all registry staff – registrars, deputy registrars, and assistant (acting) registrars – as well as other court staff in the future.

the test is different for each judge. Judges may take the tests multiple times (but each time with a newly-generated set of 10 questions). There is a time limit for completing the tests.

The objective is not to give passing or failing marks, but to guide judges' understanding of ethics principles. Both wrong and right answers generate written explanations to explain why the response is right or wrong, hence providing guidance on how the Code of Judicial Conduct must be applied in practice. Some tests, such as judicial ethics, are for all judges, while other tests under development, such as certification programs, will be only for certified judges. Judges are required by the Training Agency to take the courses until they receive a minimum score of 90 percent, though they may be allowed in some tests to have two attempts per question. Upon successful completion, the system records that judges have completed the program and they are prompted to print an automatically generated certificate of completion. Another objective is that the E-learning courses be constantly expanded and renewed with new hypotheticals and questions to address complex and important emerging legal issues in Indonesia.

On May 9, 2014, the Chief Justice of the Supreme Court, Hatta Ali, officially launched the ELMARI system in front of more than 70 chief judges from the country's general, religious, and state administrative high (appellate) courts, as well as the U.S. Embassy Deputy Chief of Mission, the USAID Acting Mission Director, and other USAID representatives. At the launch the chief justice instructed the high courts to learn the ELMARI system and to monitor implementation in their respective first-instance courts.

### ***Judicial Ethics E-learning***

The training program on judicial ethics was the first to be piloted in ELMARI. The program was developed over the course of nearly one year and involved extensive development of scenarios and illustrations. The ELMARI program for judicial ethics was piloted in Lombok (West Nusa Tenggara), Palembang (South Sumatra), and Manado (North Sulawesi). The pilots assisted the Supreme Court and C4J to evaluate court infrastructure, management of IT systems, content of the E-learning pilot, and user-friendliness of ELMARI's design.

The judicial ethics course<sup>15</sup> requires judges to study a set of materials including the code of conduct. The course was customized with illustrations for three types of courts, and test questions are randomly generated from a database of more than 50 questions.

---

<sup>15</sup>Hopefully the program will be adjusted for training all registry staff – registrars, deputy registrars, and assistant (acting) registrars – and other court staff in the future.



*A sample of questions and illustrations on judicial ethics in ELMARI.*

Initially, judges taking the ethics course were required to recommend a new hypothetical question, before printing their certificate, to assist the Training Agency in revising the course. However, the Training Agency subsequently decided to drop this requirement in lieu of development of new questions by a special committee.

### ***Biodiversity E-learning***

The project developed a second prototype for E-learning focused on combatting threats to biodiversity from illegal logging, land conversion, and wildlife trafficking and poaching. The program was based in part on discussions during the Integrated Justice Sector Workshop on Managing Cases to Protect Biodiversity, held in Jakarta in January 2015.

The biodiversity course requires judges to watch a video by Green Peace and, like the judicial ethics course, to take a test of 10 questions related to hypothetical biodiversity scenarios based on actual environmental issues in Indonesia. The objective of this program is to build an increased sensitivity and shared understanding of the challenges of combatting threats to the country's environment. Questions focus on both criminal and civil case issues,<sup>16</sup> and are randomly generated from a database of more than 20 questions. Like judicial ethics, these questions will be renewed and expanded over time.

Near the end of the C4J Project, a database of protected wildlife, with links to important websites with updated market valuations of the wildlife, was developed for judges. This area will pose unending challenges - with valuations most likely constantly increasing - to monitor local hunters, local markets, and international markets. Other factors in calculating state loss (lost tourism revenue and income to the community, damage to the

---

<sup>16</sup>The C4J Project found that there are more opportunities and greater chances of success if environmental issues are also addressed through civil case processes directly in the courts, as opposed to focusing only on the criminal law processes.

forest ecosystem, etc.) further complicate the task. To sustain appropriate guidance to judges a much more sophisticated and dedicated research function, such as through a separate Research Center, will be essential under the Supreme Court.

The biodiversity E-learning program proved to be indispensable for sustaining the environmental certification (“green bench”) program. Unfortunately, due to lack of effective foresight, the law compels the courts to divide environmental certifications into three major programs: environmental certification, fisheries certification, and forestry certification. Some types of environmental cases have been assigned to only a few “special” courts without any clear rationale for how those special courts were established. For example, the design of special courts for fisheries cases presents a serious problem in design of the courts that must be addressed.<sup>17</sup> There results a massive risk of inconsistency in training and quality of judgments from these differences in certification program approaches and distribution of courts, not to mention the problems posed to communities that are not near such “special courts.”

Environmental issues are extremely complex, and require extensive online resources and guidance on judicial practice, and even older recruits for environmental certification lack the requisite core skills. Among other challenges (see box) the “green bench” certification program does not focus on all requisite skills but on the skills of judges managing criminal cases, ignoring the needs of judges managing environmental issues in a civil dispute.

#### **Challenges to Developing “Green Bench” Judges**

The number of knowledgeable, certified environmental judges is low, and the age limit for certified judges is set too high as most judges in smaller courts are younger. Judges are too far away from locations of disputes, taking power away from communities to file or sustain a case.

Much more mid-level recruitment, development, and training are needed for all judges, along with a serious reexamination of how environmental certification programs are structured. For example, certification program participants should be required to first pass CJE II and E-learning programs. Also, a better research function is essential within the Training Agency. If these issues are addressed appropriately, then biodiversity E-learning is the best solution for continuing to recruit, develop, and provide continuing education to sensitize all judges to environmental issues in Indonesia.

#### ***Case Management E-learning***

In March 2015, the C4J Project assisted the Supreme Court in creating a new case management training module for ELMARI. The course was developed by the general high court judges seconded to the Training Agency and uploaded into the system by the Training Agency’s ELMARI team. Designed to develop individual and court performance awareness, the course requires judges to take a test of 10 questions relating to hypothetical scenarios based on case management issues and performance of courts. The questions are randomly generated from a database of more than 20 questions. As with the

<sup>17</sup>Of all certifications, limiting fisheries cases to only a few courts makes the least sense. Even the name of the courts does not effectively reflect the diversity of disputes, which include all ocean marine and fresh water issues, that such courts must address. It also is a serious obstacle to addressing environmental problems by treating forest, land, and water issues differently. In Indonesia, all are interrelated. Fisheries cases should be part of the “green bench” and heard in every court.

judicial ethics and biodiversity courses, these questions will be renewed and expanded over time.

As the hypothetical cases are general, the case management program will be open to all court jurisdictions, with a specific objective of reaching judges with one to 10 years of experience to develop their core skills and understanding of case management. The program will become an additional module in the CJE II Program.

### ***E-learning Mentoring***

Per the Chief Justice's admonition in May 2014, the courts are expected to adopt an independent learning culture that boosts the capacity of all judges and court staff. During the last year of the project, the Supreme Court and C4J focused considerable effort on knowledge transfer from ELMARI to content developers appointed to develop new questions and to IT administrators appointed to support the application. To support implementation, ELMARI is being introduced in every technical training conducted jointly by the Supreme Court, C4J, and the ELMARI team.

By April 2015, ELMARI was equipped with programs developed by the Training Agency's Technical Training Team as follows:

- Code of Ethics
- Biodiversity
- Case Management
- Women's Justice
- Certification Program for Judges on Labor Cases
- Candidate Judges Training

The Leadership and Management Training Team has developed the following programs with ELMARI:

- Pre-Civil Service Training
- Leadership and Management Training
- Training of Trainers



*Judges from Banda Aceh High Court are shown participating in the Code of Conduct Training using ELMARI. ELMARI enables judges and court staff to complete the training anywhere, anytime, to improve productivity, learn according to their needs, and more effectively perform their jobs.*

All programs – except judicial ethics, biodiversity, and case management – are limited to invited participants. All in-class training programs are using ELMARI to distribute training materials and pre- and post-tests, and to conduct training evaluations.

The transfer of knowledge to the ELMARI team within the Training Agency was completed by September 2014, and included guidance on help desks, IT administration, content development, and monitoring. By October 2014, the ELMARI team was running the application using their own resources, with C4J provided birds-eye views and advice as required during implementation. C4J conducted biweekly meetings until the end of the project with the Supreme Court Training Agency to evaluate ELMARI's operation and discuss solutions to challenges. As of April 6, 2015, the ELMARI application had recorded 1,402 users.

### **COMPARATIVE STUDY VISITS**

The C4J Project facilitated three study visits for the Supreme Court during the project. The visits were conducted to support the Supreme Court in running the reform agenda by seeing best practices that have been implemented not only in the U.S., but also in Indonesia's neighboring country of Singapore. The visits are further discussed below.

### **Singapore Visit to Supreme Court and Subordinate Court**

In November 2010, with funds from the MCC Threshold Program, C4J and the Supreme Court conducted a study visit to the Singapore Supreme Court and Subordinate Court. The objective was to learn how another country has implemented information transparency and public services in the courts. Twenty-one participants represented the Supreme Court leadership, *Humas*, judge spokespersons and registrars from eight district courts, and the reform team.

### **United States Visit on Judicial Education Review**

At the request of the Supreme Court, the C4J Project assisted in arranging a Supreme Court-funded study visit to the United States to review intellectual property laws, the legal system for protecting intellectual property, and visit the U.S. Supreme Court. Conducted May 9-12, 2011, the visit included meetings with the U.S. Supreme Court, the Federal Judicial Center, the Administrative Office of the U.S. Courts, the U.S. District Court for the Southern District of New York, and the U.S. Patent and Trademark Office. The visit to the U.S. Supreme Court included a meeting between U.S. Chief Justice John Roberts and Indonesian Chief Justice Harifin Tumpa. At the Administrative Office of the U.S. Courts, the participants learned how case flow management and IT were implemented in the U.S. federal courts. At the Federal Judicial Center, they learned that the three courses developed for the CJE II Program were in line with the Center's own priority programs.

#### ***In Their Own Words***

"The visit has given the Supreme Court and its subordinate courts a very important comparison on the implementation of transparency." Deputy Chief Justice for Development, Widayatno

### **United States Visit on Court Management and Judicial Training**

The project facilitated a second visit to the U.S. November 4-8, 2013. The second visit included the Chief Justice, Vice Chief Justice for Judicial Affairs, Deputy Chief Justice for Advancement, Secretary, Registrar, Head of *Humas*, Head of the Training Agency, and a group of chief judges from district courts. C4J funded travel for half of the participants, and the Supreme Court funded travel for the other half. The visit focused on key themes of public information services, information technology (IT), court budgeting, judges' roles in court administration, delegation of administrative responsibilities, and judicial training and research. It included meetings with the U.S. Supreme Court, Administrative Office of the U.S. Courts, Federal Judicial Center, Montgomery County Circuit Court, New York State Unified Courts, Kings County Supreme Court in Brooklyn, and the Center for Court Innovation in New York City. Indonesia's Chief Justice Hatta Ali made a presentation on judicial reform in Indonesia to the U.S.-Indonesia Society (USINDO) and in Washington D.C. he met with representatives at USAID and with Chief Justice John Roberts.

During the visit, Indonesia's Supreme Court delegation learned about the vital role of IT in management systems and business process of U.S. courts, how IT is used in measuring court performance, the important role of research, how non-judge professionals are used as court spokespersons, and the U.S. courts' attention to court security.

Following meetings at the Federal Judicial Center, Indonesia's Supreme Court expressed interest in developing its research functions. The Center offered to support exchanges of information and reciprocal visits, but other issues were priorities for the Training Agency during the remainder of the C4J Project. Nevertheless, the discussions on IT, case management, and training programs proved invaluable to the Supreme Court's planning and implementation of the CTS and new training programs.

## IMPROVED CAPACITY, INTEGRITY, TECHNICAL LEGAL COMPETENCE: ROAD MAP

### Short-term Recommendations

#### Preparation

- Continue to identify the specific needs of judges and court staff for each training program, and to prioritize new training programs through training needs assessments, which can be conducted most efficiently and cost effectively through ELMARI.
- Curricula, training modules, and exercises should be developed using the Training Agency's standardized methodology and adult learning approaches as follows:
  - By an experienced team of training experts specially appointed by the Training Agency for each new or updated training program. The current practice of seconding judges from the high courts is an excellent practice.
  - Through a "trainers convention" to promote a collaborative planning effort to define the specific needs and objectives of each training program.
  - Administer pre-tests, post-tests, and evaluations using E-learning as a tool to monitor compliance and tabulate results.
- Training participants should be selected in coordination between the Training Agency and the Directorates General based on need and merit. Trainees should be monitored through the Training Agency's database, with the objective of ensuring equal opportunities for all judges and court staff and of rewarding top performers.
- Trainers should be selected from a pool of candidates who participate together in a TOT program, with the best TOT participants advancing to serve as trainers. The TOT should be conducted for all new and updated programs, and trainers should constantly be reevaluated to ensure that training programs are of progressively higher levels of quality with the best trainers.
- Trainers should be encouraged to be innovative in their approaches, while also achieving the objectives of the training program.

#### Implementation Phase

- Special in-depth training programs – such as candidate, CLE, and certification programs – should be prioritized at the Training Agency headquarters in Ciawi.
- "Socialization" training programs – such as CTS, supervision, and IT programs – should be prioritized for implementation in each high court, in cooperation with the respective Directorate General, using *Bintek* funds (a practice that was commonly followed by the high courts when socializing Versions 2 and Version 3 of the CTS).

- Basic, core training programs – such as judicial ethics, case management, and introduction to biodiversity – should be prioritized for implementation through E-learning for all judges and court staff.
- All training must be kept on schedule. Schedule changes should be avoided – if a trainer cannot attend, the backup trainer selected from the TOT should be appointed to teach.
- High courts should make a room available, such as their main hearing room (as was the practice for CTS Version 3 and supervision training programs), for regional training programs through *Bintek*.
- For ELMARI, high courts should make an Internet room available strictly for regional judges and court staff to use for E-learning, to support judges and court staff in completing required training programs.

### Evaluation Phase

- Every training program must begin with a pre-test for all participants. The pre-test must relate to the content and objectives of the training program, and preferably be provided online through ELMARI.
- Participants should be evaluated:
  - Subjectively by the trainers at the conclusion of each training using specific evaluation criteria and
  - Objectively using a standardized list of questions from the training program through a post-test on ELMARI
- Trainers should be evaluated by the participants at the end of each training program, preferably online through ELMARI.
- ELMARI should be the preferred system for conducting evaluations and tests due to the ease in tabulating results and findings.
- Indicators and methodology for assessing trainers and participants should be discussed with them respectively before each training.
- A Program Impact Evaluation should be conducted by the Training Agency on an annual basis to assess:
  - The relevancy of the training to daily tasks and knowledge needed by judges and court staff
  - The value of the training program compared to the Supreme Court's objectives and goals
  - Whether each training program should continue or be modified
  - Training programs, including ELMARI, that need to be refined and/or updated with new laws and skills requirements

Recommended for the Technical Judicial Training Division:

- Ensure an adequate number of seconded judges in relation to the number of training sessions held at the Training Agency in Ciawi.
- Judges seconded to the Training Agency must possess both strong technical knowledge, teaching abilities, and IT skills.
- Review all training programs for consistency. For example, the environmental “green courts,” fisheries, and forestry certification programs should be integrated into one consistent, comprehensive environmental training program approach, which may include sub-specializations for forests, environment, and marine.

- In cooperation with the Supreme Court and the Directorates General, ensure that at least one “green bench” judge is trained and placed in every district court and high court.

Recommendations for the Leadership and Management Center:

- Ensure that trainers are exposed to actual court practice, as it is expanding its programs to train other court-specific programs besides the program provided by *Lembaga Administrasi Negara* (LAN).
- Ensure review of all training programs for consistency and effectiveness. For example, the public information and public relations training programs should be combined and developed for each court’s public relations representative, who does not need to be a judge.

The Secretary of the Training Agency should:

- Assist in planning the budget to accommodate the preparation, implementation, and impact evaluation of its training programs
- Ensure that the agency’s IT infrastructure is sufficient to support ELMARI and training programs in general

For ELMARI:

- Prioritize the development and improvement of training modules that should be delivered to all judges and/or court staff for E-learning.
- Update existing in-class training modules to include E-learning components, such as for preparation, continuing studies, training program updates, etc.
- Implement all pre- and post-tests through ELMARI
- Implement all evaluations through ELMARI
- Allocate time at the beginning of each in-class training program for introducing E-learning and the Training Agency’s future training program expectations through E-learning

### **Medium-term Recommendations**

In cooperation with the Supreme Court Supervision Agency:

- Refine and disseminate the new training program for high court supervision judges.
- Develop a supervision training program for supervisory judges (*Hakim Pengawas Bidang*) in each first-instance court.
- Develop a training program for high court judges seconded to the Supervision Agency.
- Integrate evaluations of participation and performance in ELMARI with the supervision training programs.
- Collect inputs on complaints filed against judges and court staff for use in the prioritization and development of future training programs, including improvement of the course of judicial ethics and expansion of the ethics course to other court staff.
- Create a performance evaluation system on participation, successful completion, and performance in training by judges and court staff. For example, a judge who successfully completed the judicial ethics program has demonstrated his or her understanding of applicable ethics standards.

