LIST OF SEMINARS ATTENDED BY NATIONAL LAW COMMISSSION STAFF MEMBERS

NO	Date	Location	Description
1	30-Sep-00	Aula Pemda Karawang	Seminar: Prospek Investasi & Peluang Bisnis di Kabupaten Karawang
2	14 Sept 00	Hotel Hilton	Seminar Hasil Penelitian: Tinjauan Awal Pola Korupsi Pada Sektor Pelayanan Publik di Indonesia
3	11 Oct 2000	Kantor PSHK & LEIP	Diskusi mengenai Pengawasan, Keterbukaan Informasi dan Sistem Manajemen Perkara (Pembahasan diharapkan dapat melahirkan pemikiran yang konkrit dan aplikatif
4	11 Oct 2000	Kantor YLBHI	Diskusi: Membongkar Kasus Mafia Peradilan Sebagai Bagian dari Reformasi di Mahkamah Agung
5	17-18 Oct '00	Hotel Grand Mahakam	Seminar: Urgensi Jaminan Kebebasan Memperoleh Informasi (Kampanye Publik untuk Pemerintahan Terbuka
6	20 Oct 2000	Kantor MA-RI	Undang-Undang Pokok Organisasi Peradilan Terpadu dalam rangka Integrated Judiciary System (Sistem Peradilan Terpadu)
7	28 Oct 2000	Hotel Indonesia	Seminar Sehari: Peran Perangkat Hukum Untuk Memenuhi Tuntutan Publik di Era Supremasi Hukum
8	15 Nov 00	Kantor Majelis Nasional KAHMI	Dialog Bersama: Evaluasi Supremasi Hukum di Era Kepemimpinan Gus Dur
9	15 Nov 00	Hotel Mandarin	Diskusi Bulanan: Kepastian Berinvestasi di Indonesia Bedah PT Bentoel
10	22 Nov 00	Hotel Mandarin	Sistem Perkreditan Perbankan
11	22 Nov 00	Rumah Makan Ayam SUHARTI	Diskusi Interaktif: Kontrol Sosial terhadap Lembaga Perwakilan
12	22 Nov 00	Ged. Nusantara DPR	Dengar Pendapat Umum: Komisi II DPR-KHN
13	8-12 Jan 01		Diskusi: Merencanakan Pembaruan Sistem Peradilan: Mencari Langkah-langkah Efektif
14	28-Feb-01	Hotel Borobudur	Seminar Hukum Nasional: Pengembangan Wacana Supremasi Hukum Memorandum DPR dan SI MPR
15	1-Mar-01	Kantor PSHK	Pembahasan tentang Kemungkinan Pembentukan Komisi Konstitusi
16	21 Mar 01		Dengar Pendapat Umum: DPR-tim Perumus UI : Sistem Proses Berperkara di Pengadilan, Kejaksaan dan Kepolisian
17	28-Mar-01	Kantor Majelis Nasional KAHMI	Dialog Bersama: Mencari Akar Persoalan dan Solusi Konflik Etnis di Indonesia
18	29 Mar 01		Rapat: Komisi Koalisi untuk Konstitusi
19	4-Apr-01	Hotel Mulia	Seminar Sehari: Lembaga Paksa Badan/Penyanderaan dan Implementasinya: Ditinjau dari Hukum Positif, Syariah Islam, dan Hak Asasi Manusia
20	11 April 01		Rapat: Komisi Koalisi untuk Konstitusi

LIST OF SEMINARS ATTENDED BY NATIONAL LAW COMMISSSION STAFF MEMBERS

NO	Date	Location	Description
21	24-Apr-01	Hotel Grand Mahakam	Arah Reformasi Hukum Nasional
22	25 April 01		Rapat: Komisi Koalisi untuk Konstitusi
23	3 May 2001		Seminar: Forum Para Gubernur Banten, Bangka dan Gorontalo: Kesempatan dan Tantangan
24	9 May 2001	Kantor ICW	Koalisi Komisi Konstitusi (PSHK)
25	12 May 2001	FHUI, Depok	Merespon Situasi Kenegaraan Kini & Esok
26	16 May 2001	Kantor WALHI	Koalisi Komisi Konstitusi
27	16 May 2001	Kantor AAI	Sistem Peradilan Terpadu AAI
28	17 May 2001	Hotel President	Seminar Sehari: Pelaksanaan Kebijakan Penanaman Modal dalam Rangka Otonomi Daerah
29	18 May 2001	Hotel Arya Duta	Diskusi Bulanan JLC
30	18 May 2001		Diskusi: Era Baru Bersihkan Pengadilan
31	22 May 2001	Kantor PSHK	Koalisi Komisi Konstitusi (PSHK)
32	8 June 2001	LBH, Jakarta	Draft Charter of Fundamental Rights of The European Union
33	26 June 2001	Kantor AAI	Sistem Peradilan Terpadu
34	28 June 2001	Kantor PSHK	Evaluasi Makassar & Training Media Advokasi
35	2-Jul-01	Hotel Indonesia	Diskusi: Strategi Planning Koalisi Masyarakat untuk Komisi Konstitusi
36	3-Jul-01	Hotel Indonesia	Diskusi: Media Advokasi
37	4-Jul-01	Gedung MA	Diskusi: Pemberantasan Praktek-praktek Korupsi di Mahkamah Agung
38	6-Jul-01	CETRO	Media Campaign Training
39	6-Jul-01	Sekretariat Judicial Watch	Diskusi: Rapat Strategi Kerja Koalisi Pemantau Pengadilan
40	12-Jul-01	Hotel Mandarin	Seminar & Peluncuran Buku
41	12-Jul-01	CETRO	Diskusi: Rutin Rencana Kerja Masing-masing Tim
42	25-Jul-01	Hotel Grand Melia	Seminar Sehari: Performance Review & Pengembangan Diskursus, TGPTPK: Dalam Rangka Pembentukan Anti Korupsi
43	27-Jul-01	Hotel Mandarin	Seminar: Anatomi Peradilan yang Korup
44	27-Jul-01	Puri Imperium	Rapat Rencana Kerja Koalisi Masyarakaat untuk Komisi Konstitusi di PSHK
45	21 Aug 01	MA-RI	Workshop Studi Banding Lembaga Judicial Commission dari negeri Belanda dan Amerika Serikat Sesuai dengan Kerjasama MA-RI dgn IMF
46	23 Aug 01	Perpustakaan Nasional	Debat Publik: Realitas Korupsi pada Pengadilan Negeri di Jakarta
47	30 Aug 01	Hotel Bumikarsa	Seminar: Menuju Pembentukan Hukum Acara Pengadilan Niaga dalam rangka Pelaksanaan UU di bidang HAKI
48	18-Sep-01	Komisi II DPR	Koalisi Pemantau Peradilan
49	19-Sep-01	Hotel Bumikarsa	Workshop Perbaikan Administrasi dan Manajemen MA dan Badan Peradilan dibawahnya

