

# INDONESIA - NETHERLANDS RULE OF LAW AND SECURITY UPDATE 2018



JAKARTA, 17-18 JANUARY 2018



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# FOREWORD

**H.E. Yasonna H. Laoly, S.H., M.Sc., Ph.D**

**MINISTER OF LAW AND HUMAN RIGHTS OF INDONESIA**

The rule of law is based on key democratic principles. And just like democracy, it is a principle of governance anchored in participatory and consultative process. Where the rule of law is not firmly established, poverty, suffering, and marginalization are likely to get worse. The poorest and most vulnerable need to be able to secure their rights, access legal protection, and participate in decision-making affecting their communities. Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to have their voices heard, exercise their rights, challenge discrimination or hold decision-makers accountable.

The two-day INLU 2018 meeting helped us to identify main challenges facing the Rule of Law in Indonesia, including 1) changes in our society; 2) identity and norms; 3) how the Rule of Law can provide mechanism to manage differences and promote inclusivity; 4) how to respond to the impact of technological developments; and 5) how to make society embrace rule of law more.

Promoting the rule of law and ensuring equal access to justice for all have become a priority in the law reform process in Indonesia. The Government of Indonesia is committed to taking all steps necessary to provide fair, transparent, effective, non-discriminatory and accountable services to promote access to justice for all, including members of vulnerable groups. Based on the National Strategy on Access to Justice and the 2011 Law on Legal Aid, government agencies and civil society have carried out several efforts to provide legal assistance to the poor as mandated under the law. From 2013 to 2017, the Government has allocated Rp. 223.450.000.000 (two hundred twenty three billions, four hundred fifty millions rupiah) received by 99.211 people for free legal aid in Indonesia.

One of the major obstacles for Indonesians in accessing justice is the cost of legal advice and representation. The Indonesian Government, through the Ministry of Law and Human Rights, is committed to providing a special fund for legal aid despite the existing budget limitation. In this regard, we have been working with BAR associations to provide *pro bono* services from lawyers to ensure access to justice for the poor. We also support local governments effort in acquiring budget for legal aid.

Other important aspect in promoting the rule of law in Indonesia is regulatory reform, due to the fact that there are many overlapping laws and regulations, which create multi interpretation and disharmony in their implementation. Since 2016, the Ministry of Law and Human Rights has been analyzing and evaluating around 188 regulations in order to make a recommendation whether they should be maintained, revoked or altered, based on five criteria, namely: 1) hierarchy and substance; 2) clear formulation; 3) contents of rule; 4) disharmony; 5) effective implementation.

Public participation in the law making process is also important for the effective implementation of the rule of law. In support of public and stakeholder participation in developing laws and regulations, we have concluded a Ministerial Regulation on Public Consultation Mechanisms that can be used as a guideline to ensure an effective public participation in the law making process.

Indonesia and the Netherlands have a long history in legal cooperation, which includes access to justice, legal education, and building public trust to legal institutions. This cooperation should be maintained and intensified to support our common efforts to work on achieving the Social Development Goals, promoting access to justice and legal aid, as well as public legal education and law reform in general.

The Indonesia-Netherlands Rule of Law and Security Update gives us a new energy and aspirations, and the meeting has shown us that the relationship between the two countries is indeed mutually beneficial. We hope that this will create stronger partnerships and greater solidarity between our people and countries.

Yasonna H. Laoly, S.H., M.Sc., Ph.D..

# FOREWORD

**H.E. Rob Swartbol**

**AMBASSADOR OF THE KINGDOM OF THE  
NETHERLANDS TO INDONESIA**

The Indonesia-Netherlands Rule of Law and Security Update 2018 (INLU 2018) was a two-day celebration of a cornerstone in the relationship between our two countries. I am grateful to H.E. Dr. Yasonna H. Laoly S.H. M.Sc, Minister of Law and Human Rights, and H.E. Prof Dr. Bambang Brojonegoro PHD, Minister of National Development Planning/ Head of BAPPENAS, for personally attending and speaking to the meeting. I am equally grateful to H.E. Susi Pudjiastuti, Minister of Maritime Affairs and Fisheries, and H.E. Teten Masduki, Head of the Office of the President (KSP), for sending high-level representatives to share their views. The INLU2018 ended with a fascinating panel including Prof. Dr. H. Muhammad Hatta Ali, SH, MH., Head of the Indonesian Supreme Court - *Mahkamah Agung*, and Prof. Dr. Maarten Feteris LL.M., President of the Dutch Supreme Court - *Hoge Raad der Nederlanden*. The presence of such a variety of high-level representatives underlined the significance of the meeting and greatly contributed to the richness of sharing views and debate.

The cooperation on the Rule of Law between institutions in Indonesia and the Netherlands dates back fifty years ago. In 1968 the Stichting Rechtswetenschappelijke *Samenwerking Nederland-Indonesië* (Foundation for Legal-Scientific collaboration Netherlands-Indonesia) was created, which mostly worked on research and student exchange. Since then much has changed and evolved, but we still see close collaboration in the field of Rule of Law between the two countries from people to people, universities to universities and government to government institutions. After the Reformasi began in Indonesia, now almost twenty years ago, the cooperation has been expanding and growing and took on even greater significance.

The Rule of Law collaboration between Indonesia and the Netherlands is vested in the understanding that both countries can mutually benefit from what we can learn from each other. On the one hand our two countries' legal systems share several commonalities in substantive law and legal structure. On the other hand, in the current context of fast globalized economic, technological and social developments, we are facing similar challenges. How to create inclusive societies? How to regulate the use of internet and social media, or investigate and curb cybercrime? How to deal with hate speech? How to fight climate change and environmental degradation? Or illegal fishing? Many of these challenges were discussed during the INLU 2018.

The list of issues where we can meaningfully collaborate and support each other is long, and in many cases underscores key elements of our trade and investment relationship, as well as the relationship between our societies. The question how to reconcile Freedom of Expression with the need to protect our societies from deceiving information; or how to balance openness and transparency that make our economies grow and flourish with the privacy that we need as a human being to be happy and secure; these are vital questions facing us all. As tempting as it might be to look for quick fixes, within strong democracies such as Indonesia and The Netherlands solutions need to be based on the Rule of Law. Otherwise, we run the risk of creating rule by law.



It was a pleasure to see hundreds of participants engaging with each other to keep the Rule of Law collaboration between Indonesia and the Netherlands relevant in the years to come. This report captures the main highlights. I am confident that the INLU 2018 has provided an important contribution to ongoing and building future collaborations between our two countries to strengthen our societies, based on accessible, accountable, inclusive and sustainable judicial systems.

Rob Swartbol

# INTRODUCTION

The Indonesia-Netherlands Rule of Law and Security Update 2018 (INLU 2018) that took place on 17-18 January 2018 in Jakarta, highlighted various achievements in the fields of rule of law and security cooperation and discussed new challenges and ways in which this important component in the relationship between Indonesia and the Netherlands can be further strengthened and developed for mutually beneficial purposes. It aimed at identifying opportunities for mutual beneficial strategic partnerships and at strengthening the networks between Indonesian and Dutch actors in the fields of rule of law and security.

The INLU 2018 assessed the lessons learned from rule of law and security collaboration between Indonesia and the Netherlands over the last decades and discussed the future of this collaboration in the light of national developments in both countries in the fields of law and development cooperation, and of international developments. More specifically future collaboration was discussed in connection with the UN 2030 Agenda for the implementation of the Sustainable Development Goals (SDGs), with a special focus on SDG#16 'Peace, Justice and Strong Institutions' and SDG#17 'Partnership for the Goals'. The target audience of INLU 2018 were practitioners, researchers, and activists involved in legal reform and Indonesian-Dutch cooperation projects in the field of rule of law and security. The INLU 2018 was attended by more than 270 participants and widely reported in Indonesian media (see also Annex 2).

The INLU 2018 was organized by a broad network of individuals and organizations, including the Working Group Indonesia Justice & Development of the Knowledge Platform Security and Rule of Law (KPSRL), the Van Vollenhoven Institute (VVI), the Center for International Legal Cooperation (CILC) in the Netherlands; and Kemitraan - the Partnership for Governance Reform, Atma Jaya University, the University of Indonesia, the Indonesian Institute for Independent Judiciary (LeIP), Nuffic Netherlands Education Support Office (NESO), and the International Development Law Organization (IDLO) in Indonesia. The success of the meeting was in no small part due to the active involvement of so many organizations from Indonesia and The Netherlands. Panels were facilitated by Indonesian and Dutch organisations currently active in cooperation projects and as a result the discussions were of immediate relevance to ongoing programmes in the field of security and rule of law.

The two day-event consisted of a one-day public symposium with plenary discussions and networking opportunities for a large audience, and a second day with (parallel) workshops that provided space for in-depth discussion of relevant themes. The agenda of the INLU 2018 can be found in Annex 1. The INLU 2018 was opened at the Erasmus Huis (at the compound of the Embassy of the Kingdom of the Netherlands and kindly offered free of charge) by Yasonna H. Laoly S.H., M.Sc., Ph.D., Minister of Law and Human Rights of the Republic of Indonesia, and Rob Swartbol, Ambassador of the Kingdom of the Netherlands to Indonesia. Other high-level speakers from the Indonesian government participated in the public symposium, including Minister of National Development Planning/Head of National Development Planning Agency (BAPPENAS) Prof. Dr. Bambang P.S. Brodjonegoro, representative of the Minister of Marine Affairs and Fisheries Ir. Nilanto Perbowo M.Sc., representative of the Presidential Staff Office (KSP) Irdhal Kasim, Vice-Chair of the Indonesian Anti-Corruption Commission (KPK) Laode M. Syarif, and a number of civil society representatives, including Yenny Wahid from the Wahid Institute. The Dutch government was represented by Ambassador to Indonesia Rob Swartbol and Peter van der Bloemen, Senior Advisor at the Dutch Ministry of Foreign Affairs.

The first day consisted of three plenary sessions which addressed issues related to the priorities 'Preventing conflict and sustaining peace' and 'Implementing Goal 16 of the Sustainable Development Goals' of the Knowledge Platform. The first session 'Indonesian-Dutch Legal and Security cooperation: preserving a meaningful past to engage new challenges' elaborated on the SDG framework, and on the Indonesian and Dutch government priorities and strategies in the implementation of the SDGs. The second session 'Law and Human Rights to promote inclusivity' focused on the problems in dealing with pluralism in both the Indonesian and Dutch society. The third session, 'Corruption eradication by strengthening accountability', saw representatives from guardian institutions, academia and the business community discussing various initiatives and agencies dealing with combating corruption in Indonesia.

The second day of the meeting took place at Atma Jaya University and consisted of twelve expert panels that discussed a variety of topics:

1. Progress towards SDG#16 in ensuring equal access to Justice
2. Paralegal Support and/or Natural Resources
3. Legal Reasoning
4. Judicial Training
5. Preventing and Combating Cybercrime
6. Asset Recovery
7. Preventing Land Conflicts
8. Early Marriage
9. Investment Challenges
10. Ethnic & Religious Minorities and Conflict
11. Towards better Regulation
12. The Future of Indonesia-Netherlands Rule of Law Cooperation

The panel sessions were followed by a discussion with the Head of the Indonesian Supreme Court (*Mahkamah Agung*) Prof. Dr. H. Muhammad Hatta Ali SH., MH., and the President of the Dutch Supreme Court (*Hoge Raad*) Prof. Dr. Maarten Feteris LL.M.

The INLU provided important insights in how to strengthen legal and socio-legal studies in Indonesia and stimulate applied research on Rule of Law and Security issues. The panel discussions made quite clear what the fields of primary importance are for such research. The first are institutional issues, in particular concerning the judiciary (Supreme Court, administrative courts), but also guardian institutions such as the Ombudsman. The added value of the Indonesian-Dutch collaboration here is the availability of existing networks, knowledge of the institutional design and legal rules governing these institutions, and ongoing collaborative projects. Second are particular themes, such as asset recovery and international arbitration. Here the comparative advantage is rather a mutual interest in developing knowledge on these topics and building networks. Finally, there are concrete topics such as land governance and child marriage, which – again – are based more on the already available knowledge base, existing networks of collaboration and the continuing importance of these topics both socially and politically. What the INLU moreover put beyond doubt is that the need for expanding knowledge for supporting interventions is key.



## OPENING KEYNOTE SPEECHES

Ambassador of the Kingdom of the Netherlands to Indonesia Rob Swartbol and the Indonesian Minister of Law and Human Rights Yasonna H. Laoly S.H., M.H., Ph.D. delivered the keynote speeches of the opening ceremony at the Erasmus Huis.