In cooperation with the Directorates General and a future Supreme Court Human Resources Agency:

- Create a performance evaluation system on participation, successful completion, and performance in training by judges and court staff.
- Delegate training authorities for regional training through the high courts (*Bintek*) and/or local universities applying standardized training programs, materials, and regional trainers approved by the Training Agency.
- Develop an integrated training planning system that includes inputs on:
  - Specific types of cases that should be prioritized for training programs for all judges and court staff, such as violence against women, land disputes, wildlife trafficking, illegal logging, human trafficking, and narcotics
  - Human resources performance issues in the courts
  - Management of cases and hearings
  - Delivery of public services by judges and court staff
  - Prioritization and development of future training programs, including a sustained focus on case management, CJE II, CARE, and certification programs.
- Training programs for first-instance courts should be developed for judges as well-rounded generalists for all types of cases, supplemented by the certification programs for additional expertise in special cases. The first-instance courts already have a more efficient, preferable system of specializations (certification system) for managing unique types of civil and criminal cases. Sharing in the management of civil and criminal cases keeps the first-instance courts much more efficient, flexible, and performance-based.

In cooperation with the Directorates General and the Supreme Court Public and Legal Relations Bureau (*Humas*):

- Develop training programs for judges and non-judges in all first-instance and appellate courts on:
  - Public information services at the court entrance
  - Media relations for court spokespersons and non-judge public information officers
  - Legal aid services in the courts
  - Community outreach, and effective implementation of mobile courts (*sidang diluar pengadilan*) and small claims processes in communities
  - Court security

In cooperation with the Supreme Court IT Center:

- Establish a Training Agency IT Division to manage and sustain ELMARI.
- Provide all Supreme Court agencies with access to performance data and reports on the Supreme Court server as it would be valuable to the Training Agency in planning future training programs.

In cooperation with universities:

- Sustain capacity building programs for judges, such as the Master's Degree Program on Judicial Practice (fellowship program), which should be implemented regionally for the best mid-level judges.

- Implement and sustain regional training programs for judges and court staff in topics such as financial management, certified human resources professionalism, communications, public relations, and unique local legal issues.
- Develop and implement local law school programs for future judges, registrars, and lawyers, which are taught by local court leaders.
- Develop special training programs at the Training Agency for academics.

In cooperation with other justice sector professionals:

- Develop and sustain integrated training programs on issues that are important for collaboration to improve rule of law, including for prosecutors, police, civil investigators, prisons, bankruptcy curators, and the bar association.

### **Long-term Recommendations**

- ELMARI usage should be maximized to:
  - Deliver consistent, core education to all judges and court staff
  - Implement, supplement, and monitor regional training in the high courts and/or local universities
  - Supplement special training programs in the Training Agency, such as candidate programs, advanced courses, leadership development, and certification programs
- An integrated human resources database should be implemented that tracks participation and results of training for judges and court staff online and in-class at the high courts and Training Agency.
- The fellowship program should be sustained. The Supreme Court should afford high recognition and preferential promotions for judges who successfully enter and complete the fellowship program (Master's Degree Program on Judicial Practice). The standards should be kept very high. Judges who enter and complete the program should be expected to be “agents of change” and future leaders in the courts.
- Research is an essential component of documenting judicial practice and planning appropriate training programs. To support the increased professionalization of judges and court staff, establish a separate Research and Development Center with detailed divisions as follows:
  - Office of the Director of Research and Development
  - Research and Analysis Division
  - Report Production and Dissemination Division

### **3. Improved Court and Public Interaction**

A primary objective of the C4J Project has been to increase transparency and accountability. The related three KRAs were intended to promote reforms in public services by focusing on increasing public demand on the courts through improved access to information, and by improving court services and outreach. The Judicial Reform Blueprint, 2010–2035, commits the Supreme Court to providing fair legal services to all persons seeking access to justice, improving the quality of leadership, and increasing the transparency and credibility of the judiciary. All these reforms are linked. The underlying theme of all efforts implemented by the Supreme Court in cooperation with the C4J

Project – including development of the CTS, legal aid, human resources, and training – has been to make public services more efficient, transparent, and accountable.

In addition to the Judicial Reform Blueprint, Supreme Court Decree (SK) No.1-144 of 2011 on Public Access to Information, ignited public service reforms at the Court. The decree regulates the information that must be provided regularly to the public by the courts and limits the information that is exempted from public access. SK No. 1-144 was the basis for development of Version 1 of the CTS for the first-instance general (district) courts and for linking public data from the CTS to each district court's public website. Subsequently, in February 2012, the Supreme Court released a second decree, SK No.26 of 2012 on Judicial Service Standards. Together, Decrees No. 1-144 of 2011 and No. 26 of 2012 were the foundation for the C4J Project's activities to strengthen public information services.

## PUBLIC INFORMATION DESKS

With funds from the MCC Threshold Program at the beginning of the project, C4J provided assistance in refurbishing the public information desks in three pilot district courts in Bandung, Samarinda, and Palembang. Thereafter, in response to the Supreme Court's request to upgrade the public information desk in the Denpasar District Court, USAID agreed that C4J could fund the construction of a new desk there in 2012. The objectives for the new public information desks were to focus all public services at the court entrance, to ensure that all public information available through the CTS could be accessed, to discourage the public from visiting judges' and assistant ("acting") registrars' offices and registry rooms looking for information, to discourage the practice of court staff or "middle men" selling case information in the courts, and to increase security at entrances (for both court staff and the public) by monitoring persons entering and exiting the building. Another objective of the public information desks was to restrict public access at back and side entrances and to other non-public areas of the court. For example, recommendations provided for Denpasar District Court on how the public information desk should be constructed included the following:

Virtually every public information desk constructed with a court's own funds and initiative was built beautifully, affordably, with pride, in a manner consistent with the local culture and court architecture, and staffed with professionals dedicated to providing excellent public service. Some of the smallest, least known courts produced some of the finest public information desks.

- Replace the existing small receptionist desk with a longer, higher, and wider desk to more effectively serve the public and restrict access to the registrar's office, which was to one side of the old information desk next to the front entrance
- Mount an LCD screen to display all hearing information for the public to view
- Install a website kiosk for the public to search and view case information through the CTS free of charge, as a service to those who lack computers or reliable internet access at home
- Other barriers to keep the public from non-public areas
- Signage to direct the public to appropriate public services and waiting areas, and display floor plans, court fees, legal aid services, and other pertinent court information

With the permission of USAID, the C4J Project agreed to construct one additional “model” public information desk in the Makassar District Court as a demonstration of how to tailor a public information desk to the court’s architecture, and how to use other innovations to reduce risks of demonstrations, protect detention areas, protect children (i.e., the juvenile hearing room) and witnesses, and to control visitor flow within the building. The renovations at Makassar were completed in early 2013.

While both Denpasar and Makassar were stunning successes initially, the courts misinterpreted some lessons learned and began implementing additional reforms designed to reduce their exposure to the public, the opposite of what was intended. For example, the Denpasar District Court moved the public entrance to the side so that the public would not pass in front of the information desk – in essence, the front door became a ceremonial entrance and the public information area became a closed environment instead of a place that encouraged citizens to seek information and learn about court services. In the Makassar District Court, the gates installed at the front and back entrances were so successful at reducing the threat of demonstrations that the court decided to build a massive gate across the middle of the main hearing room – completely separating the public from court officials and defendants, damaging the previously beautiful architectural character of the main hearing room, and creating an image of fear and bias toward the public. The C4J Project thereafter decided not to support the construction of any more public information desks. Stronger public-focused policies are needed from the Supreme Court.

Numerous courts, however, began constructing public information desks with their own resources (see box). The lesson from this activity, worth noting by all courts, is that the purpose of public information desks is not to make the courts look more exclusive: The purpose is to connect courts more effectively and kindly to their community. Courts that understood that lesson – such as the district courts in Bangkinang, Kabanjahe, and Mataram– serve as “models for the future”.<sup>18</sup>

---

<sup>18</sup>There are many other first-instance district and religious courts that could be mentioned.



*In 2014, Bangkinang District Court was equipped with a public information desk, shown above, supported by an Internet kiosk and public information staff who stand by to serve the public. The court also moved other public services to the court entrance.*

The C4J Project cooperated with the Supreme Court and Denpasar District Court in July 2012 to implement a public information desk training for 30 representatives from the Denpasar High Court and seven district courts under its authority. The C4J Project recommends that future training programs should be implemented through E-learning and high court-based training programs, and that one high court supervisory judge be responsible for monitoring public services in all first-instance courts in each province.

### PUBLIC SERVICE SURVEYS

During the first year of the project, in addition to the training needs assessment and IT readiness survey, the project conducted a public information and public affairs assessment. The survey, based on 30 respondents per court per city, provided a wealth of interesting data for comparative purposes, including that:

- 49 percent of court users exhibited satisfaction with the availability of public information
- 41 percent of respondents expressed confidence or trust in their courts

The survey results were discussed in early 2011 with the Supreme Court and C4J decided to follow up with the same surveys to discover impacts of C4J technical assistance and training toward a more transparent, fair, and positive experience for court users and the general public.

C4J and *Jaringan Riset Indonesia* (JRI) initiated a public perception survey on court services in May 2013 in seven general district courts in Denpasar and Gianyar (Bali), Samarinda (East Kalimantan), Makassar (South Sulawesi), Donggala (Central Sulawesi), Bandung (West Java), and Palembang (South Sumatra). The survey also included three religious courts in Balikpapan (East Kalimantan), South Jakarta (Jakarta), and Yogyakarta (Yogyakarta). The survey was designed to measure public perceptions of information availability in Indonesia's courts, and to correlate perceptions of public information services with reform activities (legal aid, case management, IT, and professionalism of staff.) The survey was finalized at the end of June 2013 with findings as follows:

- Public awareness of how to access information (particularly at information desks) was slightly higher on project-assisted courts than non-assisted courts
- A majority of the surveyed court staff were not aware that their respective court had published important information such as the court's annual financial report and job descriptions, although the courts believed that they had sufficiently disseminated the information
- Almost all C4J-assisted courts are already quite compliant and, overall, information was kept up to date in the CTS and on the court schedule screen and website kiosk
- Less than half of the surveyed respondents were aware of the implemented CTS
- The biggest obstacle for the court in providing more timely information to the public is limited availability of staff – either number of staff, or capacity
- Performance of the information desk was considered favorable by most respondents, in terms of responsiveness, accuracy, information provided, clarity of information, and manner and appearance. Additional correlations showed that satisfaction levels toward general court performance were not related to the time taken in handling a case by the court, but more likely to the perception of how the court treated justice seekers, i.e., fairly and respectfully, and the courts' perceived independence from external influence.

Based on the findings of this survey, it was recommended that each court conduct more intense communication to court staff and the public about its values relating to information transparency. The survey findings indicated that information should be aggressively conveyed to the public. The courts should also open clear "information channels" using professional staff to enable and encourage court users and the public to use the court's facilities extensively.

Based on these findings and subsequent interaction with the courts, the C4J Project concludes with two strong recommendations: That a Public Information Officer career path be implemented in the courts to focus on community service and outreach and that all public services be integrated and easily accessible, safe, and professional without appearances of influence or bias.

## COURT SECURITY

While public services initially included a focus on information, this focus was expanded to include security and restricting the public from non-public areas. If a court has a well-functioning, professionally staffed public information desk, then the public does not need to be in the registry offices, assistant registrars' offices, or judges' offices. Allowing the public in non-public areas creates two serious problems for the courts: The appearance that some parties have access to preferential services, or that they can influence court decisions, and a security threat to judges and court. SK 1-144 of 2011 includes provisions that the courts are responsible for the safety of all persons in the courts, including public visitors. Therefore, for public services to be optimal, the courts must ensure that all public services are available, easily accessible, and supported by effective, professional security services at the entrance to the court building. The C4J Project has recommended an integrated approach to public services (see box below).

Each court must ensure that its facilities are safe, organized, and accessible, including clear signage to direct the public to public areas and away from non-public areas. Accessibility should begin at the front gate for everyone seeking access to court services, and should include all activities in the court compound.

Accessibility has its limits however. The public needs access to public services at the entrance, and to enter the hearing rooms for public cases. Accessibility does not include access to areas designated as non-public, the public will respect the court that enforces its rules consistently with respect to all persons. Accessibility also does not include allowing the public to park vehicles or motorcycles near the court building. And accessibility does not include creating VIP areas or ceremonial entrances, though it should include special protections for children, the handicapped, witnesses, and victims of crimes (which is why a legal aid office should never be located near the detention area).

## COURT WEBSITE GUIDELINES

The public perception surveys funded by the C4J Project revealed that most courts websites were not complying with SK No. 1-144 of 2011 and No.26 of 2012 because the hearing schedules and case results must be accessible by the public at any time. With subsequent research, the project found that many court websites were not being regularly updated, and that the quality and appearance of websites were inconsistent. While a large percentage of the population still does not have reliable access to the Internet, the Supreme Court expressed an interest in establishing a website standard now to guide future development. Because the website projects the image of the court, the court must show the same commitment to public services, transparency, and accountability online as it is required to show at the court entrance.

C4J collaborated with the Supreme Court through its Website Standardization Working Group, representing the communications and IT staff, to develop standardized guidelines on development of websites for the courts. Believing that information should be made available to everyone, including the disabled, the Supreme Court and C4J cooperated with the Australia Indonesia Partnership for Justice (AIPJ) Project, which had funded an activity to improve public services for the disabled. Thus, *Mitra Netra Foundation*

(Support Group for People with Disability), which is funded by the AIPJ project, and was invited to participate in the meetings to ensure that the website guidelines included guidance on equipping websites with a screen reader facility for the visually impaired.

The standards were developed consistent with the public service requirements of SK No. 1-144 of 2011 and No. 26 of 2012 and in adherence to the Ministry of Communications and Informatics Decree No. 28/PER/M/KOMINFO/09/2006 on Domain Name Usage for go.id Central and Local Government Institutions. The ministry decree specifies the following four technical parameters for government websites:

- Use of the official government domain, website address, and naming convention
- A standardized layout, visual graphics, and links to other services
- One designated administrator
- A data management system for updating content and managing information

In developing the standardized website, the district courts were invited to a workshop with the Working Group to agree on standardized guidelines for layout, software programs, features, accessibility, and resources.

As agreed with the Supreme Court's Public and Legal Relations Bureau (*Humas*), the new standardized website guidelines were piloted by the Supreme Court in the general, religious, administrative, and military courts in early 2015.

However, while this effort provided specific guidance, it was agreed that the guidelines should only set parameters and that, through innovation, these should be allowed to evolve and improve over time. Courts are still encouraged to innovate and respond to new advancements in technology and public services to set even higher standards of public service online in the future.

## INTEGRATED COURT PUBLIC SERVICES

Despite the guidance provided by SK No. 1-144 of 2011 and No. 26 of 2012 there remains a lack of clear guidance on how courts should regulate access to public services and security in and around the court building. There are numerous divergent practices among the courts in Indonesia.

Management of legal aid services, and protection of criminal suspects and victims in court are examples of grossly inconsistent practices.

The first-instance courts that best implemented public information desks also demonstrated the best understanding of how other public information services should be implemented. If a court is truly focused on serving its community, then that court is dedicated to making it easy for the public to access all services at the entrance to the court instead of forcing the public to wander around the

### C4J's Integrated Approach

- A well-staffed public information desk
- Legal aid office (*pos bantuan hukum*, or *posbakum*),
- Civil registry filing and payment window
- Media room
- Staffed security check at the entrance
- Designated waiting areas outside hearing rooms
- A protected area for juvenile cases
- Complete separation of public services and public waiting areas from the detention area, which should have separate entrances

court looking for answers. Guidelines on Integrated Public Services were developed by the Supreme Court, in cooperation with the C4J Project, based on lessons learned from the failures and successes of implementing public information services. The C4J Project began applying the term “Integrated Public Services” (see box) to describe immediate access to all services at the front information desk, services by professional information staff and security, website kiosk, legal aid office, media room, civil registry window, and easy access to ATMs and/or a bank and to a civil fee payment window.

In conjunction with development of the court website guidelines, the project drafted new Integrated Court Services Guidelines, grouped into three main themes: Access to the court building, access to information, and management of complaints. The Guidelines document lessons learned and best practices from courts throughout the country.



*A law student looks for information at an Internet kiosk in East Jakarta District Court. Through CTS, the public can access information through the court website. This information can also be accessed via the Internet kiosk located at the district court's main entrance.*

The Integrated Court Services Report identifies unique differences among courts, such as size and architecture. It commends ideal models and practices, and warns about serious mistakes that should not be repeated. The integrated public services guidelines in Bahasa are attached to this report as Annex C.

## PUBLIC INFORMATION OFFICERS

Every court needs a representative who understands the community and the legal process. It is more than simply talking to the public –it is a function of building relations of trust between the local court and its community, educating the community about court processes, increasing public trust and court credibility, and demonstrating a commitment to serving all communities. As the C4J Project learned through the biodiversity program, many disputes, such as land disputes with large companies or the government, cannot be resolved at the *adat* level. In addition, the media has become an integrated and important counterpart of the court. It is crucial for the courts to be confident and professional when managing the media.

