

ANNUAL REPORT
Year 2000
NATIONAL LAW COMMISSION

Prepared by:
The National Law Commission

Lay-out by:
CYBERconsult

TABLE OF CONTENTS

	<i>Page</i>
TABLE OF CONTENTS	i - ii
GLOSSARY	iii
INTRODUCTION	iv - v
 CHAPTER I SHORT REPORT	 1 - 5
A. Establishment of the National Law Commission (NLC)	
B. Activities	
C. Financing	
D. Future Plans	
 CHAPTER II PROJECT STRATEGY	 6 - 17
A. Program of Legal Reform	
B. Program Phases 2001 - 2002	
C. Action Plans	
 CHAPTER III SUMMARY OF PUBLIC HEARINGS	 18 - 30
A. Sub Commission A	
B. Sub Commission F	
C. Sub Commission C	
D. Sub Commission E	
E. Sub Commission B	
F. Sub Commission D	
 CHAPTER IV TERMS OF REFERENCE	 31 - 57
A. Sub Commission A	
B. Sub Commission B	
C. Sub Commission C	
D. Sub Commission D	
E. Sub Commission E	
F. Sub Commission F	

x-1	ORGANIZATION STRUCTURE	58 – 59
x-2	LIST OF MEMBERS AND STAFF	60
x-3	SUB COMMISSION MEMBERS	61 – 63
x-4	PARTICIPANTS DURING PANEL DISCUSSIONS AND PUBLIC HEARINGS	64 – 69
x-5	LIST OF LAW FACULTIES	70
x-6	BUDGET	71

GLOSSARY

APBN	National Income and Expenditure Budget
BAPEPAM	Capital Market Supervisory Agency
BPK	Supreme Audit Agency
BLBI	Emergency Loans Channeled by B.I. to ailing banks
BMPK	Maximal Credit Lending Limit
BPHN	National Law Development Agency
DPR	House of Representative
DPDR	Provincial House of Representative
GBHN	State Policy Guidelines
HAM	Human Rights
HIR	Het Herziene Indonesisch Reglement
IBRA	Indonesian Bank Restructuring Agency
ICEL	Centre for Environmental Law
INDRA	Indonesian Debt Restructuring Agency
JITF	Jakarta Initiative Task Force
KPKN	Audit Commission on State Officials Wealth
KON	National Ombudsman Commission
KTP	Identity Card
KUHAP	Code of Criminal Procedure
LBH	Legal Aid Institute
MPR	People's Consultative Assembly
MTI	Indonesian Transparency Society
NLC	National Law Commission
PKPU	Delay of Debt Payment Obligation
PP	Implementing Regulation
PPNS	Civil Servant Investigator

INTRODUCTION

The crisis that hit Indonesia more than three years ago has affected virtually all spheres of people's lives, creating a myriad of economical, political and social problems. The condition has proved to be a mixed blessing for Indonesia-on the one hand, the crisis has forced the nation to exert all of its strength to try to overcome it. On the other hand, the crisis represents a challenge for Indonesia to embark on an institutional reform-to build, develop and revive state institutions. With regard to the challenge, the endeavour to prioritise and uphold the supremacy of the law should be one of the most important agenda of the reform movement.

In line with this agenda, the National Law Commission (NLC) was established in February 2000. As an independent, non-governmental organization, the NLC is expected to play a decisive role in bridging together the various legal reform steps undertaken by the executive, legislative and judiciary as well as the mass organizations striving to help the nation lift itself out of the crisis.

In relation to its status, the National Law Commission (together with all other public institutions) is obliged to be transparent and accountable to the public for the implementation of its functions and roles - transparency and accountability being prerequisite of good governance.

It is therefore clear why the NLC acknowledges the importance of this annual report on its achievements and development. The report may not be considered an adequate account but it is hoped that the material contained in it will fulfil some of the demands for openness, and the public's wish for information about the activities of the NLC for the past year.

The report is divided into three main parts, namely the planned activities of the NLC, the public's response, and the actual implementation of the plans. The first part of the report describes the priorities set by the organization, its timetable and the content of the planned programs. The second part consists of a resume of six public hearings on the plans, and their eventual revision. The last part of the report describes the interim targets of the NLC (as the programs have yet to be completed), in the form of Terms of References (TOR) which will be the basis of its activities in 2001 and 2002.