**DAY ONE**

Wednesday 17 January 2018

Ambassador Swartbol identified how Indonesia and the Netherlands face similar challenges. How to create inclusive societies? How to regulate the use of internet and social media and investigate and curb cybercrime? How to deal with hate speech and hoaxes? How to regulate the latest blockchain techniques and digital cryptocurrencies? How to fight climate change and environmental degradation? Or illegal fishing? Both countries have to find answers to these new challenges that transcend national borders. However tempting it is to look for quick fixes, democracies that are based on the rule of law such as Indonesia and the Netherlands will try to seek solutions that have a strong legal basis.

It is inevitable that governments face delicate dilemmas when issuing regulations in an attempt to create a happy and secure society. How to reconcile Freedom of Expression with the need to protect our societies from hate speech and hoaxes? How to balance an open economy and transparent government with individual rights on privacy? These are vital questions facing us all. What it means is that we need to review the common legal DNA between our two countries in order to keep it relevant, which is one of the overarching questions for this meeting.

In his keynote speech, Minister Yasonna emphasised how the Indonesian government is committed to improve legal aid services for its citizens in order to strengthen “access to justice”. The Ministry of Law and Human Rights together with the Ministry of Home Affairs supports this effort by drafting a law which will require local governments to allocate a certain amount of their budget to legal aid.

A major challenge is the lack of and of Legal Aid Offices in Indonesia and their uneven distribution. Currently, there are only 405 Legal Aid Offices in Indonesia, which is far from adequate to cover the entirety of the Indonesian archipelago. Therefore, the Ministry is supporting the further development of paralegal services. In the context of legal aid, paralegals are community members who have received legal training to perform specifically delegated substantive legal tasks to assist community members with their legal problems.

In 2011 Indonesia introduced the Legal Aid Law regulating the free-of-charge delivery of legal aid services to poor citizens - and paralegals are a key element in the implementation of this law. The number of beneficiaries of such legal aid reached almost 40,000 people in 2016, and this increased to almost 50,000 people in 2017.

Minister Yasonna then turned to the policies of the Indonesian Government that aim at strengthening the Rule of Law. The Indonesian government conducts ex-post impact assessments, in the form of implementation reports, to evaluate whether laws are effective and efficient in practice. Another effort is synchronisation of existing regulations. President Joko Widodo has underlined the importance of synchronisation and harmonization of regulations as he recognizes how contradictory regulations hamper the implementation of development-related projects and policies in Indonesia.

The Minister ended his speech with his suggestions and recommendations for future collaboration between Indonesia and the Netherlands. His first recommendation was to continue to focus on programs that aim at strengthening ‘access to justice’ in Indonesia. the Indonesian Government has build strategic partnerships with many Civil Society Organizations and BAR Associations in order to facilitate a smooth implementation of access to justice programs and policies. Minister Yasonna also expressed his hope that the Government of the Netherlands will continue its support for collaborative programs in the field of rule of law. He especially named Public Legal Education and Law Reform programs, as these are essential to strengthen legal institutions in Indonesia, in accordance with SDG#16.





## SESSION 1

### ELABORATION OF THE INDONESIA-NETHERLANDS RULE OF LAW AND SECURITY UPDATE 2018 IN THE CONTEXT OF THE SUSTAINABLE DEVELOPMENT GOALS

Prof. Dr. Bambang Brojonegoro, Minister of National Development Planning and Head of Indonesia's National Development Planning Agency opened the second session of Day 1. He gave a presentation about Indonesia's commitment to support SDGs 16 and 17, titled "Ensuring the Implementation of SDG 16 and SDG 17: Role of the Government Approach and What's Next?" In his presentation Minister Brojonegoro underlined how President Jokowi has demonstrated Indonesia's commitment to the 2030 Agenda for SDGs by issuing Presidential Decree No. 59/2017 on the implementation of the SDGs. As part of this commitment, the National Planning Agency has drafted a National Action Plan to implement the SDGs and a roadmap will follow in six-months time.

Minister Brojonegoro showed the audience how 94 of the 169 targets in the UN 2030 Agenda for SDGs have already been included in the National Mid-term Development Plan 2015-2019 (Rencana Pembangunan Jangka Menengah Nasional, RPJMN). Specifically for SDGs Goal 16, which covers the area of governance, inclusivity and accountable institutions, 8 out of 12 targets have been included into the RPJMN.

Despite changes in development cooperation policies in both countries - Indonesia is making the transition from being an official development aid (ODA) receiver to becoming an ODA-provider - Minister Brojonegoro sees sufficient possibilities for future collaboration between Indonesia and the Netherlands. Firstly, he suggested that the Netherlands can play a role in the so-called South-South Triangular Cooperation (SSTC) programs in which Indonesia will act as ODA-provider, especially in the agricultural and maritime sectors. Secondly, he believed that the Netherlands can play a part in Indonesia's strategy to strengthen its human capital, for instance by providing or co-financing trainings and exchanges. Finally, he hoped that current collaboration between Indonesia and the Netherlands will be extended and improved where possible and underlined the significance of cooperation between the two countries.

The second speaker in this session was Nilanto Perbowo, who held a presentation on behalf of the Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti. His presentation focussed on policies of the Ministry in support of the implementation of the SDGs, in particular SDG#13 on Climate Change and SDG#14 on Life below Water. The policies of the Ministry have been founded on 3 main values: sovereignty, sustainability, and prosperity. The Ministry considers that Illegal Unreported Unregulated Fishing (IUUF) does not only cause economic damage but also goes hand in hand with other illegal activities, such as human trafficking, and smuggling of drugs and other goods. Therefore, the Ministry has

taken a zero-tolerance approach toward illegal fishing practices, for example, by sinking vessels that were caught in the act of illegal fishing. As part of this deterrence policy, 317 vessels that were involved in illegal fishing have been sunk. Additional steps to eradicate IUUF have been taken as well, such as, for instance, a fishing license moratorium for former foreign fishing vessels, transshipment bans and strict monitoring of crab and lobster minimum size requirements.

The Ministry sees opportunities for future of collaboration between Indonesia and the Netherlands. At institutional level, the Netherlands could be involved in knowledge exchange and training in the framework of developing a task force to combat IUUF. This task force is the result of cooperation between the Indonesian National Police, the water police, the marine corps, and the Attorney General's office. Capacity building programs aimed at developing the Indonesian fishing fleet was another area for possible future cooperation.

The third speaker in this session was Peter van der Bloemen, the representative of the Dutch Government. He discussed the Dutch strategy for the implementation of the SDGs. He explained how the Netherlands has made development cooperation an integrated part of foreign policy, with the ambition to addressing root causes of poverty, migration, terror and climate change. The UN 2030 Agenda for the implementation of the SDGs takes a prominent place in the Dutch development policy as it provides a powerful framework for countries across the globe and appeals to varying audiences at home and abroad, as does its motto: "Leave No One Behind".

The Netherlands has not allocated extra funding to implement the SDGs Agenda, but has chosen to build on existing commitments. The Dutch focus is on building and maintaining strategic partnerships with Civil Society Organizations (CSO's), currently involving more than 100 CSOs in the Netherlands and 1,300 worldwide. In its integrated policy the Dutch government stimulates sectoral covenants (that involve the public and private sector) and promote corporate social responsibility (CSR) and consumer awareness.

The priority areas formulated in the development cooperation policy of the Netherlands are: 1. Water management, 2. Food security, 3 Sexual and reproductive health and rights, 4. Security and the rule of law. Cross cutting themes within the Netherlands programs are 1. Gender 2. Climate change/environment, 3. Private sector development. This opens ample opportunities for a continued cooperation between Indonesia and the Netherlands.





## SESSION 2

### LAW AND HUMAN RIGHTS TO PROMOTE INCLUSIVITY

The second session 'Law and Human Rights to promote inclusivity' focused on the problems faced by governments of plural societies. The first panelist in this session was Ifdhal Kasim, Head of the Human Rights department in the President's Office. Ifdhal explained how Indonesia has ratified most human rights instruments and has established a solid institutional framework needed to protect human rights in Indonesia, including the National Human Rights Commission and the National Commission for the protection of Women.

Ifdhal explained that even though intense inter-ethnic and inter-religious conflicts such as those in Ambon and Poso are a thing of the past, this does not mean that at present Indonesia has managed to build an inclusive society as meant in SDG#16. In current public debates, discourses of exclusivism and intolerance are prominent, especially in the social media, which causes considerable social tensions. In a reaction to these developments, the Indonesian government has started to enforce hate speech regulation more strictly. Additionally, the government has issued a new Law on Civil Organizations (ORMAS) which allows for the dissolution of radical groups that oppose Indonesia's national integrity and the state philosophy of Pancasila. These policies are challenged and met with considerable opposition from both human rights and conservative Muslim organizations.

The second panelist, Mohammad Choirul Anam, Member of the National Commission on Human Rights (KOMNAS HAM), discussed Law No. 40 / 2008 on the Elimination of Ethnic and Racial Discrimination. This Law is vital for the creation of an inclusive society as meant in SDG#16. Unfortunately, not many people in Indonesia are aware of its existence. More than 9 years after the passing of the Law, no implementing regulation has been issued required to enable the invocation of the law. No framework for monitoring violations of the law has been developed. Therefore, this law cannot live up to its potential in terms of contributing to a more inclusive society.

Inappropriate use of law and abuse of power by law enforcement institutions are also main concerns of Komnas HAM. Currently Komnas HAM is in the process of developing standard criteria for defining the inappropriate use of the law. Komnas HAM has the expectation that these standard criteria will be used as guidelines by law enforcement agencies, which will lead to less instances of abuse of power by law enforcement institutions. Anam made an appeal to all participants at the INLU 2018 to support efforts to build an inclusive and tolerant society in Indonesia.

The next speaker, Yenny Wahid, Director of the Wahid Institute and prominent women's rights activist, stressed the importance of improving the quality of law enforcement institutions in Indonesia. She gave the example of the 1965 Blasphemy Law, which allows the Indonesian government to prosecute individuals and sects for spreading deviant teachings. Yenny believes that the text of the Blasphemy Law itself is not so much problematic, but its application by law enforcers oftentimes is. In some cases, the definition of deviant teachings is stretched to serve political goals. Yenny recalled the case of Ahok, the former governor of DKI Jakarta, during the last election. According to her, too often political concerns influence judicial decisions in Indonesia. She believes that judicial reform in order to improve the quality and integrity of the judges is essential to improve judicial independence in Indonesia.

Yenny mentioned another problem concerning law enforcement in Indonesia: it is very difficult to monitor the quality of work of the national police. The police is mainly concerned with maintaining security and order, and oftentimes disregards constitutional rights of individuals in the process. When an organization wants to organize an event that discusses minority rights or sensitive political issues, a conservative organization may try to block the event - even if a license is issued for the event. In such cases the police often does not see it as its priority to protect the rights of the organizers but chooses to ban the event on the grounds that it disturbs the public order.

The last presenter in this session was Siebrich Visser from the Human Security Collective (HSC). She shared the experiences of HSC with a project in a marginalized neighborhood in the Netherlands in which people from different ethnic groups live. It appeared during the interviews of the inhabitants of the neighbourhood that people held negative views of migrants from a different ethnic background. The migrants, for their part, feel that such negative perceptions lead to discriminatory behaviour towards them.

HSC organized a dialogue between the inhabitants of the neighbourhood and local authorities. This had a positive impact on mutual perceptions. This project demonstrates how important engaging with one and another is for improving the social cohesion of a neighbourhood / community. Siebrich suggested that such a willingness to engage at a continuing level is an essential precondition for the creation of an inclusive society.

In the questions and answers session, several important issues related to the current situation and condition of Indonesia were raised. Some of the things that were discussed by the participants were:

1. LGBT issues and their relation to the Jogjakarta protocol;
2. The issue of persecution and hoax, which is already included as a category of criminalization, so there needs to be punishment;
3. The Ahok case and its relation with minority issues and diversity in Indonesia that need to be paid attention to by the government and people of Indonesia;
4. The application of the ICCPR in the Netherlands; and
5. The standards of norms in Indonesia which must conform to the basic provisions of the 1945 Constitution of the State of the Republic of Indonesia.



## SESSION 3

### CORRUPTION ERADICATION BY STRENGTHENING ACCOUNTABILITY

In the third and final session on the first day of the INLU 2018 a 10 minutes clip of a documentary film “*Kita Versus Korupsi*” (Us Vs. Corruption) was shown, after which a panel of four speakers held their presentations.