A non-judge, working on behalf of the court, can fill the communications role best. Judges tend to be transferred, so judges are never able to develop strong, positive, enduring relations with local communities. Appointing judges as spokespersons also risks judges speaking out about cases when they should not or fear of making mistakes when communicating with the public.

Therefore, the courts are in need of a professional career path for public information officers in the courts, like the professional IT career path that was created by the Supreme Court at the end of C4J.

## PUBLIC RELATIONS COACHING FOR THE SUPREME COURT

To improve public interaction, the Supreme Court Public and Legal Relations Bureau (*Humas*) and the C4J Project conducted capacity building to improve the knowledge, capacity, and competencies of 25 Supreme Court public relations staff on public speaking, media communication, crisis management, and media monitoring. The sessions were held in the Supreme Court building in Jakarta, and divided into six sessions which were led by the C4J team, Ika Soebroto, a communication expert, and Harry Soerjadi, a senior journalist. They included practical exercises on how to effectively respond to various public relations challenges, including crisis communication management, media event management, and public information management.

## PUBLIC RELATIONS COACHING FOR THE DISTRICT COURTS

C4J collaborated with the Supreme Court in delivering public speaking and media engagement training and mentoring to spokespersons of selected courts in Indonesia to enhance the court's media relations. The training program and mentoring were conducted in the district courts in Denpasar (Bali), Makassar (South Sulawesi), Surabaya (East Java), and Bandung (West Java). The courts were selected based on existing challenges of security, sensitive cases, social and political dynamics, and attention on the courts from national and international media.

Mentoring was delivered using a methodology that included opportunities for participants to engage with the media to build their confidence, while at the same time build stronger relations with the media. Practice sessions were followed by evaluations.

The in-house training proved to be a great success due largely to the strong support of the court's Chief Judge and enthusiasm from the participants. Although the target was 10 participants, 22 court staff (public relations staff and judges) actively participated in the training. This showed that skills in media and public relations strategies were urgently needed, especially since Makassar is a dynamic city with active media and court cases of great interest to residents. Having learned from the success of the training and mentoring sessions at the Makassar District Court, the Makassar High Court invited C4J to conduct similar training for approximately 50 judges from 25 district courts in South Sulawesi.

Mentoring sessions were continued at the Surabaya District Court in October 2013 and Bandung District Court in November 2013. The training in Surabaya drew enthusiastic participation by the public relations staff and judges from the respective district court, and also from the nearby district courts of Mojokerto, Sidoardjo, Gresik, and Jombang.

---

### **Lessons Learned**

Coordination with each court's chief judge, public relations judge, and court registrar was a constant challenge in implementing training programs and mentoring. The responsibilities for public information services are too widely divided among various court representatives. The role of a public information officer needs to be defined and standardized as a professional position within the courts. This will avoid what appears to be a frequent problem of poor management and coordination with the public and the media, and insufficient attention to public services.

Secondly, there are no clear standard operating procedures for the Supreme Court or lower courts on public information services. A guideline was reportedly developed for internal communication, but it does not appear to be applied.

Thirdly, the courts tend to manage the media reactively, in responses to bad press, instead of proactively developing positive press engagement through press releases, regular media briefings, etc.

A fourth, very significant challenge, which the project could not address, is developing highly professional, non-judge spokespersons with public relations skills, who can respond effectively to the public and the media regarding controversial decisions.

---

### **PUBLIC INFORMATION SERVICES COACHING FOR DISTRICT COURT**

C4J mentored approximately 150 judges in 12 district courts in 2014 on public information access and transparency and addressing disputes related to public access to information in the court. More intensive assistance was provided to public information staff in three district courts where the biodiversity program was being piloted in:

- Bangkinang District Court, Riau
- Blangkejeren District Court, Aceh
- Ketapang District Court, West Kalimantan

Mentoring in the biodiversity locations involved not only the courts' communications and public information desk staff, but also the chief judges, deputy chief judges, secretary/registrars, and the local media. The project team shared knowledge on best practices in management of public information services and media relations in accordance with the SK No. 1-144 of 2011, No. 26 of 2012.

In April 2014, the project facilitated a TOT program on Public Information Services for Documentation and Information Management Officers (PPID). The TOT was joined by 15 prospective trainers from the Supreme Court Training Agency and *Humas*. The Central Information Commission (*Komisi Informasi Publik – KIP*), as the adjudicator of public information complaints, was invited to facilitate a session on management of "public information disputes".



*The judge and *Humas* staff of Blangkejeren District Court practice providing information requested by the public during an in-house training facilitated by the C4J Project.*

## IMPROVED COURT AND PUBLIC INTERACTION: ROAD MAP

### Short-term Recommendations

- To ensure consistency in court services among all types of courts and implementation of the Supreme Court's Decrees – SK No. 1-144 of 2011 (which regulates information that must be provided to the public), and SK No. 26 of 2012 (which regulates public access in the courts, security, public information services, and complaint mechanisms) – the Supreme Court's Public and Legal Relations Bureau (*Humas*) must set policies and provide guidance on all services, including on issues of: public information services, legal aid services in the courts, media services, court security, small claims processes, public relations, community outreach, crisis management, and other activities to connect the courts with the public.
- As the Supreme Court's central authority, *Humas* must lead coordination with the Central Information Commission (*KIP*) on knowledge sharing and management of public information disputes.

- The Supreme Court Humas and Directorates General must sustain reforms in providing information online through a decree mandating information that must be provided on each court's website.
- The Supreme Court *Humas* and Directorates General should encourage innovation and documentation of best practices in providing public services.
- Consistent with guidance provided by the Supreme Court's *Humas*, the Directorates General must ensure that all first-instance and appellate courts comply with mandates of SK No. 1-144 of 2011 and No. 26 of 2012.
- The Directorates General must ensure that their first-instance and appellate courts produce and present annual public information reports to their communities. Notable examples include the public information presentations in 2014 and 2015 by Bangkinang District Court and Kabanjahe District Court (which was attended by the leadership of the Directorate General of the General Courts).
- Each appellate court must appoint one high court judge to specialize in monitoring and supervising the effective implementation of all public services in the first-instance courts, including online inspections and random visits to district courts.
- Each appellate court, in coordination with their Directorate General and the Training Agency, must implement a regular training program, at least annually, for Public Information Officers and other staff on public information services and automated CTS, legal aid services, media services, court security, small claims processes, public relations, community outreach, crisis management, and other activities to connect the courts with the public.
- Each general first-instance and high court must strictly enforce the Director General *Badilum*'s Circular Letter No. 3/DJU/HM02.3/6/2014 on entering all case data and reporting case data to *Badilum*.
- Each district court should integrate all public services at the front entrance of their courts and provide clear directions for the public on how to access, the public information desk, complaints mechanism, the legal aid office (*Posbakum*), which should remain open to the public during court hours, the media room, the civil registry, and civil fee payment window.
- Each district court must implement strict policies to ensure the appearance of transparency, openness, and fairness of public hearings. An example of a bad practice is the court that installed bars across the hearing room to separate the public from court officials. Such practices convey a message that the courts are afraid of the public and want to restrict access and reduce transparency.
- To minimize security risks and opportunities for violence in the courts, each district court should implement strict security procedures, including:
  - Monitoring and screening of all persons at the gate into the court compound by professional security personnel, such as adopted by the Supreme Court.
  - Monitoring and screening of all persons at the court entrance by professional security personnel. The public should only be allowed through one entrance. Judges and court staff may use a separate side or back entrance that is strictly enforced. The Supreme Court has implemented such procedures.
  - Strictly enforcing policies on prohibiting public access to non-public zones, including judges' rooms, registries, assistant ("acting") registrars' rooms, and detention areas.
  - Prohibiting public drop-offs by car or motorcycle at the court entrance, and prohibiting public parking near the court building or detention drop-off areas.

- Protecting suspects in the drop-off area and detention area. Contact by the public with suspects in the detention area must be strictly prohibited.
- Implementing procedures for closing the court, and for protecting the public and all information (automated and written) in the event of a violent protest.
- Providing separate corridors and entrances for judges, court staff, and suspects, an escape door/route for judges and court staff from the hearing rooms, and a separate, strictly non-public escape route from the court building.
- Ensuring that there is no direct line-of-sight from outside into the main hearing room (a common problem in many of the courts' designs). Obstructions may include plants, a solid wall, a security desk, or the public information desk.
- Ensuring that there are no obstructions whatsoever in the areas in front of the hearing rooms.
- Limiting the number of people that may enter a hearing room.
- Ensuring that there are adequate waiting and sitting areas to keep the public in the public zones of the court.
- Disallowing cameras and recording devices in the hearing room to avoid disruptions and security risks, but establishing a media room with CCTV for watching and recording the hearings.
- Protecting all witnesses, children, and plaintiffs in cases of violent crimes. Prohibiting public stores, canteens, and other uncontrolled products inside the court building.
- Each Directorate General must implement a public information and media service to respond to requests for data. If a court refuses to provide data that legally should be provided, the public should be able to access the data from the Directorate General.

### **Medium-term Recommendations**

- A Supreme Court Working Group on Integrated Public Services should be created to review and address issues relating to public information services, legal aid services in the courts, media relations, community outreach, mobile courts (*sidang diluar pengadilan*), and court security.
- Develop and adopt standard operating procedures (SOPs) on services and communications that should be provided by public information officers, as an alternative to communications by judges as court spokespersons.
- Develop a career path for Public Information Officers (comparable to the recently developed IT career path) to professionalize public services and to optimize public relations, media communications, and community engagement by each court.
- Implement briefings and coordination meetings with the local media on a regular basis at each first-instance and appellate court under the leadership of each court's Public Information Officer.
- Allocate funds for public information services and Public Information Officers in the annual budget and specify these as priority activities.
- Allocate funds for sufficient professional court security personnel at the entrance to the court compound, entrance to the court building, private entrances for judges and court staff, detention areas, and barriers between public and non-public areas.
- Develop and implement improved SOPs on the mechanism for collecting, documenting, and following-up on public complaints, and for integrating them with procedures for supervision and public services.

- Develop and implement MOUs between each court (first-instance and appellate) and local justice sector authorities on effective procedures for transport and drop-off of suspects and timely response by the police in the event of disturbances or high-profile cases.
- Each court should have professional, well trained security guards.

### **Long-term Recommendations**

- A regulation should be implemented for requiring that all written decisions be automatically uploaded into the Supreme Court’s “decision database” upon completion of the standardized decision form in the CTS.
- An annual review should be implemented by the Supreme Court for reviewing and amending SK No. 1-144 of 2011 and SK No. 26 of 2012 as necessary to increase the quality of public services.
- Implement a circuit for each first-instance court to visit communities on a regular basis to conduct hearings and for community education/outreach outside the court.
- The Supreme Court should create a museum for educating the public on the judiciary.
- The Directorates General should merge their public information services into a single Supreme Court public information office for processing all annual reports and special performance data requests.
- *Humas* should manage all communications and data requests for the Supreme Court specifically.
- The courts need a law on “Contempt of Court” to more effectively punish inappropriate behavior in the court and refusals by parties to comply with court decisions.

## **LEGAL AID SERVICES IN THE COURTS AND IMPROVED ACCESS FOR WOMEN, THE POOR, AND MARGINALIZED COMMUNITIES TO COURT SERVICE**

Through its Blueprint, the Supreme Court has defined a vision to provide fair legal services to all justice seekers. In the past, the greatest obstacle to providing sufficient and fair legal aid services in the courts was the lack of sufficient guidance. The general, religious, and state administrative courts each managed legal aid services by their own rules, procedures, and budgets. Through intensive coordination with the Supreme Court and other projects,<sup>19</sup> much progress was achieved during the period of the C4J Project to improve the system of legal aid services.

### ***Access to Justice Services Standards Development, Legal Aid Workshop, and Regulations Amendment***

Supporting the implementation of best practices in legal aid reform in Indonesia, in March 2012 the C4J Project collaborated with *Badilum* and the World Bank’s Justice for the Poor (J4P) program, and held a national training workshop to assist the chief judges

---

<sup>19</sup>The C4J Project coordinated regularly with the World Bank Justice for the Poor (J4P) Project, the Australia Indonesia Partnership for Justice (AIPJ), Open Society/Tifa Foundation, and the United Nations Development Program (UNDP) to ensure a consistent approach to improving legal aid services in Indonesia’s justice system.

and registrars from 39 district courts to understand the implementation of Decree No. 10 of 2010. At the end of the workshop, the project provided technical assistance in implementing Decree No.10 of 2010 by distributing posters and providing technical assistance on delivery of legal aid. To further sustain the implementation of legal aid services, the Supreme Court and C4J developed a framework of core legal aid services through discussions with all three Directorates General, who gave full support for the overall plan for standards development.

The development of legal aid policies and procedures was discussed in a series of workshops attended by court leaders from the general, religious, and administrative courts held in 2012 and 2013. The first workshop was the *Prodeo* Workshop for Civil Cases, held in December 2012 in cooperation with the World Bank J4P Program. The second and third workshops discussed the challenges in implementation of legal aid posts (*prodeo*) and mobile courts (*zitting plaats* and/or *sidang diluar pengadilan*) in March 2013. The discussions focused on standardization of legal aid services and making procedures simpler and more effective. The Supreme Court leadership expressed its intention to develop a more detailed budget plan, which included improved monitoring and reporting of legal aid services. The workshop produced policy and budget planning recommendations to be followed-up by a special Legal Aid Budget Working Group involving the three Directorates General. However, the Supreme Court's Directorate General and Administrative Unit found it difficult to create a uniform budget model for legal aid due to large differences in how legal aid services were managed among the Directorates General. Hence, the Supreme Court and C4J focused on developing streamlined legal aid procedures and consistent, performance-based budgets this service.

### ***Legal Aid Resources Development***

The Directorate General for the General Courts (*Badilum*) issued technical guidelines in January 2012 on managing legal aid in mobile courts (*zitting plaats*) and court fee waivers (*prodeo*). To produce better performance data, an initial focus was placed on assisting *Badilum* to implement an improved SMS reporting system for tracking legal aid services for civil and criminal cases. (The general courts had been tracking legal aid in criminal cases only.) However, by 2013, it was apparent that the SMS reporting system was not a feasible solution due to challenges enforcing data entry and consistency.

A C4J Project team visited six district courts in Bandung and Bale Bandung (West Java), Medan and Stabat (North Sumatra), and Surabaya and Sidoarjo (East Java) in May 2012 to assess the impact of the project's efforts to improve the management of legal aid in the general courts. Most of the courts recognized that the guidelines had encouraged more justice seekers to access the legal aid post, *prodeo*, and *zitting plaats* for birth certificate petitions.

The Supreme Court and C4J collaborated on development of legal aid resources, including Circular No. 10 of 2010, the Supreme Court's new technical guidelines on providing legal aid in civil and criminal cases, a new 2011 Legal Aid Bill, posters, and a booklet on reporting legal aid data.

## ***Development and Implementation of PERMA 1 of 2014***

Despite the project's efforts to implement an improved legal aid system, a new Law No. 16 of 2011 on Legal Aid, threatened to undo all of the earlier efforts. The law provided no clear guidance on whether the courts could continue providing legal aid services, as it stated that the Ministry of Law and Human Rights would become responsible for funding legal aid services and legal aid organizations. As a result, in 2013 the general and state administrative courts stopped budgeting for legal aid services and the religious courts reduced their budgets and the scope of legal aid services provided. In cooperation with the C4J Project and other donor-funded programs, the Supreme Court decided to propose new regulations on legal aid services. These new regulations aspired to not only preserve legal aid services in the courts, but to improve them by standardizing the entire system of legal aid across courts. The C4J Project supported workshops in December 2012 and March 2013, and consultations with leaders of the Supreme Court, Directorates General for the General Court (*Badilum*), Religious Courts (*Badilag*), and Military/State Administrative Courts (*Badimiltun*) to articulate a vision that legal aid services are a “core court service,” that no other government institution or organization could fulfill these needs of the public, and that the Supreme Court needed to exert its leadership to preserve those court services and improve their delivery by the courts.

The Supreme Court created a special working group comprising representatives from the Supreme Court, Judicial Reform Team (JRTO), C4J, the Australia Indonesia Partnership for Justice (AIPJ), and the J4P Program to work jointly on a new regulation.

Extensive cooperation among the projects and the Supreme Court ensured that all aspects of legal aid, including budgets, court management, communications (linkage between legal aid and public information), and human resources were covered in new regulations. In cooperation with subcontractor *Pusat Kajian Perlindungan Anak* (*Puskapa*), C4J facilitated a series of meetings on preserving and standardizing legal aid services.

These meetings included active contributions from the Supreme Court Legal Aid Working Group, *Bappenas*, J4P, and the AIPJ project. Ultimately, the Supreme Court successfully revised Circular No. 10 of 2010 on Guidelines for Legal Aid Services, into a new Supreme Court Regulation (PERMA) No. 1 of 2014 on Guidelines for Legal Services for the Poor in Court. The new PERMA was signed by the Minister of Law and Human Rights and enacted on January 16, 2014.

