Supreme Court of the Republic of Indonesia
CURRENT JUDICIAL REFORMS IN INDONESIA

Supreme Court of the Republic Indonesia
October 2009

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ASEAN LAW ASSOCIATION
10th General Assembly
14th – 18th October 2009
HANOI, VIETNAM
### SUPREME COURT REFORM STRATEGY

- Development of Blueprint Reform Agenda and working paper (2003):
  - Supreme Court Blueprint
  - Working paper on Human Resources Development
  - Working paper on Judicial Academy and Judicial Training
  - Working paper on Financial Management
- Establishment of Judicial Reform Team, which are consist of Supreme Court Leadership and experts
- Development of Priority Agenda
- Establishment of Judicial Reform Working Group

### WORKING GROUPS

- The Working Groups responsible to develop action plan, coordination to all related activities, and supervise and evaluate all relevant programs.
  - The Working Group on Case Management;
  - Working Group on Human Resources;
  - Working Group on Education and Training;
  - Working Group on Planning and Budgeting, and
  - The Working Group on Supervision
  - Working Group on Information and Technology
SUPREME COURT REFORM GOALS
INDONESIAN COURT EXCELLENCE

- Client needs and satisfaction (Justice seekers and court users)
- Accessable and Affordable court services
- Public trust and confidence

GENERAL JUDICIAL REFORM POLICIES

- The year 2004 represented a milestone in the history of the Indonesian judicial system. Starting in that year, responsibility for organization, administration and financial management of the courts was removed from the Department of Justice (now the Department of Justice and Human Rights), and transferred to the Supreme Court.
- → ONE ROOF SYSTEM
SOME ACTIVITIES RELATED TO REFORM

- Chief Justice Decree No.144/KMA/SK/VII/2007 on Judicial Transparency
- Online Publication of Supreme Court Decisions (appx. 10.162 decision and progressing)
- Court Finansial Transparency through website
- Development of Information desk and public complaint system
- Development of Training center infrastructures and policy guidelines.
- etc

Reducing Delay & Case Management Reform

Indonesian Supreme Court

2009
The problem of Case Backlog and Case Delay

- Is one of unsolved recurring problems since 30 years ago

- The Supreme Court of the Republic of Indonesia had repeatedly tried to eradicate backlog and reducing delay

About This Presentation

- Will briefly describe problems which become the source of backlog and delay in Indonesian Court
- Describe briefly on current strategy taken by the Supreme Court as well as its problems faced
- Describe present achievements
- Offer lesson learned
The problem of Backlog of Cases

- Backlog and delay is generally occur only at the Supreme Court level as the final court of appeal in land
- For a civil case, time required to obtain a final and binding decision can reach 8 years, with 2/3 of the time spent in the Supreme Court for Cassation and Special Review
- Case Backlog at the Supreme Court hit its peak in 1982 – 1992 and 2004 where number of pending case at the Supreme Court exceeds 20,000 files

Some Identified Sources of Backlog

a. Absence of effective appeal limitation system
   
   There are total of 791 courts (consist of 717 court of first instance and 69 court of appeal) from four court jurisdictions, and all appeal to one Supreme Court.

b. Innefective Supreme Court’s internal mechanism in examining and deciding cases

c. Compulsory format to produce very long decision, which mostly contain information that has been mentioned in lower court decision.

d. Poor productivity and professionalism in the level of supporting staff
Backlog is Not a Problem in

The Lower Court

- A sufficiently well distributed court location (located in most of each regency).
- Strict 6 month timeline for finalization of cases (Supreme Court Circular No. 3/1998 on Finalization of Case)
- Strict and regular monitoring from superior court

Brief on Case Backlog Reduction Program

- Backlog Reduction Program has been carried out by the Supreme Court several times, in 1982 – 1992 with measures mostly focused to reduce backlog through additional resources
- The Supreme Court Blue Print 2003 calls for a more planned, systematic and participative approach.
Several Important Reform

Elements Post 2003 Blue Print

- Establishment of Working Group of Case Management consist of internal and external element (donor, civil society) as part of Judicial Reform Team
- Physical audit of all cases under circulation at the Supreme Court
- Post Audit Agenda consist of :
  - Improvement of case recording mechanism
  - Decide upon concrete objective on finalization of case handling at the Supreme Court
  - Regular presentation on case circulation status to the Justices
  - Increase staffs capacity and professionalism

Agenda 1 : Audit of Cases Under Circulation at the Supreme Court

☐ Conduct physical audit to all cases under circulation at the Supreme Court
☐ In cooperation with partners such as donors, Federal Court of Australia and civil society.
☐ Enable the Supreme Court to be informed on :
  - Distribution of cases among 46 justices
  - Status of each cases
  - Ages of each cases
    - Importantly, enable the Supreme Court to
  - Devise a systemic strategy to gradually eradicate backlog, by accurately identify the root of the problem, hence able to set priorities, work distribution and expertise required.
Agenda 2: Improvement of Case recording

Mechanism

- Changing the reporting perspective, to also include number of cases returned to originating court.
- Introducing a MS Excel based-simple application to record circulation of cases in a more effective, efficient and accurate manner in addition to existing manual registry.

Agenda 2:
Establish Concrete Objective of Finalization of Cases

- Define case backlog as:
  
  Cases that has not been returned to originating court 2 years after the date of registration.
Agenda 3:

Regular Presentation Circulation of Cases

Regular presentation before the justices to

- Inform current status
- Raise awareness against agreed objectives
- Increase transparency and accountability
- Increase healthy competitive climate
- Provide early warning for any identified problem

Agenda 4:

Increase the Staffs Capacity and Professionalism

- Technical training for the Court’s Supporting Unit
- Strict supervision to staffs performance and professionalism
Problems Faced

- Cultural Barrier
- Limited resources
- Lack of Qualified Human Resources
- Difficulties to amend Legal Regime Required
- In 2008, Massive Justice Retirement, Slow Recruitment

Several Concrete Results
Circulation of Cases at the Supreme Court

Active Cases (according to age)
PERFORMANCE OF CASES RETURNED TO ORIGINATING COURT 2008

Number of pending cases
Period 2003 – March 2008

Case Backlog Reduction
Case Backlog Reduction

Some Lessons Learned:

Important Matters in Achievements to Reform Case Management

- Detailed information on the main source of backlog is essential
- Commitment of leadership and strong operational support is key to success
- Importance to involve stakeholders, the more diverse involvement, the more option available, and better public outreach
- Importance to make sure sustainability of the reforms
- Technology is essential in case management reform, but most importantly to find sufficiently applicable technology which is not necessary complex and high cost, particularly in court in transition such as Indonesia
Thank You For Your Attention

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