We enclose in this report details of the organization, such as its structure, list of members and staff, list of members of sub-commissions, list of participants in the hearings (including experts from the law schools), and its budget. The inclusion of those details is meant to complement the report and provide the public with a more comprehensive picture of the organization.

The information contained in the report is also condensed in an executive summary (short report)-which we attach at the beginning of this booklet in order to assist readers in understanding the characteristics and activities of the NLC during the year 2000.

We ultimately hope that following the report, we will receive feedback from concerned parties-be they from legal circles, the academia, the government, the parliament, non-governmental organizations and other observers of nation's legal developments. The NLC will make use of opinions, commentaries or criticisms conveyed as a benchmark with which to evaluate not only its action plan but also the orientation, function and the position of the NLC as delineated in its statute. Evaluation is an important practice because public aspirations grow so rapidly that the programs, the orientation of the planned activities, as well as the working mechanism of the NLC need to be adjusted in order to run in accordance with those aspirations.

Further information on the National Law Commission can be accessed and comments conveyed through its website: <http://www.komisihukum.go.id>.

Jakarta, February 2001

THE NATIONAL LAW COMMISSION

CHAPTER I

SHORT REPORT

CHAPTER I

SHORT REPORT

The first part of this report provides brief information on The National Law Commission (NLC) from its establishment in February 2000 up to the end of December 2000. In this chapter, we will try to address the 5W + 1H (What, Who, When, Where, Why+ How) on the early development and the progress of the NLC.

A. Establishment of the National Law Commission (NLC)

1. The National Law Commission was established on February 18, 2000 through Presidential Decree No. 15 of 2000 concerning the National Law Commission.
2. Members:
 - J.E. Sahetapy (Chairman)
 - Mardjono Reksodiputro (Secretary)
 - Frans Hendra Winarta
 - Mohammad Fajrul Falaakh
 - Harkristuti Harkrisnowo
 - Suhadibroto
3. Duties:
 - To provide opinions at the request of the President concerning various legal policies
 - To assist the President by acting as a Steering Committee in designing a general plan for reform in the field of law
4. Secretariat:
 - Graha Niaga 23rd Floor, Jl. Jenderal Sudirman Kav. 58, Jakarta 12190
 - Jalan Diponegoro No. 64, 3rd and 4th Floors, Jakarta 10310
5. Total number of staff : 17 people (11 men and 6 women).
6. Financing Sources :
 - The Asia Foundation
 - The Open Society Institute
 - The Civil Society Support and Strengthening Program (CSSP)
 - The Government (*in kind* from IBRA)
 - APBN/State Budget (received in December 2000)

B. Activities

1. With the assistance of The Asia Foundation and the law firm Ali Budiardjo, Nugroho, Reksodiputro, the NLC established its Secretariat at **Graha Niaga 23rd Floor, Jalan Jenderal Sudirman, Kav. 58, Jakarta 12190.**
2. The NLC obtained additional office space and equipment from the Indonesian Bank Restructuring Agency (IBRA) to extend its Secretariat and eventually move to **Jalan Diponegoro no. 64 (ex Bank Danahutama), 3rd and 4th floors, Jakarta Pusat** (the NLC started occupying that space in October 2000).
3. In order to fulfill its **first duty**, i.e. "to provide opinions at the request of the President concerning various legal policies", the NLC gave legal opinions to the Cabinet Secretary, and directly to the President and the Vice-President on a number of occasions.
4. In order to fulfill its **second duty**, i.e. "to assist the President by acting as a Steering Committee in designing a general plan for reform in the field of law", the NLC has put together a series of programs on:
 - Improved administration of justice
 - Good governance and administrative law reform
 - Improved legislative capabilities
 - Advanced legal training, testing and discipline
 - Law and economic recovery; and
 - Improved and integrated criminal justice system.

Six Sub-Commissions have been established to assist the NLC with its six main programs and twenty-one subprograms (Working Groups) that are based on the recommendations of the *Diagnostic Assessment of Legal Development in Indonesia* (a study undertaken for the World Bank and Bappenas in 1996 – 1997), and discussions held during Public Hearings organized by the NLC.

5. In order to ensure the widest public acceptability of the law reform programs being proposed by the NLC, each of the six Sub-Commissions held a one day Public Hearing on the needs for law reform in their respective program area, during the period from May 2000 through September 2000, as follows:

- First: Public Hearings for Programs A and F were held on the 30th and 31st of May 2000, with the assistance of the National Law Development Agency (BPHN) of the Ministry of Justice and Human Rights;
- Second: Public Hearings for Programs B, C, D and E were held on the 6th, 7th, 12th and 13th of September 2000. These Public Hearings were organized by the staff of the NLC with some outside assistance.