The new PERMA 1 represented a phenomenal step forward, as it standardized legal aid services, legal aid budgets, and the mechanisms for accessing three types of legal aid services in the courts: legal aid offices in the courts (*posbakum*), fee waivers (*prodeo*), and hearings outside the courts (*sidang diluar pengadilan*).

By 2015, all 350 general district courts had committed to providing *posbakum* services, a remarkable increase from merely 56 courts in 2014. The Supreme Court and its lower courts have embraced the vision that legal aid is a “core court service” that must be promoted and made easily accessible in conjunction with improvements in public information, media services, registration/payment of civil cases, and improved security.

---

### **Lessons Learned**

While the leadership of the Supreme Court has adopted PERMA 1 of 2014, and authorized a new budget, implementation of the regulation has met some challenges. The dedicated rooms for *posbakum* are not yet strategically located in each court building. In some courts, the *posbakum* services are placed at the back door, or adjacent to crowded waiting areas, or near the detention cells, thereby limiting private discussions and discouraging women and victims of violence from seeking services there. Also, from an evaluation of the program, most district courts still do not provide proper data as requested by the *Badilum* for reporting on legal aid services and costs.

---

Following the implementation of the new PERMA, the project examined how the CTS may capture additional, key data on legal aid services in the first-instance courts, namely fee waivers and hearings outside the courts. These data should be prioritized in future enhancements to the CTS, as recommended in the CTS Roadmap.



*Stabat District Court (North Sumatra) has been a leader in providing mobile court services to surrounding villages and towns. This photo won USAID/Indonesia's 2013 photo contest.*

### **LEGAL AID SERVICES: ROAD MAP**

#### **Short-term Recommendations**

- Legal aid services should be directly supervised and implemented by the Directorates General, in cooperation with Supreme Court working groups and *Humas*. Budgeting processes and financial management of legal aid services should be consistent and managed and overseen by a Budget and Financial Management Agency.

- Under the authority of the Directorates General, legal aid services should be integrated with public information services at the front entrance of each court.
- First-instance courts should be discouraged from placing legal aid offices (*posbakum*) in locations that are hard to find, close to crowded areas, or in the back of court premises. The public must be provided with clear directions and easy access to *posbakum* at each court. The best models of *posbakum* are at the front entrance of the court or even at the front gate.
- *Posbakum* should be near the public information desk where information can be easily accessed, and near the civil registry where civil cases are filed and fee waivers requested.
- The general courts should be prohibited from placing *posbakum* near detention areas because persons seeking help may be victims of crime, and there are often large crowds of people around the detention area. Detention areas should be made secure for the benefit of both suspects and the public (in the event of an attempted escape).
- Because seeking legal help is a private, sensitive matter, *posbakum* should include a private meeting area. Secondly, logbooks with names of persons receiving services or the nature of advice requested should not be accessible to the public.
- Each court must be required to ensure the quality of legal aid services provided through their *posbakum*. Services must only be provided by approved persons. The *posbakum* must not be used by other persons for any another purpose, and the courts must ensure that *posbakum* is not used for the benefit of a law firm.
- Each court must manage its budget to ensure that the *posbakum* is kept open all year. Courts must be prohibited from closing their *posbakum*.
- Through the high (appellate) courts, the Directorates General should identify best practices for recommending standardization among courts.
- The high courts must supervise the implementation of legal aid services in conjunction with supervision of public information services. One supervisory judge in each high court should be responsible for supervising the implementation of integrated public services.
- Integrated public services in the courts should include public information services, legal aid services, media services, court security, small claims processes, public relations, community outreach, crisis management, and other activities to connect the courts with the public.

### **Medium-term Recommendations**

- The CTS should be enhanced to monitor all performance data relating to legal aid services in the courts.
- The Supreme Court should implement a Public Services Working Group, which would include a focus on legal aid services.
- In cooperation with a Public Services Working Group, *Humas*, the Directorates General, and appellate courts, SOPs should be developed on management of integrated public services in the first-instance and appellate courts, and on supervision of the first-instance courts by the appellate courts.
- The standardized templates developed for the CTS should be enhanced to support online management of court forms by the public, including fee waiver applications and approvals, filing small claims cases and civil cases, scheduling a hearing outside

the court, documenting payment of fees in civil cases, and downloading court orders, minutes, and decisions.

- Each first-instance and appellate court should be required to implement an online and/or SMS service for asking questions about the status of a case, hearing dates, fee payments, etc. District courts in Klaten, Praya, and Kabanjahe have each implemented such systems.
- Each first-instance and appellate court should have a professional Public Information Officer to manage and supervise integrated public services.
- All first-instance courts should implement one-stop services comparable to what has been implemented in the religious courts. Legal aid services should be fully standardized among all first-instance courts in Indonesia.
- The Supreme Court and Ministry of Law and Human Rights should cooperate on the development and implementation of an integrated legal aid management system as an enhancement to the CTS to monitor services by legal aid providers funded by the Ministry, and to track court costs and hearings for purposes of reimbursing legal aid providers.

### **Long-term Recommendations**

- Legal aid services should be budgeted for each first-instance and appellate court based on an analysis of case filings and the type and complexity of cases in each court. Courts in locations with greater environmental or other social issues should be prioritized for higher legal aid budgets.
- Because many Indonesians cannot afford the cost of travel to court hearings, and because it is the role of courts to balance access to justice for the rich and the poor, legal aid budgets should include reimbursements or allowances for travel from the community to court hearings. Because some types of cases, such as corruption, are moved to “special courts,” sufficient legal aid funds should be allocated to fund the cost to parties of travel to those more distant courts.
- Legal aid services should be integrated with mobile courts (*sidang diluar pengadilan*), small claims processes, and community paralegals to provide effective legal aid at the level of communities, many of which are far from the nearest first-instance court.
- The Supreme Court, Ministry of Law and Human Rights, Attorney General’s Office, National Police, and other justice sector institutions should cooperate on the development and implementation of a joint MOU and an integrated legal aid management system, as an enhancement to the CTS, to monitor the needs of persons using legal aid and the services of legal aid providers from investigation/arrest to final resolution of cases.
- As the quality of legal aid services is a serious concern for the Supreme Court, the implementation of all legal aid services should be monitored, supported, and standardized through a Legal Aid Services Division under the Supreme Court’s *Humas*. But implementation and supervision should be under the authority of the Directorates General and appellate courts in each region.

## **B. COMPONENT 2: SUSTAINING AND BROADENING REFORMS IN THE ATTORNEY GENERAL'S OFFICE**

In support of the Attorney General's Office (AGO) goals of deepening prosecutorial reforms, the C4J Project cooperated on reform programs to enhance institutional management, integrity, and efficiency in the AGO and its provincial prosecutors' offices (PPOs) and district prosecutors' offices (DPOs). Activities of the AGO and C4J included new technical guidelines, a new prosecutorial code of conduct, new competencies and methodologies for assessing prosecutorial staff, a restructured training system, including new business processes and standard operating procedures, in cooperation with the AGO Training Agency (*Badiklat*), and strengthened public services through cooperation with the AGO Public Information Center (*Puspenkum*).

### **1. Enhanced Management Transparency and Accountability in the Attorney General's Office (AGO)**

#### **HUMAN RESOURCES**

The AGO determined early in the C4J Project that it should prioritize the restructuring of its system of human resources management to examine best practices in Indonesia, define the essential competencies of leaders in the AGO headquarters and PPOs, and implement new assessment methodologies

##### ***Human resources discussion groups***

C4J proposed to the AGO's Planning Bureau head that the project facilitate a Human Resources Leadership Forum to further strengthen the practical knowledge of the AGO Personnel Bureau leadership team. The forum consisted of a series of sessions from September 2011 to February 2012, on the following topics:

- Human Resources Reform by the Head of Human Resources Development of the Ministry of Finance (September 12, 2011)
- Human Resources Management System and Implementation in the Corruption Eradication Commission (KPK) by the Head of Human Resources Bureau of KPK (September 28, 2011)
- Modern Human Resources Function and Competencies by C4J's Human Resources Advisor (October 12, 2011)
- The Role of Cultural Work in Achieving Organization Goals and Missions by the Vice President of Human Resources Department of PT Pertamina (*Persero*) (October 26, 2011)
- The Role of Competency Assessment in Human Resources and Organizational Development by the Head of the Assessment Center in the State Personnel Agency (November 9, 2011)
- Reform in the Indonesia National Police (INP) Career Advancement System by the Head of Bureau of Human Resources Strategy of the INP (December 7, 2011)
- Organizational Development in Action by the Senior Operations at World Bank (former Deputy Head of the Commission for the Eradication of Corruption) (December 21, 2011)

- Improved Organizational Performance through Rewards and Incentives by the Director General of the Religious Court (January 11, 2012)
- Bureaucratic Reform With Emphasis on the Importance of Human Resources Data and Information Management by the Head of Personnel and Organization in Government Audit Agency (January 25, 2012)
- Leadership on Challenge to Reach Organization's Vision and Mission by Dr. Tanri Abeng (former Minister of State-owned Enterprises) (February 22, 2012)

Through these discussions, knowledge, comparisons of challenges, and success stories on human resources management methods, practices, and reforms were exchanged among the speakers and prosecutors. The discussions were attended by the AGO's Personnel Bureau leaders, the Secretary of Deputy Attorney General of Advancement, and representatives of the Planning Bureau.

### ***Competency Assessments***

A critical aspect of human resources reform is ensuring that key leadership positions are filled by persons with the appropriate strengths for the work to be done. AGO leadership and C4J cooperated to develop competency-based human resources assessment and management tools to better connect the skills of its staff with their job responsibilities, particularly for leaders in the PPOs and DPOs.

Development of the first Competency and Leadership Models (also referred to as competency assessment) for strategic positions in the AGO, focusing on Echelon II, began in June 2011. The assessment linked strategic prosecutorial positions in the AGO organization to effective performance appraisal instruments.

To collect data, the team conducted extensive in-depth interviews and desk analysis about the AGO organization (human resources, vision and mission, job descriptions, and bureaucratic reform vision, mission, and strategies), relevant government regulations, and competency models from other government institutions. After completing the first draft of the Competency Model, in mid-August 2011, the team conducted interviews with 15 resource persons, including the Attorney General, Vice Attorney General, six Deputy Attorneys General, a former Attorney General, and other AGO expert staff and assistants. The interviews were designed to verify the draft of the model and identify other competencies to be included. With all input gathered, the AGO and C4J facilitated a focus group discussion in September 2011 to validate the model and determine the level of competencies. The discussion was attended by 21 AGO leaders (two women and 19 men) from echelons I, II, and III. The Competency Model was completed in November 2011 and divided into three categories, with 16 competencies (see box).

#### **The Competency Model (completed November 2011)**

- Core competencies: integrity, achievement orientation, stakeholder service orientation, and teamwork
- Leadership competencies: leadership, team development, change leadership, and strategic orientation
- Functional competencies: concern for order and quality, analytical thinking, conceptual thinking, initiative, information seeking, building working relationships, and impact and influence

From October to December 2011, an adjusted version of the Competency Model was developed for conducting individual competency assessments of AGO headquarters' Echelon III personnel. This activity was conducted in response to the Attorney General's wish to reappoint leaders within the AGO in early 2012. In the assessment, a total of 91 employees in 91 positions were evaluated. Out of 16 competencies identified in the Echelon II model, 12 competencies were applied in the assessment for Echelon III. Five competencies were included as the Primary Competency Group: integrity, leadership, teamwork, strategic orientation, and concern for order and quality.

The Competency Model has been adopted by the AGO for future assessments, thus representing a significant step toward developing more merit-based selection and promotion procedures in the organization.

In September 2013, the AGO kick-started an effort to develop competency profiles for Echelon I positions, heads of PPOs, and heads of DPOs. The first competency assessments focused only on core and behavioral competencies, so the AGO Human Resources Bureau desired to go a step further and develop managerial, leadership, and technical competencies. This Competency Model was developed in cooperation with representative heads of PPOs, the head of the AGO's International Legal Cooperation Section, the Deputy Attorney General for Advancement, and staff from the AGO's Personnel Bureau, Planning Bureau, and Training Agency. Extensive coordination was required specifically on development of the technical competencies and case studies as the assessment instruments. Development of technical competencies proved to be a much more challenging process. Nevertheless, by January 2015, the AGO and C4J successfully submitted the finalized Competency Model to AGO headquarters, comprising three documents:

- Leadership and Technical Prosecutorial Competencies
- Competency Assessment Case Studies for Technical and Managerial Competency in DPOs
- Competency Assessment Case Studies for Technical and Managerial Competency in PPOs

Completion of the AGO's technical competencies in January 2015 rounded out four years of development of the competency models, which now include well designed leadership and behavioral competencies. The technical competencies complement the existing tools of behavioral-leadership competencies to provide a more comprehensive (and relatively accurate) picture of current personnel capabilities. Furthermore, these competencies have created transparent criteria for a more open system of evaluations and promotions in the AGO, and they have provided guidance to the AGO Training Agency on essential, specialized prosecutor training based on the specific technical competencies required of prosecutors.



*The AGO's representatives discuss technical competencies with C4J and subcontractor Langkah Mitra Selaras (LMS), who assisted with development of the competencies. The final competency document was submitted to the AGO.*

Development of the competencies is a significant achievement for the AGO. It was a five year process. In the end, the project worked with four different subcontractors to achieve a vision and approach that was appropriate and acceptable for the institution. The final set of competencies spans positions at the levels of echelons I, II, and III, and heads of PPOs and DPOs.

#### **PROSECUTORIAL CODE OF CONDUCT**

To support the AGO “Prosecution Service Reform Agenda”, C4J and the AGO Bureaucratic Reform Team cooperated in identifying the most appropriate entry points for long-term bureaucratic reform programs in the AGO. In December 2010, the AGO Division on Supervision requested assistance, based upon the all-AGO conference held in the same month, to revise the 2007 Code of Conduct. The revision included incorporating international principles of law enforcement, justice, and human rights standards and norms that have been accepted by the majority of nations through prosecutors’ associations and international instruments.

In April 2011, the C4J Project successfully presented the draft of the Prosecutorial Code of Conduct to the AGO Bureau of Supervision’s technical team. The draft, based on a series of weekly discussions, focused on obligations and prohibitions to be followed by prosecutors. It was developed based on international instruments, such as standards of professional responsibility, statements of the essential duties and right of prosecutors, the Budapest Principles, and the Code of Professional Conduct for the Public Prosecutors at the International Criminal Court.

Finalization of the code was briefly halted due to internal changes within the AGO. The work resumed in April 2012, through focus groups with the secretaries of Deputy Attorneys General from five divisions in the AGO, the Head of the Legal Bureau, the Head of the Personnel Bureau, inspectors, and representatives of the Planning Bureau. Based on focus group recommendations, the Prosecutorial Code of Conduct was submitted to the Secretary of the Deputy Attorney General of Supervision in September 2012, and signed by the Attorney General on November 13, 2012. The C4J Project also cooperated with the AGO in developing a technical guideline for implementing the Code of Conduct.

## PROSECUTION GUIDELINES

To strengthen prosecutorial capacity, and the AGO's integrity and efficiency, the AGO expressed a need for comprehensive prosecution guidelines for the prosecutor's offices. Its hope was that such guidelines would improve prosecutors' consistency, transparency, objectivity, independency, and accountability.

A standardized, predictable prosecution process is critical to improving justice sector coordination, perceptions of fairness, and for respecting the rights of all persons. Prosecution guidelines help ensure that cases are processed and justice is obtained without undue delay, that differences in sentences are minimized, and that consistent practices are promoted. Moreover, guidelines should motivate prosecutors to be independent but also more responsible and cognizant of the rights and needs of defendants and victims of crimes.

### ***Terrorism Guidelines***

In April 2012, the AGO's Terrorism Task Force and C4J started developing the Prosecution Guidelines on Terrorism Case Handling. The guidelines were designed to provide procedural guidance on terrorism cases, and included articles and essays from international experts, summaries of terrorism crimes, national and international legal instruments, and histories and analyses of terrorism cases handled by the task force.

In completing the guidelines, C4J and the Task Force cooperated with the U.S. Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT). The draft was submitted in May 2012 and disseminated among Indonesia's prosecutors' offices.

The guidelines became the first resource discussing terrorism case handling based on the prosecutors' own knowledge and experience. The book has become a reference for each prosecutor in handling terrorism cases and forged common understandings on their management.

### ***Guidelines on Managing Cases on Forest Destruction (Illegal Logging and Land Conversion) and Guidelines on Managing Cases on Wildlife Crimes (Wildlife Trafficking and Poaching)***

With a biodiversity richness that is rivaled only by the Amazon, Indonesia's forests, oceans, and wildlife are under threat. In 2012, the Indonesian Ministry of Forestry

reported that deforestation reached 1.08 million hectares per year due to land conversion, forest fires, land grabbing, illegal logging, illegal mining, and weak law enforcement. The damage has impacted Indonesia's wildlife, with more than 150 of mammals, birds, and fish and more than 30 reptiles and amphibians said to be currently threatened with extinction. A complex web of inter-related biodiversity issues can directly impact the environment, plants, wildlife, and community socio-economic sustainability. Indonesia faces additional challenges in its prosecution and adjudication processes for biodiversity cases. The country lacks special mechanisms that enable coordination among civil investigators, police, and prosecutors, and specific approaches for treatment of biodiversity-related cases.