Laode M. Syarif gave a presentation about the position of the Indonesian Commission for the Eradication of Corruption (*Komisi Pemberantasan Korupsi/KPK*). He started his presentation about the fight against corruption in Indonesia with the example of a case of a boy and his mom who exposed rampant cheating at his school. The result of their opposition to fraud was that they both became outcasts among parents and pupils of the school community. Their criticism broke the school ‘rule’ that cheating is allowed. When on the scale of a school, opposition to a culture of fraud is already met with such fierce resistance, one can only imagine how difficult it is to fight corruption on a larger scale, Syarif told the audience. Laode gave the example of corruption in Indonesian politics. Officially, all political parties support KPK’s fight against corruption. However, Laode further mentioned that corruption in Indonesian politics is still epidemic. The same goes for the judiciary. Bribery is common and this affects the quality of attorneys, lawyers and judges. Even the Chief of the Constitutional Court was recently found guilty of corruption.

There is also good news. In UN reviews about the follow-up on the UN Convention Against Corruption, Indonesia’s score has improved. The Corruption Law is in place, as well as implementing regulations and law enforcement institutions. One issue which has not yet been regulated is that of asset recovery. The legal drafting process of relevant legislation is currently being taken up by Indonesia with support from the Netherlands’ Rule of Law Fund. Laode invited the Netherlands to continue to assist Indonesia in the process.

Professor Adriaan Bedner of the Van Vollenhoven Institute, Leiden University, talked about the eradication of small-scale corruption through the work of the Indonesian Ombudsman.

In Indonesia there is quite some skepticism about the Ombudsman. The Ombudsman is often compared with the KPK and called 'a toothless tiger' in comparison. However, he found that the Ombudsman is very successful in dealing with small-scale maladministration cases and has helped many people with their issues with local authorities. The Ombudsman indeed was formed to tackle maladministration on a smaller scale - Professor Bedner gave the example of the collection of illegal fees for having a child being admitted to a school. The Ombudsman does not need to take up large-scale corruption cases. Other institutions such as the KPK have been established to tackle the 'big fish'. He concluded by saying that, the Ombudsman's strength is that it fights corruption on the basic level and it would be good if more institutions in Indonesia did the same.

The next speaker was Natasha Nababan of Exxon Mobil who shared some of her experiences working with the US Foreign Corrupt Practice Act (FCPA) in the corporate sector in Indonesia. When she started 15 years ago, she was asked to provide employee compliance training. Many doubted the extent to which Exxon Mobil's corruption policy could be effective in the context of Indonesia. She recalled how people were confused when the company started to formulate and implement its anti-bribery policies. Questions such as: "Is it allowed to send a parcel or gift box for the Lebaran feast?", frequently came up, underlining that the policy meant a significant cultural change. But as time passed by, this confusion disappeared. Her experiences made Natasha optimistic about the possibilities for fighting corruption in Indonesia. People need to become more disciplined, which can be achieved through a sustained investment in changing the corporate culture and culture on the work floor. Every stakeholder needs to be involved, she concluded.

Prof. Makarim Wibisono, International Relations, Airlangga University, Surabaya, continued the discussion about the impact of corruption. According to him corruption in Indonesia reduce the quality of government projects, makes foreign investors will hesitant to invest, causes economic losses, and facilitates illegal practices such as illegal logging illegal fishing, human trafficking and drugs smuggling.

According to him, the law is not the problem. He quoted Todung Mulya Lubis, lawyer and human rights activist: "Indonesia has the most comprehensive regulations regarding anti-corruption compared to other countries, but weak implementation and lack of determination and coordination in formulating the right operational strategies". The problem is that there has never been a sincere strong political commitment to eradicate corruption in Indonesia. To eradicate corruption requires strong measures by the Indonesian government itself, in collaboration with other actors at the regional and global level. Professor Makarim suggested to create integrated mechanisms and institutions on the ASEAN level with the competence to detect, investigate, and prevent corruption.

After the presentations there was a question and answer session. Some of the issues that were raised by the participants were:

1. Technology and digitalization of transactions, such as e-procurement, could help in reducing the number of corruption cases in Indonesia;
2. The causes or the main factors of being corruption in Indonesia, and efforts to reduce the number of acts of corruption;
3. In some cases, Indonesia could learn from attempts to adopt radical policies such as in China to handle corruption cases;
4. Improvement of procurement procedures could help to diminish corruption.





## **DAY TWO**

**Thursday 18 January 2018**

The second day of INLU 2018 took place at Atma Jaya University and consisted of 12 thematic panel sessions organized by Indonesian and Dutch organisations. The issues presented were selected because of their relevance to ongoing Indonesian-Dutch cooperation programs and available knowledge and expertise of Dutch CSO's.



1. Improvement the quantity and quality of legal aid; and
2. Accurate and relevant indicators to measure access to justice so it can guide the decision making process of the Government and advocacy work by the civil society.

Andri Gunawan from the Indonesia Legal Roundtable (ILR) presented access to justice indicators and index. When designing a program aimed at increasing access to justice, it is important to work with a clear definition and clear indicators of access to justice. The definition and indicators must be based on sufficient knowledge about the concept of access to justice and include top-down and bottom-up perspectives. This also applies for the development of a National Access of Justice Index. The advantage of a National Access of Justice Index is that it will allow for regional comparison.

Legal aid organizations (regulated by the 2011 Law on Legal Aid) are important players in the effort to increase access to justice in Indonesia. Febionesta (Indonesia Legal Aid Foundation - YLBHI) in his presentation explained how people in Indonesia are still experiencing many difficulties regarding Access to justice. One of the problems is that people may lack legal knowledge, but the weak capacity of law enforcement institutions and their issues of corruption, omission and discrimination contribute just as much - if not more - to the weak state of access to justice in Indonesia. Legal aid organizations can help people to navigate through Indonesia's legal system.

It must be admitted that the quality and availability of legal aid services in Indonesia are not yet optimal. Legal aid organizations face the following issues: many marginalized people are excluded from receiving free of charge legal aid because they are not documented as poor, the low number (405) and uneven spread of legal aid organizations, lack of capacity of legal aid organizations, the wide scope of advocacy work legal aid organizations in Indonesia are doing remains unpaid as it does not fit the formal definition of legal aid.

The recommendations this panel made are in line with this: broadening of the definition of legal aid, to include advocacy, capacity building, and legal monitoring activities; broadening the criteria for legal aid recipients by including dependent (not only poor) persons; simplifying the administrative procedures for legal aid; providing incentives to encourage the growth of legal aid organizations outside urban areas.

Prof. Dr. Adrianus Meliala from the Indonesian Ombudsman (ORI) gave a presentation about the experiences with and challenges of new ways of handling complaints. One of the successes is the increase in the percentage of cases that are registered as solved. From 2016 to 2017, this percentage increased from 61% (5,510 cases out of 9,030 cases) to 87.51% (8,121 cases out of 9,280 cases). These cases were registered following the Case Processing Flow, in which the steps of Registration, Clarification, and Ombudsman's Actions (mediation, conciliation, adjudication, or recommendation) into the electronic case management system.

The Indonesian Ombudsman has been in dialogue with the Dutch Ombudsman (NO) with the aims of increasing the Indonesian ombudsman's skills in complaint handling and facilitating a better communication between citizen and government officials. This cooperation involves Indonesian and Dutch organizations: in addition to the Dutch Ombudsman and Indonesian Ombudsman, it includes the National Mediation Centre (Indonesia), Vrije Universiteit, Van Vollenhoven Institute and the Centre for Conflict Resolution (the Netherlands). The program included the following training sessions: improving mediation skills and conflict management; how to change the culture from formal to informal; how to establish clear and simple communication with clients (written and spoken); and capacity building of investigators of the ombudsman.

Prahesti Pandanwangi, as the next speaker, was a representative of the Indonesian National Planning Agency (Bappenas). Bappenas has a strategic role as it is responsible for budget planning and the monitoring and evaluation the implementation of national programs and policies by ministries and government agencies. Current government

program priorities that relate to SDG 16.3 are: improving access to court services, support for legal empowerment programs, socialization programs aimed at increasing legal compliance, legal aid programs - including the monitoring and evaluation on legal aid services across Indonesia.

Recommendations that resulted from this panel discussion are:

1. Improving the coordination between the agencies and ministries in Indonesia to improve access to justice;
2. Ensuring sustainability of legal aid program funded by development partners by the GOI (close coordination between development partners with relevant ministries and agencies of GOI);
3. Continuation of the collaboration between ORI and The Dutch Ombudsman (NO), the Center for Conflict Resolution and Mediation (CvC), the Van Vollenhoven Institute (VVI), VU University Amsterdam and Indonesian mediators and researchers on fair treatment approach (meeting the complaint through mediations);
4. Continue the collaboration between research organization and gov institutions (particularly Bappenas) in developing the indicators for access to justice;
5. Increase the collaboration between legal aid organizations in Indonesia.

Other suggestions that came out of this panel discussion relate to the need for a better exchange of knowledge, among others:

1. Exchange knowledge on policy and regulation of legal aid and its advocacy work;
2. Training for legal aid providers;
3. Training for government officials to manage legal aid system (accreditation, budget, database, etc);
4. Exchange of knowledge about the indicators of access to justice.
5. Collaboration between legal aid organizations in Indonesia and the Netherlands to improve the quality and management of legal aid.





## PANEL 2

### INCLUSIVE NATURAL RESOURCES MANAGEMENT WITH PARALEGAL SUPPORT

This panel was moderated by Andri Gunawan from Universitas Indonesia and consisted of :

1. Dr. Myrna Asnawati Safitri (Peatland Restoration Agency - BRG)
2. Yustina Murdiningrum, Ph.D. (Epistema Institute)
3. Muhammad Nasir (Prakarsa Borneo)
4. Raynaldo Sembiring S.H. (Indonesia Center of Environmental Law - ICEL)

The focus of the discussion from this second panel is on the support of paralegals in safeguarding and preserving natural resources. Damage to the environment often coincides with harm to indigenous populations and rural communities living near forests, water, agricultural lands and plantations. From a rule of law perspective, the illegality and frequent breaching of the law (illegal logging, fishing and exploitation of land) and the protection of indigenous community rights are the most noticeable aspects of inclusive natural resources management.

Dr. Myrna Asnawati Safitri from the Peatland Restoration Agency (*Badan Restorasi Gambut/BRG*) explained how has a program to restore peatland in cooperation with local communities. Currently 1,000 villages are involved in the program. Funding comes from multiple sources: Peatland restoration in 300 villages is directly funded by the national government, in 200 villages this is funded by NGO's, and in 500 villages this is funded through CSR programs.

BRG undertakes several steps in order to prevent that its program instigates land conflicts: 1) Mapping of village areas; 2) Facilitating the drafting of local regulations concerning peat protection; and 3) Facilitating alternative conflict resolution mechanisms. The CSO Epistema Institute, represented by Yustina Murdiningrum Ph.D. in this session, is currently developing a project in strengthening legal empowerment of peatland villages, in order to protect citizen rights and improve their access to forests and peatlands. Paralegals play an important role in this. The vagueness of tenure rights around the peat lands is the source of many environmental and forestry issues, including forest fires. Another tenure-related issue is the criminalization of indigenous people and environmental activists who attempt to help them. These issues highlight the importance of community assistance programmes and paralegal training. It is important for CSOs to collaborate with relevant government agencies. Epistema is committed to disseminate its paralegal education syllabus to other institutions, including the government. It is also important to expand network with universities.

The next speaker, Muhammad Nasir, gave a presentation about the work of the CSO Prakarsa Borneo. Prakarsa Borneo has two objectives, namely the improvement of natural resources management awareness and the protection of indigenous peoples. The program is conducted at the provincial level (East Kalimantan), and at the Municipal level (Kutai Kertanegara dan Paser) and include the following activities: 1. Raising awareness about sustainable natural resource management; 2. Increasing participation of local communities in drafting of local regulations; 3. Conflict resolution; 4. Replication of the program to other areas.

A good relationship between local communities and the government is vital, and alternative conflict resolution and the role of legal aid organizations have proven important in facilitating such relationship.

The last presentation was held by Raynaldo Sembiring of the Indonesian Center for Environment Law (ICEL). ICEL is concerned with so-called “Brown Environmental Agenda”, that takes a pro-poor perspective, by supporting communities that are rather neglected by the Ministry of Environment and Forestry. ICEL programmes have a dual approach consisting of both policy influencing and support for local activist groups.

ICEL conducts the following activities:

1. Optimization of environmental regulations.
2. Developing standards to analyze environmental documents. For example, a quick way to read/criticise Applied Environmental Impact Assessments (AEIA).
3. Utilizing the appropriate environmental complaint mechanisms when environmental issues occur, so that the enforcement institutions will take action.
4. Training of paralegals.

For future collaborative programs, this panel identified the following priority issues or areas:

1. The improvement of the quality of environmental law paralegals, especially post-paralegal training programs;
2. The strengthening of environmental law policy making in Indonesia.