The discussions held during these Public Hearings were recorded by the Rapporteurs of each Sub-Commission and the Assistant Rapporteurs of the NLC.

6. Each Sub-Commission is manned by 15 legal experts who have been chosen by the NLC for their expertise and experience. They act as a *steering committee* for each main program and become the panelists for the Public Hearings they organize. The members of the Sub-Commissions are not paid a monthly salary, but receive an honorarium and transport allowance for meetings they attend. One of the members of each Sub-Commission acts as its Rapporteur. Furthermore, each Sub-Commission is assisted by an Assistant Rapporteur whose salary is paid by The Asia Foundation.
7. Some 300 people participated in the Public Hearings (from the legal community, as well as the general public), including representatives from 40 law faculties from different regions - Java and outside Java. Some 70 to 75 Deans of law faculties attended these Public Hearings, \pm 25% of all participants. Participants coming from outside Jakarta were provided with an accommodation and transport allowance. All Public Hearings were held at Hotel Indonesia.
8. Additionally, the NLC has organized the following:
 - 8.1. 8 radio interviews
 - 8.2. 3 press conferences
 - 8.3. Meetings with donors and potential donors: the Asia Foundation, the Open Society Institute, the Civil Society Support and Strengthening Program, the IMF, the World Bank, the Asian Development Bank, the Partnership for Governance Reform in Indonesia, UNDP, PEG, ELIPS, AusAID, Australian Resources International, the Asian Law Centre and the International Foundation for Election Systems.
 - 8.4. The NLC also cooperated with ICEL (on the draft Freedom of Information law) and with the Supreme Court (on the draft law on an Integrated Criminal Justice System).

C. Financing

1. The six core members of the NLC did not receive an honorarium nor transportation or meeting allowances during the period from February to November 2000. A budget request forwarded to the Minister of Finance for the year 2000 was approved in December 2000 and a new budget for 2001 is being prepared.
2. The NLC has received *in kind* assistance from IBRA which provided office space to the NLC in Jalan Diponegoro, together with telephone, electricity and water as well as the salaries of the security personnel there. IBRA covered the cost of renovation of that office space and provided the NLC with desks, meeting tables, chairs, computers and 2 telephone lines
3. The Asia Foundation is financing the office space used by the NLC at Graha Niaga, as well as the personnel of the Secretariat (17 full-time staff, 1 volunteer and 5 contracted staff) until 31 March 2001 after which time the NLC will move to Jalan Diponegoro. Office equipment (desks, meeting tables, chairs, computers, 2 telephone lines and other office utilities) were provided by The Asia Foundation. Office rent for one year (April 2000 to March 2001) was paid by The Asia Foundation. The total contribution of the Asia Foundation for that period amounts to Rp 401,867,300.
4. The cost of the two Public Hearings held in May 2000 (Rp. 527,249,600) was covered by The Open Society Institute (OSI), on the recommendation of Dr. Todung Mulya Lubis.
5. The Civil Society Support and Strengthening Programm (CSSP) covered the costs of the following four Public Hearings held in September 2000: Rp 101,000,000 plus Rp. 865,000,000 for the transport and accommodation of participants coming from outside of Jakarta.

D. Future Plans

1. Finalize the Terms of Reference for the sub-programs – Working Groups – based on discussions held during the Public Hearings.
2. 11 Working Groups will be established between March and June 2001 and an additional 10 Working Groups will start work between September and December 2001. Three additional Sub-Commissions will be established around April 2001 who will conduct a serie of Public Hearings with a view to design programs for 9 additional Working Groups planned to start work in early 2002.

3. Obtain the necessary funding from the State Budget and foreign institutions to finance the programs of the NLC Secretariat, Sub-Commissions and Working Groups.

CHAPTER II

PROJECT STRATEGY

CHAPTER II

PROJECT STRATEGY

The second part of this report describes the form, and the content of the project strategy prepared by the National Law Commission (NLC). This project was designed after a series of intensive discussions amongst members of the NLC, based on an objective view of legal development in Indonesia.