LIST OF SEMINARS ATTENDED BY NATIONAL LAW COMMISSSION STAFF MEMBERS

NO	Date	Location	Description
50	19-Sep-01	Hotel Bumikarsa	Workshop Perbaikan Administrasi dan Manajemen MA dan Badan Peradilan dibawahnya
51	5 Sept 01	Kantor AAI	Sistem Peradilan Terpadu AAI
52	25-Sep-01	Komisi II DPR	Hearing Mengenai RAPBN
53	26-Sep-01	Sekretariat DPP AAI	Pembahasaan Draft TOR Format Pengawasan Sistem
54	27-Sep-01	Hotel Atlantic	Rapat: Diskusi dan Sumbang Saran Konstruktif
55	1 Oct 2001	Hotel Sahid	Seminar dan Lokakarya: Rancangan Perubahan UUD 1945
56	4 Oct 2001	Hotel Sahid	Seminar dan Lokakarya: Rancangan Perubahan UUD 1945
57	8 Oct 2001	Sekretariat Humanika	Diskusi Humanika: Mengukur Kekuatan Komisi Antikorupsi
58	11 Oct 2001	Komnas HAM	Koalisi Pembela Kehormatan Profesi Pengacara
59	17 Oct 2001	Hotel Sahid	Kelompok Kerja Pengkajian Reformasi Polisi
60	17 Oct 2001	Kampus IIP	Profesionalisme Birokrasi dan Etika Pemerintah
61	17-18 Oct 01	Hotel Ambhara	Workshop: Strategi Pembaruan MA-RI
62	19-20 Oct 01	Hotel Borobudur	Lokakarya Nasional Pertama tentang Anti KKN
63	18 Oct 2001	Kantor Konsultan Hukum Kartini Muljadi & Rekan	Lokakarya Terbatas bagi para Hakim Niaga tentang Kepailitan
64	9 Nov 01	Hotel Regent	Implikasi Terorisme Internasional dan Serangan Amerika Serikat ke Afganistan Terhadap Ekonomi-Politik Indonesia
65	12 Nov 01	Hotel Regent	Lokakarya Mengenai Rancangan Perubahan Undang-Undang Kepailitan
66	21 Nov 01	Hotel Bidakara	Sosialisasi Rancangan Undang-Undang tentang Amnesti, Abolisi dan Rehabilitasi
67	27 Nov 2001	Hotel Bidakara	Sosialisasi RUU KUHAP
68	29 Nov 01	DPR-RI	Mekanisme Pembahasan RUU

LIST OF BIDDERS FOR WORKING GROUPS - First Group

Appendix III-B Page 1

NO	PARTICIPANTS	A.1	A.2	A.4	B.1	B.2	B.3	C.1	C.2	C.3	D.1	D.3	E.1	E.2	F.2	F.3	Total
1	Agus Budianto, SH., M.Hum. (perorangan)												V				1
2	Biro Psikologi Analisis		V														1
3	FH Universitas Andalas (Dr. Hermayulis, SH, LLM)							V					V	V			3
4	FH Universitas Andalas (Sukanda Husin, SH, LLM)		V														1
5	FH Universitas Brawijaya: Pusat Pengembangan Otonomi Daerah (PPOTODA)					V											1
6	FH Universitas Katolik Parahyangan (Dr.B.Koeniatmanto)				V		V						V				3
7	FH Universitas Muhammadiyah Malang				V					V					V		3
8	FH Universitas Muhammadiyah Malang: Pusat Studi Hukum dan HAM (Satu HAM)					V		V	V								3
9	FHUI (Siti Hayati Hoesein)				V												1
10	FHUI: Masyarakat Pemantau Peradilan Indonesia (MaPPI)			V		V									V		3
11	FHUI: Pusat Kajian Hukum Dan Kepemerintahan Yang Baik					V	V	V									3
12	For Research Economy & Social Humanity (FRESH) Muhammad Ronny Rudolf)					V											1
13	Indonesia Institute for Investigative Journalism (Goentoro Soewarno)					V											1
14	Institute for Research and Empowerment (IRE)									V							1
15	Law Firm "tstp" (Suarno, SH)	V															1
16	Lembaga Advokasi dan Studi Pemerintahan					V											1
17	Lembaga Kajian Hukum dan Tekhnologi								V								1
18	Lembaga Konsultasi dan Bantuan Hukum IBLAM (Kurnia Zakaria, SH, M.Si)						V				V						2
19	Lembaga Pengkajian Hukum dan Putusan Pengadilan LPHP2	V	V	V													3
20	Lembaga Studi Pembangunan (Syamsul Haryono)					V	V			V							3
21	M. Isnaeni Ramdan			V					V		V						3
22	Pusat Peran serta Pembangunan Kawasan dan Permukiman (P3KP) Rudy Sumarko					V	V			V							3
23	Pusat Studi Peradilan Pidana Indonesia (Ari Hadi Basuki W, SH)															V	1
24	Sekolah Tinggi Penerbangan AVIASI (Sa'roni SH, MM)				V		V										2
25	Sentral Paralegal Litigasi Semesta					V		V									2
26	Sidharta Pohan Prastowo Legal Research Institute (Agustinus Pohan, SH, MS)					V					V					V	3
27	Tugas Supriyanto					V	V										2
28	Widoyoko (perorangan)					V											1
29	Yayasan Citra (Agoes Salim)									V							1
30	Yayasan Tata Arsip Indonesia (ARSIPINDO)					V											1
	Total per Working Group	2	3	3	4	14	7	4	3	5	3	-	3	1	2	2	54
	TOTAL	56															

