

INDONESIA - NETHERLANDS RULE OF LAW AND SECURITY UPDATE 2018

INDONESIA-NETHERLANDS RULE OF LAW AND SECURITY UPDATE 2018

ERASMUS HUIS
Jl. H.R. Rasuna Said Kav. S-3
Setiabudi, Jakarta Selatan

WEDNESDAY 17 JANUARY

AGENDA

Simultaneous Translations Bahasa Indonesia – English are provided for the entire programme on 17 January

- 08.00 Registration open / coffee-tea
- 09.00 Session1: Welcome/opening:
Chair: Wiwiek Awiati, Reform Advisor, Supreme Court of Indonesia
- 09.00-09.10 Welcome: H.E. Rob Swartbol, Netherlands' Ambassador to Indonesia
- 09.10-09.30 Opening speech: H.E. Dr. Yasonna H. Laoly S.H. M.Sc, Minister of Law and Human Rights
- 09.30 Session 2: Indonesian-Dutch Legal and Security cooperation: preserving a meaningful past to engage new challenges
The focus of this session is to elaborate the theme of the day within the SDG framework
- 09.30-09.45 H.E. Prof Dr. Bambang Brojonegoro PHD, Minister of National Development Planning / Head of BAPPENAS
- 09.45-10.00 H.E. Dr. Susi Pudjiastuti, Minister of Maritime Affairs and Fisheries
- 10.00-10.15 Peter van der Bloemen, Senior Policy Advisor, Civil Society Unit, Dutch Ministry of Foreign Affairs
- 10.15 Coffee and tea break

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10.45 Session 3: Law and Human Rights to promote inclusivity

Moderator: Peter van Tuijl, Director Nuffic Neso Indonesia

The purpose of this session is to focus on inclusivity as a particularly challenging element in both Indonesian and Netherlands societies, and how both countries can learn and support each other in this respect

10.45-11.10.1 Keynote speech: Ildal Kasim, Expert Staff on Human Rights, Office of the President (KSP)

11.10-11.40 Respondents:
Mochammad Choirul Anam, Member Indonesian National Commission for Human Rights (Komnas HAM)
Yenni Wahid, Director, Wahid Institute
Siebrich Visser, Human Security Collective

11.40-12.15 Questions and Answers

12.15 Lunch

13.45 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:

Laode M Syarif, Deputy Chairman of Indonesian Eradication of Corruption Commission (KPK)
Adriaan Bedner, Professor of Law and Society in Indonesia (Van Vollenhoven Institute – KITLV Leiden)
Natasha Nababan, General Council, Exxon Mobil
Makarim Wibisono, Professor International Relations, Universitas Airlangga / Professor of Law, Atma Jaya University

16.00 Networking reception

17.00 End

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UNIVERSITAS ATMA JAYA
Jl. Jenderal Sudirman No.51
Setiabudi, Jakarta Selatan

THURSDAY 18 JANUARY

AGENDA

- 08.00 Registration open / coffee-tea
- 09.00 Welcome – introduction (plenary)
Opening: Dr. A. Prasetyantoko, 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

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15.00 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;

The purpose of this session is to highlight the longstanding collaboration between the Indonesian and Dutch Supreme Courts, as an outstanding example and inspiration for a discussion on the future of the bilateral cooperation, reflecting on our two-day event

15.00-15.10 Prof. Dr. H. Muhammad Hatta Ali, SH, MH., Head of the Indonesian Supreme Court – Mahkamah Agung

15.10-15.20 Mr. M.W.C. Feteris, President Dutch Supreme Court - Hoge Raad der Nederlanden

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. I.B.R Supancana, SH., MH, Professor of Law at Atma Jaya University

End

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Overview of Panels (some panels have simultaneous translations, as indicated)

Section 1 (09.30-11.30hrs)	Language	Convenor(s) / Moderator
1) Progress towards SDG16 in ensuring equal access to Justice	Ind	IDLO / BAPPENAS Nisa Istiani
3) Legal Reasoning	Ind	VVI - Adriaan Bedner
5) Preventing and Combatting Cybercrime * simultaneous translations available	Ind	Kemitraan / Nico Tuijn – Rosyada
7) Preventing Land Conflicts	Eng	VVI - Willem van der Muur
9) Investment challenges * simultaneous translations available	Eng	IKADIN Irwan Habsjah / ABNR Gustaaf Reerink
11) Towards better regulation	Eng	CILC – Imam Nasima

Section 2 (12.30-14.30)	Language	Convenor(s)
2) Paralegal Support and/or Natural Resources	Ind	IDLO / BRG – Adri Gunawan Wibisana
4) Judicial Training * simultaneous translations available	Eng	SSR/JSSP, Sari Seruni
6) Asset Recovery	Eng	Kemitraan / Universitas Indonesia Refki Saputra
8) Early Marriage	Ind	VVI - Mies Grijns
10) Ethnic & Religious Minorities and Conflict	Eng	Atma Jaya University – Asmin Fransiska
12) The Future of Indonesia-Netherlands Rule of Law Cooperation *simultaneous translations available	Eng	Komnas HAM / Nuffic NESO - Sandra Moniaga, Peter van Tuijl

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Panels: short descriptions

1) Progress towards SDG16 in ensuring equal access to Justice

Convenors: BAPPENAS / IDLO

This panel will review developments, successes made and challenges met in relation to Access to Justice policies and SDG16.3 implementation. It will look at local needs and priorities when enhancing access to justice; developing a national Access to Justice Index, including collecting data, setting indicators, and measuring Access to Justice on a local and national level; and, Indonesian-Dutch partnerships in relation to Access to Justice.