Reflecting on the situation, the AGO Environmental Task Force and district and provincial prosecutors' offices collaborated with C4J and subcontractors Indonesia Center for Environmental Law (ICEL) and the Wildlife Conservation Society (WCS) to develop two sets of guidelines that serve as references for handling cases of biodiversity, focusing on illegal logging and land conversion and wildlife trafficking and poaching. Covering the concept of prosecution, theories, practical experiences, and case studies, the two guidelines provide support for the prosecutors with various prosecution approaches, strategies, and best practices in prosecuting biodiversity-related issues and crimes.

Details of this activity are found in the Biodiversity Program section below.

#### **ENHANCED MANAGEMENT TRANSPARENCY AND ACCOUNTABILITY IN THE AGO: ROAD MAP**

##### **Short-term Recommendations**

Regarding the Prosecutorial Code of Conduct:

- The Code of Conduct should be regularly disseminated to all prosecutors throughout the country as a resource for managing terrorism cases and made available to prosecutors online.
- The structured training program should be sustained and expanded by the AGO Training Agency.

Regarding the Prosecution Guidelines:

- The guidelines should be disseminated to all prosecutors throughout the country as a resource for managing terrorism cases.
- A structured training program should be developed and consistently implemented by the AGO Training Agency on management of each of those types of cases.
- Applying the “multi-door” or multi-charge, approach prosecutors should explore the linkages of complex criminal cases with other types of crimes, such as money laundering, corruption, narcotics, terrorism, human trafficking, illegal logging, illegal fishing, and wildlife trafficking, as complex criminal cases may involve diverse actors, sophisticated *modus operandi*, and multiple layers of criminal activity.

Regarding human resources:

- Sustain the developed competencies and individual assessments to evaluate future candidates for echelons II and III positions in the AGO.

- Establish a Technical Competency Committee, under the authority of the AGO Personnel Bureau, to be responsible for reviewing and finalizing all future competency documents and assessment instruments, obtaining the Attorney General's approval/decrees, disseminating the competencies so prosecutors and staff are aware of the standards, and monitoring implementation.
- All competency and assessment instruments should be used as the bases for merit-based promotions.
- To be complete, fair, and objective, the competencies should cover at least four aspects of performance: technical competencies, behavioral competencies, work experience and previous performance evaluations, and other considerations such as education and rank. The assessment of technical and behavioral competencies together should account for 50 percent of the overall assessment.

### **Medium-term Recommendations**

Regarding the Prosecutorial Code of Conduct:

- The AGO should consistently implement a practical E-learning program on implementation of the Code of Conduct comparable to the E-learning program implemented by the Supreme Court.
- A test on knowledge of the Code of Conduct, and on how to apply it in practice, should become one of the measures for all individual competency assessments.
- A comparable Code of Conduct should be adopted for all prosecutorial support staff.

Regarding the Prosecution Guidelines:

- The prosecution guidelines already developed should be consistently, annually evaluated and supplemented whenever there are new laws, case decisions, or updated guidance from AGO headquarters.
- The prosecution guidelines should be consistently expanded to other types of complex criminal cases, such as money laundering, asset tracing, corruption, and narcotics, among others.
- The prosecution guidelines should be shared with the courts, police, and civil investigators to develop a common justice sector-wide approach to combatting specific types of complex criminal activities.

Regarding human resources:

- Consistent with the AGO's strategic plan, new competencies should be developed for individual assessments for the heads of PPOs and DPOs, including an assessment to identify gaps between the ideal competencies and current levels of performance.
- Referring to the gaps identified from the competency assessment of heads of PPOs and DPOs, develop training programs to improve the competencies that the heads of PPOs and DPOs should have.

### **Long-term Recommendations**

Regarding the Prosecutorial Code of Conduct:

- The Code of Conduct and E-learning should be made consistently available to the public so that the public understands appropriate behavior of prosecutors and of the public itself.

Regarding the Prosecution Guidelines:

- Based on the prosecution guidelines, coordinate with other justice sector institutions to develop new integrated training programs based on the guidelines that are comparable to the training program on illegal logging and wildlife trafficking that was developed by the Supreme Court for judges, prosecutors, police, and civil investigators.
- The prosecution guidelines should be shared with the public and law schools to help build a shared appreciation about crimes in Indonesia and strategies for combatting them.

Regarding human resources:

- Review and revise the competencies prior to each cycle of promotions to keep the assessment instruments dynamic, varied from assessment to assessment, and current to address the organization's needs and priorities.
- Develop new competencies for all key prosecutorial and other staff positions.

## **2. Improving Staff Technical Competence and Accountability through AGO Training Development**

The AGO established its training center in 1964. Since then, it has undergone several organizational changes, the latest at the time as C4J was beginning through Presidential Regulation No.38 of 2010 and PER No. 009 of 2011 on Organizational and Working Procedures. These new procedures were adopted to restructure the AGO Training Center into a more independent Training Agency under the authority of an Echelon I leader. This fundamental change in structure enabled the Agency to begin redefining and reorganizing its operations, including new business processes, new standard operating procedures, reforms in human resources management consistent with those implemented by the AGO Personnel Bureau, and several new training programs to address the educational needs of prosecutors. This collaboration began in 2010 with a comprehensive assessment of training needs.

### **ASSESSMENT OF EDUCATION AND TRAINING NEEDS**

The training needs assessment led by C4J, in cooperation with the Training Agency, focused on five main dimensions: organizational structure, human resources, management of education and training programs, types of programs available, training facilities, and infrastructure. The assessment, conducted from August 2011 to April 2012, generated the following list of recommendations:

- The Training Agency should clarify its organizational structure, authorities, and responsibilities of its staff.
- New Standard Operating Procedure (SOPs) are needed to guide development and implementation of training programs.
- Detailed job descriptions should be defined for all staff, regardless of level. This should be followed by a staff workload analysis to be used for human resources

- planning, setting evaluation criteria and performance assessments, and in determining which training needs to be provided.
- Training needs assessments are necessary for determining the training needed, along with evaluations of the syllabi, training materials, and trainers' resources for each program.
  - Highly skilled, functional prosecutors should be stationed at the Training Agency to support the development, implementation, and technical evaluation of training programs.
  - Establish a standard evaluation instrument and methodology to be distributed and managed consistently by all relevant training units, and maintain a database of all training program evaluations and recommendations.
  - Maintain a database of all graduates and trainers of programs implemented by the Training Agency.
  - Use PPOs for regionalizing training programs that are important for all DPOs.

Based on the training needs assessment, the AGO Training Agency and C4J agreed to collaborate on the following programs: prosecutorial practice, management, leadership, integrity of prosecutorial and non-prosecutorial staff. Additional collaboratively developed programs would include enhanced knowledge and skills, for prosecutors and candidate prosecutors, in specific, substantive areas of law in coordination with other AGO units such as the Legal Information Center and special task forces.

## **IMPROVEMENT OF TRAINING AGENCY WORKFLOW**

To strengthen the institutional management, integrity, and efficiency of the AGO Training Agency, the C4J Project reviewed the Training Agency's regulations and practices to develop new SOPs. The SOPs were finalized in January 2013. Thereafter, C4J evaluated 20 of the SOPs business processes from February through March 2014 to validate their accuracy. Based on the evaluation, the SOPs were refined as needed to accurately reflect the Training Agency's streamlined business processes.

## **DATA ENTRY SURVEY ALUMNI**

The C4J Project cooperated closely with the AGO Training Agency to improve its evaluation of training programs. A survey was conducted twice, for year-end 2011 to first quarter 2012 and October 2012 to June 2013. More than 400 respondents from 18 provinces participated in each survey, which covered 13 training programs.

A separate assessment was conducted of the Candidate Prosecutor Training Program, created in 2008. The evaluation focused on effectiveness of the curricula and training resources. Based on the assessment, C4J facilitated revisions to training programs on prosecutorial integrity, money laundering, asset forfeiture, and corruption.

In coordination with a technical team from the AGO Training Agency, the new training programs were designed to apply adult learning methodologies to a practical curriculum that fosters learning and problem solving. The module comprised 12 lesson hours (1

lesson hour = 45 minutes), and was piloted in June 2012 to 450 students (346 men and 104 women) divided into nine classes.

## DEVELOPMENT OF INTEGRITY MODULE

The AGO adopted its new Prosecutorial Code of Conduct, developed in cooperation with the C4J Project, in November 2012. Having identified the need to internalize the values of the new Code, the AGO Training Agency and C4J developed a new curriculum and training module on prosecutorial integrity. The module was designed to enhance prosecutors' understanding of their duties, obligations, and prohibitions in their daily activities in compliance with the Prosecutorial Code of Conduct and PERJA RI Per-067/A/JA/2007. The module was completed in 2012 and has been integrated into the Candidate Prosecutor Training Program.

---

### Lessons Learned

The C4J Project participated in development of the Training Agency's new SOPs over a span of approximately three years. The most common challenge to completing the materials was the AGO's transfer system. It was extraordinarily difficult to maintain consistency and continuity due to frequent changes in leaders and staff. Another challenge was lack of coordination among AGO leaders and their staff. However, the leadership of the Training Agency has heartily embraced the new SOPs and has been eager to apply them in practice. In April 2015, the project supported a PPID training program, which the Training Agency used as an opportunity to fully apply the new procedures.

---

## MONEY LAUNDERING, ASSETS FORFEITURE, AND CORRUPTION TRAINING

Money laundering, assets forfeiture, and corruption eradication have been priority areas for cooperation with the AGO Training Agency. Combatting money laundering includes recovering the proceeds flowing from a crime. Thus, in money laundering cases, especially when corruption is the predicate crime, perpetrators must not only be penalized, but the assets must be forfeited and recovered for the state.

The government of Indonesia has promoted the "multi-door" approach in combatting threats to biodiversity, such as illegal logging, land conversion, and wildlife trafficking and poaching. Environmental cases are frequently difficult to trace or to prove, but the government believes that, because environmental crimes are frequently connected with other criminal activities such as money laundering and corruption, they can be effectively combatted if prosecutors pursue all criminal charges simultaneously. Prosecutors can direct police to develop cases further. Thus, the government envisions that, by improving the investigation and prosecution of money laundering and corruption cases and the recovery of state assets, prosecution of environmental crimes should increase.

It is widely believed that the state loses vast sums through criminal activity, although such activities have been difficult to investigate and prove due to deficiencies in the law

and justice system practices. Efforts to recover proceeds of corruption and return them to the state are mandated by Law No.31 of 1999 and as replaced by Law No.20 of 2001 on Combatting Criminal Acts of Corruption. The law, however, is not adequate, especially on sanctions, recovery of the money, and fines.

In October 2012, the AGO expressed its intent to establish special units in the PPOs and abroad to manage the tracing, forfeiture, and recovery of state assets. In cooperation with the OPDAT program, the AGO and C4J conducted a five-day workshop for 44 prosecutors representing DPOs, PPOs and the Agency on the linkages among crimes of corruption, trafficking, the drug trade, and money laundering as well as procedures for mutual legal assistance, i.e. international coordination.

---

### **Lessons Learned**

Based on the post-training evaluations conducted by the C4J Project, there were a number of recommendations for improving training programs. Participants felt that the topics were too general at times and should be more in-depth. Participants requested more practical instruction and exercises, such as more case studies and analysis of the most common *modus operandi* of money laundering crimes. The participants recommended experimenting with courses of different duration, alternative seating arrangements instead of just classroom style, and fewer lectures.

---

## **BIODIVERSITY PROGRAM**

As described in detail below in this final report, C4J collaborated with the AGO Training Agency and the Supreme Court Training Agency on implementation of a Biodiversity Program. The Biodiversity Program included the development and launching of Indonesia's first joint training program for judges, prosecutors, police, and civil investigators, the Integrated Justice Sector Workshop on Managing Cases Relating to Threats to Biodiversity.

Development of the training program was led primarily by the Supreme Court Training Agency and the C4J Project over the course of two workshops, in cooperation with subcontractors ICEL and WCS. The AGO's Environmental Task Force led development of new prosecution guidelines on combatting forest destruction and wildlife crimes. These guidelines were used as training resources for the prosecutors attending the training program. Like the integrated training program itself, the guidelines were developed through close collaboration with ICEL and WCS.

The first, five-day pilot workshop was held in Denpasar (Bali) in August 2014, for judges and prosecutors from C4J pilot locations in Aceh (Riau) and West Kalimantan, as well as local judges and prosecutors from Bali. The second five-day workshop was held in Jakarta in January 2015, with co-funding from UNODC. The second workshop included judges, prosecutors, police, and civil investigators from C4J pilot locations in Aceh, Riau, and West Kalimantan, as well from Papua with funding from UNODC. The second workshop was the product of coordinated efforts to evaluate and refine the training approach and materials based on the first pilot.

## **IMPROVED STAFF TECHNICAL COMPETENCE AND ACCOUNTABILITY THROUGH AGO TRAINING DEVELOPMENT: ROAD MAP**

### **Short-term Recommendations**

- Training programs on public information services must be sustained by the courts and prosecutors' offices at the district and provincial levels. The training programs must include practical exercises that sensitize courts and prosecutors to local environmental issues and the justice needs of their communities.
- First-instance courts and prosecutors' offices must establish community outreach activities, services such as small claims and mobile courts, and community education on the legal system and legal processes.
- First-instance courts and prosecutors' offices must facilitate forums regularly in the courts and prosecutors' offices respectively for the media, civil society organizations, and paralegals to enable dialogue and knowledge transfer on trends, social concerns, and the impact of biodiversity cases and criminal activities on local communities and their security.
- Local community paralegal groups should dedicate their efforts to collecting information and improving their capacities to document local environmental and other civil and criminal issues through a community logbook, including first-hand accounts and evidence of local disputes and illegal activities.
- Local community paralegal groups should help train other communities and develop new paralegals.
- First-instance courts and prosecutors' offices should facilitate visits and tours by local paralegals and training programs on how the public may access information and legal aid.

### **Medium-term Recommendations**

- The AGO Training Agency should link its training programs with the human resources competencies developed over the past five years to support the assessment, promotion, and transfer processes. Information is being exchanged between the Personnel Bureau and the Training Agency, but such coordination could be better formalized.
- Through media training programs, journalist organizations in the provinces, such as the Independent Journalists Alliance, the Association of Indonesian Journalists, and the Society of Indonesian Environmental Journalists, should be encouraged by the courts and prosecutors' offices to develop their journalistic skills and understanding of how to investigate and report on conservation, report on threats to and protection of local livelihoods, monitor criminal and civil cases that threaten biodiversity, help investigate local and foreign actors involved in committing such crimes, and effectively report on legal processes.
- The Supreme Court and AGO Training Agencies should implement a TOT and E-learning program for professional public information staff on effective community engagement and public services.

## **Long-term Recommendations**

- The AGO should allocate a budget, professional staff, and special training programs for responding to questions and complaints, and providing progressive, transparent, and friendly public information services in every PPO and DPO, including visits to local communities.
- The AGO should continue developing guidelines for every type of criminal case and implement an annual review process for assessing and improving earlier prosecution guidelines.
- The AGO should allocate a budget, professional staff, and special training programs on responding to questions and complaints, and on transparent and friendly public information services.
- The Supreme Court, AGO, National Police, and ministries should coordinate to implement common, consistent, cooperative approaches to public service and development of their communities.

### **3. Strengthened Public Information Interface in the Prosecutor's Offices**

In response to Law No.14 of 2008 on Public Information, the Attorney General issued Decree No. PER-32/A/JA/08/2010, and Instruction No.INS-001/A/JA/06/2011 on Standard Operating Procedures (SOPs) on Public Information Services in the Attorney General's Office. These two regulations oblige the prosecutors' offices to provide public information when requested through a timely, low cost, and simple procedural process. The AGO has defined improved public information services as an essential reform goal.

#### ***In Their Own Words***

Mr. Noor Rahmad, Head of the AGO Information Center, said that the C4J 2011 Public Information Services workshop training enabled prosecutors to "not only ... build castles in the air when talking about public information, but also to implement these regulations in real life."

