

COMMERCIAL COURT ACTIVITIES FUNDED BY DONOR COUNTRIES

No	International Monetary Fund (finalized)	The World Bank (in preparation)	AUSAD (proposed)	International Monetary Fund (proposed)
1.	<p>Training on Bankruptcy Law to:</p> <ul style="list-style-type: none"> <li>- Commercial Judges and select group from other courts</li> </ul> <p>Field: Commercial law and bankruptcy law</p> <p>Objective: Strengthening the professional capabilities of the Commercial Court judges by enhancing understanding of commercial law generally in Anticipation of the broadening jurisdiction of the Commercial Court</p>	<p>Training on Supporting Staff of Commercial Court for:</p> <ul style="list-style-type: none"> <li>- Registrars; Bailiffs; Librarian; Computer/Internet Operators</li> </ul> <p>Objective: To improve the abilities and skills of the Supporting Staff of Commercial Court in discharging their duties and responsibilities in the court</p> <p>Result: Producing skilled Registrars, Bailiffs, Librarian; Computer/Internet Operators in the Commercial Court</p>	<p>-Training for Commercial Court Judges, Ordinary Court Judges, Assistance Judges to the Supreme Court Judges and Judges who have been trained in Australia in the field of Intellectual Property Right.</p> <p>Refreshing Course for Supreme Court Judges regarding the Intellectual Property Rights</p> <p>Supporting for all Commercial Court Library by providing reference books of bankruptcy law and commercial law (Library/Documentation Center)</p>	<p>Internal Discussion for Supreme Court Judges in the field of Bankruptcy Law and other matters related to Commercial Law</p> <p>Develop for the Issuance of certificate of ability for new Commercial Court Judges, Ad Hoc Judges and Registrars</p>
2.	<p>Workshop on Commercial Court Topics:</p> <ul style="list-style-type: none"> <li>-Credit Transaction</li> <li>-Socialization of the new Bankruptcy Law</li> <li>-Insolvency and debt collectors</li> <li>-International Business Transaction</li> <li>-Commercial Law</li> <li>-Syndicated Loans</li> <li>-Intellectual Property Rights</li> </ul>	<p>Commercial Court Jurisdiction</p> <p>Objective: Decision makers will have a comprehensive understanding of the issues and problems involved in expanding the jurisdiction of the Commercial Court in Indonesia</p> <p>Result: Recommendations to be considered in making policy, agreeing on objectives and requirements and deciding on actions.</p>		<p>Workshops in various matters in the fields of Commercial Law</p>

	<p>Objective:</p> <p>to identify the topics and critical issues relating to the commercial court and its position in commercial law development generally.</p>			
3.	<p>Small Discussion of Commercial Court Judges</p> <p>Objective:</p> <ul style="list-style-type: none"> <li>- To resolve the problems faced by the Commercial Court judges in handling bankruptcy cases (based on the workshop)</li> <li>- To develop consensus amongst Commercial Court judges on problems they face in the practice of the court.</li> <li>- Enhancing legal certainty in Commercial Court practice and promoting a standard working method by which new problems are addressed.</li> </ul> <p>Result:</p> <p>To create documents that can become inputs for a manual for other Commercial Court judges in solving similar cases, allowing for greater professionalism and consistency in the decision making process.</p> <p>First topic:</p> <p>The place and role of Supervisory Judges</p> <p>Second Topic:</p> <p>The conflict in jurisdiction between Commercial Court, General court and Administrative court.</p>	<p>Commercial Court Procedures</p> <p>Objective:</p> <p>To produce a draft Procedural Laws for the Commercial Court that harmonize and integrate existing Commercial Court procedures relating to Intellectual Property Rights Laws and prepare an Administrative Procedural Law for use in the Commercial Court.</p> <p>Result:</p> <p>A draft Procedural Laws for the Commercial Court that harmonize and integrate existing Commercial Court procedures relating to Intellectual Property Rights Laws</p> <p>An Administrative Procedural Law for use in the Commercial Court.</p>	<p>Computerization of Court Administration</p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>- To have a Computerized administration cases</li> <li>- To have a Computerized timetable for case procedures and court sessions</li> <li>- To have electronic filing of proceedings</li> </ul>	<p>Study on Reviewing of Ad- Hoc Commercial Court Judges</p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>- To gain professionalism of the Ad Hoc Judges in performing their duty</li> </ul> <p>Socialization on the New Bankruptcy Law to Commercial Court Judges and Assistance Judges to the Supreme Court Judges (as the continuation of the Small Discussions Activity)</p>