LIST OF BIDDERS FOR WORKING GROUPS - Second Group

NO	PESERTA	A.1	A.2	A.4	B.1	B.2	B.3	C.1	C.2	C.3	D.1	D.3	E.1	E.2	F.2	F.3	Total
1	*FH Universitas Diponegoro, Semarang*	V	V													V	3
2	*FH Universitas Gajah Mada, Yogyakarta*		V														1
3	*FH Universitas Surabaya*															V	1
4	*Indonesian Court Monitoring (ICM)*											V					1
5	*Sentra HAM*															V	1
6	*Sudiman Saad*									V							1
7	*Universitas Sumatra Utara*															V	1
	Total per Working Group	1	2							1		1				4	9
	TOTAL	9															

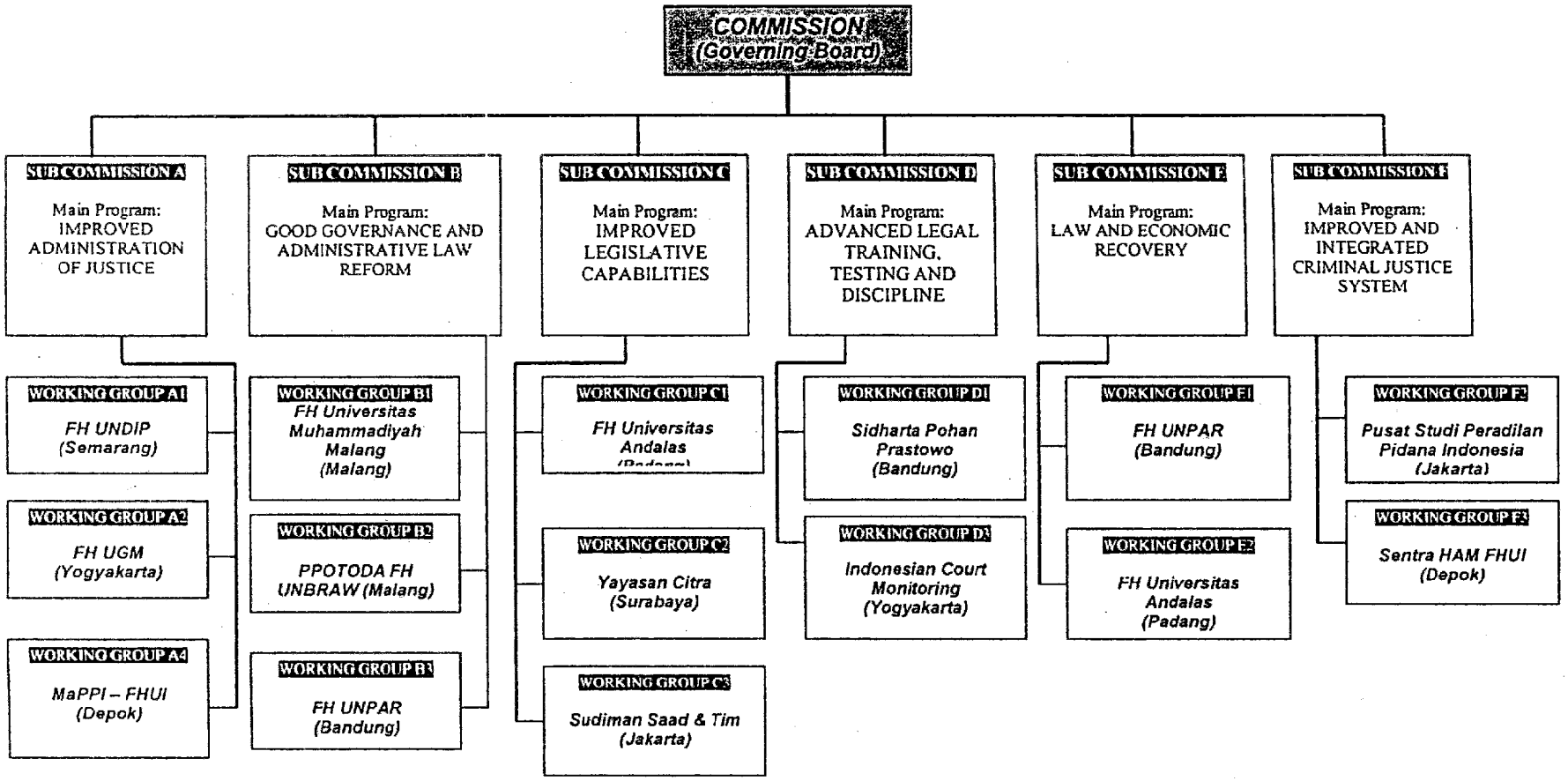
A1 = Establishment on an Anti-Corruption Court
A2 = Recruitment and Judicial Careers
A4 = Court Administration: Creation of an Institute to Supervise the Integration of the Justice System
B1 = Enhancing the Role of Government Law Bureaux
B2 = Public Access to Legal Information
B3 = Public Complaints Procedure
C1 = Legislative Research Services
C2 = Public Hearings
C3 = National Legislation Program
D1 = Professional Disciplinary Standards
D3 = National Examination Standards for Legal Professionals
E1 = Review of Legal Structures for Corporate Restructuring
E2 = Commercial Courts
F2 = The Criminal Justice System
F3 = Access to Justice