A. Program of Legal Reform

1. Cooperation

The National Law Commission will cooperate with agencies and officials of the Central Government and Regional Governments, with members of social organizations, experts and members of the legal profession and other interested parties.

The National Law Commission may request considerations and/or opinions directly from the Chief Justice of the Supreme Court, the Minister of Justice and Human Rights, the Attorney General, and the Chief of Police of the Republic of Indonesia.

2. Public Accountability

A National Law Seminar has been held 5 times since Indonesia's independence, most recently in October 1999. The national seminar held in 1999 was organized by the National Law Development Agency (BPHN) of the Ministry of Justice and Human Rights. It confirmed the priority areas for reform as described in the recommendations of the *Diagnostic Assessment of Legal Development in Indonesia* which was completed in 1997.

Starting with the National Seminar that will take place in April 2001, it is expected that it will be run in such a way as to make it a forum for the formulation and acceptance of national law reform agendas, for public coordination and monitoring, public criticism, and public accountability of the law reform projects undertaken during the period from 1999 to 2004.

3. General Activities

a. Sub-Commissions and Working Groups

Based on the recommendations of the Diagnostic Study and the proceedings of the 1999 National Law Seminar, law reform activities will be undertaken within the scope of broad programs. Each program will be coordinated and implemented by a Sub-Commission and will comprise a number of Working Groups that will undertake certain projects. It is expected that several funding agencies will provide assistance to the programs planned by the NLC. In each program, continuing efforts will be made to identify and involve both governmental bodies and agencies as well as interested non-governmental groups and entities, both in the design of reforms and in the implementation of agreed objectives.

b. Public Hearings and Workshops

In order to ensure the widest public acceptability of the law reform programs being proposed by the NLC, several public hearings were held between May and September 2000. A new series of Public Hearings and Workshops is planned for the year 2001.

c. Secretariat

With assistance from the Asia Foundation, the NLC established a secretariat at Graha Niaga. As the activities of the NLC will be growing during 2001 with the formation of at least 21 Working Groups, the secretariat will need to expand and is planning a number of additional sections. Preparations for expansion are being carried out with the assistance of the government and several foreign donors.

d. Web Site

The NLC has established a website (www.komisihukum.go.id) to serve as an additional means of keeping the public informed and involved in the development of national law reform programs. The website will contain information about the plans and programs developed by the NLC, recommendations made during the public hearings and workshops, information about legal institutions, and law reform projects being undertaken throughout Indonesia, and will allow users to submit suggestions on line, as well as criticisms and complaints to the NLC and to submit papers for consideration by the Commission. Users will also be able to download working papers and proposed draft laws from the site.

B. Program Phases 2001 - 2002

A. PROGRAM FOR IMPROVED ADMINISTRATION OF JUSTICE

PHASE 1

- A.1 WORKING GROUP ON THE ADJUDICATION OF CORRUPTION
- A.2 WORKING GROUP ON RECRUITMENT AND JUDICIAL CAREERS
- A.3 WORKING GROUP ON THE SUPREME COURT

SUBSEQUENT PHASE

- A.4 WORKING GROUP ON COURT ADMINISTRATION

B. PROGRAM FOR GOOD GOVERNANCE AND ADMINISTRATIVE LAW REFORM

PHASE 1

- B.1 WORKING GROUP ON ENHANCING THE ROLE OF GOVERNMENT LAW BUREAUS
- B.2 WORKING GROUP ON PUBLIC ACCESS TO LEGAL INFORMATION
- B.3 WORKING GROUP ON PUBLIC COMPLAINTS PROCEDURES

SUBSEQUENT PHASE

- B.4 WORKING GROUP ON ADMINISTRATIVE COURTS
- B.5 WORKING GROUP ON ADMINISTRATIVE LAW REFORM IN PUBLIC SERVICES

C. PROGRAM FOR IMPROVED LEGISLATIVE CAPABILITIES

PHASE 1

- C.1 WORKING GROUP ON LEGISLATIVE RESEARCH SERVICES

SUBSEQUENT PHASE

- C.2 WORKING GROUP ON PUBLIC HEARINGS

D. PROGRAM FOR ADVANCED LEGAL TRAINING, TESTING AND DISCIPLINE

PHASE 1

- D.1 WORKING GROUP ON PROFESSIONAL DISCIPLINARY STANDARDS (to become a Legal Professional Supervisory Board)