<p>Manual on Commercial Court Administration (MOCCA)</p> <p>Objective:</p> <p>To develop a manual, consisting of standard forms and procedures for the administration of the CC in various areas, including docketing, case management supervisory relationship with the Supreme Court and internal procedures of the Commercial Court.</p> <p>To set a standard within the judiciary on the ways by which administrative practices and routines can be structured and make accessible to the general public with a view to enhancing public accountability of the judiciary</p> <p>Result:</p> <p>To create manual, which can assist registrars in performing their function in a standardized manner, which is efficient, effective, transparent and accountable.</p> <p>Objective:</p> <p>To give comprehensive information and constitute a penetrating analysis of CC performance</p> <p>To strengthen understanding of bankruptcy law with the general public and stimulate debate amongst the legal Professions</p> <p>To strengthen the professionalism and accountability of Commercial Court judges and legal professions</p>	<p>Support for Legal Information Measures</p> <p>Objective:</p> <ul style="list-style-type: none"><li>- To support society initiatives that directly contribute towards the transparency, accountability and predictability of Commercial Court decision-making.</li><li>- To give the ease for the public in accessing the information on the Commercial Court decisions and their annotation and provide information to the judges in a way</li></ul>	<p>English Proficiency for Judges</p> <p>Objective</p> <ul style="list-style-type: none"><li>- To enable Judges with the basic knowledge of English for them to be able to read English Literature on Commercial Law</li><li>- To enable Judges to comprehend and to speak by giving them English training for lawyers</li></ul>	
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	To enhance transparency of Commercial Court operating mechanism			
5.	<p>Evaluation on Commercial Court Decisions</p> <p>Objectives:</p> <ul style="list-style-type: none"> <li>- to enable later judges to learn what is a good and bad decision according to the expert and to give precedent in Indonesia on annotation of court decisions, which is hopefully followed in other decision outside bankruptcy cases.</li> </ul> <p>Result:</p> <p>annotation of court decisions</p>	<p>Judicial Organisation</p> <p>Objective:</p> <ul style="list-style-type: none"> <li>- to provide policy makers with policy alternatives in order to have a comprehensive picture regarding the development of Commercial Court organization in the future,</li> <li>- to provide draft articles which will be inserted in the court organization law, and</li> <li>- to provide policy recommendations for development of career system of Commercial Court judges.</li> </ul> <p>Results:</p> <ul style="list-style-type: none"> <li>- policy alternatives regarding the development of Commercial Court organization in the future</li> <li>- draft articles which will be inserted in the court organization law</li> <li>- policy recommendations for development of career system of Commercial Court judges.</li> </ul>	<p>Internet Training for Judges and Court Administrators</p> <p>Objectives:</p> <p>For the Judges to be able to operate Internet in order to cope with the development of the technology</p>	
6.		<p>Support of Policy Responses to the Needs Assessments</p> <p>Objective:</p> <p>Provide policy recommendations to the Steering Committee of Commercial Court regarding policy decisions and need assessment.</p>	<p>Diagnostic Assessment on the Judiciary</p> <p>Objective:</p> <p>To make a Blueprint on the development on the Indonesia Judiciary</p> <p>Develop the Blueprint resulted from the</p>	

		<p>Result:</p> <p>Policy recommendations to the Steering Committee of Commercial Court regarding policy decisions and need assessment.</p>	<p>Diagnostic Assessment on the Judiciary Activity</p> <p>Develop Long Term, Mid Term and Short Term Judiciary Plan</p>	
7.		<p>Assessment of Asset Recovery Process Needs</p> <p>Objective:</p> <ul style="list-style-type: none"> <li>- to produce report on how effective the asset recovery is and make recommendation how it can be made more effective</li> <li>- to produce draft manual on standardization of asset recovery process</li> <li>- to provide policy recommendations to the Steering Committee of Commercial Court regarding assessment on effectiveness and identify of problems in implementation of Commercial Court.</li> </ul> <p>Results:</p> <ul style="list-style-type: none"> <li>- A report on the effectiveness of the asset recovery</li> <li>- recommendations on how it can be made more effective</li> <li>- draft manual on standardization of asset recovery process</li> <li>- policy recommendations to the Steering Committee of Commercial Court</li> </ul>		