Appendix III-C

List of Winning Bidders by Work Program

TOR	Working Group Program	Name of Winning Bidder	Address	City
A1	Establishment on an Anti-Corruption Court	FH UNDIP (Semarang)	Jl. Imam Bardjo SH No. 1	Semarang
A2	Recruitment and Judicial Careers	FH UGM (Yogyakarta)	Jl. Sosio Justisia No. 1, Bulaksumur	Yogyakarta 55281
A4	Court Administration: Creation of an Institute to Supervise the Integration of the Justice System	MaPPI - FHUI (Depok)	Fakultas Hukum UI, Kampus Baru UI Depok	Depok 16424
B1	Enhancing the Role of Government Law Bureaux	FH Universitas Muhammadiyah Malang (Malang)	Fakultas Hukum, Jl. Raya Tlogomas 246	Malang 65144
B2	Public Access to Legal Information	PPOTODA FH UNBRAW (Malang)	Jl. MT. Haryono No. 169	Malang
B3	Public Complaints Procedure	FH UNPAR (Bandung)	JL. Ciumbuleuit No. 94	Bandung 40141
C1	Legislative Research Services	FH Universitas Andalas (Padang)	c/o Dr. Hermayulis SH, MS, Jl. Harapan Mulya I No. 3 RT 011/04, Harapan Mulya, Kemayoran	Jakarta 10640
C2	Public Hearings	Yayasan Citra (Surabaya)	Jl. Rungkut Mapan Barat III/AB-15	Surabaya
C3	National Legislation Program	Sudiman Saad & Tim (Jakarta)	Jl. Tebet Timur Raya 17 D (R) Dept. Kelautan, Jl. MT. Haryono Kavv.52-53,	Jakarta Selatan
D1	Professional Disciplinary Standards	Sidharta Pohan Prastowo Legal Research Institute (Bandung)	Jl. Gemi No. 11 A	Bandung 40161
D3	National Examination Standards for Legal Professionals	Indonesian Court Monitoring (Yogyakarta)	Jl. Palagan Tentara Pelajar No. 106, Dusun Sedan, Ngaglik, Sariharjo, Sleman, Yogyakarta	Yogyakarta
E1	Review of Legal Structures for Corporate Restructuring	F. H. UNPAR (Bandung)	JL. Ciumbuleuit No. 94	Bandung 40141
E2	Commercial Courts	FH Universitas Andalas (Padang)	c/o Dr. Hermayulis SH, MS, Jl. Harapan Mulya I No. 3 RT 011/04, Harapan Mulya, Kemayoran	Jakarta 10640
F2	The Criminal Justice System	Pusat Studi Peradilan Pidana Indonesia (Jakarta)	Jl. Pisangan Baru Utara RT 13/14 No. 90a, Pisangan Baru	Jakarta 13110
F3	Access to Justice	Sentra HAM FHUI (Depok)	Fakultas Hukum UI, Kampus Baru UI Depok	Depok 16424

PROGRAMS STRUCTURE AND WINNING BIDDERS
(December 2001 – August 2002)



TERMS OF REFERENCE: Summary

ESTABLISHMENT OF AN ANTI-CORRUPTION COURT

SUB-COMMISSION A PROGRAM A1

The current approach to the eradication of corruption through enforcement by, or through, the courts of law is not only ineffective but is also felt to have produced a conflict with society's sense of justice. Accordingly, a solution must be found through the establishment of a special court to deal with cases of corruption. This special court would constitute a separate court within the overall framework of the public courts. Together with the establishment of such a special court, other approaches will also be required, such as a substantive approach in the sense of improving the laws and regulations in effect so as to align them more with society's sense of justice and the culture of the law. For such purposes, great reliance will have to be placed in the government, particularly the law enforcement agencies, so that the law is implemented in a simultaneous, integral and parallel manner. The law may not be implemented selectively. Through the setting up of a special court to handle corruption cases, it is hoped that corruption can be eradicated through law enforcement and that the expectations of society may be fulfilled.

With the coming into existence of a permanent anti-corruption court to deal specially with corruption cases, it will be necessary to establish appropriate procedural law bearing in mind that it is more difficult to prove corruption charges than most ordinary criminal charges. Accordingly, the possibility of the appointment of ad hoc judges with special expertise will have to be seriously considered. Based on the new set-up, it is to be hoped that the weaknesses and deficiencies that are apparent at the present time in the handling of corruption cases may be removed so that the role of the courts in eradicating corruption may be optimized.

In shaping and formulating the structure of the new anti-corruption court, comprehensive and in-depth studies will need to be undertaken beforehand, including studies on the justification for the court, that is to say whether there is a pressing need and good grounds for its establishment, on the legal basis for the court, the procedural law to be applied, including the procedures at first instance and on appeal, the other legal steps that must be taken, the recruitment of judges, and so forth.

Law number 3 of 1971 has already been repealed and superceded by Law number 31 of 1999. As a result, attention also needs to be paid to cases of corruption that occurred between 1971 and 1999.

In addition, a discussion is also required concerning the transition period as regards the handling of cases so that perceptions do not arise that could be detrimental to the effort to eradicate corruption.

TERMS OF REFERENCE: Summary
RECRUITMENT AND JUDICIAL CAREERS
SUB-COMMISSION A PROGRAM A2

An absolute prerequisite for all development programs in the criminal justice system that are based upon professionalism and personal integrity is the institution of a proper recruitment and career advancement system to determine the rank and status of judges based on the amount of time they have served in office.

The aim of these activities is to develop a proper recruitment and career advancement system in the judicial arena. Such a system would be expected to later minimize the incidence of corruption, collusion and nepotism in the area of recruitment and career advancement in the judicial arena and provide a satisfactory remuneration system so as to increase the attractiveness to qualified law graduates of pursuing careers in the judicial system The appointment of a judge must be based on merit taking into consideration education and performance.