## **PPID TRAINING PROGRAM**

In the early stage of the collaboration with the AGO to develop Documentation and Information Management Officers' (PPID) capacity to engage with the media and public, C4J visited five PPOs in Palembang (South Sumatra), Samarinda (East Kalimantan), Medan (North Sumatra), Surabaya (East Java), and Makassar (South Sulawesi) in May and July 2012. The visits were designed to verify implementation of improved transparency and public services and provide refresher courses to reinforce transparency standards taught in the PPID training. Some challenges identified from the visits, included the following:

- Lack of adequate knowledge on mechanism for providing information to the public
- Lack of understanding of distinctions between disclosed and undisclosed information
- Lack of standardized knowledge and skills relating to providing services to public

Based on these findings, C4J identified specific training needs of public information staff that include the intelligence unit in each prosecutor's office as those responsible to manage public information requests, responses, and media relations. Results of this cooperation included:

- Development of training resources on public information services
- Mentoring and coaching on responding to public and media requests
- Journalist Guideline for Reporting on Prosecution Cases (completed in January 2014)

Following the findings, the C4J Project collaborated with the Legal and Information Center (*Puspenkum*), and the Training Agency of the AGO developed PPID training curriculum to increase longevity and continuity of reforms in public information services. Through a focus group discussion attended by 13 leaders of *Puspenkum* and the Training Agency, the curriculum was finalized in March 2012. The activity resulted in the completion of two training modules: Public Information Services and Photography Training. A TOT session on the PPID program followed in March 2012, successfully developing 15 new trainers (nine men and six women) from *Puspenkum* and the Training Agency.

PPID training reached 384 prosecutors and non-prosecutors (249 prosecutors and 135 non-prosecutors) at approximately 97 prosecutors' offices. The C4J Project also collaborated with the Training Agency in conducting Public Speaking and Photography Training for the Legal and Information Center staff. A total of 17 staff joined the basic photography training and seven staff joined the advanced training held in October and November 2012. Approximately 88 AGO staff in Jakarta, Surabaya, and Makassar participated in Public Speaking Training in November and December 2012.



*Public information service workshops underway at the Ambon District Prosecutor's Office (left) and the Denpasar District Prosecutor's Office.*

### ***Refresher PPID Training***

Along with the visits to five provinces to assess improved implementation of information transparency and public services, C4J also took the opportunity to conduct refresher training for PPID officers. Conducted in May-June 2012 in Makassar,

Palembang, Samarinda, Medan, and Surabaya, 83 participants (56 men and 27 women) participated in the training.

This success of these training programs served to strengthen the leadership of *Puspenkum* and of the new Training Agency, as well as to nurture a culture of increased transparency and an orientation to public service within the prosecutors' offices.

## PUBLICATION MATERIALS

In the beginning of the second year of the project, *Puspenkum* and the head of the Planning Bureau expressed the AGO's interest in improving its internal publications as part of its institutional information transparency reforms. Following the discussion, C4J agreed to assist starting in June 2012 with production of materials that helped the AGO convey messages about its commitment to eradicate corruption, promote transparency, increase public access to information, and methods for handling public complaints.

Near the end of the project, the AGO's head of the *Puspenkum* expressed the need for PPID training for PPOs across Indonesia. This training was deemed necessary to improve public information services in all PPOs and DPOs under their jurisdiction. Therefore, the project agreed to support a final TOT program on April 21-22. C4J delivered the PPID TOT program at the AGO Training Agency for 31 PPO leaders and nine headquarters leaders, in addition to leaders from *Puspenkum* and the Training Agency. In his opening speech, the head of *Puspenkum* emphasized the importance of providing information services to the public. He also presented an SMS message direct from the Attorney General reminding them of the importance of maintaining the public's trust in the prosecutors' offices.



The head of the Legal Information Center addresses the class during opening day of the training. The SMS from the Attorney General for all participants is translated on the following page.

Sampaikan perlunya kita membina hubungan baik dengan media. Suka atau tidak, membangun kembali kepercayaan publik diperlukan "pencitraan"; yang penting apapun (hal-hal positif) yang diberitakan tentang kejaksaan adalah factual yang bukan sekedar membentuk opini. Berbagai isu seksi yang ada yang kita lakukan sepatutnya kita kemas dan kelola dengan baik agar layak "dijual", hindarkan sekecil apapun sikap perilaku yang dapat merusak citra dan cenderung merugikan. Bawa sesuatu "yang benar belum tentu baik" Karenanya bagaimana kita mampu menyampaikan sesuatu "yang baik dan yang benar" Salam JA

[www.kejaksaan.go.id](http://www.kejaksaan.go.id)

### **Printed Publication Material**

The AGO and C4J cooperated in distributing materials promoting the AGO's design for reform. As agreed by the head of the Planning Bureau, the tagline created by C4J, *kejaksaan.transparan* (prosecution.transparent), was used in all materials. Support was also provided through design coaching for the *Puspenkum* staff on developing a new, professional, modern layouts and content for the AGO internal magazine "*Berita Adhyaksa*." Support was extended and integrated with the Biodiversity Program in the fifth year of the project through production of a poster for each prosecutor's office on how to access information and public services. Further explanation about the poster development can be found under the Biodiversity Program below.

*Translation:* Deliver the necessity for us to build good relationship to the media. Like it or not, rebuilding public trust requires a good image; it is essential that anything (positive matters) publicized about AGO is factual, not only opinion. Some issues should be packed and well-managed so that it is worth [sharing to] avoid any single attitude that can destroy the image [or] be detrimental, something that is "right yet may not be good." Thus, it is how we deliver something that is "right and good."

Regards, JA

---

### **Lessons Learned**

In the environmental cases assessment conducted by the C4J team in West Kalimantan, Riau, and Aceh in April 2013, it was found that many environmental cases did not arrive at courts and in many instances they did not get to prosecutors. The challenge is to identify realistic strategies to improve tracking of cases from the moment of arrest, and identifying and effectively prosecuting the "masterminds" of crimes through improved criminal processes and coordination.

To address such challenges, C4J established discussions with provincial and district prosecutors' offices, high courts, and district courts in the three provinces that were pilot areas for the Biodiversity Program. With the courts, the DPOs gave their support to C4J's biodiversity action plan for Ketapang (West Kalimantan), Bangkinang (Riau), and Gayo Lues (Aceh).

The prosecutor's commitment to combat biodiversity crimes was shown throughout the collaboration with C4J. At the national level, the AGO realized the importance of having standardized, clear, and integrated strategies for prosecuting biodiversity crimes and established Guidelines on Managing Cases on Forest Destruction and Guidelines on Managing Cases on Wildlife Crimes. To boost the engagement with the public in combatting biodiversity crimes, the AGO committed itself to placing posters on accessing information in the prosecutors' offices, and to conducting public information transparency and public information services mentoring and coaching (PPID Training) for DPO staff.

---



## STRENGTHENED PUBLIC INFORMATION INTERFACE IN THE PROSECUTORS' OFFICES: ROAD MAP

### Short-term Recommendations

- Increase public outreach activities by the PPOs and DPOs, under the supervision of the AGO's *Puspenkum*, through improved training programs for public information (PPID) staff, development of communication materials, and public and media education programs.
- Implement a model public information and media services room at the Training Agency to demonstrate, practice, and strengthen capacities of prosecutors and PPID staff on effective delivery of public information services.
- Develop and implement a supervision system and tools to ensure that public information services are carried out effectively and professionally in each DPO and PPO.
- Sustain monthly coffee mornings with the media in each prosecutor's office.
- Conduct regular refresher training and progressively more advanced training for *Puspenkum* and PPID staff on public information services in each DPO and PPO.
- Support *Puspenkum* and PPID staff with ready access to timely and accurate data on cases in the prosecutors' offices.
- Improve the look, feel, content management system, and its integration of website with other social media to reflect changes and organizational reform. The website should serve the public interest rather than as an internal communication tool.
- Develop an annual communication strategy that will cover the AGO's main messages, media channels, target audiences, and ways to improve public outreach.
- Become more active on social media to reach out to younger audiences.

### Medium-term Recommendations

- Implement a professional career path for *Puspenkum* and PPID staff in the AGO headquarters, PPOs, and DPOs.
- Implement an attractive public information service area, staffed with well trained personnel in each PPO and DPO.

- Develop and implement specialized training programs for prosecutors and non-prosecutorial staff on public relations, media relations, public information services, and complaints management in the Training Agency and PPOs for DPO staff.
- Produce annual reports, with key performance data, at the AGO headquarters and each PPO and DPO. Key performance data should include number of cases received from the police, number of cases investigated, number of indictments filed in the courts, and the number and types of cases filed in the courts.
- Coordinate with the AGO units to improve the consistency and quality of information and educate the public on prosecutorial processes, including investigative processes, criminal processes in the courts, and sentencing guidelines.
- Coordinate with *Komisi Kejaksaan* to improve the mechanism of all public services, particularly public complaints under the prosecutor's code of conduct.
- Encourage public participation in reporting any suspicious crimes, fraud, or corruption through mobile applications.

### **Long-term Recommendations**

- Enhance coordination and provide support on public information services and management of public service disputes with key institutions, including the Central Information Commission and the Ombudsman.
- Revise and review Attorney General Regulation No.32 of 2011 on Public Information Standards, and adjust it to current needs and public expectations, including clear guidance for each internal body or department on public information requests, access to information, authorities, responsibilities, and supervision.
- Cooperate with the police and the courts to implement common, consistent approaches to providing public information services.
- Develop integrated criminal information system as part of criminal justice system development. This will require close coordination among Indonesian police, the AGO, the Supreme Court, and corrections institutions.

## **C. BIODIVERSITY PROGRAM**

In 2013, the C4J Project was awarded additional funds by USAID to implement a special activity to focus on combatting threats to the environment. The project consulted with the Supreme Court and AGO in the design of the new program. Recognizing the role of the justice sector and local communities in combatting environmental degradation, the project and counterparts agreed on activities that complemented the successful work on public information services, legal aid services, development of training programs, and information technology. However, instead of working with just the courts and prosecutors' offices, C4J added a community engagement activity to educate local communities and the media on legal processes and how to effectively engage with the formal legal system.

Indonesia's rainforests are home to some of the greatest biological diversity in the world. The country has biodiversity that is rivaled only by the Amazon and Congo, but also the highest rates of deforestation. In 2012, the Ministry of Forestry reported that deforestation

reached 1.08 million hectares per year, due to land conversion, forest fires, land grabbing, illegal logging, illegal mining, and weak law enforcement.

Indonesia rich resources (see box) include marine life, but if current rates of illegal fishing and destruction of endangered marine life are not stopped, the country will lose invaluable ecological diversity, beauty, and the ability to feed itself.<sup>20</sup>

If Indonesia's vast deposits of minerals, oil, gas, and other resources are included, it is

Indonesia's rainforests are home to more than 10 percent of the world's plant species, 10 percent of medicinal plants, 12 percent of mammals, 17 percent of bird species, and 16 percent of all reptiles and amphibians. But much of its wildlife is being trafficked to extinction, as has already happened in countries to the north (Vietnam, Lao PDR, and Myanmar).

undoubtedly among the most resource-rich countries in the world. Indonesia's economy is growing rapidly, with accompanying intense demands for energy, infrastructure, industrial agricultural products, as well as natural resources and the vast sums of money that such resources yield. The country's challenge is balancing the protection of its biodiversity with the needs of its indigenous peoples and its entire population's aspirations for economic prosperity.

A Rapid Assessment Report of the Current Knowledge, Trends, and Priority Actions on Wildlife Crimes in Indonesia, developed by the WCS's Indonesia Program, in cooperation with C4J, recorded that:

- The illegal trade in wildlife and wildlife products in Indonesia is increasing, often rapidly, and in line with increasing demand in Southeast Asia and globally.
- The trade is becoming increasingly sophisticated to avoid simple detection, although in Indonesia trade in some species is still relatively open.
- The online trade in illegal wildlife is growing rapidly in the absence of a coordinated enforcement response.
- Demand from domestic markets is also increasing, and is a significant threat for some species, i.e. birds.
- Limited enforcement and weak protection of conservation areas is enabling uncontrolled deforestation, which opens up access to hunting and increases human-wildlife conflict and the entry of wild animals into the illegal trade.

The report also noted that required, critical interventions are currently limited in focus in Indonesia, and include the following:

- Improve coordinated data management on wildlife crime
- In parallel with scaled up efforts on the ground, develop a top down approach targeting criminal kingpins and the upper end of supply chains for these products
- Improve efficiency, accountability, and morale among law enforcement agencies

The C4J Project elected to focus on the most serious crimes impacting Indonesia's forests; land conversion, illegal logging, wildlife trafficking, and wildlife poaching. Combatting issues relating to the oceans and marine life was considered, but the project

<sup>20</sup>Most estimates are that there will not be enough fish for Indonesians to eat by 2050.

concluded that it should limit its focus for a pilot program. Secondly, marine cases are managed by too few “special” district courts and by “special crimes” units in the prosecutors’ offices. Thus, the challenges of coordination and travel to pilot sites would have made it infinitely more difficult to include both forest and marine issues at the same time. As discussed further in this final report, the C4J Project views this as an important lesson for the Government of Indonesia: All environmental protections, including justice sector coordination, must be managed together under a streamlined management structure within each institution instead of the piecemeal or divided approach of the past.

The biodiversity program began with a baseline assessment in Aceh, Riau, and West Kalimantan. The assessment covered:

- An overview of the biodiversity situation
- An overview of current situation regarding biodiversity law enforcement
- An overview of training needs for capacity-building of law enforcement, particularly prosecutors, regarding management of biodiversity cases
- An overview of communities’ roles in supporting law enforcement and courts

Indonesia is a vast country, with a population of 250 million and more than 17,000 islands. Hence, it was not feasible to introduce new activities on a national scale. To identify the best approach and possible pilot sites, C4J consulted with the Supreme Court, AGO, USAID, other donors such as the UK Climate Change Unit, and other projects such as the Indonesia Forest and Climate Support (IFACS) Project. The priority was to identify locations where there were active reforms taking place, or at least openness to new reforms, in the local district court and district prosecutors’ offices, and within some local communities. Regarding communities, the priority was to choose locations where there were actual or potential legal disputes, such as near a protected forest, peat land, or local palm oil plantations.

After lengthy discussions, it was agreed that project should focus on pilot locations in Aceh, Riau, and West Kalimantan. Initially, the project identified two locations in Aceh, Tapaktuan and Blangkejeren. However, because efforts required full support from all three counterparts – community, prosecutors, and courts – the project concluded it would not continue with Tapaktuan and would focus on only Blangkejeren in Aceh. In contrast, in Riau the project selected Bangkinang, but added a second location in Siak because of the opportunity to support the strong local interest and efforts of a community there to protect the last remaining peat land in the area. In West Kalimantan, the project focused on communities around Ketapang, but moved among several communities to find the best community engagement models, ultimately focusing on villages in Laman Satong, Sebadak Raya, Padu Banjar, and Penjalaan.

The objective of the C4J Project was to begin a dialogue to identify local obstacles and realistic approaches to overcoming them. For example, the local civil investigators and police do not have enough resources to monitor their area forests and conduct thorough investigations, but the community can support them through monitoring and documentation. The C4J Project applied a three-part approach to this activity:

- Strengthening participation of local populations in the legal process with public education for local communities, including a public information campaign and training.
- Strengthening the capacity of local district prosecutors' offices, which includes development of prosecution guidelines, training programs for local prosecutors on managing cases related to forest crimes and public information services, and implementation of an improved system of oversight between local prosecutors' offices and the AGO headquarters.
- Strengthening the capacity of local district courts, which includes training programs for judges and court staff on managing cases related to forest crimes in line with the Supreme Court's new "green bench" (e.g. environmental certification), training programs on public information services in the courts, and implementation of CTS to improve oversight between local district courts and the Supreme Court.

Through partnerships and subcontractors, the project worked with local courts, prosecutors' offices, the public, and media to:

- Raise public awareness and understanding on biodiversity conservation
- Foster dialogue and develop synergistic strategies on sharing natural resources and preserving biodiversity
- Increase public participation in biodiversity protection
- Improve the way in which biodiversity is preserved through law enforcement and universally recognized principles and approaches

By the end of the project, communities started developing community logbooks – an important effort but not yet as successful as hoped due to limited local capacities to focus and report clearly on their local legal issues.

Another issue challenging prosecutors, judges, civil investigators, and police is the difficulty of securing evidence and testimony from qualified experts. All pilot sites reported challenges in finding experts with appropriate qualifications<sup>21</sup> and, when they could find them, in scheduling their testimony in court. There is urgent need to increase the knowledge of justice sector professionals on complex environmental issues, the valuations and scale of state loss, and solutions for submission of written expert testimony from larger urban areas when required.

Possibly the greatest challenge is to identify realistic strategies for improving the investigation and prosecution of crimes to find the "masterminds" of crimes and all parties connected with the case, and to apply the multi-door approach so that charges are pursued together for environmental crimes, money laundering, corruption, and all other potential criminal charges. Finally, the approach that has barely been tapped is to improve local education on how civil claims may be pursued directly by the public, although the

---

<sup>21</sup>When an illegal logging case requires an expert, what often happens in practice is that the court contacts the local forestry agency, which may or may not have an appropriate expert on staff but appoints one anyway. Judges reported that they are sometimes unsure if the testimony is reputable, but they don't have access to other experts locally.

greatest obstacle is that the public cannot afford the costs of pursuing cases from filing to disposition in the courts.