## COMMERCIAL COURT DEVELOPMENT

### I. BACKGROUND

On April 22, 1998 the Indonesian government legislated Government Regulation in Lieu of Law Number 1 of 1998 (Peraturan Pemerintah Pengganti Undang-undang Nomor 1 Tahun 1998 or Perpu No. 1/1998) concerning amendments to the Bankruptcy Law. A Number of provisions in the said law dealt with the formation of a new (special) court within the domain of the Courts of General Jurisdiction which would initially only handle matters arising from the Bankruptcy Law.

Perpu 1/1998 was to take into effect 120 days after the date of its enactment and became effective on 20 August 1998. This 120 days delay was necessary to prepare the formation of the Commercial Court and a system whereby professionals from the private sectors could be used as receivers and administrators for the debtors' estates. It was also stated that the existence of this judicial institution would be realized in stages.

Pursuant to Article 22 of the 1945 Constitution, a Perpu must be ratified by the Parliament) and promulgated as Undang-undang. The Perpu 1/1998 was submitted to the Parliament at its subsequent session on 9 September 1998. The President then promulgated Law Number 4 of the Year 1998, which sets forth the amendments to the Bankruptcy Law as set forth in the Perpu 1/1998.

A Steering Committee was formed in June 1998 under KEP.216/KEP/6/1998 for Preparations for The Operation of the Commercial Courts. One of the outcomes of the Steering Committee task is the establishment of the Commercial Court at the District Court in Jakarta in August 1998. After making several preparations in May 2000 the Steering Committee established the Commercial Court in Surabaya, Medan, Makasar and Semarang.

In August 2000, the new Steering Committee was formed under KEP. 199/Ka/8/2000, whose members are:

CHAIRMAN	: Purwoto S. Gandasubrata, SH
SECRETARY	: Dianl Sadiawati, SH, LLM
MEMBERS	: Soeharto, SH
	Prof. DR. Paulus Effendi Lotulung, SH
	Prof. DR. Erman Rajagukguk, SH, LLM
	DR. Eddy Djunaedi Karnasudirdja, SH, MCJ
	Sukarata, SH
	Prof. HAS Natabaya, SH, LLM
	Prof. Mardjono Reksodiputro, SH, MA
	Subardi, SH
	Suyatno, SH

An action plan on the establishment of the new Indonesian commercial court was prepared in June 1998 that recommended, among others, the following actions:

*A. Proficiency and Skills for Commercial Court Personnel and equipment:*

- Mastery of legal materials by the judges need to be continually updated;
- Courses, refreshers, seminars and workshops should not only focus on the Bankruptcy law, but should also include:
  - Insolvency and Debt Collection
  - Commercial Arbitration
  - International Business Transactions
  - Credit Transactions
  - Intellectual Property Rights (including TRIPs)
  - Commercial Law
- Training for Commercial Court judges should be carried out in stages in accordance with the increase in the number of Commercial Courts, but also in accordance with the expansion of types of cases.
- Training certification will constitute a 'sign' of the worthiness of a judges or registrar to work at the Commercial Court;
- Specific goals of the training should be:
  - To acquaint participants with policy issues behind insolvency legislation;
  - To understand, interpret and apply the new Indonesian insolvency legislation;
  - To identify practical and commercial issues raised during this process;
  - To discuss the special role of trustees, administrators and judges in insolvency proceedings;
  - To transfer the skills necessary to apply the legislation and its procedures to make the bankruptcy law works in practice.
- The registrars and administrative staff will also need to receive special training to improve their capabilities and expertise especially in the use of modern administration facilities such as stenographic typewriters and computers.
- Supporting equipment will be needed to support the efficiency and effectiveness of work in the Commercial Court such as: special courtrooms, stenography equipment, computers and filing equipment.