There also needs to be a system that is capable of addressing the following issues: reports and complaints of, and processes for dealing with, abuse of power by judges, and the machinations of unscrupulous actors within the judicial system; the evaluation of judicial decisions so as to ascertain the extent of particular judges' legal knowledge; the allowing of dissenting opinions so as to be able to compare the legal reasoning of the individual judges involved in adjudicating upon a case; the factors that need to be taken into consideration when deciding upon the promotion or transfer of a judge.

In addition, it is to be hoped that a distinction will be made between the system of recruitment, career advancement, promotion and remuneration for judges - registrars and the system of recruitment, career advancement, promotion and remuneration for other civil servants. It will also be necessary to institute a system for preparing candidates to be appointed as judges from among the ranks of the prosecutorial service, the Department of Justice and Human Rights, practicing lawyers, legal academics in the universities, and NGO activists who are involved in the legal field.

With regard to the recruitment and career advancement of Supreme Court justices, it is essential that a judicial appointments commission that is independent of the Supreme Court be established. The members of this commission should be selected by the House of Representatives (DPR), while the commission's principal duty would be to recruit Supreme Court justices. The commission would also be responsible for conducting oversight in respect of the justices and providing for further legal training for judges and registrars.

TERMS OF REFERENCE: Summary

COURT ADMINISTRATION: CREATION OF AN INSTITUTE TO SUPERVISE THE INTEGRATION OF THE JUDICIAL SYSTEM

SUB-COMMISSION A PROGRAM A4

The function of the administration of justice is to settle disputes and involves order, comprehensiveness, speed, precision, filing and determining whether the processing of a particular dispute has been carried out correctly. Fundamentally, the administration of justice must be carried out in accordance with the prevailing procedural law as, in essence, the administration of justice is the application of procedural law.

The operation of the overall justice system must be supported by tight supervision and oversight as tools of public control so as to ensure that the justice system remains clean and capable of dispensing justice impartially. It is only through the establishment of a proper supervisory system, accompanied by transparent working procedures and principles, that the upholding of legal order in society may be brought about. In order to achieve this goal, it is essential that an independent oversight and supervisory body be established, one that is capable of playing an active role in restoring order to the administration of justice so that it will be capable of producing fair and accountable determinations.

Such oversight and control in respect of the judicial bodies are necessary in order to ensure the dispensing of justice in a fair and impartial manner irrespective of social standing or status. One of the reasons for the weak protection afforded by legal institutions to the public at large at the present time is the said legal institutions' inconsistency in handing down decisions that are fair and equitable.
Through the establishment of an institution to conduct integrated oversight and supervision in respect of the justice system, it is hoped to give rise to judicial decision-making processes and mechanisms that are clean, honest, accountable and free from the corruption, collusion and nepotism practiced by the Mafia entrenched in the court system at the present time.

The purpose of establishing this oversight body is to institute supervision and control functions in respect of the justice system through an independent, professional and accountable institution, and to ensure that the protection of the law is afforded to all elements of society.

TERMS OF REFERENCE: Summary

ENHANCING THE ROLE OF GOVERNMENT LAW BUREAUX

Sub-Commission B Program B1

The executive as the organ responsible for carrying on government divides up the duties and responsibilities of government into departments and non-departmental agencies which are responsible for particular areas. Each area of competence involves coordination with other areas of competence. Each department has a legal bureau and, according to Article 1 of Presidential Instruction No. 15 of 1970 in conjunction with Presidential Decree No. 188 of 1998, each legal bureau may take the initiative in preparing draft laws (bills) and draft government regulations provided that the issue in question comes within the competence of the particular legal bureau. With the ongoing process of democratization, the public has been increasingly demanding greater transparency and public accountability as regards the drafting of legislation and statutory instruments. Accordingly, the time has arrived for this issue to be provided for by presidential decree.

Ideally, a legal bureau must be capable of drafting regulations based on its understanding of the problems involved and the rules within its department. This capability needs to be backed up by quality and professional human resources. In addition, public support through involvement in drafting is also important as part of the effort to produce draft regulations that are inspirational and acceptable to the public.

The actual situation of a departmental legal bureau is that it does not have the authority to make laws but only regulations (statutory instruments) and policies. The status and functions of the legal bureaus in departmental organizational structure mean that they have a tendency to be sidelined in the decision-making process where the public interest is involved. Other factors such as a lack of transparency and accountability, and poor human resources, all contribute to the minimal role played by the legal bureaus in departmental and non-departmental agency decision-making processes.

It is common knowledge that within the executive, especially the departments, there is a lack of uniformity in organizational structure, with legal bureaus often not standing alone but rather being involved in other functions, such as pubic relations. In addition, the structural (senior) status of the civil servants who man the legal bureaus means that they are frequently transferred, thus giving rise to. difficulties for the legal bureaus. Weak coordination between departments and other government agencies is the result of the sectoral egocentrism of each individual department and agency. Good coordination between departments would prevent overlapping of policies and legislative products, and reduce the tendency of each department and agency to plough its own furrow.

TERMS OF REFERENCE: Summary
PUBLIC ACCESS TO LEGAL INFORMATION
SUB-COMMISSION B PROGRAM B2

One of the essential features of a democratic system of government is openness and transparency. In such a system of government, information on the policies that have been adopted and which have an impact on the public must be informed and made available to the public. Such openness provides one means of establishing public control over the course of government.
In an open and transparent system, the public can participate extensively in the decision-making process provided that they are afforded the opportunity to access the necessary information. It is acknowledged that this right of the public to access information also implies the instituting of preventative measures to avoid actions that violate the human rights of members of the public.

The freedom to access information has been supported by the people's representatives through the insertion of Article 28 F into the Second Amendment of the 1945 Constitution. Even before this, there were a number of laws and regulations that dealt with the issue.

However, these laws and regulations proved to be ineffective due to an almost complete lack of awareness on the part of the general public in respect of their rights to access information.

In respect of this right of the public to access information, the role of government bodies, such as the departments through their legal bureaus, is also important. This is because the legal bureaus also function as information and documentation centers in respect of the legislative instruments connected with the sector and department in question.