SUBSEQUENT PHASE

- D.2 WORKING GROUP ON ADVANCED LEGAL TRAINING (to become the Advanced Legal Training Institute)
D.3 WORKING GROUP ON NATIONAL LEGAL TESTING STANDARDS (to become the National Legal Testing Board)
D.4 WORKING GROUP ON PROFESSIONAL EDUCATION ACCREDITATION (to become the Legal Professional Education Accreditation Board)
D.5 WORKING GROUP ON THE EMPOWERMENT OF PRIVATE LEGAL ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

E. PROGRAM FOR LAW AND ECONOMIC RECOVERY

PHASE 1

- E.1 WORKING GROUP ON REVIEW OF LEGAL STRUCTURES FOR CORPORATE DEBT RESTRUCTURING

SUBSEQUENT PHASE

- E.2 WORKING GROUP ON THE COMMERCIAL COURTS

F. PROGRAM FOR AN IMPROVED AND INTEGRATED CRIMINAL JUSTICE SYSTEM

PHASE 1

- F.1. WORKING GROUP ON THE ELIMINATION OF DISCRIMINATORY POLICIES AND REGULATIONS
F.2. WORKING GROUP ON THE CRIMINAL JUSTICE SYSTEM

SUBSEQUENT PHASE

- F.3. WORKING GROUP ON ACCESS TO JUSTICE

C. Action Plans

1. Main Programs :
 - a. Program for Improved Administration of Justice
 - b. Program for Good Governance and Administrative Law Reform
 - c. Program for Improved Legislative Capabilities
 - d. Program for Advanced Legal Training, Testing and Discipline
 - e. Program for Law and Economic Recovery
 - f. Program for an Improved and Integrated Criminal Justice System
2. In order to immediately commence work through the six Sub-Commissions, a number of action plans must be promptly agreed as set forth below :
3. Work Programs (Activities)
 - a. Activities Under Main Program A, Program A.1 :

- **Adjudication of Corruption**

Improvements in the capacity of the courts to try corruption cases.

People have lost hope that courts can objectively try large and complicated corruption cases. This confidence must be restored through panels of judges who are honest and conversant with the problems of corruption cases the public is confronted with.

It is necessary to form credible panels of judges to try corruption cases. Judges will be given explanations and special training by the Supreme Court's Research and Training Section concerning the new Anticorruption Law and other matters considered necessary (among others, regarding the problem of financial crimes).

The target is to submit several large corruption cases to the courts (initially courts in Jakarta) to show the intent of the government to eliminate corruption in Indonesia. These trained judges can later be assigned to try corruption cases in all courts in Indonesia.

Note : This activity is prepared in cooperation with the Sub-commission for Main Program F among others, within the framework of the establishment and work program of the Joint Investigation Team of the Attorney's General Office. If the Attorney's General Office is ready to submit several large corruption cases to the courts, it is expected that honest and competent judges will also have been prepared.

b. Activities Within Main Program A, Program A.2 :

• **Recruitment and Judicial Careers**

For building up a rational and modern system for the careers of judges and registrars

Ridding the courts of dishonest judges cannot be done only through moving, retiring or trying them. An entire system is needed to select good judges and give them sufficient motivation to remain honest throughout their career. The same approach can also be applied to the registrars.

In order to restore the public's trust in the courts and to motivate judges and registrars to perform well, career development programs based on professionalism and personal integrity are needed. These programs will also prepare officials from the Prosecutor's Office, the Ministry of Justice and Human Rights, and from Advocates and/or Law Faculty lecturers to be assigned as judges

Note : This activity will be conducted in line with the initiatives and within the work plan of the Minister of Justice and Human Rights for the Jakarta District Courts, and also in cooperation with the Institute for Independence of the Judiciary (LeIP). This activity will also be coordinated with the committees presently preparing amendments to the laws on the Supreme Court, Judicial Power, the Prosecutor's Office, etc.

c. Activities Within Main Program B. Program B.1 :

• **Enhancing The Role of Government Law Bureaus**

To enhance the role of government law bureaus in order for public services to become more transparent

The government's short-term objectives are to make the ministries more transparent when making decisions that affect the public. This transparency will eventually reduce public criticism that is mostly based on suspicion. Additionally, transparency will make decision makers aware of their obligation to be more accountable for the decisions they take.