*B. Improvements to the Law of Procedure in the Commercial Court System:*

Among others, improvements to rules of procedures will need to be made to:

- Clarify the process, perimeters and technical legislation interpretation;
- Giving guidelines when cases must be rejected;
- Giving guidelines on the authority and responsibilities of supervisory judges;

- Clarify the boundaries between cases in bankruptcy and other civil proceedings;
- Establish rules and procedures for the receipt and docketing of cases;
- Expedite the process of hearing and decision making; and
- Expedite the filing and transmittal of case files by the registrar of the Commercial Court to the Supreme Court.

Subsequently, the Bankruptcy Court Steering Committee following recent developments at the Commercial Court, decided to prepare a blueprint for the development of the Commercial Court as follows:

## **II. GOALS**

The goal of this project is to make the Commercial Court a modern court, which can become a model for other courts (Supreme Court, High Courts and lower Courts).

To achieve this goal, a number of short-term and long-term activities will be undertaken as follows:

1. Increased Scope of the Commercial Court *Jurisdiction (K- I)*;
2. Human Resources Development *(K-II)*;
3. Organization Restructuring *(K- III)*;
4. Improved Infrastructure and Facilities *(K- IV)*;
5. Performance Assessment *(K-V)*;

## **III. MAIN ACTIVITIES**

### **1. Increased Scope of the Commercial Court**

The general objective is to make the Commercial Court become a judicial forum of excellence in the field of commercial law, with the highest professional standards. This requires strategic planning and broad consultation, resulting in legislative changes, in the following areas:

#### *a. Jurisdiction*

Legislative changes to include other areas of commercial law in Commercial Court jurisdiction, including anti-trust law, intellectual property rights law and consumer protection law in the short-term, as well as banking law, insurance law and capital market law and also other legal matters which is related with the economic globalization development in the long term. For the Commercial Court jurisdiction expansion in the short term, it is expected that gradually it can be implemented through Government Regulation or the Supreme Court Regulation.



### *b. Procedure*

Amendment to the existing bankruptcy law and creation of a separate code of procedure for the Commercial Court to deal with other commercial law areas.

### *c. Judicial Organization*

Change of the bankruptcy law and basic laws on the judicial organization to provide for a distinct Commercial Court within the real of the general courts.

These are important changes that require solid planning and are subject to a drawn-out inter-departmental and constitutional process to take effect. The program therefore proposes to lay the groundwork by which these goals are to be secured, and to support the administrative and constitutional process to which it is submitted.

#### Activities:

2001	2002	Long term
<ul style="list-style-type: none"><li>• Compilation of commercial laws and case studies;</li><li>• Seminars and Public Hearing to support consultation process directed towards identifying and generating a consensus on objectives for change;</li><li>• Research: Inventory of the legal framework relative to jurisdiction, identification of the objectives for change, inventory of legal constraints and identification of stepping-stones by which change can be secured.</li><li>• Enactment the regulation concerning the expansion of Commercial Court jurisdiction through Government Regulation (Peraturan Pemerintah) or the Supreme Court Regulation</li></ul>	Update and harmonize commercial law; Review old legislation and draft new ones.	Update and harmonize commercial laws. Review old legislation and draft new ones.

## **2. Human Resources Development**

The general objective is to further strengthen the professional capabilities of the Commercial Court judges both in the area of bankruptcy law and in the area of commercial law generally. This also includes assisting the Commercial Court in addressing important and complicated new issues that may come up suddenly.

Training programs will be directed towards ensuring long-term sustainability. This will be done by conducting training courses through Indonesian institutions, notably the Supreme Court Research and training Institute, and by developing published training materials.

*a. Structural training: Strengthening the professional capacities of Commercial Court judges in the field of commercial law.*

The principal objective of this structural training is to strengthen professional capabilities in commercial law areas. This includes bankruptcy law itself as well as areas that in the future are likely to fall within the jurisdiction of the Commercial Court: intellectual property rights, international trade, company law, antitrust, etc.