As described in this section of the final report, there are enormous opportunities to combat Indonesia's environmental challenges through improved justice sector coordination, beginning with the reforms implemented through the C4J Project, including:

- **Public services:** Increased, commitment, focus, and oversight over every district court and prosecutor's office on public service, community outreach, and regular, proactive, effective engagement with the media
- **Legal aid:** Improved budgeting and requirements for legal aid services in every court, and improved funding and management of legal aid providers by the Ministry of Law and Human Rights
- **Training:** Implementation of training programs by the Supreme Court and AGO Training Agencies, including:
  - Sustained integrated (joint) training programs on combatting environmental crimes;
  - Development of more E-learning resources
  - Increased regional training programs through the high courts and PPOs
- **Certifications:** Enhancements to the certification programs, namely:
  - Expanding the Supreme Court's "green bench" and creating an AGO "green bench" to apply a holistic, consistent approach to all types of environmental crimes instead of dividing cases among different types of courts and/or criminal divisions
  - Implementing an integrated certification system for judges, prosecutors, police, and civil investigators (comparable to the integrated approach for juvenile crimes)
  - Ensuring that at least two<sup>22</sup> certified judges, prosecutors and police are located in every district
  - Improving coordination between "green benches" and other types of criminal cases, such as corruption, money laundering, human trafficking, narcotics, and terrorism, as there are indications that all these crimes are organized and may even involve similar parties<sup>23</sup>
  - Lowering the age and experience requirement for environmental certification because most judges in smaller communities are younger, mid-level professionals
  - Requiring core courses, such as CJE II, before allowing professionals to participate in a certification program
- **"Special" jurisdictions:** Redefining jurisdiction so every district has authority to hear all environmental cases (for example, as large and dependent on marine life as Indonesia is, it simply is not feasible for only a few courts to be authorized to

---

<sup>22</sup>The transfer system moves justice sector professionals so frequently that more than one must be posted in each district, so there is always at least one when the other is moved. Quite likely, even more than two are needed to keep up with the frequent transfers in and out of courts.

<sup>23</sup>The easiest way to hide money from illegal activities is to put it into other illegal activities.

hear marine cases, especially when their jurisdiction is supposed to include ocean and fresh water)<sup>24</sup>

Community engagement activities included a paralegal<sup>25</sup> training program, development of a community handbook and video, and posters to be displayed in the courts. Those activities, combined with the reforms in the local district courts and DPOs, offered the opportunity to pilot reforms aimed at improving local coordination and transparency across community, prosecution, and adjudication in the courts. During the last year of the biodiversity program, the C4J Project was allowed by USAID to include local police and civil investigators from the Ministry of Environment and Forestry in the efforts to improve local coordination.

---

<sup>24</sup>The courts and projects should refrain from referring to “special courts.” All cases that are the subject of the so-called special courts are actually managed under the authority of the general district courts, and their judges also hear all other types of civil and criminal disputes. This is an effective approach, which should be sustained. A more appropriate designation would be “special cases” (those requiring special certification.)

<sup>25</sup>The term “paralegals,” as used in Indonesia, does not mean that persons performing such work are legally trained. Paralegals in Indonesia are community leaders who take an interest in combatting local problems and in helping their fellow community members to find a solution through formal legal processes. This is a challenge because most communities are accustomed to resolving their disputes through the customary *adat* system. *Adat* systems can be quite effective, and they offer models for resolving local conflicts. However, legal disputes relating to the environment, such as disputes over land and licenses, violations of environmental regulations, and environmental crimes, are complex legal issues between local individuals or their communities and the government, companies, or persons from outside the community. Such disputes require knowledge of formal legal processes, legally binding decisions from the courts, and an improved system of enforcement.



A village publicly voices its objection to a local palm oil plantation in the sign above, that reads: “Dear Manager: Please pay us the compensation for this land that we cultivated. Otherwise, this land is ours.” Land conversion is the leading threat to biodiversity. Conversion of forests to plantations often happens in ways that contravene environmental regulations, negatively impact communities, and reduce wildlife habitat.

### Improved Capacity, Integrity, and Technical Legal Competence

#### DEVELOPMENT OF PROSECUTION GUIDELINES

Biodiversity issues are complex and involve extraordinary issues. Instances of environmental degradation, such as those observed in areas with mining activities, large-scale plantations, and illegal fishing, have demonstrated that economic growth without regard to environmental protection is ultimately more damaging and costly than implementing sustainable economic growth alongside good environmental governance.

Prosecutors are central to law enforcement against environmental crimes, but face hindrances to carrying out their roles, namely:

- Lack of understanding of the national context for biodiversity-related crimes, laws that can be used to prosecute biodiversity-related crimes, issues that are unique to biodiversity-related crimes, *modus operandi*, and the particular knowledge and expertise required to prosecute such cases
- Unclear and defined roles and responsibilities division within the AGO’s prosecutorial power related to biodiversity cases

- No special mechanism to work with civil, police investigators, and authorities working in the ports to ensure that investigations provide an adequate basis for successfully prosecuting biodiversity crimes and the masterminds behind them

As discussed under Component 2 on prosecutorial reforms, it is imperative that prosecutors understand the complex issues of biodiversity crimes, the connection of criminal networks to such crimes, how to manage cases effectively, and to propose sentences that are appropriate to the criminals. In the past, each provincial and regency government has responded differently to biodiversity-related crimes, different types of environmental damage have been managed differently if not ignored, and local authorities tend to not understand the consequences of environmental damage, the valuation of direct state loss, or the impact of environmental degradation on the local communities.

To overcome these challenges, the Biodiversity Program focused on improving their skills and knowledge through guidelines that can be used as a reference for biodiversity case handling, and for coordinating with police and civil investigators, authorities working at the ports, expert witnesses, the courts, and others in the justice sector.

## **DEVELOPMENT OF TRAINING MODULES ON BIODIVERSITY**

To increase capabilities of judges, prosecutors, and members of the community, the C4J Project developed several training modules to support improved coordination to protect Indonesia's biodiversity in:

- Public information services in district prosecutors' offices
- Public information services in district courts
- Management of criminal and civil cases relating to protection of the environment

Initially, the C4J Project planned to provide technical training to judges and prosecutors separately. However, it found the challenges of coordination so significant that it was more efficient to train justice sector professionals together.

Training modules for the community were developed in cooperation with subcontractor *Telapak*, and focused on development of a community handbook for teaching local paralegals how to engage with the formal justice sector on combatting threats to biodiversity.

Training modules for judges, prosecutors, police, and civil investigators were developed in collaboration with expert review panels from the private sector, leaders from the Supreme Court and district courts, the AGO Environmental Task Force, the AGO's Deputy for General Crimes, the OPDAT program, and subcontractors ICEL and WCS. Subjects in the integrated workshop included:

- Environmental ethics and philosophy
- Multi-door approach in fighting threats against biodiversity
- Environmental and forestry licensing
- License issuance for wildlife trafficking and poaching, and constraints in criminal law enforcement

- Scientific proofing and environmental loss valuation
- Report about scientific evidence through forensic analysis in wildlife case handling
- Identifying key issues and challenges on civil and criminal laws related to forestry crime
- Biodiversity crime as transnational organized crime
- Strategy to criminalize biodiversity offenders
- Challenges and constraints on effective case handling

## **BIODIVERSITY WORKSHOPS**

Through the baseline assessment and visits to the three biodiversity pilot locations, the C4J Project found that prosecutors and judges are generally aware of Law No. 5 of 1990 on Conservation of Natural Resources and Ecosystems, Law No. 41 of 1999 on Forestry, and Law No.18 of 2013 on Prevention and Eradication of Forest Destruction. However, they lacked practical experience applying those laws and the multi-door approach of applying those laws in conjunction with other laws. While prosecutors and judges reported that they were familiar with tax, anti-corruption, anti-money laundering, and other financial laws, they have not had any experience in applying such financial and anti-corruption laws together with environmental protection laws. In addition, they lacked practical experience in how to manage civil cases relating to protection of the environment.

---

### **Lessons Learned**

A key challenge to improving the protection of biodiversity is that criminal investigations for environmental crimes tend not to reach the “criminal masterminds.” Where authorities make efforts to enforce biodiversity-related laws, the focus tends to stop at the small-time offenses instead of tracking the crime up to the source of the criminal activity. When civil investigators and police investigate violations of biodiversity-related laws, the treatment is similar to other criminal cases, but rarely are other laws applied such as anti-corruption and anti-money laundering laws. Lack of coordination between the civil investigators with police and prosecutors often results in weak investigation or prosecution. Capacity limitations frequently occur due to limited access to information, skills to review biodiversity-related cases, challenges in understanding scientific evidence, and in some cases weak laws and regulations. Similar challenges exist in improving coordination between the courts and communities in civil cases.

---

The first joint training program for judges and prosecutors was held in Denpasar (Bali) on August 11-15, 2014, and was attended by 20 prosecutors and 19 judges from district courts and district prosecutors’ offices in Blangkejeren (Ace), Bangkinang (Riau), and Ketapang (West Kalimantan). Judges and prosecutors from neighboring areas addressing similar cases were invited, and the workshop included on-site visits to the Tax and Customs Office, Animal Rescue Center, and Bali Natural Resources Conservation Agency.

Trainers came from various backgrounds, including senior judges and prosecutors, the Ministry Environment and Forestry, the President’s Unit on Development Monitoring and

Oversight (UKP4), environmental experts, and Indonesian academics specializing on biodiversity and law enforcement.

---

### Lessons Learned

One of the constraints in the first workshop was that only judges and prosecutors participated. To effectively handle such cases, judges and prosecutors need the results of investigations made by the police and civil investigators as the spearhead of case handling.

---



*Participants in Biodiversity Case Handling had an opportunity to discuss challenges in law enforcement aimed at protecting biodiversity with the head of the Bali Natural Resources Conservancy Agency.*

The training was subsequently improved and expanded to include judges, prosecutors, police, and civil investigators. The advanced integrated justice sector workshop was held in January 12-16, 2015, and brought together 17 judges, 20 prosecutors, six police, and six Ministry of Environment and Forestry's civil investigators from the district and provincial levels of Aceh, Riau, West Kalimantan, Papua, West Papua, and Central Kalimantan. In addition, representatives from the local Soekarno-Hatta International Airport were invited

to the training program in Jakarta to discuss the challenges of combatting the distribution/shipment of illegal wildlife and plants through airports and shipping ports. The session featured speakers from the Animals and Plantation Quarantine Agency, Fishery Quarantine Agency, Natural Resources Conservation Agency, Tax and Customs Agency, *Angkasa Pura I*, and a visit to the Soekarno-Hatta Airport's Quarantine Agency.

The five-day discussions were led by leaders from the Supreme Court, the AGO, the Ministry of Forestry and Environment, Financial Transaction Reports and Analysis Center (PPATK), and other national experts on wildlife protection and forest conservation, including civil society organizations.



*Chief Justice, M. Hatta Ali, officially rang in the opening of the Integrated Justice Sector Workshop on Case Handling to Protect Indonesia's Biodiversity in Jakarta in 2015. He was joined by U.S. Ambassador to Indonesia, Robert O. Blake, and Head of the Environmental Task Force of the Attorney General Office, Warsa Susanta.*

---

### Lessons Learned

The integrated workshop was the first training program to bring together judges, prosecutors, police, and civil investigators to discuss managing biodiversity issues. This program can and should be improved. For example, participants often disagreed about conditions relating to the management of cases and were reluctant to discuss some issues candidly.

---

One day after the workshop, wildlife smugglers were arrested at the Soekarno-Hatta International Airport in Jakarta, and one week later again at the Bali Ngurah Rai International Airport. Through both arrests, Indonesian authorities rescued more than 7,000 rare pig-nose turtles that, according to the WCS's Indonesia Program, showed an encouraging degree of speed and coordination among government agencies responsible for protecting the country's biodiversity.

These joint workshops have been an integral part of C4J's larger strategy to improve the protection of biodiversity through improved justice sector coordination on civil and criminal cases, improved training programs, increased community participation, and enhanced public services by the courts and prosecutors' offices through a balanced approach to protecting Indonesia's valuable resources and sustainable economic growth.

### **Improved Court, Prosecutor's Office, and Public Interaction**

Because local communities tend to resolve disputes outside the courts through informal, local, custom (*adat* law), they do not know what the laws say about complex legal issues such as the environment, licensing, and land use contracts. Local people often do not have access to information on forest concessions, or rights of plantations and their boundaries. They have tended to follow their leaders and rely on what has been their traditional land.

Community knowledge on rights to public information also varies. In Riau, where the public is more engaged in monitoring law enforcement, the demand for transparency, accountability, and public information services is higher. In comparison, knowledge of the freedom of information law and rights to information in West Kalimantan and Aceh is relatively low.

The C4J Project took the dual approach of educating the public on its right to information and educating local courts and prosecutors' offices on their obligations and processes for providing public information. Like community awareness, the project found that the capacity of prosecutors' offices and the courts to report and disseminate information on biodiversity-related laws and crimes was limited in all assessment sites.

In the assessed prosecutors' offices and courts (see box), as with most public authorities, there was a generally passive culture of providing information, e.g., waiting for an order from superiors, acting only after there was pressure from the public, or withholding information for reasons contrary to Law No. 14 of 2008 on Public Information and its implementing regulations.

Generally, prosecutors' offices and courts in the three pilot locations were not proactively providing information to the public. The information they provided was limited to general announcements on legal processes, and did not include information that would guide the public to identify biodiversity-related cases. In fact, even the C4J Project had trouble identifying biodiversity-related cases because there is no standardized system of case classification and case definitions, and there is no indexing system for tracking biodiversity cases. Similarly, other programs have reported extreme difficulties locating such cases in the Supreme Court's decision database. At other locations outside the pilots, C4J noted that there is a correlation between increased public participation and more effective systems for providing public information adopted by the local courts and prosecutors' offices.

In the two original Aceh pilots in Tapaktuan and Blangkejeren, prosecutors' offices and courts had not let the public know about the public information service or how to use it. In Ketapang (West Kalimantan), the public does not take advantage of the public information services in the prosecutors' offices and courts due to its perception that obtaining information is a difficult and bureaucratic process, and due to a general

apprehension about engaging with public authorities for any reason. In Bangkinang, Riau, where the public was most active, the project noted the most dramatic improvements in court services. The Bangkinang District Court has become one of the finest models of improved public information services in the country.

## PUBLIC INFORMATION CAMPAIGN

In addition to its media engagement activities, the C4J Project invested extensive efforts to develop a public information campaign, in cooperation with the Supreme Court's *Humas* and AGO's *Puspenkum*. The public information campaign focused on communicating the following topics:

- Laws relating to the forests and wildlife
- Civil and criminal legal processes
- Rights of Indonesian citizens focusing on land issues
- How to seek legal assistance in the court
- How to access information on cases in the local prosecutors' offices and/or in the courts
- How to file complaints in the Supreme Court and/or AGO

The public information campaign included development of an image to promote understanding of biodiversity issues by the public,<sup>26</sup> a short, animated video that used the logo as a theme, production of posters to be displayed in the courts, and a community handbook, all of which used consistent imagery and approaches for communicating with communities.

### ***Biodiversity Image***

To promote an appreciation of biodiversity issues to the public, the C4J Project promoted an image to convey the message that all environmental issues are interrelated and that damage to one element affects our entire home. The biodiversity image has been used in the short video, training program banners, the community handbook, and even puzzle toys to demonstrate how all pieces of our environment are linked.

This specific image (shown below) was effective in mainstreaming the vision and mission of the biodiversity program, and it facilitated engagement with local organizations that have longer-term activities in communities, as they were able to adopt and integrate the image in their own work.

---

<sup>26</sup>The project adopted an image that combines multiple images within the shape of a house to demonstrate that all environmental issues are interrelated and that damage to one impacts the sustainability of our livelihoods.



*The image above illustrates the importance of biodiversity. The shape of the house shows the correlation between biodiversity protection and community welfare. The image uses the concept of a puzzle to stress the relationship and interdependence of one piece of a puzzle with another.*

### ***Radio talk shows***

The public information campaign through radio talk shows was conducted in two series, in March and April 2014. C4J collaborated with Green Radio KBR 68H, which is based in Jakarta and has local radio affiliates in Aceh, Riau, and West Kalimantan. Green Radio was selected because it has prominent programs on the environment. The talk shows addressed the management of forest fires by the Ministry of Forestry and the wildlife protection program of the Ministry of Environment.

The shows received significant feedback through direct phone calls and text messages. However, many of the respondents were from Jakarta, instead of the C4J Project's pilot areas. Another finding was that the quality of speakers appointed by the Ministry of Forestry and Ministry of Environment were not persuasive enough to inspire communities to act. The project concluded, therefore, that the costs of the radio talk shows did not justify more efforts to reach rural communities through this medium.

The project decided to discontinue the talk show activity and replace it with more intensive community engagement activities such as focus group discussions and refreshment training with various stakeholders from government institutions, village officials, local CSOs, and other local leaders.

### ***Biodiversity short video***

To support community engagement activities in the three pilot areas, and to forge a shared community vision, the C4J Project developed a short, animated video, which was used in all community training programs. The film, a musical cartoon with a community paralegal as the main character, emphasized the message of community participation and leadership by persons ready to work as a paralegal – or community representative – to help their community resolve local disputes, especially relating to biodiversity issues.

The film has been disseminated to local organizations in Aceh, West Kalimantan, and Riau. The project has encouraged the organizations and local schools to use the short film whenever possible in their programs, and to disseminate the video through their networks.