The following suggestions for improving or extending operational collaboration were made:

1. Integration of paralegal programs in Ministries related to the environment;
2. Strengthening programs between the Netherlands - Indonesia and the University, especially the Legal Aid units at the University;
3. Post-training programs for paralegals from the community;
4. Development of education programs to indigenous peoples on the rights of indigenous peoples.



## PANEL 3

### LEGAL REASONING

This panel was moderated by Prof. Adriaan Bedner, Head of Department of the Van Vollenhoven Institute for Law, Governance, and Society, Leiden University, and consisted of:

1. Prof. Dr. Takdir Rahmadi S.H., LL.M. and Dr. Irfan Fachruddin S.H., C.N. (Supreme Court of the Republic of Indonesia/*Mahkamah Agung*).
2. Dr. R. Herlambang Perdana Wiratraman S.H., M.A. (Airlangga University)
3. Dr. Widodo Dwi Putro S.H., M.Hum. (Mataram University)
4. Prof. Dr. Maarten Feteris LL.M. (President of the Dutch Supreme Court/*Hoge Raad*)

SDG 16.3 posits the rule of law as a central objective of development. One of the key components of rule of law is formal legality: legal rules must be certain, clear and non-retroactive. It is widely recognized that this is something the lawmaker cannot achieve on its own, as the implementation of rules always involves interpretation. In order to make sure that such interpretations are consistent, jurists have developed a number of interpretational techniques. The problem in Indonesia is that some of these techniques have fallen into disuse and that there is no unanimity about the way forward.

The panel started off with a presentation by socio-legal scholars Dr. Herlambang Perdana Wiratraman and Dr. Widodo Dwi Putro about their research concerning legal reasoning in law schools all across Indonesia. They found that there is a sharp division between those adhering to the so-called 'pure law'-school, inspired notably by Universitas Airlangga professors Philippus Hadjon and Peter Machmud Marzuki, and those promoting a more open view of legal interpretation and legal sources. The problem, as argued by Herlambang and Widodo, is that those promoting the pure law-orthodoxy are hostile to any attempts at enriching legal thought with norms or insights outside laws and regulations.



Legal sources such as judicial precedent or doctrinal writings, that play an essential role in other legal systems, are hardly considered in Indonesian academia or judicial practice. This means that this orthodoxy tends to exclude any developments outside of the regulatory arena into legal thought. Because of the uncompromising stance of the 'pure law'-adherents, unfortunately not much progress is to be expected in the near future. This leaves law students sometimes a bit clueless about how to 'do' law in a proper way.

The Supreme Court judges Prof. Dr. Takdir Rahmadi and Dr. Irfan Fachruddin, who were present in this panel, confirmed this view, indicating that the workload and practice in the Supreme Court prevented Supreme Court judges from studying even their own precedents. The chamber system that was adopted from the Netherlands means a step forward in this respect, as judges at least know many decisions because they were involved in taking them. Such specialization helps promote consistency. However, it is not enough to fully develop doctrine. They agreed that other legal professionals, do create orderings and make public legal information - including court decisions, which may push the Supreme Court in furthering this path. The fact that the Supreme Court now publishes all of its judgments on its website has at least provided the conditions for creating case law. However, they confirmed that even within the Supreme Court there is no unanimity about the degree to which precedents are binding.

At this point President of the Dutch Supreme Court/*Hoge Raad* Prof. Dr. Maarten Feteris LL.M. joined the discussion, explaining how for Dutch judges - including the Supreme Court - precedents are key in legal interpretation and binding upon judges. Of course judges may decide to change their position, but they can only do this when they give good reasons for it. This guarantees stability to the system. Of importance is also the role of the Advocate-General, a neutral legal advisor to the courts. The Advocate-General is supported by a bureau consisting of dozens of staff members in preparing in a scientific manner her/his advice to the judges - who in the large majority of cases decide along the lines of this advice. Feteris also made clear that a 'pure law'-approach is very far removed from Dutch practice.





## PANEL 4

### JUDICIAL TRAINING IN INDONESIA AND THE NETHERLANDS

The panel consisted of:

1. Tonnie Hulman (Director of SSR)
2. Remco van Tooren (Vice President of the Board of SSR)
3. Seruni Lissari (Program Manager Judicial Sector Support Program/JSSP)

The panel introduced and shared experiences of the Dutch Training and Study Centre for the Judiciary (SSR) and Judicial Training Centre (JTC) with implementing a number of judicial training and training capacity development-oriented projects in Indonesia in the context of the JSSP.

During these projects, interviews were conducted on the organizational part, and it raised several subjects, including the long term vision of the organisation, where they want to be in the next five years, human resource capacity, development of the training programme, and how the needed information is used in an effective way.

There are two goals of the training programme, namely:

1. To improve the human resource capacity in Indonesia
2. To improve the quality of the trainings.

The panel also reflected on what worked and what could be improved, focusing on the organisation and structure of a Judicial Training Centre. Several factors to improve the quality of training include:

1. Method
2. Mission, vision, strategy on the organizational level and the business of the training institute
3. Quality of the training
4. Training need assessment



## PANEL 5

### PREVENTING AND COMBATING CYBERCRIME

The panel was moderated by Kemitraan and consisted of:

1. Dr. Sigit Priyono, M.Sc (Assistant Deputy Coordination Telecommunication and Informatics-Indonesian Coordinating Ministry for Political, Legal, and Security Affairs)
2. AKBP Drs. Idam Wasiadi, SH., SKom., M.T., (Directorate Cybercrime Unit BARESKRIM POLRI)
3. Nico Tuijn (Senior Justice Court of Appeal 's-Hertogenbosch)
4. Vauline Frilly, S.Kom, EnCe; (Digital Forensic practitioners) and Wikrama Utama (Kemitraan Consultant.)
5. Dr. H. M. Syarifuddin, S.H., M.H. (Vice Chief Justice of Indonesia Supreme Court)

The panel session discussed the challenge of preventing and combatting cybercrime in Indonesia and the Netherlands. According to Dr. M. Syarifuddin SH., MH., of Indonesia's Supreme Court, despite the neutrality of technology as a medium, existing crimes are becoming more complex and dangerous with the use of technology. Nico Tuijn of Court of Appeal 's-Hertogenbosch also mentioned that cybercrime is developing with an enormous pace and intensity, and it is estimated that by the year 2020, 50% of all crimes will be cyber-related. The damages caused by cybercrimes on citizens and the society as a whole is huge already, and future threats are also obvious.

In Europe not all policy makers and practitioners (like police officers, prosecutors and judges) are aware of these key challenges. The legal community has to deal with a lot of questions when cyber issues are at stake. Legislation is often behind, and old fashioned legal approaches cannot lead to adequate solutions. There is a contrast between the old and the new world. The old world is represented by the often territorial approach of national criminal justice systems, the new world is the digital reality where borders do not exist.

Indonesia and the Netherlands are both facing challenges in the increasing number of cybercrimes, however cybercrime challenges faced by Indonesia are more varied and complex, as the increase of cybercrime trend is not followed by the improvements needed for technical investigation stipulated in regulation and the updated legal procedures.

In the Netherlands, 6 (six) challenges are identified, namely: 1) Lack of available data, 2) The location of the crime is unknown, 3) The legal frameworks are different, 4) Public-private cooperation, 5) International cooperation, and 6) Developing cybercrime and expertise gap.

Some initiatives have been developed in the Netherlands and other European countries to tackle the aforementioned challenges, including the development of the Knowledge Centre to disseminate information on digital investigation, electronic evidence, technicalities and trends of cybercrime, and the capacity building of the judges.

In his presentation, Dr. Sigit Priyono, M.Sc from the Indonesian Coordinating Ministry for Political, Legal, and Security Affairs explained that from a macro perspective, Indonesia is facing 8 (eight) challenges in combating cybercrime, including:

1. Lack of understanding by the government relating to cybercrime
2. The legal issues of handling cyber-attacks and cybercrimes
3. The incapacity of national cyber institution
4. How to integrate between government, private sectors, academics, and cyber communities
5. Inattentiveness on cyber threats that could cripple the state's infrastructures
6. Indonesian technology industry does not have the power to produce or develop ICT devices to strengthen cyber defense and resilience.
7. Limited access and availability of internet networks in remote areas (digital inclusivity)
8. The rapidness of cybercrime incidents, that makes them difficult to handle.

Vauline Frilly and Wirakrama Utama argued that compared to international practices, Indonesia is left behind in handling and management of electronic evidence, in particular in the following issues:

1. Regulation of electronic evidence
2. Application of forensic technicalities
3. Capability and competency of law enforcement officers
4. Management systems on electronic evidence (retention data)

AKBP Drs. Idam Wasiadi, SH., SKom., M.T., of the Directorate Cybercrime Unit BARESKRIM POLRI focused on the challenges faced by Indonesian police in combatting cybercrime, including:

1. Making the police organisation more rational
2. Making police personnel more qualified
3. Making police services more professional
4. Making police conduct more accountable

As a result of the discussion, it is recommended to have a broader cooperation among other parties who involved in combating cybercrime, including government, business, academia, and people participation as well as the young generations.

Regarding data privacy, the collaboration among law enforcer is required to strengthen the regulation either in the act or in accordance to their respective authorities. It is also recommended to conduct international cooperation to prove technical training and support for the legal enforcement officers. Another thing which is not less important is developing the national report mechanism on cyber incidents and disseminate to stakeholders about the importance of preventing cybercrime.



## PANEL 6

### TOWARDS SUCCESSFUL CROSS BORDER ASSET RECOVERY: WHAT MUST BE IMPROVED IN INDONESIA?

The panel was moderated by Refki Saputra from Kemitraan and consisted of:

1. M. Yusfidli Adhyaksana, S.H., LL.M. (Head of Unit II Asset Recovery Center, Attorney General's Office)
2. Sumarsono (Head of Sub-Directorate Mutual Legal Assistance, Ministry of Law and Human Rights)
3. Paku Utama, Ph.D (Asset recovery expert/practitioner)
4. Arie Afriansyah S.H., M.I.L., Ph.D. (Lecturer in International Law, University of Indonesia)
5. Ahmad Qisai (Program Manager, Kemitraan)

The Achmad Tahir case can become a benchmark case for asset recovery. The government of Indonesia successfully repatriated Tahir's asset of USD 71 million from Singapore through civil proceedings. Cross border asset recovery can be more effective if the law enforcement was able to take an informal approach first before formally requesting legal assistance to the relevant central authority. Law enforcement agencies should think more creatively to use all available legal frameworks to trace assets before repatriating them through the foreign jurisdiction.



Collaboration in the forms of policy development or promotion can be done through the following actions:

1. Improving the coordination between the agencies and ministries in Indonesia related to asset recovery issues;
2. Ensuring sustainability of in-house training that initiated by Kemitraan and UI to provide the well-trained trainer and specialist personnel of asset recovery in each agencies;
3. Developing the integrated data management related asset recovery processes and information;

What is important is also to increase the quality of human resources and data management and to improve coordination among government agencies within Indonesia. The capacity building and quality improvement developed by Kemitraan and Universitas Indonesia concentrates on a pool of resources and is supported by the Dutch government.

The panel also made suggestions for future training or exchange of knowledge:

1. Forensic accounting training for law enforcement (investigator);
2. Collaborative training for all related agencies to understand the international asset recovery and foreign legal framework related company law, tax law, and banking law.
3. Data management training for law enforcement.



## PANEL 7

### LAND RIGHTS AND THE PREVENTION OF CONFLICT

Land and natural resource conflicts between rural communities and the state and/or plantation corporations continue to be rampant and widespread in Indonesia. According to the KPA (Consortium for Agrarian Reform), in 2016 there were 450 agrarian conflicts nationwide, involving the contestation over almost 1.3 million hectares of what state agencies claim as state land. Six hundred thousand hectares is part of plantation concessions (mostly palm oil) while 400 thousand hectares concerns 'state forest'. In order to put an end to these conflicts as well as prevent future ones, the Indonesian government has recently adopted a new agrarian reform programme. It intends to distribute more than 12 million hectares of state forest to indigenous and local farming communities, thus reducing the pressure on land. In some cases disputed state forest may be directly transferred to communities claiming it, in other cases it would constitute a substitute for the land claimed.

In this effort the government appears supportive of the idea of community-based land and natural resource management. However, the legal framework for communal land rights is still incomplete and the actual recognition and implementation of community-based land rights has been slow. CNN Indonesia reported earlier this year that out of the 2.5 million hectares scheduled for distribution in 2016, less than 13% was actually released. Moreover, communal land governance involves challenges current laws and practices do not adequately address. How should individual tenure security on communal land be arranged? And how can democratic governance of land within these communities be guaranteed?