TERMS OF REFERENCE: Summary
LEGISLATIVE RESEARCH SERVICES
SUB-COMMISSION C PROGRAM C1

The poor performance of the House of Representatives (DPR) in making full use of its functions in the legislative arena has been admitted by the House itself, as well as academics and observers. This failure is the result of a number of factors, including the uneven intellectual quality of House members and the difficulties House members have in accessing information (both in the form of bibliographical materials and legislative products). Accordingly, the legislators require an information retrieval system that is capable of assisting them in the exercise of their functions in drafting legislation and examining government policies. Such an information retrieval system should also cover judicial precedents. Thus, there needs to be developed a system for conducting research on behalf of and providing information to both the House of Representatives and the Regional Legislative Councils (DPRD). This can be done through the provision of modern library facilities managed by professional librarians.

Legislators must always listen to the voice or aspirations of the people. In this regard, the legislators must frequently sit down and listen to the opinions of various elements in society, including both government officials and community groups. Such activities are important to ensure that the people's right to have their voices heard by their own representatives is abided by.

To date, members of the public have frequently faced constraints in finding out what the results of the legislative process have been, including the results of hearings held by the House or Regional Legislative Assemblies. Thus it is hardly surprising that members of the public often rate the performance of the House of Representatives as being unsatisfactory. This is primarily due to a lack of transparency in the legislative process. Another consequence of the public's perception of a lack of transparency on the part of the House is that the public has a negative view of the House's performance as regards protecting the rights of the nation's citizens, particularly when the rights of citizens are violated by government.

TERMS OF REFERENCE: Summary
PUBLIC HEARINGS
SUB-COMMISSION C PROGRAM C2

A House of Representatives (DPR) public hearing is one type of meeting that is conducted by the House in the exercise of its duties and powers. These duties and powers are primarily concerned with three constitutional functions, namely legislating, budgeting and supervising. In substance, the public hearings held by the House constitute important vehicles for both the House and the public in bringing to fruition the principles of the democratic state as they enable the House, the public and other state institutions to engage in dialog, to listen to each other's aspirations and to formulate, and eventually agree upon, the various problems faced or the wishes of both of the parties involved, so that in the end a decision or state policy may be produced.

The holding of public hearings also represents one form of the realization of the institutional rights and responsibilities of the House in the exercise of its duties and powers, including the right to summon members of the public so as to obtain information about a certain issue. Meanwhile, from the point of view of the public interest, the holding of public hearings can become a means of ensuring that the public's right to be heard by the House is given effect to. There is also an (moral) obligation on the part of the public to answer a summons to a House public hearing. Problems arise for the House itself regarding the status of its public hearings, both as regards their value and as regards their position in the ranking or hierarchy of House meetings. Some academics and groups in society have criticized the House for not taking its public hearings seriously as the House's Standing Orders places them at the very end of the hierarchy of meetings. In fact, from the point of view of their intrinsic worth, House public hearings should become the point of departure for all other House meetings.

The phenomena of open air demonstrations and the spontaneous manner in which the public often airs its aspirations to the House indicates that the House public hearing system and the procedures involved have not been socialized amongst the members of the general public. However, these could also be the result of disappointment on the part of the general public with the way in which the House has been running the public hearing system, with many taking the view that such hearings are of no benefit to the public and are only designed to further the interests of those in the House. As a result, members of the public often ignore summonses from the House to attend public hearings. This problem is compounded by the fact that such summonses are not binding, that is to say the House lacks subpoena powers. Meanwhile, the public frequently receives similar treatment from the House with requests for public hearings often being ignored.

TERMS OF REFERENCE: Summary
NATIONAL LEGISLATION PROGRAM
SUB-COMMISSION C PROGRAM C3

The various difficulties and problems facing the Indonesian nation at the present time cannot be divorced from the current disorder and disarray afflicting the country's legal system. As recognized in the Appendix to People's Consultative Assembly (MPR) Decree No. V/MPR/2000, the law has become a tool of the powerful and its implementation has been perverted to such an extent that it conflicts with one of the cardinal principles of justice, namely that all men are equal before the law. The processes of creating law in the form of legislative products (laws and regulations) is frequently viewed as being a source of difficulty in the effort to uphold the law within a system that supports the realization of legal supremacy.

Many of the country's legislative products, whether the result of bills initiated by the House of Representatives (DPR) or the executive, have in practice been found to be contradictory, inapplicable, in violation of human rights or antidemocratic. As a consequence, various laws and regulations are frequently challenged by the public. Accordingly, the country's legislative products need to be reviewed so as to bring them into line with the people's aspirations.

The current fluid state of society, and the rapid development of law, particularly in the case of international law, must also be a primary consideration in this respect. In arranging and enacting legislative products, there are three issues that must be at the forefront of every discussion. First, dealing with matters that have never before been dealt with in legislation. Second, amending those laws and regulations that are no longer considered to be in accordance with the development and demands of the reform movement, or the life of a democratic nation. Third, the enactment of new legislation that is designed to conform with legal development and international conventions.

With regard to the above issues, it is deemed highly relevant and urgent that a national legislative program be instituted based upon a compact or agreement between the government and the House so as to give effect to the principles of legal supremacy in Indonesia.

TERMS OF REFERENCE: Summary
PROFESSIONAL STANDARDS
SUB-COMMISSION D PROGRAM D1

The coming into existence of the legal profession and its recognition by both society and the law were based upon the public interest. In satisfying their everyday needs, the members of society require legal services and advice from the legal profession. The more people who become involved in social intercourse, the more problems that they will find themselves confronted with, and, correspondingly, the more they will find themselves requiring legal services and coming into contact with legal practitioners. A profession constitutes a moral community the members of which possess common characteristics and values. It is also a community that is self-regulating and that is vested with special responsibilities. A profession should not only concerned with seeking material benefit, but rather should also be imbued with certain ideals, such as a sense of justice and of what is right, and a high level of morality and ethics.
The various legal subjects that comprise the legal profession are as follows: (i) judges; (ii) advocates (barristers) / legal advisors; (iii) prosecutors, (iv) the police; and (v) notaries public (solicitors). Every profession, including the legal profession, adheres to a system of ethics that provides a structure that is capable of creating discipline and setting out the boundaries that may not be crossed by the members of that profession. These serve as references for professionals in resolving the ethical dilemmas they are confronted with when performing their professional functions.