Activities:

2001	2002	Long term
<p>Every two months, a 3-days training session on:</p> <ul style="list-style-type: none"> <li>• The role of the supervisory judge, his relation to the Chairman, the format of decisions, publication requirements;</li> <li>• Substantive law input on intellectual property rights, anti-monopoly and consumer protection;</li> <li>• Improve the efficiency in English of judges;</li> <li>• Etc.</li> </ul> <p>The Supreme Court Research and Training Institute will organize these courses in cooperation with the Commercial Court Working Group.</p> <p>Target group: judges from all commercial courts.</p> <p>Handouts will be provided and other supporting documentation.</p> <p>Trainers will come from both within and outside the judiciary. For example: members of the business Competition Board for training sessions on antimonopoly laws.</p> <p>Location: BPHN</p>	<p>Every two months, a 3-days training sessions on:</p> <ul style="list-style-type: none"> <li>• Substantive law input on banking laws, insurance laws, capital market laws, company laws, and international trade laws.</li> <li>• Improve the efficiency in English of judges;</li> <li>• Arbitration in the court.</li> <li>• Etc.</li> </ul>	

*b. Ad-hoc Training: Refreshing Courses on Bankruptcy Law*

The principal objective is to organize a series of workshops specifically on bankruptcy law that address specific problem issues as they come up in the Commercial Court. The purpose of these workshops is to provide substantive law input to the judges to assist them in performing their tasks and facing down challenges, without prejudice to their independence and autonomy.

Activities:

2001	2002	Long term
<p>Every six weeks, a 1-day refreshing workshops to include:</p> <ul style="list-style-type: none"> <li>• Socialization of the new Bankruptcy Law;</li> <li>• Ten key issues of bankruptcy (arbitration, liquidation, syndicated loans, etc.)</li> <li>• Etc.</li> </ul> <p>To be organized by the Supreme Court Research and Training Institute and the Commercial Court Working Group.</p> <p>Trainers will come from both within and outside the judiciary.</p> <p>Target group: judges from the Jakarta Commercial Court.</p> <p>Handouts will be provided and other supporting documentation, including working materials in which judges, when necessary, will be provided with checklists that will assist them in the resolution of problems.</p> <p>Location: BPHN</p>	<p>Every six weeks, a 1-day refreshing workshops to include:</p> <ul style="list-style-type: none"> <li>• Reviews of court verdicts and;</li> <li>• Continuing Legal Education (CLE) programs.</li> </ul>	

*c. Training of supporting staff: Registrars, bailiffs, librarian, computer/internet operators*

The training will be directed towards securing operational responses: These training and professional upgrading courses will aim at strengthening the professional capabilities and administration of the Commercial Court.

Activities:

2001	2002	Long term
<p>Following research undertaken under 2b, a series of training programs will be designed on:</p> <ul style="list-style-type: none"> <li>• Court administration</li> <li>• Upgrading of skills</li> </ul>		

### 3. Organization Restructuring

*a. Standardize operating procedures and make them publicly accessible*

The general objective is to consolidate and strengthen the Commercial Court organization, notably by supporting an efficient and transparent administration and operating rules, strengthening personnel structure, and its cooperation with the Supreme Court.

This project is directed towards identifying the principal needs of case processing at the Commercial Court to secure that this is affected in a manner that is transparent, professional and predictable. It will be directed towards the complete administrative framework of case processing at the Commercial Court, including case administration (registration, filing, etc.), hearings, summoning parties, public access, publication requirements, format of court verdicts etc.

#### Activities:

2001	2002	Long term
<ul style="list-style-type: none"> <li>• A 2-month research to collect verifiable data, interviews with court staff and advocates to produce an English language analysis which identifies the needs for improving court administration and case handling with a view towards ensuring transparency and predictability;</li> <li>• A 10-days Comparative Study to learn about court arbitration (at the Australian Commercial Dispute Center and/or the Singapore Arbitration Center);</li> <li>• Draft manual on standardization of operating procedures.</li> </ul>	Finalize manual on standardization of operating procedures.	

#### *b. Personnel Management*

The professional capabilities of the judges can only be improved if the judges remain within the Commercial Court jurisdiction for an extended period of time. This will create a specialist core group of judges on whom training will be focused. It is suggested to develop the Commercial Court system by establishing the Commercial Appeal Court at the High Court in Jakarta.