These challenges have been the focus of the panel. The guiding question was the following: 'In your view, which are the most important changes in the legal system and/or administration practices to decrease competition and conflict over land between communities and agricultural investors?' Participants from various backgrounds and sectors discussed Indonesia's legal framework, the current land reform policies and the potential role of various stakeholders in the prevention of conflict. The main concern of the panel was to assess how protection against land dispossession can be effectively realized, while sustaining economic development and a safe and secure investors climate.

Dr. Noer Fauzi Rachman (Staf Khusus Kepala Staf Kepresidenan) was the first speaker and elaborated on the current legal framework on customary land rights in Indonesia, particularly looking at the legal status of customary forests in Indonesia. He explained that since Constitutional Court ruling no. 35/2012, indigenous communities are legally entitled to become the collective owners of their customary forest, which were previously designed as state owned forest. Rachman explained how the government is currently facing challenges with implementing a policy of nationwide customary forests recognition. The second speaker, Ardi Adriadi, works for Balang Institute, a bottom-up rural development organization located in South Sulawesi province. Ardi explained the challenges of customary forest and social forestry programs at the local level. He explained that in practice, communities that are in conflict with government agencies over competing land claims face many difficulties to obtain customary land rights or get access to social forestry programs. The third speaker was Dr. Tisnanta from Universitas Lampung. Tisnanta has many years of experience studying land conflicts the province of Lampung. His presentation focused on a longstanding land conflict in Mesuji district. Here, thousands of migrant farmers occupy a land designated as state forest. Tisnanta explained that many migrant communities face problems with claiming customary rights, since they were originally from other areas and thus are not viewed as indigenous landowners.

After the panel presentations, an interesting discussion began after several persons in the audience asked critical questions. Some expressed their concern that the expansion of indigenous and customary land rights under Indonesian law might decrease legal certainty, and hence, threaten the investment climate of Indonesia. Others argued that such an expansion of rights is necessary to realize rural justice in Indonesia and to put an end to the widespread land conflicts in Indonesia.



## PANEL 8

### EARLY MARRIAGE

The Panel was moderated by Sita van Bemmelen, Advisor of LBH Apik Bali, and consisted of:

1. Dra. Lenny N. Rosalin M.Sc. (Deputy Minister for Child Growth and Development, Ministry of Women's Empowerment and Child Protection).
2. Prof. Sulistyowati Irianto (University of Indonesia)
3. Yooke Damopolii (Rumah KitaB)
4. Anggara (Institute for Criminal Justice Reform, Indonesian Coalition to End Child Marriage).
5. Sarah Spronk (Embassy of The Kingdom of the Netherlands)

Regarding "early marriage", there are three terms that define this, namely:

1. Early marriage (in Bahasa Indonesia: *pernikahan dini*). During a field research, the general society prefers this term compared to child marriage. In local society, the term early marriage is used for child marriage.
2. Child marriage. This term is usually used by policy/law makers or NGOs. For this definition, a child is someone under 18 years of age (acknowledged in national and international laws)
3. Underage marriage. In relation to marital laws, underage marriage is when the bride is under 16 years old and/or the groom is under 19 years old.

The challenges discussed in the panel is how to tackle issues related to early marriage in legal framework. The target of SDG 5.3 is to eliminate harmful practices against women and girls, and this include the prevention of child, early and forced marriage and female genital mutilations.

Yooke Damopolii from Rumah KitaB explained that in their 2013-2015 research, they initially found that child marriage was caused by economic, cultural, or religious factors. However, the root causes were actually determined on the formal or non-formal actors of the area, and the majority of these actors were men. Secondly, the religious society allowed and even encouraged child marriage.

In their 2016-2017 research in Probolinggo (East Java) and Sumenep (Madura) they also found that the role of formal and non-formal actors were still very dominant. However, in Probolinggo it was mainly caused by economic conditions, while in Sumenep was more by cultural factors.

The role of formal and non-formal actors were related to the power shift, where in modernised society, they were losing their grip (ie. losing respect and sources to the economy). Thus they were looking for new spaces to reclaim power, and one of them is to raise the issue of morality, eg. encouraging early marriage.

Rumah KitaB proposed a way to tackle child marriage through empowering formal and non-formal actors. It is also important to strengthen the marriage laws, but if the actors were not empowered, they will look for illegal ways to encourage child marriage.

Mies Grijns from the Van Vollenhoven Institute, Leiden University, explained the “diversity” of the causes of child marriage. This includes the inequality of age and gender, local cultures, agency of adolescents, and reasons for girls and boys who choose to marry. From all of the aforementioned factors, there was also an underlying reason of zina, or pre-marital sex. This also encouraged child marriage.

Prof. Sulistyowati Irianto from University of Indonesia argued that access to justice in countries where its rule of law has not yet been established (like Indonesia), justice for all could not be applied and the victims from this are women, the poor, and children.

There are four pillars to ensure children to have access to justice, namely:

1. Legal reform. Good laws should be available to accommodate the needs of marginalised groups, in this case children.
2. Legal literacy. Legal awareness and knowledge are important for actors who are largely men in religious courts and religious affairs office (KUA). They should know that there are good laws that can protect children from child marriages
3. Legal identity. Many poor residents could not obtain identity card, birth certificate, or marriage certificate, and this encouraged them to make fake documents.
4. Legal aid. It should be available for children and their mothers, in particular for those from the poor community.

The next panelist was Anggara, a senior researcher from the Institute for Criminal Justice Reform, who focused on the litigator of the court to create friendly court for citizens.

Currently there are several advocacy efforts under way to prevent child marriages, namely:

1. Legislation advocacy
  - Preparing the amendment of Marriage Law (Perppu) for Child Marriage Prevention.
  - Encouraging the ratification of the Convention on Consent to Marriage, Minimum Age for Marriage, and the Registration of Marriages.
  - Encouraging local regulations for the prevention of child marriage.
  - Encouraging the establishment of procedural law for marriage dispensation.
2. Strategic litigation
  - Proposing the testing of of Article 7 (1) of the Marriage Law.

Deputy Minister for Child Growth and Development, Ministry of Women’s Empowerment and Child Protection (KPP-PA) Lenny N. Rosalin SE, MSc, MFin explained the national movement to stop child marriage. Indonesian President Joko Widodo has affirmed



that the SDGs should be achieved by 2030, including making Indonesia a child-friendly country.

Child marriage is a violation to human rights, as mentioned in the SDG 5.3. At the moment Indonesia is on the 7th in the world and 2nd in Southeast Asia for child marriage.

The ministry has been and is making the following efforts:

1. Develop national policies
2. Develop action plan policies for Child Marriage Prevention
3. Integrate child marriage into one of indicators of child-friendly regency/city. This has been applied to 354 regencies/cities.
4. Develop advocacy and socialisation of "Legal Marriagable Age of 21 years old".
5. Encourage local government to develop policies for Child Marriage Prevention through local regulation (Perda)
6. Organised a joint declaration with 16 regents and mayors who committed to lower the number of Child Marriage in 2016.
7. Presented awards to five regents/mayors who played a role in the efforts of Child Marriage Prevention in 2017
8. Develop a module for Child Marriage Prevention (for children, parents, and child facilitators).
9. Develop family learning centres (Puspaga) to prevent child marriages in 4 provinces and 37 regencies/cities.
10. Organise child-based nurture and child marriage prevention workshops in 20 provinces and 175 regencies/cities.
11. Organise movement at national and provincial level (in 7 provinces)
12. Provide child-friendly and family-friendly communication, information, and education materials for child marriage prevention.
13. Develop a child care media network.

The ministry is developing intervention strategies that focuses on prevention, and this was done through schools (by developing child-friendly schools), through community (by developing child-friendly playroom (RBRA), school safety routes (RASS), children's centre (PKA)), through regional government (by establishing and/or developing child-friendly country (IDOLA), child-friendly province (PROVILA), child-friendly city (KLA), child-friendly sub-district (KLA), child-friendly village (DEKELA)), directly to children (by encouraging ownership of birth certificate in 17 regencies/cities, child helpline (TeSA) in 7 provinces, Child Information Centre (PISA) in 14 regencies/cities, and Child's Forum (2014-2016) established in 34 provinces), and through family (family learning centre/ PUSPAGA) or foster family (orphanage, juvenile correction facility, boarding school, etc.)

The final panelist was Sarah Spronk from the Embassy of the Kingdom of the Netherlands, who focused on sexual and reproductive health rights. A measure that can be taken is by opening widespread and comprehensive information about the sexual and reproductive rights to young people. Families can also be a learning place for children, thus information on reproduction health can be given to children since early age.



## PANEL 9

### INVESTMENT CHALLENGES

The panel was moderated by Wahyuni Bahar of Law Firm Bahar and Partners, and consisted of:

1. Immanuel A. Indrawan (Indrawan Darsyah Santoso Law Firm)
2. Aria Suyudi (Jentera School of Law and Coordinator of the Judicial Reform Team at the Supreme Court)
3. Theodoor Bakker (Ali Budiardjo, Nugroho, Reksodiputro Counsellors at Law)

The investment challenges session has tried to identify main legal challenges for both local and foreign investors in doing business in Indonesia and analyze how these challenges could be overcome. To limit the scope of the discussions, the panel focuses on challenges in relation to investors' disputes, including commercial disputes, bankruptcy procedures and state-investor disputes.

The first presenter, corporate litigator Immanuel A. Indrawan, focused on the settlement of disputes in Indonesian courts. He started his presentation by mentioning the importance of an impartial courts system to create an attractive investment environment. In reality investors face several challenges when settling disputes in Indonesian courts, i.e. a lack of legal certainty, lack of quality and consistency of court decisions, limited competencies of the judges, and the cultural and legal systems gaps that exist. This results in several issues in practice, e.g. the grounds for decisions are flawed, there is uncertainty and inconsistency in the interpretation and implementation of laws, court proceedings are lengthy, particularly at the appellate levels, the enforcement process is ineffective, judges are not familiar with business practices in certain specific industries, such as shipping and aviation, and judges are not familiar with conflict of law issues.

Because of these issues most investors opt for alternative dispute settlement mechanisms, particularly arbitration. However, even in case of arbitration, there is a potential role for the Indonesian courts. This is also the case when dealing with disputes relating to unlawful acts, insolvency, intellectual property, industrial relations (labor law), and administrative law. The answer to the problems, according to Immanuel, is the introduction of a new law on civil procedures as well as a transformation of the Indonesian courts system, particularly in the field of human resources management, supervision system and organizational culture. The current law on civil procedures is outdated. The law does not cover all procedural matters. Furthermore, civil procedural rules are scattered around various laws. Several initiatives have been undertaken in recent years, e.g. a bill on civil procedures was drafted in 2006, which was included in the National Legislation Program of 2015-2019, but this has not resulted in concrete reforms. Pending the introduction of a new law, the Supreme Court may issue regulations to fill loopholes.

The second presenter, Aria Suyudi, who is a lecturer at the Jentera School of Law and Coordinator of the Judicial Reform Team at the Supreme Court, discussed some issues relating to bankruptcy reform in Indonesia. He started his presentation by showing Indonesia's ranking in the Ease of Doing Business index, which went up from 120 (in 2015) to 72 (in 2018). The country's ranking in relation to the enforcement of contracts and resolving insolvency also increased significantly. The average time to resolve insolvency dropped from 1.9 years in 2016 to 1.1 years in 2018 and the recovery rate increased from 31.2% to 64.3%. However, the data may not be reliable. For sure, the costs of the bankruptcy process are still high. We see that Indonesia has less than 200 bankruptcy/suspension of payment cases per year. This is a very low number compared to neighboring countries. Bankruptcy/suspension of payment cases are prone to procedural abuses from parties with bad faith. The system is very simple, applying to all types of debtors. Longer procedures are required to determine whether a debt is due and payable. There is no authority that is responsible to monitor and evaluate the performance of the bankruptcy system. And no authority interferes, also because of a lack of understanding of the bankruptcy process. Actors in the process, including judges and bankruptcy professionals, do not perform optimally. There is a lack of transparency and accountability in the bankruptcy process. The procedure is also not friendly to debtors who are consumer or micro, small and medium enterprises. It is clear that the bankruptcy regime should be reformed. According to Aria, the procedure should meet the needs of various types of debtors. A Bankruptcy Authority/Regulator should be created, which should formulate policies, give trainings, improve coordination. The regulator needs to have power to investigate and make inquiries, so as to make the bankruptcy system more fair and transparent. Access to information should be improved. Finally, the legal profession should enhance members' technical skills, uphold its code of conduct, and impose disciplinary measures where necessary.