Overall, the legal profession has a major role to play in the current era of reform. Much criticism has been leveled at the profession, particularly as regards legal expertise and knowledge, and professional standards of discipline and ethics. Society's lack of confidence in the legal profession is a result of the absence of an objective and transparent mechanism for handling complaints concerning unprofessional conduct on the part of those working in the profession and the infrequency with which disciplinary action is taken against violations of the legal profession's code of ethics. Meanwhile, members of society are greatly prejudiced every day by deviations and irregularities perpetrated by members of the legal profession.

This is due to the fact that there has been a lack of supervision and control over legal professionals with the result that the public receives substandard services from the profession. Accordingly, this problem involves issues of oversight, the handling of complaints from the public, and the taking of strict and express measures against those who have been found guilty of violating professional ethics. Public criticism of lack of compliance with professional ethics is not only directed at lawyers and notaries, but also at the members of the judiciary, the prosecutorial service and the police. Consequently, there needs to be a radical overhaul of the legal profession so as to address, among other issues, the standard of discipline that is to be adhered by the profession.

TERMS OF REFERENCE: Summary
NATIONAL EXAMINATION STANDARDS
FOR LEGAL PROFESSIONALS
SUB-COMMISSION D PROGRAM D3

The members of the legal profession must perform their professional duties based on a high level of ethics and professionalism underpinned by the search for truth and justice. They must also possess a high degree of moral integrity, expertise and intellectual maturity so as to practice their profession ethically, and have the wisdom that is necessary so as to ensure that their professional duties are performed properly.

A person may only become a member of the legal profession after having gone through a series of selection tests. It is essential, in this regard, that examination standards be instituted so as to determine whether graduates with primary degrees (S-1) in law may enter the legal profession. Formerly, the examination standard was the responsibility of the government. The granting of the right to examine prospective entrants to the legal profession to the professional organizations was a positive development that must now be follow up on. This is because those that best understand the legal profession are the legal professionals themselves as gathered together in their respective professional organizations. The examination of a candidate who wishes to become a member of a particular professional community must be carried out by the professional organization representing that community, subject to the proviso that there is a standard in place that has a rational connection in respect of the capability or capacity of the applicant to practice law. The examination subjects should concern elements of competence, such as knowledge / insight, expertise, character, ability, and norms/values.

In order to achieve optimum results, it is not enough for each individual in the legal profession to possess the necessary competence, but rather he must also understand the philosophy of the legal profession. This is inseparable from strength of character and may be achieved though:

A. A transparent and open recruitment process;
B. Improving the substance of the material during the recruitment process, instituting examinations set by authorized bodies for practice licenses, and setting out a clear roadmap for career development;
C. Strengthening and improving oversight bodies;
D. Ensuring that high standards of professional ethics are upheld;
E. Applying punishment and reward methods.

Those who may become legal professionals are law graduates who fulfill the requirements set by the professional organization concerned. A legal professional who has been accepted into the profession may pursue his career by specializing in a particular area of the law in accordance with the requirements set out in the laws and regulations in effect.

TERMS OF REFERENCE: Summary
REVIEW OF LEGAL STRUCTURES FOR CORPORATE RESTRUCTURING
SUB-COMMISSION E PROGRAM E1

Indonesia has been in the grips of an economic crisis ever since the explosion of the monetary crisis in 1997. At the time, a total of 67 banks were closed with the result that companies that had taken out loans with these banks should have immediately repaid their debts (but did not). Various efforts have been made to try to overcome the problem of private sector debt, including using the bankruptcy option (through the Commercial Court), restructuring private sector debt, and establishing a number of bodies for the specific purpose of settling the problem of private sector debt.

One of the major difficulties that has been identified to date in the effort to resolve the problem of private sector debt is a lack of seriousness on the part of a number of debtors in settling their debts.

This has resulted in difficulties on the part of the bodies that have been established to resolve the private sector debt problem, particularly as regards encouraging the debtors to take part in the effort to restructure their debts.

The efforts that have been undertaken by the government to date include improving the bankruptcy legislation, and clarifying the steps involved in debt restructuring as a basis for action on the part of the debtors, creditors and the bodies established to help resolve the private sector debt problem. Under the debt restructuring bill, every indebted company will have to undertake a restructuring of its debts before proceeding to the bankruptcy stage. However, this bill will also repeal the PKPU chapter in the Bankruptcy Law as after the restructuring stage has been gone through, a bankruptcy petition may be directly presented to the court.

In the attempt to improve the Bankruptcy Law, attention needs to be paid to socialization, and synchronizing the contents of the Bankruptcy Law with the provisions of the other laws and regulations in effect, particularly those laws and regulations that are connected with the restructuring of private sector debt, such as the Law on Collateral and Security, and the Trust and Fiduciary Relations Law. The effective use of both of these laws would undoubtedly support the carrying out of debt restructuring in the private sector.

TERMS OF REFERENCE: Summary
COMMERCIAL COURTS
SUB-COMMISSION E PROGRAM E2

The current difficult economic conditions have placed a tremendous burden on Indonesian business, and resulted in a need to review and amend the Bankruptcy Regulation 1905 (the most recent of which amendments was Government Regulation in lieu of Law No. 1 of 1998, which was eventually enshrined in statutory form through Law No. 4 of 1998. The purpose of the various amendments to the bankruptcy legislation was to restore confidence to creditors and investors. The need to reassure creditors was also one of the reasons that led the government to establish a special commercial court to handle bankruptcy cases.