C4J has used the short film as a training tool to generate opinion, perspective, input, expectations of audiences, and to stimulate discussion on the video's topics.

---

### **Lessons Learned**

Because a short film can only catch audience attention for a maximum of five minutes, the challenge is in transforming various programmatic ideas into compelling visual images. The short, animated film endeavored to address topics of community engagement, gender participation, local community issues, the basics of accessing Indonesia's legal system, and environmental law and values in Indonesia.

---

### ***Posters***

The C4J Project originally envisioned distributing posters in communities. However, it proved difficult to identify central locations where the posters would be protected for a long period of time, and where training programs and efforts to promote the message of environmental protection would be sustained. However, the courts proved to be excellent counterparts, and the prosecutors' offices agreed that they would like to step up their own public information services. Ultimately, the public information campaign through the courts was expanded to include four posters on public information services, legal aid services, public complaint procedures, and civil and criminal case processes in environmental disputes, from complaint or charge to final decision. All of the court posters used images consistent with the community handbook and biodiversity video, and presented common issues of community paralegals helping to access the courts, public information desk services, and legal aid.

At the request of the Supreme Court *Humas*, and because of the importance of the message nationally, the posters were produced for all first-instance general district courts, religious courts, and administrative courts.<sup>27</sup> The AGO *Puspenkum* agreed to distribute a poster on the process for requesting public information. *Puspenkum* eventually adopted a poster design that was not consistent with the public information campaign imagery, but it represented substantial progress nevertheless in public education on how to access information in the prosecutors' offices. The poster adopted by *Puspenkum* was distributed to all provincial and district prosecutors' offices in the country. To conserve funds, the posters were distributed through the respective high courts and PPOs, with cover letters from *Humas* and/or *Puspenkum* respectively.

### ***Community handbook***

The development and production of the community handbook for paralegals was fully supported by the Supreme Court's *Humas* and the AGO's *Puspenkum*. Both offices helped review the substance and illustrations and endorsed the handbook by writing

---

<sup>27</sup>The poster on civil and criminal processes in environmental disputes was not distributed to the religious and administrative courts, because community civil disputes tend to be against companies and filed in the general district courts, and most criminal disputes (except those involving the military as a party) are also filed in the general district courts.

forewords. Content focused on access to the formal justice system in the context of disputes relating to illegal logging, land conversion, and wildlife trafficking cases.

The handbook was officially launched by the Supreme Court at the Integrated Justice Sector Workshop on Managing Cases to Protect Indonesia's Biodiversity in January 2015. A total of 150 handbooks have been produced and distributed to the communities in Ketapang (West Kalimanta), Bangkinang (Riau), and Blangkejeren (Aceh) in conjunction with the community paralegal training programs.

---

### Lessons Learned

The development of public information campaign products had its challenges because the C4J Project intended to develop simple, representative, and engaging images to convey messages about public services at the courts and prosecutors' offices. The Supreme Court and the AGO have taken active ownership of the process, including brainstorming about concepts and defining appropriate images and key messages. These public information materials must continue to be sustained through complementary community engagement and outreach activities by the courts and prosecutors' offices.

---



*Cover of the C4J-supported Community Handbook.*

## MEDIA ENGAGEMENT

One effective approach taken by the C4J Project was to promote media engagement by the courts and prosecutors' offices to fill the gap between the justice sector and the public. The project observed noteworthy efforts to improve reporting on the environment, such as Riau TV in West Kalimantan. In Riau, Riau Posthasa, a weekly, informal discussion forum focused on different topics each week, but they reported that government officials always refuse to attend such fora. They also reported difficulties getting statements from government officials to balance their reporting.

The local media themselves still have substantial limitations in playing an effective role in reporting on threats to the environment, including:

- The poor quality of local journalists' research, writing, and presentation skills
- Reporters' and other journalists' lack of knowledge on how to find and develop compelling stories and to demonstrate to their editors the newsworthiness of investigative stories involving biodiversity-related issues
- Most media and reporters/journalists are located in urban areas, such as the capital cities, and there is insufficient coordination with citizens and local communities to support the development of compelling stories
- Editors' lack of appreciation for how to make information on threats to biodiversity interesting and meaningful to the consumers of their information
- In some locations, such as West Kalimantan and Aceh, negative publicity in the past has made communities reluctant to talk with journalists due to fears of negative attention.

Therefore, to strengthen the public's and the media's role in combatting threats to the environment – and to their own communities – an ongoing commitment is needed from the courts and prosecutors' offices to public services, outreach, and communications.

The C4J Project was successful in coordinating with the Supreme Court's *Humas* and AGO's *Puspenkum* to address these challenges through improved public services, a public information campaign, and training programs. To strengthen that connection, media training and briefings were held at the local district courts.

Several media engagement activities to build and improve the capacity of journalists were conducted, such as journalist workshops, a writing competition for local journalists, and a visit to a pilot area. These activities were implemented in collaboration with a national journalist association focusing on environment called The Society of Indonesian Environmental Journalist (SIEJ). As part of the Indonesian Journalist Alliance (AJI), SIEJ's involvement was strategic as it provided a wide media network across C4J pilot areas. SIEJ is continuing its capacity development activities for members on its own.

### ***Investigative Journalism***

Through its media engagement activities, the C4J Project learned that most journalists were still reporting information about biodiversity issues as straight news, without in-depth findings and analysis. The project continued media engagement activities through journalist workshops on investigative journalism.

A workshop in Riau in February 2015, was hosted by Pekanbaru High Court, with the Indonesian Journalist Association in Riau as co-organizer. The workshop provided the opportunity for the journalists to learn about procedures of accessing information at the court, processes and procedures in handling cases related to biodiversity, and how to report and cover news about cases related to biodiversity. With about 22 journalists participating, the workshop showed a continued low level of understanding and knowledge among journalists on legal processes, especially on specific cases involving biodiversity (illegal logging, forest and peat fires, wildlife poaching and trading, and community land disputes).

### ***Citizen Journalism***

From previous media engagement activities, the C4J Project learned that local journalists were faced with challenges in getting first-hand information with limited resources. As they are required to submit at least six news reports a day (on various topics), they are required to have a strong network of contributors from areas within their region.

Most journalists are based in the capital city, and they rely on local contributors (general public/community) to provide information, especially from distant locations as they cannot afford travel to the location for first-hand information. In this situation, accuracy and newsworthiness are critical, as they provide justification for the journalists to follow up with investigative, in-depth reporting.

C4J built connections between communities and journalists, where the community could be sources of information and journalists can rely on the communities to provide accurate information and data at the district level. The Citizen Journalism training was designed as an integral part of the Community Training on Paralegal, where senior local and national media-affiliated journalists trained the community on basic journalism and provided them with links and channels for sending information. The Citizen Journalism training was conducted in Ketapang (West Kalimantan) on February 15, 2015, and in Kampar (Riau) on February 22, 2015.



*A group of women writes a story about accessing information on government programs in their village. The C4J Project's citizen journalism training shown above was held in a community in Kampar Kiri sub district, Riau, on February 21, 2015. The training allowed participants to practice writing news articles, opinion pieces, and photo-based stories.*

### PUBLIC INFORMATION TRAINING PROGRAM

Due to low levels of public participation resulting from limited knowledge of law and the stigma often attached to law enforcement agencies, the performance of law enforcers can remain unmonitored externally. Complementary to the public information campaign, the C4J Project developed and delivered training on public information services for judges and prosecutors in Gayo Lues (Aceh), Bangkinang (Riau) and Ketapang (West Kalimantan) districts in collaboration with subcontractor ICEL.

The project found that the public information service in the courts and prosecutor's offices would require continuous support from the courts and prosecutor's offices at the district and provincial level. From the media workshop implementation, the project learned that the media did not have enough opportunity to collect information from the court and prosecution's office about ongoing cases. While the media is an important information channel for educating the public about the legal system, their role has not yet been maximized by the justice sector.

In parallel, C4J Project developed training for the community on how to access public information services and how to report on a case and file a civil claim. This training aimed at strengthening the public as a force in providing oversight, improving justice sector performance, and increasing the enforcement of biodiversity laws.

## DEVELOPMENT OF COMMUNITY PARALEGALS

In line with the objective of the Biodiversity Program to protect the environment by strengthening capacities and harmonizing collaboration between the justice sectors and public, C4J conducted paralegal training targeted to raise public awareness on how to combat threats to biodiversity in three pilot areas. The goal of the program was to bridge the gap between communities encountering problems stemming from illegal logging, land conversion, land grabbing, and wildlife trafficking and poaching and the justice sector.

The project worked first with subcontractor *Telapak*, who demonstrated to the pilot communities how to advocate effectively for information about cases in their respective district courts and prosecutor's offices. C4J shared knowledge with communities on how to interpret relevant laws, what the laws mean, and how to pursue civil cases relating to conversion of land and wildlife trafficking and poaching in the courts. The training was concluded in the three pilot communities in 2014.

The communities were then encouraged to work with their own paralegal groups to advocate for their communities in civil and criminal cases. After completing the training, the alumni in Kampar established a group named *Tapak 8*, which has been advocating against land grabbing between a palm oil company and 11 villages in Kampar Kiri Sub-district. A few alumni in Ketapang have been collaborating with youth leaders managing the village's forest to protect water catchment areas and to hinder the expansion of a palm oil plantation.

Engagement with women's groups in increasing legal awareness on biodiversity protection was an important achievement of the C4J Project. Women in the pilot areas had been regarded as second class citizens on biodiversity issues. Women had not been given an opportunity to advocate on behalf of biodiversity cases such as land grabbing or land conversion to expand palm oil plantations in their villages. Through the paralegal program, the C4J Project motivated the communities to engage both men and women equally as participants in the paralegal program. The project also emphasized engagement with village youth organizations in each community.

Assistance in the final year of the project expanded to a new district in Siak (Riau) and new communities around Ketapang (West Kalimantan), and advanced training in Siak (Riau) in December 2014 and Ketapang (West Kalimantan), and Kampar (Riau) in February 2015. The training aimed to improve the communities' knowledge on Indonesia's legal system and the importance of biodiversity, increase the number of paralegals who can assist communities on conflict and dispute resolution through advocacy strategies, strengthen the role of paralegals, and expand networking among paralegals.

### Paralegals in Action

In Siak District in Riau, more than 2,000 hectares of community land, granted by the Ministry of Labor and Transmigration under the transmigration program in 1980, is in dispute with a palm oil company. The dispute started in 2006, and hinders the community's opportunity to use the land as an income resource. C4J worked with WALHI Elang Foundation, and Jikalahari in hosting the paralegal training to provide information on spatial layouts and information availability in relation to land boundaries. In the paralegal logbook, the community's agenda includes water absorption area protection, participatory mapping, establishment of a women's paralegal group, and creating the village's spatial layout.

To sustain paralegal groups in each community, the project collaborated with local NGOs such as *Yayasan Elang* and *Wahana Lingkungan Hidup (Walhi) Riau* in Siak and *Yayasan Palung* and Flora Fauna International in Ketapang, who had been advocating in communities there. The collaboration was expected to link the community training with the organizations' existing programs to sustain assistance to communities.



*Paralegal training participants practice writing down events in chronological order during an exercise. The records will help the group more accurately assess information, define problems, develop strategies, and plan next steps in combatting threats against biodiversity in their villages.*

The training content for the communities was focused on the importance of upholding the legal rights of local communities and indigenous populations that rely on forests for their livelihoods. It included gender-specific topics, village spatial planning, and citizen journalism.

By Year 5, paralegal training had also been integrated into the citizen journalism capacity building. The activity was expected to increase capacity of communities and paralegals in how to provide newsworthy, accurate information on biodiversity issues through citizen journalism. The workshops reached 37 community members in nine villages in Kampar (Riau), 19 community members in five villages in Siak (Riau), 45 community members in two villages in Ketapang (West Kalimantan), and 20 community members in 10 villages in Gayo Lues (Aceh).

C4J conducted paralegal training at Laman Satong and Sebadak villages, Ketapang District, West Kalimantan. These communities are quite active in protecting the land from land conversion to palm oil plantations, with the aim of conserving the forest and establishing village forests. At Laman Satong, the village forest was ratified with the Minister of Forestry's Decree No.493/Menhut II/2011, while at Sebadak Raya, an area of

2000 hectares is currently being proposed by the community - with the help of Flora Fauna International - to become a village forest. One of the benefits of village forests is that - experienced by the community of Laman Satong - is availability of clean water, mainly during the dry season. The concept of village forests is to provide access and rights to manage the forest by village-level institutions, following the principles of community empowerment.

## BIODIVERSITY PROGRAMMING: ROAD MAP

### Short-term Recommendations

- Training programs on public information services must be sustained by the courts and prosecutors' offices at the district and provincial levels. The training programs must include practical exercises that sensitize courts and prosecutors to local environmental issues and the justice needs of their communities.
- First-instance courts must implement an effective, well staffed legal aid office (*posbakum*). Each *posbakum* must be well funded, maintained, and supervised by the court so that it operates with regular hours year round. Each *posbakum* should be easily accessible by the public, and located in a safe, clean, and private location at or near the entrance to each first-instance court.
- First-instance court *posbakum* staff must be sensitized through training programs on public service and responding to common legal disputes such as licenses, access to information, land, labor, and contracts.
- First-instance courts must have sufficient legal aid funds allocated for fee waivers (*pro bono*) for those persons who cannot afford to file a civil case.
- Because many members of local communities need legal representation but cannot afford to pay for a lawyer, especially in complex cases such as land disputes or criminal cases, cooperation between the Supreme Court and the Ministry of Law and Human Rights should be increased to implement an effective and well-funded system for legal aid attorneys in every district.
- The first-instance courts and prosecutors' offices must establish community outreach activities, services outside the courts such as small claims and mobile courts, and community education on the legal system and legal processes.
- The first-instance courts and prosecutors' offices must facilitate fora regularly in the courts and prosecutors' offices respectively for the media, civil society organizations, and paralegals to encourage dialogue and knowledge sharing on cases, legal processes, case filing trends, research, social concerns, and the impact of biodiversity cases and criminal activities on local communities and their security.
- Local community paralegal groups need to be expanded through training programs, mentoring programs, and information sharing among communities.
- Local community paralegal groups must improve their capacities to document local environmental and other civil and criminal issues through a community logbook, including collecting first-hand accounts, photos, and other relevant information for identifying and combatting threats to biodiversity.
- First-instance courts and prosecutors' offices should facilitate visits and tours by local paralegals and media, in addition to local training programs on how the public may access information and legal aid services. This activity can be scheduled routinely as

- part of *Muspida* (regional leader meetings) for legal enlightenment and counseling to local communities.
- Training resources used by the courts and prosecutors' offices should include posters, videos on biodiversity conservation (instead of TV shows), the Community Handbook adopted by the Supreme Court and AGO, and training materials adopted by the Supreme Court to forge a common understanding on appropriate and effective prosecutorial processes.

### **Medium-term Recommendations**

- Court practices classifying cases are very inconsistent. The Supreme Court should begin developing new guidelines on case classifications and case definitions to improve the monitoring of cases relating to threats to biodiversity. The Supreme Court should use standardized case classifications and case definitions for collecting performance data and comparing performance of courts, judges, and staff among general, administrative, and military courts.
- The Supreme Court, AGO, and national police should begin discussions on development of standardized case classifications, data collection, and data definitions for all criminal cases. For example, all environmental criminal cases, including marine and fisheries, should be classified under a single environmental criminal case category, instead of under different types of courts or different divisions in the AGO. This would enable cases such as wildlife trafficking and pollution, and related cases such as money laundering and corruption, to be monitored and managed more effectively and consistently.
- The IT systems of the DPOs and first-instance general courts should be integrated to facilitate filing and transfer of all case data for criminal cases.
- The Supreme Court “decision database” should be linked to the CTS and searchable to support judges among all courts in their research and decision-making, especially criminal and civil cases relating to the environment.
- A separate Research Center should be created under the Supreme Court to support research and guidance to all judges on managing specific types of cases, such as criminal and civil cases relating to the environment, and supporting the development of future training programs.
- Implement and sustain regional training programs for judges and prosecutors on unique local legal issues, such as the environment, and to increase their understanding and to reduce their need to rely on expert testimony.

### **Long-term Recommendations**

- The Supreme Court, AGO, and national police should implement a standardized system for case classifications, data collection, and data definitions for all criminal cases.
- The IT systems of the local police, DPOs, and first-instance general courts should be integrated to facilitate the filing and transfer of all case data for criminal cases. This is in line with RPJMN III (2015 – 2019) in launching the integrated crime judicial system. All reforms in public services, media engagement, and training programs in the courts and prosecutors' offices should be adopted by the national police and ministries overseeing civil investigators.

# **III. ANNEXES**

## **ANNEX A: SUCCESS STORIES**

Annex A submitted as an attachment to this report.

## **ANNEX B: CHECK LIST FOR STANDARDIZED TEMPLATES**

Annex B submitted as an attachment to this report.

## **ANNEX C: INTEGRATED PUBLIC SERVICES GUIDELINES (BAHASA)**

Annex C submitted as an attachment to this report.