The final presenter, legal practitioners and arbitrator Theodoor Bakker, discussed the prospects of the establishment of a multilateral investment court and the implications for Indonesia. He started his presentation by pointing to some contrasting trends, i.e. there are over 3,000 BITs and Treaties with Investment Protection in force, but many countries are recalibrating their international investment policies. Indonesia is a case in point; it has announced that it will not renew its Bilateral Investment Treaties. Indeed there is a lot of concern over the Investor State Dispute Settlement (ISDS) provisions contained therein. Criticism relates to the decision makers, which may not always be independent and impartial, and the decision-making process, which lacks consistency, is lengthy and costly, lacks appropriate control mechanisms and lacks transparency. The EU has taken the initiative to replace traditional ISDS provisions with transparent Investment Court System (ICS) mechanism and accountable bilateral investment court systems in some of its free-trade agreements. The EU is now developing proposals for a Multilateral Investment Court (MIC), which addresses some of the concerns over the



ISDS system. The question is whether the MIC should be characterized as a court or an arbitral tribunal. Only if it can be characterized as an arbitral tribunal would its decisions be easily enforceable. The Indonesian Investment Law would provide a basis for it, just as the Washington Convention and the ASEAN Comprehensive Investment Agreement, to which Indonesia is a party. However, at this point it is uncertain whether Indonesia is willing to accept the MIC as a new mechanism for the settlement of state investor disputes.

Following the presentations, there was still time for some discussion with the audience. The discussions were led by, Wahyuni Bahar, the founder and managing partner of the boutique law firm Bahar & Partners.

The Panelists conclude that Indonesia's investment legislation is improving, as evidenced by for instance the country's increased ranking in Ease of Doing Business index up from 120 (in 2015) to 72 (in 2018), but investment challenges continue to exist. The "Dutch dimension" remains relevant in pro investment legal reforms.



## PANEL 10

### ETHNIC AND RELIGIOUS MINORITIES AND CONFLICT

This panel addressed the question what laws, policies and actors constitute main stumbling blocks on the road to achieving a more inclusive, plural society and how to address religious and ethnic conflict.

This panel consisted of:

1. Alissa Wahid (GusDurian)
2. Dr. Surya Tjandra S.H., LL.M. (Atma Jaya Catholic University)
3. Yuniyanti Chufaizah (National Commission on Violence Against Women/Komnas Perempuan)
4. Siebrich Visser (Human Security Collective)

Alissa Wahid discussed the growing polarisation between conservative and moderate Muslim groups in Indonesia, and the radicalisation of Muslims. This radicalisation of individuals can be traced by monitoring their activities in social media and other media platforms. A recent example of this was the Moslem Cyber Army that targeted 108 people in 2017 who they accused of posting blasphemous contents.

Yuniyanti Chufaizah from the National Commission on Violence Against Women (Komnas Perempuan) argued that from the perspective of minorities rights, the Indonesian state is rather negligent in upholding them. Religious conservatism within the government and its enforcement institutions has significant impact on the rights of women as well as religious and sexual minorities. The state's focus on development and security pushes the human rights issues of women, minorities, refugees and the disadvantaged to the background.

Siebrich Visser from the Human Security Collective (HSC) discussed how to involve immigrants in the community and how to reduce the locals' suspicion and prejudice towards immigrants. The activities organized in order to convey peace and create a greater understanding of each other included a youth camp and a workshop.

According to Prof. Surya Tjandra from Atma Jaya University, the prevention of polarisation and violent extremism are complex issues, thus they require multi-stakeholder approach. It is important to create: (a) safe spaces for dialogue between citizens and stakeholders from different background, (b) the space to be curious instead of afraid, and (c) tailor-made approaches. Indonesians face great challenges concerning the rise of identity politics used by political entrepreneurs to gain power, even though such efforts could lead to separatism.

He further explained that there are two main issues in relation to the politicised Adat (and religious), namely:

1. The instrumental aspect of law that requires enforcement, and in the event of dispute, a formal examination and adjudication process.
2. The role of Adat/religious education.

With the politicised Adat (and religious) law, the question is on how much does politics influences the Adat (religious) law. Another challenge is to question to what extent does it contribute to the rise of identity politics, right wing populism, society polarisation, and tribal-intolerant politics. The biggest challenges lie on the efforts to tackle this politicised Adat (and religious) law and its possible negative impacts.

Director of the Maluku Interfaith Institute Dr. Abidin Wakano, who also attended the panel, gave an example of successful post-conflict reconciliation in Maluku. An important political step in the process of post-conflict reconciliation between Muslims and Christians is the reinstatement of traditional alliances between villages called *pela gandong*. Yet, more direct engagement between Muslims and Christians is just as important to the reconciliation process and includes student exchange visits, community services, and Christmas and New Year greetings by Muslims and Eid-al-Fitr wishes by Christians.



## PANEL 11

### TOWARD BETTER REGULATION (UPDATE OF THE REGULATORY REFORM IN INDONESIA 2015-2017)

The panel was moderated by Imam Nasima, Center for International Legal Cooperation (CILC) associate and consisted of:

1. Dr. Bayu Dwi Anggono S.H., M.H. (Director of Center for the Study of Pancasila and Constitution/Puskapsi).
2. M. Nur Sholikin (Executive Director of the Indonesian Centre of Law and Policy Studies/PSHK).
3. Jan Janus (former Coordinating Senior Counsel of the Directorate of Legislation of the Ministry of Justice).
4. Jan ten Hoopen (Former Chairman of the Advisory Board on Administrative Burden/ACTAL).

The current regulatory practice in Indonesia is believed to hinder the business operations. The policy-making process seems complex and incomprehensible, as there is no single entity responsible for ensuring the quality and providing a measurable oversight mechanism. OECD has suggested to tackle this problem by improving the coordination of the national and sub-national level regulatory frameworks, as well as by reviewing/reducing unnecessary regulatory burdens (OECD, Indonesia Policy Brief: Regulatory Reform, March 2015).

In addition, the need to improve the quality of regulations can be related to the ongoing effort of the Government of Indonesia in implementing Goal 16 of the Sustainable Development Goals. Better regulation is not only meaningful for the country, but it will also contribute to build 'a peaceful, just and inclusive society'. Under the recent progress of Goal 16 in 2017, for example, it is reported that 'opaque, burdensome and inefficient regulations and procedures nurture opportunities for corrupt officials to extract bribes or unofficial payments'.

The Indonesian Ministry of National Development Planning (Bappenas) has launched the 'regulatory simplification' program in 2015, in order to improve the quality, efficiency, and effectiveness of the regulations in the country (Bappenas, Strategi Nasional Reformasi Regulasi [The National Strategy of the Regulatory Reform], 2015). The initiative that seems to be continued up to now, as the 'regulatory reform' is promoted by President Jokowi as one of his priorities.

In the last few years, The Netherlands has supported the Government of Indonesia in improving the technical capacity of its legislative lawyers. This support has been realized in a series of short-courses financed through Nuffic and implemented by the Center for International Legal Cooperation (CILC) in the Hague. It was an 'interdepartmental approach' involving the Ministry of Law and Human Rights (2009, 2011, and 2016), the Ministry of State Secretary (2011), the Ministry of Finance (2013), and the Legislative Body of the Parliament (2017).

The courses have been successful in delivering improved potential capacity within the Indonesian state institutions, as there is a pool of sufficient legislative lawyers available, but the 'big picture' seems still unavailable. This all happens, while the on-going regulatory reform has exactly required the improvement of the coordination at all levels, as well as the quality of the legislative lawyers.

In addition, according to Bayu Dwi Anggono, the Indonesian government needs to carry out a strategy to improve the quality of regulation through rearrangement of type, hierarchy and substance, transparency of regulation formulation, institutional evaluation of legislative review and executive review and regulatory regulation in the Constitutional Court.





## PANEL 12

### THE FUTURE OF INDONESIA-NETHERLANDS RULE OF LAW COOPERATION

The panel was moderated by Director of Nuffic Neso Indonesia Peter van Tuijl and consisted of:

1. Prof. Dr. Enny Nurbaningsih, SH, Head, National Law Development Agency (BPHN)
2. Asfinawati, Executive Director, Indonesian Legal Aid Foundation (YLBHI)
3. Willem van Nieuwkerk, Executive Director, Center for International Legal Cooperation (CILC)
4. Prof. Adriaan Bedner, Head of Van Vollenhoven Institute, Leiden University

Indonesia and the Netherlands have a long and substantial track record in collaboration on Rule of Law and Human Rights issues. A number of Universities in Indonesia and the Netherlands have ongoing relationships, involving higher education as well as joint research. Legal institutions on both sides equally have long-standing bilateral relationships, such as the MA and the Hoge Raad and the Ombudsman in both countries. In addition, considerable investments have been done in technical training as well as institutional capacity development, most recently under the ongoing Dutch Rule of Law Fund managed by IDLO, the Judicial Sector Support Programme (JSSP) coordinated by CILC and LeiP, the Netherlands Initiative for Capacity Development in Higher Education (NICHE) as well as Tailor Made Trainings under the NFP and STUNED programs, managed by Nuffic.

From a longer-term perspective, Indonesian and Dutch civil society organizations have intensively collaborated, networked and conducted joint advocacy over decades, starting during the Suharto period, on important issues regarding human rights, gender equity and environmental sustainability. Today, these kind of mutual relationships continue



to exist under the Strategic Partnerships for Dialogue and Dissent, and other forms of collaboration.

Finally, at an individual level, hundreds of Indonesians have studied in the Netherlands in academic fields relevant to Rule of Law, Security and Human Rights issues. A great number of alumni fulfill important roles in this regard, in Government, Independent State Institutions, the Corporate Sector, Academia and Civil Society.

With such an extensive track record and multiple layers of institutional relationships between the two countries, what can be done to mutually support each other to address current challenges, foremost in finding a balance or new forms of integration between Rule of Law, Human Rights and Security?

The panel started with an introduction by Jan van Olden, former coordinator of the Indonesia-Netherlands Council for Legal Cooperation, followed by inputs from key informants from the Indonesian and Dutch side to reflect on the future of the bilateral collaboration.

All speakers spoke about the added value of long term cooperation. The active involvement of Indonesian and Dutch individuals over a long period of time has created a fruitful ground for the cooperation and optimized the basis for a meaningful impact of initiatives. To make sure that the different projects and programmes have optimal impact, mutual trust between the individuals and institutions involved is crucial. It is important to truly know each other, each other's' interests and objectives. For a successful cooperation both Indonesian and Dutch parties should have ownership and commitment. When there is mutual trust a safe environment will exist for a constructive dialogue on a range of topics of interest to Indonesia and the Netherlands. This way the dialogue can expand and partners will not only discuss issues directly relevant to the topic of the cooperation but also about issues of (judicial) reform more in general. Asfinawati (YLBHI) added that is important to continue to reflect on the modes of legal cooperation and underlying problems, for example corruption. Furthermore, Prof. Adriaan Bedner explained that we can only meaningfully assess the impact of the long term cooperation in the field of Rule of Law and Security over a long period of time.

Panellists brought to the fore a broad range of topics and areas for future cooperation. Prof. Enny Nurbaningsih (BPHN) presented current Indonesian governmental priorities, such as regulatory reform, cooperation in the setup of legal databases, and Legal Aid and welcomed in particular practical assistance of Dutch partner organisation. She proposed a focus on simplification of regulations to improve the business climate in Indonesia and to make sure that these regulations are congruent with human rights principles. Furthermore, she emphasized the need for the development of legal databases that are accessible to the general public. Concerning Legal Aid she put forward the need to expand the number of legal aid and paralegal offices in Indonesia, and the development of legal aid databases to improve access to justice. Asfinawati highlighted the importance of the issue of plurality and minorities. Both parties may learn from each other in how to respond to these challenges. She welcomed initiatives that strengthen the judiciary to eradicate corruption and to uphold human rights principles and at the same time modernize the management of legal institutions. The Rule of Law in Indonesia could be strengthened through mainstreaming human rights in laws and regulations and within the judicial system – as a response to the current trend towards conservatism in Indonesia.

Prof. Adriaan Bedner, Head of the Van Vollenhoven Institute, Leiden University, emphasised that there are certain particular topics where the Netherlands legal field is particularly good at and where there is an added value in comparison to other international partners. To make sure that the cooperation is effective it is better to be selective. He referred not

only to the 'common legal DNA', but in particular to legal reforms in The Netherlands in more recent years that could be of interest to Indonesia. In all cases a solid understanding of the Indonesian legal system is necessary to identify fruitful topics for cooperation. Finally, he noted that it is worthwhile to continue collaboration in fields where there is already a common history to build upon existing knowledge and networks. Willem van Nieuwkerk (CILC) referred to the presentations during the first day of the Update in the Erasmus Huis and the importance of the Sustainable Development Goals. Furthermore, he highlighted the importance to continue to work together in the areas of judicial reform, judicial training, and regulatory reform. Various speakers noted the importance to continue the cooperation in the field of education and research. In these areas there is a long tradition of cooperation. At an individual level, hundreds of Indonesians have studied in the Netherlands in academic fields relevant to Rule of Law, Security and Human Rights issues. A great number of alumni fulfil important roles in this regard, in Government, Independent State institutions, the Corporate Sector, Academia and Civil Society. Moreover, the Indonesian government is actively making resources available, such as scholarships, laying the ground for a sustainable future.