2) Paralegal Support and Natural Resources

Convenors: IDLO / BRG (Peatland Restoration Agency)

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 communities' rights are the most noticeable aspects. This panel will focus on enhancing assistance by paralegals to marginalized communities or strengthening the mechanisms for dispute resolution; efforts to increase community participation and awareness-building; flaws in the existing regulatory framework; and, licensing and overlapping permits for exploiting of land, forests and mining.

3) Legal Reasoning

Convenors: VVI-Leiden

This panel addresses the state of legal reasoning in Indonesia and the Netherlands. It looks at judicial practice and the ways in which the highest judges guide lower courts through their judgments or other means. One focus of attention is also the organisational and material conditions needed for supporting legal reasoning. The panel will also look at legal education and look at ways in which law faculties can use the presence of Supreme Court judgments in their teaching in a way that is beneficial to students and will also help the juridical field to build a shared knowledge base.

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4) Judicial Training

Convenors: SSR

This panel will introduce and share experiences of the Dutch Training and Study Centre for the Judiciary (SSR) with implementing a number of judicial training and training capacity development oriented projects in Indonesia. The panel will reflect on what worked and what can be improved.

5) Preventing and Combatting Cybercrime

Convenors: Kemitraan / Nico Tuijn, Senior Justice Court of Appeal 's-Hertogenbosch

Preventing and combating cybercrime is of paramount importance for the stability of societies. Cybercrime is developing with an enormous pace and intensity. Legislation is often behind, and old fashioned legal approaches cannot lead to adequate solutions. 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. The panel will review Indonesia-Dutch engagement in this regard, including a project on electronic evidence and training for the Indonesian Coordinating Ministry for Political, Legal, and Security Affairs.

6) Asset Recovery

Convenors: Universitas Indonesia / Kemitraan

The panel will present experiences with two Dutch supported projects regarding Asset Recovery; the first with a focus on building a Centre of excellence in Transnational Law, including asset recovery for scrutinizing the prerequisite capacities to implement effective and successful cross border asset recovery, conducted by Universitas Indonesia with VU-Amsterdam and Leiden University; and the second with a focus on building coordination with nine Indonesian Government agencies to improve the effectiveness of cross border asset recovery and Mutual Legal Assistance management -, conducted by Kemitraan,

7) Preventing Land Conflicts

Convenors: VVI-Leiden

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Land and natural resource conflicts continue to be rampant and widespread in Indonesia. In its response, 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. How should individual tenure security on communal land be arranged? And how can democratic governance of land within these communities be guaranteed? These challenges will be the focus of this panel.

8) Early Marriage

Convenors: Universitas Indonesia / VVI-Leiden

SDG 5.3 aims to 'eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations'. Where it concerns child marriage this goal presents Indonesia with serious difficulties, as Indonesia's marriage age is caught between different norms: a strict international law norm which prohibits marriage of persons under the age of 18; a domestic legal norm of 16 for girls and 19 for boys; and local norms which prescribe a wide variety of proper age for marriage. The complicated normative situation drives the state agents charged with registering marriage towards different strategies to accommodate the needs and wishes of local populations. Different types of early marriage require different types of regulation or other ways of addressing normative concerns. This panel seeks to discuss the possibilities for a differentiated approach.

9) Investment challenges

Convenors: IKADIN / ABNR-Law

Investment promotion is a focus of the Jokowi administration. It has taken measures to reduce the administrative burden for foreign investors by the creation of a one stop shop for investment licenses, improve coordination between government institutions, and loosen foreign investment restrictions. Most of these measures are taken at the administrative/policy level. At the same time, many investment-related laws, such as the Civil Code and the Commercial Code, have never been amended since independence. This panel seeks to identify main legal challenges for both local and foreign investors in doing business in Indonesia and analyze how these challenges could be overcome.

10) Ethnic & Religious Minorities and Conflict

Convenors: Atma Jaya University

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After the New Order's imposition of a uniform, national model of cultural Indonesian citizenship, the early years of *Reformasi* meant a surge in rights protection of groups who were different from the national mainstream. Yet, more recent developments go against this trend. The emotions concerning the alleged blasphemy by the former Jakarta Governor indicated how high emotions can rise and how precarious the stability of Indonesia's plural society is. This panel addresses 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.

11) Towards better Regulation

Convenors: Centre for International Legal Cooperation (CILC) / Indonesian Centre of Law and Policy Studies (PSHK)

The current regulatory practice in Indonesia is believed to hinder business operations. The policy-making process seems complex and incomprehensible, as there is no single entity responsible for ensuring quality and providing a measurable oversight mechanism. In the last few years, The Netherlands has supported the Government of Indonesia in improving the technical capacity of its legislative lawyers. The panel will discuss how these improvements could be linked to addressing the 'bigger picture' insitutional questions that hinder better regulation in Indonesia.

12) The Future of Indonesia-Netherlands Rule of Law cooperation

Convenors: Komnas HAM / Nuffic Neso Indonesia

Indonesia and the Netherlands have a long and substantial track record in collaboration on Rule of Law and Law enforcement issues. This panel will request key informants from the Indonesian and Dutch side to reflect on this collaboration. How has the collaboration evolved, what has worked and what not, and where do challenges remain? The panel will provide room to repond to inputs during the first day and the morning of the Update. The purpose of the panel is to inform the next phase of the collaboration, in view of the current context and needs.