It requires that the rules on judicial personnel management be changed. The objective is therefore to develop a proposal on the management of Commercial Court judges in cooperation with the authorities responsible for this matter (Supreme Court Working Group, Ministry of Justice and human Rights, BKN).

This project is directed towards identifying the principal needs of court personnel, both judges and administrative support staff at the Commercial Court with a view to ensuring operating conditions that are effective, transparent and professional, and by which principles of judicial independence and equity can be upheld. It will be directed towards the complete regulatory and operational framework of personnel management and performance at the

Commercial Court, including advancement and transfers, discipline and capacity building and will include the judges, the clerks and the lower court staff.

Activities:

2001	2002	Long term
<ul style="list-style-type: none"> <li>A 2-month research to collect verifiable data, interviews with court staff and advocates to produce an English language analysis which identifies the needs for improving the performance and operating conditions of court personnel</li> </ul> <p>Among others, issues that will be researched are:</p> <ul style="list-style-type: none"> <li>Selection and recruitment process for judges and court personnel;</li> <li>Rules regulating the appointment of judges;</li> <li>Selection of court clerks and supporting administrative staff.</li> </ul> <p>Draft manual on standardization of personnel.</p>	Finalize manual on Standardization of personnel management	

#### 4. Improved Infrastructure and Facilities

Ignoring technology will be at our peril. The main objective is therefore to support and strengthen the infrastructure of the Commercial Court system to ensure that it can become a modern court and work professionally.

##### *a. Computerization of Court Administration*

Computerize the administration of cases.

Computerized timetable concerning case procedures and court sessions.

Electronic filing of pleadings and other court documents will become essential elements of a modern court.

Activities:

2001	2002	Long term
<p>Following research undertaken under 2b, purchase of:</p> <ul style="list-style-type: none"> <li>Computers;</li> <li>Printers;</li> <li>Fax machines;</li> <li>LAN;</li> <li>Etc.</li> </ul>		

*b. Access to Internet*

Access to Internet is becoming essential. This will give judges a practical tool for research capabilities and information sharing.

Activities:

2001	2002	Long term
Install internet facilities for easy access by judges to do legal research.		

*c. Library/Documentation Center*

A library should be established in each Commercial Court and relevant documentation acquired.

Activities:

2001	2002	Long term
To facilitate judges' research, a complete legal library should be available in every commercial court: <ul style="list-style-type: none"><li>• Provide sufficient space to establish a library/documentation center in the court</li><li>• Purchase of initial collection: 1000 essential publications/laws</li><li>• Internet linkage of documentation center with foreign court libraries.</li></ul>		

*d. Other Office Equipment*

Assess existing needs for additional office equipment to allow Commercial Court to be fully modernized and work professionally.

Activities:

2001	2002	Long term
	Following research undertaken under 2b, purchase desks, meeting tables, chairs, etc., followed by purchase of needed equipment	

#### *e. Other Facilities and Mobility*

- Improved infrastructure and facilities for those commercial courts which do not have adequate space;
- Upgrade commercial courts to become 'technology courts', including video conferencing facilities;
- Housing for judges.

#### Activities:

2001	2002	Long term
Comparative study in Singapore views a view to turn the Jakarta Commercial Court into a "technology court".	Acquisition or construction of new court facilities for those commercial courts that have insufficient space, if deemed necessary  Assess needs for: <ul style="list-style-type: none"><li>• Housing for judges</li></ul> Jakarta Commercial Court to become the first 'technology court' including video conferencing	Other commercial courts in Indonesia to become 'technology courts' including video conferencing

### **5. Performance Assessments**

Enhancing the place and role of the Commercial Court with an aim of strengthening a transparent, professional and predictable administration of justice in commercial disputes. It consists of 8 (eight) projects which are directed towards conducting needs assessments of the institutions, professional agencies and parties involved in the process of suspension and bankruptcy proceedings, and asset recovery, as well as towards providing initial support facilities in the form of training and supporting infrastructure which answer such needs.

#### *a. Evaluate Commercial Court Decisions*

This project is directed towards enhancing transparency and public debate on Commercial Court decisions, and towards supporting substantive legal development in the field of Bankruptcy Law, by supporting the establishment of a select committee with a task to evaluate and annotate Commercial Court decisions.