Some panelists addressed the issue of funding. As Dutch funding is phasing out and the availability of Indonesian funding is still a question mark, there is a need to start a discussion between Indonesian and Dutch stakeholders about different modes of funding and to advocate jointly for a continuation of the cooperation in the field of rule of law and security, funded jointly by Indonesia, The Netherlands and possibly multilateral donors. The panel discussed the question if there is a need for more coherence between the different actions and a comprehensive vision on the cooperation in the field of rule of law and security. Jan van Olden emphasised that the Indonesian - Netherlands legal cooperation lacks a coherent scheme and that the information sharing between the different projects and programmes is limited, and advocated for the development of an Indonesian Forum in Indonesia as counterpart of the Working Group Indonesia in The Netherlands to facilitate a systematic dialogue between Indonesia and Netherlands. Prof. Enny Nurbaningsih called upon all donors to improve cooperation among donors, assess the different initiatives and prevent overlap. Willem van Nieuwkerk stated that coordination among donors in Indonesia and The Netherlands is a challenge and pointed at the politically sensitive nature of some of the work. Adriaan Bedner pointed out that it would be good if a selection of a limited number of topics will be made, this should then be based upon Indonesian demand and an analysis of Dutch comparative added value in these field.



## CLOSING SESSION

### THE BENEFITS OF LONG-TERM BILATERAL COOPERATION – THE EXAMPLE OF THE SUPREME COURTS COLLABORATION

The INLU was closed with a dialogue session of the Indonesian Supreme Court (*Mahkamah Agung*) Chief Justice Prof. Dr. H. Muhammad Hatta Ali, SH, MH and the President of the Dutch Supreme Court/*Hoge Raad* Prof. Dr. Maarten Feteris LL.M. on their long-standing cooperation, outstanding example and inspiration for a discussion on the future of the bilateral cooperation, reflecting on our two-day event. Feteris applauded the openness and willingness of his Indonesian colleague to make progress and is glad to note that he is preparing for a follow up plan for the next five year in order to further strengthen the chamber system. According to both Hatta Ali and Feteris the cooperation between the Indonesian Supreme Court and the Netherlands Supreme Court is a good example of peer-to-peer cooperation. Within the context of the Judicial Sector Support Program (JSSP) managed by CILC and its Indonesian partner LelP, The Indonesian Supreme Court (*Mahkamah Agung*) in cooperation with the Netherlands Supreme Court (*Hoge Raad*) is improving its chamber system and the application of case law, based on the Netherlands best practice. The Dutch chamber system has been inspirational to the Indonesian Supreme Court. Their cooperation has now been extended with another five years in a Memorandum of Understanding which was signed by both parties the next day on 19 January.

## INDONESIA-NETHERLANDS RULE OF LAW AND SECURITY UPDATE: FINAL REMARKS

After two days of rich, open discussion, with many suggestions it was hard to summarise the outcomes of the INLU 2018. Director of Nuffic Neso Indonesia Peter van Tuijl listed the key issues that came out of the sessions as follows:

### 1. Challenges/priority- issues or areas for future cooperation

Key challenges facing the Rule of law:

Changes in our society: including globalization, movement of people (immigration and migration). All of these changes impact on the economic, social and cultural fabric of our societies.

Identity/norms/inclusivity: How do we protect differences, clarify norms and define 'tolerance' for pluralism in a positive sense? How can the rule of law be applied so that it helps to prevent the use of identity for power politics? How to move from traditional security, which focuses on security of the state, to a more people-centred, human security?

The essence is to establish and promote the Rule of Law not as a regime imposed on us, but, because the Rule of Law provides mechanism by which we can manage our differences, as the best way to organize people and communities so that they can live peacefully with each other, and a way to facilitate business.

The impact of technological developments. On the one hand, new crimes are created, for instance, cybercrime and radicalization through the internet. On the other hand, new technologies provide new opportunities to combat crime. The question 'How do we define the balance between Freedom and Security' was put forward in the speeches of both the Indonesian Minister of Law and Human Rights Yasonna H. Laoly S.H., M.Sc., Ph.D., and Dutch Ambassador Rob Swartbol.

Society has to embrace the rule of law more. Judicial Institutions and citizens need to communicate more and better with each other. This requires, for example, a change in how we look at the quality of human resources in our institutions and put a stronger emphasis on communication skills. We have a tradition of looking at Law and Rule of Law as standing on their own – as a set of specialized professional legal skill. This was demonstrated in panel 3 which looked at consistency of judicial decisions, legal reasoning, and how to establish facts. We should keep on going with such specialised legal training, but we must not forget to try to improve the way society looks at law and legal institutions. The legal culture within society is important to the quality of the Rule of Law.

### 2. Policy oriented/promoting institutional collaboration

The SDGs, in particular SDG 16/17 provide a useful framework to encompass Indonesian-Dutch collaboration in the field of Security and the Rule of Law. The list of suggestions made during the INLU includes:

- Rationalisation/modernisation of Laws/Panel 11 concluded that the Jokowi government has focused much on investment, but not yet enough on other elements of Law. In Panel 12, we had Eny Nurbaningsih from the National

Law Development Agency (BPHN) laying out an ambitious agenda (see her presentation).

- Several suggestions focused on improving technical components, such as database digitalisation and case management. This can be useful, provided it relates to a clear goal.
- Access to Justice: this returned in many presentations and panels, and broadly speaking can be separated in three components: the institutional component, the organizational capacity development component, and the legal aid/paralegal services component – both Minister of Law and Human Rights Yasonna H. Laoly S.H., M.Sc., Ph.D. and Minister of National Development Planning/Head of BAPPENAS Prof. Dr. Bambang Brodjonegoro identified Access to Justice programs as an opportunity for Dutch-Indonesian collaboration.
- Enhancing the quality of human resources, such as judges, legal services, legal aid, and independent state institutions. These offer opportunities for collaboration, exchange programs, and training programs.
- Restorative justice within the criminal justice system
- Support Indonesia in strengthening Compliance the implementation of the UN Convention Against Corruption (UNCAC) – this was mentioned in the presentation of Corruption Eradication Commission (KPK) Commissioner Laode M. Syarif.

### 3. Suggestions for training / exchanges

- Research collaboration in Rule of Law – security
- Technical training – peer to peer – education (equal funding)
- Training on technical issues – training communication/mediation skills – next to legal and writing skills/new technical issues: cybercrime – electronic evidence
- But consistent with the broader discussions, let's not separate the technical from the embedding in living institutions that speak to people.

### 4. Suggestions for (improving-extending) operational collaboration

Indonesia and the Netherlands have a history of greater coordination and institutionalization in the Rule of Law relationship, which has certainly helped to bring us where the collaboration is today. It is interesting to note that the INLU 2018 has been organized in a networked way, involving many different organizations, more loosely coordinated and with a much smaller budget, even compared to the INLU in November 2014 in the Netherlands. A more centralized or decentralized way of organizing the relationship; both have pros and cons. The networked way of building the bilateral relationship appears to fit with our time, not the least because it gives the flexibility to reach out to other organizations whose experience and knowledge are needed to build the relationship. It also gives enough flexibility to continue on a bilateral basis important collaborations, such as between the Mahkamah Agung and Hoge Raad.

This meeting has clearly shown that the relationship in Rule of Law and security issues between Indonesia and the Netherlands will be alive for quite some time to come, turning a shared history into justice, prosperity and inclusivity for both our countries.





# ANNEX

## I. AGENDA

WEDNESDAY JANUARY 17, 2018

Morning Chair

Wiwiek Awiati, Reform Advisor, Supreme Court of Indonesia

### SESSION 1

#### WELCOMING/OPENING

- |               |   |
|---------------|---|
| 09.00 - 09.10 | Welcoming remarks<br>H.E. Rob Swartbol<br>Ambassador of the Kingdom of the Netherlands to Indonesia |
| 09.10 - 09.30 | Opening speech<br>Yasonna H. Laoly, S.H., M.Sc., Ph.D.<br>Minister of Law and Human Rights          |

### SESSION 2

#### INDONESIAN-DUTCH LEGAL AND SECURITY COOPERATION: PRESERVING A MEANINGFUL PAST TO ENGAGE NEW CHALLENGES

- |               |   |
|---------------|---|
| 09.30 - 09.45 | H.E. Prof. Dr. Bambang P.S. Brodjonegoro<br>Minister of National Development Planning/Head of BAPPENAS                |
| 09.45 - 10.00 | Ir. Nilanto Perbowo, M.Sc.<br>Director General of Product Competitiveness<br>Ministry of Marine Affairs and Fisheries |
| 10.00 - 10.15 | Peter van der Bloemen<br>Senior Policy Advisor<br>Ministry of Foreign Affairs of the Kingdom of the Netherlands       |
| 10.15         | Coffee and tea break  |

### SESSION 3

#### LAW AND HUMAN RIGHTS TO PROMOTE INCLUSIVITY

- |               |  |
|---------------|--|
| 10.45 - 11.10 | Keynote speech: Ifdhal Kasim, SH., LL.M.<br>Expert Staff on Human Rights, Presidential Staff Office (KSP)  |
| 11.10 - 11.40 | Respondents: <ul style="list-style-type: none"><li>• Mohammad Choirul Anam, Commissioner, Indonesian National Commission for Human Rights (Komnas HAM)</li><li>• Yenni Wahid, Director, Wahid Institute</li><li>• Siebrich Visser, Human Security Collective</li></ul> |
| 11.40 - 12.15 | Questions and Answers  |
| 12.15         | Lunch  |

## SESSION 4

### CORRUPTION ERADICATION BY STRENGTHENING ACCOUNTABILITY

Moderator: Monica Tanuhandaru, Executive Director, Kemitraan

13.45-14.00	Movie: Kita Versus Korupsi (selected part)
14.00	Panel discussion: <ul style="list-style-type: none"><li>• Laode M Syarif, Vice Chair, Indonesia's Corruption Eradication Commission (KPK)</li><li>• Prof. Adriaan Bedner, Professor of Law and Society in Indonesia Van Vollenhoven Institute – KITLV Leiden</li><li>• Natasha Nababan, General Counsel, ExxonMobil Indonesia</li><li>• Prof. Dr. Makarim Wibisono, S.H., M.A., Professor International Relations, Universitas Airlangga, Professor of Law, Atma Jaya University</li></ul>
16.00	Networking reception
17.00	End

## THURSDAY JANUARY 18, 2018

09.00	Opening speech: Dr. A. Prasetyantoko, S.E., M.Sc., Rector, Atma Jaya University
09.30 - 11.30	First section of six panels (see below)
11.30	Lunch
12.30 - 14.30	Second section of six panels (see below)
14.30	End of panels

## FINAL SESSION

### THE BENEFITS OF LONG-TERM BILATERAL COOPERATION – THE EXAMPLE OF THE SUPREME COURTS COLLABORATION

Moderator: Wiwiek Awiati, Judicial Reform Advisor, Supreme Court of Indonesia

15.00 - 15.10	Prof. Dr. H. Muhammad Hatta Ali, S.H, M.H., Head of the Indonesian Supreme Court ( <i>Mahkamah Agung</i> )
15.10 - 15.20	Prof. Dr. Maarten Feteris LL.M. President Dutch Supreme Court ( <i>Hoge Raad der Nederlanden</i> )
15.20 - 16.15	Questions and Answers
16.15 - 16.25	Summary of main points of the two-day Update: Peter van Tuijl, Director Nuffic Neso
16.25 - 16.30	Closing: Prof. Dr. Ida Bagus Rahmadi Supancana, SH., MH, Professor of Law at Atma Jaya University
16.30	End

## OVERVIEW OF PANELS

## SECTION 1 (09.30 - 11.30)

- 1 Progress towards SDG16  
in ensuring equal access to justice
- 3 Legal Reasoning
- 5 Preventing and Combatting  
Cybercrime
- 7 Preventing Land Conflicts
- 9 Investment Challenges
- 11 Towards Better Regulation

## CONVENOR(S)/MODERATOR

IDLO - Nisa Istiani

VVI - Adriaan Bedner

Kemitraan - Rosyada

VVI - Willem van der Muur

KADIN - Wahyuni Bahar

CILC - Imam Nasima

## SECTION 2 (12.30 - 14.30)

- 2 Paralegal Support and/or Natural  
Resources
- 4 Judicial Training
- 6 Asset Recovery Eng Kemitraan /  
Universitas Indonesia
- 8 Early Marriage Ind VVI - Mies Grijns
- 10 Ethnic & Religious Minorities and  
Conflict
- 12 The Future of Indonesia-Netherlands  
Rule of Law Cooperation

## CONVENOR(S)/MODERATOR

IDLO/BRG - Adri Gunawan Wibisana

SSR/JSSP - Sari Seruni

Kemitraan/Universitas Indonesia  
- Refki Saputra

VVI - Mies Grijns/  
LBH APIK - Sita van Bemmelen

Atma Jaya University - Asmin Fransiska

KomnasHAM (Sandra Moniaga)/  
Nuffic Neso Indonesia (Peter van Tuijl)

## II. MEDIA COVERAGE

### MERDEKA.COM

#### INDONESIA AND NETHERLANDS COOPERATE IN SEARCH FOR SOLUTIONS FOR NEW CRIMES

<https://m.merdeka.com/dunia/indonesia-belanda-jalin-kerja-sama-temukan-solusi-kasus-kejahatan-baru.html> (1)

There are many new forms of crime nowadays, so the law in Indonesia needs to be modernized, including the law adopted from the Netherlands. According to Rob Swartbol, Dutch Ambassador, there are similarities between the crimes in the Netherlands and Indonesia. Therefore, we cooperate to find and share innovative solutions to improve the legal system in both countries. Rob also mentions some new forms of crime like hate speech and cyber-crime, which are necessary to discuss on how to find a balance between freedom of speech and freedom of information. It is also necessary to ensure that our country is safe and does not give room for terrorists or others who intend to disturb our community.