To improve the services of government offices to the public, a review on existing public service systems is needed. Law bureaus can play an active role in recommending such reforms to their heads of department while at the same time creating transparent and effective systems and procedures for the handling of complaints. In the first phase, reforms will be aimed at two public services (as a model for others), namely, the issuance of identification cards (KTP) and the registration of companies (based on prevailing regulations).

Note : This activity will be done in cooperation with the Law Bureau of the Ministry of Home Affairs and Regional Autonomy and the Law Bureau of the Ministry of Industry and Trade. Additionally, the assistance of the Indonesian Transparency Society (MTI) and the National Ombudsman Commission (KON) will also be requested. The two targetted departments will become a model for further implementation, while at the same drawing public attention to urge other departments to undertake a similar process.

d. Activities Within Main Program B. Program B.2 :

• **Public Access to Legal Information**

To enhance the disclosure of information to the public by disseminating court decisions, and laws and regulations

The dissemination of court decisions and laws and regulations is a common feature in a democratic country as part of the accountability of the courts and government offices. This transparency will make judges responsible for their decisions based on legal reasoning and

will reduce the possibility of unlawful decisions that are not challenged by higher judges or the legal community.

Difficulties in obtaining courts decisions as well as laws and regulations in a prompt and reliable manner have created opportunities for manipulation by those in charge of such information. Regulations are needed (as a preliminary step to the enactment of a Law on the Public's Right to Information that has been recommended by the National Law Commission) requiring that court decisions be given to litigants within specified time limits, that the Supreme Court's decisions be published and that laws and regulations (from laws down to decisions of Directorate Generals that bind the public) be published before such laws and regulations can be applicable to and binding on the public. The mechanism of publication and facilities and financing for these publications must be prepared in conjunction with a dissemination system.

Note : This activity will be done in cooperation with the Legal Documentation & Information Center (PusDokInfo) of the National Law Development Agency (BPHN), the Ministry of Justice and Human Rights and will be assisted by the National Ombudsman Commission (KON), the Indonesian Transparency Society (MTI) and the Legal Documentation Center of the Faculty of Law of the University of Indonesia. The publications will be supported by the facilities of the State Printing Company.

e. Activities Within Main Program B. Program B.3 :

• **Public Complaints Procedures**

Drafting of Laws and Regulations that obligate all government offices to make transparent procedures for complaints by citizens

The public's right to complain against improper decisions made by a government official will help in the efforts to fight corruption. Especially if a regulation on the protection of witness informers on corruption can be enacted (Witness Protection Law), this too will help to fight corruption.

Despite many statements that citizens have a right to complain against errors, mistakes, and delays in the provision of public services by government offices, the procedures and corrective steps for such complaints are often unclear. Before citizens submit their cases to the State Administrative Court or to the national or regional legislatures,

government offices must have made maximum efforts to respond to such complaints. To regulate such obligations for government officials and officers, new laws and regulations will be needed.

Note : This activity will be done in cooperation with the Ministry of Justice and Human Rights and will be assisted by the National Ombudsman Commission (KON) and the Indonesian Transparency Society (MTI) as well as non-governmental organizations active in "corruption watch."

f. Activities Within Main Program C. Program C.1 :

- **Legislative Research Services**

To reactivate and develop research units within the Secretariat of the House of Representatives (DPR)

The rights of the House of Representatives (DPR) to play a role in drafting legislation will be fruitless if the DPR does not obtain assistance to countercheck government experts.

In order to enable members of the House of Representatives (DPR) to obtain information accurately and efficiently, they must be supported by assistants who are expert in conducting literary and field research (doctrinaire research and socio-legal research). Such an assistance system will be established and a number of experts will be prepared to support such a system.

Note : This activity will be done in cooperation with the Secretariat of the House of Representatives (DPR) and will be assisted by the Faculty of Law of the University of Indonesia and the Indonesian Center for Environmental Law (ICEL), and a number of other NGOs active in the field of legislative supervision. In due course, this activity can be developed to strengthen the Provincial Houses of Representatives (DPRD) with the assistance of local law faculties (state and/or private) as well as NGOs.

g. Activities Within Main Program D. Program D.1 :

- **Professional Disciplinary Standards**

To establish an integrated supervisory system on professional conduct in the legal environment

The problem of distrust in the Indonesian justice system is in part due to the nonfunctioning of procedures for complaining about unprofessional behavior objectively and openly, and the fact that disciplinary measures against violations of the codes of ethics of legal professionals (judges, prosecutors, attorneys, consultants, notaries, and police) occur only rarely, even though people witness such misconduct every day.