The definition given to the commercial court by Article 280 (1) of Government Regulation in lieu of Law No. 1 of 1998 is that of a special court that forms part of the public courts and that is vested with the power to hear and adjudicate upon bankruptcy petitions and petitions to defer the repayment of debts, as well as other cases in the commercial arena, the arrangement of which is to be based upon Government Regulation. Accordingly, the jurisdiction of the commercial court is not limited to merely hearing and adjudicating upon bankruptcy petitions, but it also has the power to hear and adjudicate upon certain other causes in the commercial field.

For example, at the present time there are four new laws governing the area of intellectual property rights. These specifically concern patents, trademarks, and industrial and integrated circuit design. These new laws confer power on the commercial court to handle intellectual property rights cases as this area is very closely related to the world of industry and trade.

In addition, the settlement of intellectual property rights disputes also comes within the jurisdiction of the commercial court.

A number of matters require attention with regard to the powers of the commercial court. Included among these is the procedural law to be applied by the commercial court and the preparedness of the court to handle commercial disputes other than bankruptcy cases. It is to be hoped that the procedural law applied by the commercial court will encourage the speedy and efficient settlement of disputes. The commercial court needs to maximize its performance, particularly outside of Jakarta, and needs to be more active in implementing judicial functions.

With regard to the judges sitting on the commercial court, if their knowledge of civil law in the commercial arena outside of bankruptcy law is limited, this means that the decisions reached by the court may fail to satisfy the sense of justice of the litigating parties, and this in turn could give rise to a lack of confidence in the decisions arrived at by the commercial court.

TERMS OF REFERENCE: Summary
THE CRIMINAL JUSTICE SYSTEM
SUB COMMISSION F PROGRAM F2

The criminal justice system concerns all processes from the investigation through the examination, prosecution, hearing, issuance of the verdict and supervision over the execution of the verdict. All of these different stages involved in the criminal justice system must be implemented in an integrated but independent manner so as avoid overlapping and even conflict between the agencies involved in the said stages. The overall process is referred to as the criminal justice system. This system should be integrated and consist of various sub-systems, all of which have a uniformity of perception as regards the vision, mission, outlook and objectives of the criminal justice system. If there are any differences as between the different elements referred to above, as has been happening to date, then integration in the implementation of the overall process will not be achieved.

One of the consequences of having a criminal justice system is the existence of integrated structural relationships between every sub-system, that is to say the police, prosecutorial authorities, lawyers and correctional institutions, with each of them implementing the criminal justice system in accordance with their respective functions. The mechanisms governing the working of the criminal justice system are set out in the Criminal Procedures Code, which also allocates the roles of each of the sub-systems present within the criminal justice system. Nevertheless, as the result of weaknesses in the Criminal Procedures Code, it has proved impossible to date to establish a properly integrated criminal justice system.

These weaknesses have been exacerbated by managerial problems within the relevant institutions. These problems relate to personnel management, including recruitment, training, placement and promotion, operational management, including infrastructure and facilities, and the remuneration system, as well as case management. These management problems have had, as a logical consequence, a major impact on the performance of the various sub-systems within the overall criminal justice system, which in turn has had an impact on the fulfillment of the rights of the parties involved in the processing of criminal cases.

A number of studies have shown that it is not only the provisions of the laws and regulations but also the legal culture found in the community at large and within the ranks of the various elements making up the criminal justice system that play a significant role in coloring the form of the overall Indonesian criminal justice system.

TERMS OF REFERENCE: Summary
ACCESS TO JUSTICE
SUB-COMMISSION F PROGRAM F3

The important role of the sub-systems found within the criminal justice system, which is responsible for handling criminal cases, may be related to the processes involved in the criminal justice system, which constitutes a series of stages starting with investigation and proceeding through investigation, arrest, detention, prosecution, the hearing, serving of the sentence and release into society once again.

The investigation represents the door into the criminal justice system and determines whether a suspect is charged before the court with having committed a crime. Whether a person becomes a suspect or a suspect is charged with a crime depends on the policies applied by the investigators and the prosecutors. Thus, the initial processes (pre-trial processes) are extremely important. . It is also at this stage that we see to what extent the rights afforded by law have been complied with. It is no surprise, therefore, that the police frequently come under the spotlight, particularly as regards their investigation of suspects, victims and witnesses. It is public knowledge that the police use certain methods during their investigations, such as duress, physical torture, inordinately drawing out the investigation process, preventing suspects from seeing their attorneys, etc.

In addition to the above, there have also been complaints from witnesses and victims about treatment from the criminal justice system that would seem to negate their rights and the concept of protection from the law, even though those involved were making a contribution to the criminal justice system. Such complaints make it clear that the provisions of the laws and regulations in effect have yet to provide rights to such persons.

Apart from investigation at the level of the police, hearings at the court level also reveal that the service being provided is far from what may be expected. Repeated adjournments for various reasons, processes that are unduly convoluted in the eyes of the public, difficulty in obtaining accurate information from the court, and the length of time and the expense of obtaining copies of court decisions are only a small part of the problems that have led the public to be skeptical about whether they would receive justice if they were to go to court.

All of the above reveal that the public is in a weak position when coming up against the criminal justice system. If we are to look for reasons for this, it will be found that the public (the lower classes) do not understand legal procedures. There is also the problem of a low level of legal certainty both as regards procedural and substantive law.

Thus, the weaknesses contained in the prevailing laws and regulations as regards the rights of citizens to obtain access to justice is strongly suspected of having a significant impact on the criminal justice system. Accordingly, it needs to be stressed to law enforcers at all levels that they must comply with the provisions of the procedural law when exercising their duties. In this way, it is to be hoped that the interests of victims, witnesses and suspects may be protected.

Even more important is that those members of the public who come into contact with the criminal justice system be given enough room to understand what is going on and receive professional treatment at the hands of the personnel working in the sub-systems of the criminal justice system. If serious efforts are not made to improve the processes involved in investigation/examination, prosecution and the hearing, then the criminal justice system will not be capable of fulfilling the primary purpose for which it was created, namely to uphold the law in an equitable and just manner.

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