### METROTVNEWS.COM

#### INDONESIA-NETHERLANDS STRENGTHEN LAW ENFORCEMENT COOPERATION

<http://internasional.metrotvnews.com/asia/MkMMrqqmk-indonesia-belanda-perkuat-kerja-sama-penegakkan-hukum> (2)

Because the Netherlands and Indonesia share the same legal DNA, both countries agree to strengthen cooperation in law enforcement. Minister of Justice and Human Rights Yasonna Laoly said that in 2018, Indonesia is strongly committed to providing legal equality to the public, in order to achieve sustainable development target by 2030. Today's discussions were on access to justice, law enforcement, illegal fishing and legal reforms. Ambassador Swartbol mentions that the two countries have been together in finding solutions to answer the new legal challenges; related to technology, one of which is hate speech.

He adds that the discussion during this event both countries can listen to each other. "Update means that our cooperative relationship is getting stronger, closer and hopefully by listening to each other, can give us new insights and approaches to protect and strengthen an accessible, accountable, inclusive and sustainable judicial system,"

#### THE NETHERLANDS LEARNS FROM INDONESIA ABOUT DIVERSITY

<http://news.metrotvnews.com/read/2018/01/17/817791/belanda-belajar-dari-indonesia-mengenai-keragaman> (3)

The Dutch Ambassador to Indonesia Rob Swartbol says that his country learns about the diversity of Indonesia. "We learn from Indonesia, because your country is diverse, the majority and minorities can live side by side,"

Rob says that the Netherlands wants to learn to reach minorities and work with those who lack access to the law.



In 2016 many immigrants moved to Europe and received refugees, who mostly are member of minority groups in conflict regions. "Majority and minority residents should feel equal legal benefits," he added.

Indonesia is considered as one of the democracy-oriented countries. The reason, Indonesia has diverse cultures, tribes and religions.

## DUTCH AMBASSADOR: INDONESIA LAW MUST BE TRANSPARENT

<http://internasional.metrotvnews.com/read/2018/01/17/817738/dubes-belanda-hukum-di-indonesia-harus-transparan> (4)

Dutch Ambassador to Indonesia Rob Swartbol said Indonesia should renew the legal system. In addition, the law in Indonesia should be more transparent and fair and must continue to be utilized by everyone regardless of its degree. He also said Indonesia should be able to allow people to go to court or other legal entities when it wants to obtain the law. The instruments in court, such as judges and prosecutors should also be transparent in making decisions. He also mentions that President Joko Widodo and the Indonesian government have worked hard to create a just and transparent law. All the hard work cannot be separated from the cooperation between the Supreme Court of Indonesia and the Netherlands.

He adds that the discussion during this event both countries can listen to each other. "Update means that our cooperative relationship is getting stronger, closer and hopefully by listening to each other, can give us new insights and approaches to protect and strengthen an accessible, accountable, inclusive and sustainable judicial system,"

## GOVERNMENT OF INDONESIA EMPHASIZES LEGAL AID FOR THE POOR

<http://internasional.metrotvnews.com/read/2018/01/17/817687/pemerintah-indonesia-tekan-bantuan-hukum-untuk-masyarakat-bawah> (5)

Since 2016 through the National Legal Development Board (BPHN), the Indonesian government, in collaboration with relevant ministries and legal aid agencies, has begun providing legal assistance to the poor. Minister Yasonna Laoly: "We have a budget to help the poor and we work with legal aid agencies in various regions," he said in Erasmus Huis, Jakarta, Wednesday, January 17, 2018. For now, the assistance is still small in number, but is considered as the government's commitment being realized and the number is increasing since 2016. He also encourages local governments to allocate budget for legal aid.

In his speech, Yasonna mentions the issue of sustainability development (SDGs) in the field of law. According to him, a way to achieve 2030 SDGs is through law enforcement. "This means that justice should not only be for the people who are capable, but also must be achieved by the less fortunate," he said.

## RILIS.COM

## HAVING MANY SIMILARITIES, INDONESIA - NETHERLANDS ORGANIZE CONFERENCE

<http://rilis.id/punya-banyak-kesamaan-indonesia-belanda-gelar-konferensi.html> (6)

The Embassy of the Netherlands in cooperation with the Indonesian government held a conference discussing the achievements of law enforcement in both countries. A number

of legal practitioners and representatives of the Kingdom of the Netherlands were present to exchange information about the application of law in the country.

Dutch Ambassador to Indonesia Rob Swartbol said that the challenges facing the world today are relatively the same. Furthermore, the legal foundations built between Indonesia and the Netherlands make it easier for the two countries to cooperate in law enforcement. He also mention the world challenges the two countries are facing such as hate speech, creating inclusiveness, access to justice, the Internet, and illegal fishing,” The conference was attended by The Minister of Law and Human Rights Yasonna Laoly, Minister of National Development Planning, Bambang Brodjonegoro, KPK leader Laode Syarif, and Wahid Institute founder Yenny Wahid who also was the keynote speaker.

## **AA.COM.TR (Anadolu Agency)**

### **INDONESIA-NETHERLANDS SHARE LEGAL EXPERIENCE**

<http://aa.com.tr/id/headline-hari/indonesia-belanda-berbagi-pengalaman-hukum/1033115> (7)

Dutch Ambassador to Indonesia Rob Swartbol explained that the two countries have similar challenges, such as the effort to build an inclusive society. Indonesia and the Netherlands share their experience in the field of law and security over the 50 years of cooperation between the two countries. In addition, according to Swartbol, the Netherlands is also experiencing the same challenges as Indonesia in the middle of technological flows, namely the issue of hate speech and cyber-crime.

Indonesia’s Minister of Justice and Human Rights Yasonna Laoly shared experiences of advocacy by the government to the poor under the National Legal Development Board (BPHN). This fund is used for the cost of advocacy for Indonesian workers (TKI) who have legal cases in a number of countries. “The problem of migrant workers is greatly assisted by a number of LBHs in cooperation with the government,” said Minister Yasonna.

## **JAKARTAGLOBE.COM**

### **INDONESIA-NETHERLANDS RULE OF LAW AND SECURITY UPDATE FOCUSES ON ACCESS TO JUSTICE, INCLUSIVITY, ONLINE HATE SPEECH**

<http://jakartaglobe.id/news/indonesia-netherlands-forge-partnerships-to-tackle-emerging-challenges/> (8)

Indonesia and the Netherlands are set to collaborate in increasing social inclusion, access to justice and countering online hate speech, officials said during the 2018 Indonesia-Netherlands Rule of Law and Security Update in Jakarta, which started on Wednesday (17/01).

The two-day meeting features experts from both countries, who will suggest possible solutions to policy-makers. “The idea is to work together, Indonesia and the Netherlands, because we have the same foundation, and see if we can come up with new, innovative solutions based on rule of law,” Dutch ambassador to Indonesia, Rob Swartbol, told reporters. “Indonesia and the Netherlands ... should intensify collaboration to support the SDGs ... Indonesia is committed to [ensuring] access to justice and legal aid for the poor,” Justice Minister Yasonna said, referring to the 16th goal, which is dedicated to the promotion of inclusive societies and the provision of access to justice for all.

REFERENCE STANDARD NEEDED TO PROTECT HUMAN RIGHTS IN INDONESIA:  
COMMISSIONER

<http://jakartaglobe.id/human-rights-news/reference-standard-needed-protect-human-rights-indonesia-commissioner/> (9)

Indonesia's National Commission on Human Rights, or Komnas HAM, will soon issue a reference standard for law enforcers and members of the public to exercise authority and rights within acceptable limits, one of its commissioners said on Wednesday (17/01).

"We want to create a standard that can be used by everyone... as a guideline on how authority should be exercised by government officials and law enforcers, and how the public can also exercise their rights without going overboard," Komnas HAM commissioner Choirul Anam said in a discussion at the 2018 Indonesia-Netherlands Rule of Law and Security Update in Jakarta. According to Anam, such standard — that defines limits on interpretation and use of authority over state institutions — currently does not exist in Indonesia.

**KOMPAS.ID**

## ACCESS TO JUSTICE IS STILL A PROBLEM

<https://kompas.id/baca/polhuk/2018/01/18/akses-keadilan-masih-menjadi-persoalan/> (10)

The practice of bribes and illegal levies in the judicial system causes difficulties for the society to access justice in the law enforcement which is not in line with the 16th objective of the SDGs 2016-2030.

Vice Chairman of the KPK, Laode M Syarif, in the event Indonesia-Netherlands Rule of Law and Security Update 2018 in Erasmus Huis, Jakarta, mentions that the judicial world cannot be separated from bureaucracy of which the procedures sometimes aren't known well by the public. The lack of knowledge can lead to attempts to charge unreasonable court fees which becomes a barrier to a person to get his rights. KPK works together with the Indonesian supreme court to optimize internal control, resulting capturing a number of judges and clerks.

The Minister of Justice and Human Rights Yasonna H Laoly mentions that since the justice seekers do not know their rights, free legal aid for the lower-middle class is important. Through this, the community can be educated about its rights to avoid the handling of defective laws and illegal fees.

### III. ORGANISERS



IDLO is the only intergovernmental organization exclusively devoted to promoting the rule of law. Its mission is to enable governments, empower people and strengthen institutions to realize justice, peace and sustainable development.



The Partnership for Governance Reform, or *Kemitraan*, was founded and led by a number of prominent Indonesian leaders from the government, civil society and the private sector to promote principles of good governance.



Nuffic Neso Indonesia is a non-profit organisation for international cooperation in higher education. Nuffic Neso Indonesia provides information on living and studying in Holland and develops cooperation with Indonesian organisations and institutions.



Atma Jaya Catholic University of Indonesia is one of the oldest and leading private universities in Indonesia. Its vision is to be a leading university with an academic and professional excellence at the international and national level which consistently expresses the combination between the Christian Faith, science and technology, as well as the Indonesian culture in its effort to develop the people's mind.



The Van Vollenhoven Institute for Law, Governance and Society (VVI) is part of the Leiden Law School. The VVI seeks to advance knowledge of the formation and functioning of legal systems in their social contexts, the impact of these systems on society and vice versa, their effectiveness in governance, and their contribution to development.



The Knowledge Platform Security & Rule of Law (the Platform) aims to jointly explore innovative approaches to emerging challenges in the field of security and rule of law in fragile and conflict affected contexts.



The Center for International Legal Cooperation (CILC) promotes the rule of law by initiating and implementing international legal cooperation projects. We bring together legal experts from different countries to work out solutions for a variety of challenges within developing legal systems.



The Judicial Sector Support Program (JSSP) is a program based on legal cooperation between legal institutions in Indonesia (the Supreme Court of the Republic of Indonesia, the Judicial Training Center of Mahkamah Agung and the Attorney General's Office of the Republic of Indonesia) and legal institutions in the Netherlands (*Hoge Raad* and *Stichting Studiecentrum Rechtspleging*).



The Institute for the Study and Advocacy for Justice Independence (LeIP) is a community organization that provide advocacy on the issues and activities of law and justice. LeIP was established on the view that after years of its independence, the level of public confidence in law and judicial institution has not yet been optimal.



University of Indonesia is the oldest public university in the country with a vision to establish as an independent and superior university that is capable of resolving problems and challenges nationally and globally, as an elite university in South East Asia.