#### Activities:

2001	2002	Long term
<ul style="list-style-type: none"> <li>• Inventories, compile and analyze courts' verdicts</li> <li>• Monthly publication of Courts' verdicts with critical annotations on substantive law context</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly publication of Court verdicts with critical annotations on substantive law context</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly publication of Court verdicts with critical annotations on substantive law context</li> </ul>

*b. Evaluate Enforcement of Court Decisions*

This project is directed towards monitoring the enforcement process of Commercial Court decisions, both in bankruptcy and suspension of payments, with a view towards enhancing transparency and accountability of, as well as respect for, court decisions through the issuance of monthly reports.

Activities:

2001	2002	Long term
<ul style="list-style-type: none"> <li>• Inventories, compile and analyze enforcement of the courts' decisions</li> <li>• Monthly publication of a report on enforcement of Commercial Court decisions with a commentary</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly publication of a report on enforcement of Commercial Court decisions with a commentary</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly publication of a report on enforcement of Commercial Court decisions with a commentary</li> </ul>

*c. Assess Asset Recovery Process Needs*

This project is directed towards identifying the principal institutional and professional needs to secure a process of asset recovery that is transparent, reliable and predictable. It encompasses a study of the regulatory framework through which asset recovery is realized (auction system, publication requirements, role of creditors, etc.) and its practical implementation.

Activities:

2001	2002	Long term
<ul style="list-style-type: none"> <li>• 2-months research to collect verifiable data, interviews with receivers and administrators, auctioneers, the state Auction Board, IBRA, the Jakarta Initiative, Creditors and debtors to produce an English language analysis which identifies the needs for improving the administration and operation of the asset recovery system.</li> <li>• Draft manual on standardization of asset recovery system</li> </ul>	<ul style="list-style-type: none"> <li>• Finalize manual on standardization of asset recovery process</li> </ul>	



*d. Support of Policy Responses to the Needs Assessment*

This project is directed towards supporting the development of a coherent and consolidated policy response, which addresses the needs, identifies in the first 3 (three) projects (as well as an IMF supported project on receivers and administrators). This will be done by supporting seminars to be organized by the Steering Committee of the Commercial Court and with the participation of the Supreme Court, the National Law Commission, the Ministry of Justice and Human Rights and BAPPENAS. The seminars will discuss the results of the needs assessments, and will be directed towards creating constituencies directed towards further strengthening the effectiveness of the system.

Activities:

2001	2002	Long term
<ul style="list-style-type: none"><li>• Seminars and meetings to produce policy recommendation</li><li>• Location: Supreme Court Research and training Center (Pusdiklat)</li><li>• End product: policy recommendations</li></ul>		

*e. Support for Legal Information Measures*

This project is directed towards supporting society initiatives that directly contribute towards the transparency, accountability and predictability of commercial court decision-making. These initiatives notably include publication support for Indonesia-based critical studies on the Commercial Court decisions and the socialization of the results of such studies in Indonesian society through the organization of seminars.

Activities:

2001	2002	Long term
<ul style="list-style-type: none"><li>• Seminars to disseminate publications produced under 5a and 5b above;</li><li>• Compiling if national and international reporting and perspectives on commercial court-related issues;</li><li>• Analysis of clippings</li></ul>		

#### **IV. PROJECT MANAGEMENT**

An organization chart is given as Annex.

##### Project Steering Committee

A Steering Committee comprising of the Bankruptcy Court Steering Committee and representatives from donor organizations will be established to guide the entire process and ensure quality and consistency of the programs.

The Commercial Court Steering Committee will establish the policy framework for the programme's work and provide broad guidance and direction to implement the programme's mandate; it will appoint a National Project Coordinator and a Financial Supervisor to (1) approve the day-to-day work programmed and ensure that financial management and operations comply with the work programmed endorsed herein; (2) daily monitor the overall finances and operations progress of the project; (3) authorize overall budgetary and human resource commitments of the work programmed; and (4) provide input/feedback on the programme's inputs and outputs to the Commercial Court Steering Committee.

#### **V. BUDGETS (Attached)**