As a first step to recover public trust in the rule of law in Indonesia, a system for the supervision of professional conduct in the legal environment is necessary and can be brought about through the formation of a board to be called the Legal Professional Supervisory Board (*Badan Pengawas Profesi Hukum* (BPPH)). This board will be established jointly by the Judicial Commission (*Komisi Pengawas Hakim*), the Prosecutor's Commission (*Komisi Pengawas Jaksa*), the Advocate's Commission (*Komisi Pengawas Advokat*) and the Police Commission (*Komisi Pengawas Polisi*). The BPPH will be the final and highest instance to impose disciplinary sanctions, whereas each of the commissions will be the first instance to receive complaints and apply disciplinary sanctions. The establishment of these Commissions and the BPPH will be done through laws and regulations. Other than as a professional ethics board, BPPH will also organize education and socialization of professional ethics in the field of law. This activity must also be accompanied by planning and preparations for the formation of a "Judicial Commission" (a regulation is needed) and for the sharing and discussion on similar supervision through a Prosecutors' Commission, an Advocates' Commission, and a Police Commission)

Note : This activity will be done in cooperation with IKAHI, PERSAJA, IKADIN, AAI, IPHI, AKHI, and INI, and will also require the assistance of the Institute for Independence of the Judiciary (LeIP).

h. Activities Within Main Program E, Program E.1 :

- **Review of Legal Structures for Corporate Debt Restructuring**

For optimizing the role of law within the corporate debts restructuring programs

The government's efforts in restructuring corporate debts did not bring the expected results. In fact, several efforts have been made such as the establishment of the Indonesian Debt Restructuring Agency (INDRA), the Jakarta Initiative Task Force (JITF), the Commercial Court, the Indonesian Bank Restructuring Agency (IBRA) (within the framework of debts in banking) and the adjustment and the drafting of laws (such as the Bankruptcy Law, etc.). A quick, evaluative, and practical study is needed in order to comprehend the problems arising within those institutions as well as with existing Indonesian laws and regulations. This short study will make an inventory of legal issues and will recommend steps to resolve the problems.

Note : This activity will be done in cooperation with the Indonesian Debt Restructuring Agency (INDRA), the Jakarta Initiative Task Force (JITF), the Commercial Court Steering Committee (under the Bappenas), and the Indonesian Bank Restructuring Agency (IBRA).

i. Activities Within Main Program F, Program F.1 :

- **Elimination of Discriminatory Policies and Regulations**

For review of discriminatory laws and regulations

As one of the law reform efforts that must be immediately undertaken, the National Law Commission has recommended the immediate revocation of discriminative laws and regulations. A complete inventory of such regulations is needed together with procedures for revoking and/or amending those regulations in order to maintain a consistent legal system.

Note : This activity will be done in cooperation with the Ministry of Justice and Human Rights and related departments and will require the assistance of the National Commission on Human Rights (Komnas HAM) and several non-governmental organizations active in this field.

j. Activities Within Main Program F, Program F.2 :

- **The Criminal Justice System**

Drafting a framework of institutional cooperation to establish an integrated criminal justice system

Despite frequent recommendations, an integrated criminal justice system (among: courts, prosecutors' office, defense attorneys, police, and correctional institutions) has not yet been realized. Besides problems arising from the interpretation of laws and regulations (such as the Code of Criminal Procedure, the Law on Judicial Power, the Law on the Prosecutor's Office, the Law on the Police, the Law on Correctional Institutions, etc.), there are also problems arising from policies on crime adhered to in the past (the Old and New Order) that demanded a monopoly on the truth belonging to the Executive (among others, through government interventions in the courts) and a disregard for the rights of the suspect and the accused (such as the use of violence and the intimidation of witnesses, suspects, the accused, and convicts).

Additionally, there is a need for institutional audits for each of the related institutions within the criminal justice system (to straighten out the functions of the respective institutions towards integration in the pursuit of justice). A study is also needed on methods to resolve conflicts and institutional jealousy within the Indonesian criminal justice system.

Note : This activity will be a forum, where problems and findings collected from institutional audits or needs assessment studies that have already been or will be done by each institution, will be discussed. This activity will be done jointly with related institutions and the Ministry of Justice and Human Rights and will be assisted by the Legal Aid Institute (LBH)/the Legal Aid Institute Foundation (YLBHI).