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A STUDY OF THE INDONESIAN LEGAL AID ASSISTANCE PROGRAM

(P.P.B.H.I.)

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1. INTRODUCTION

1.1 The Purpose of this Study

In June 1979, The Asia Foundation (TAF) began funding a wide range of Indonesian legal aid projects through an umbrella organization specifically created for this purpose. Both the collection of funded projects and the umbrella organization itself were referred to as the 'Indonesian Legal Aid Assistance Program' or more commonly as the PPBHI (Program Penunjang Bantuan Hukum Indonesia). Most of the funds for the PPBHI were donated by USAID working through TAF, though TAF twice stepped in with its own General Grant funds when USAID approval of proposals ^{was} were delayed.

Three separate developments had converged by 1978 to form the context for TAF support for the PPBHI. The first was the rapid development through the 1970s of the Indonesian legal aid movement. By the end of the decade, numerous independent legal aid organizations had emerged both in and out of university law faculties and these groups were in strong need of financial support to increase coordination and to consolidate and expand the quality of services and scope of operations. Second, by the end of the decade it had become clear that the Indonesian government was viewing legal aid activities in a generally positive light and was even willing to consider the possibility of institutionalizing certain legal aid activities within the state apparatus. Third, by late 1978 USAID was under pressure from the Carter Administration to show compliance with its human rights and social justice initiatives. Substantial funds were therefore becoming available for support of Indonesian legal aid activities and the USAID mission in Indonesia requested that TAF become involved in programming and channelling

funds for these activities. This the Foundation did in close cooperation with the newly formed PPBHI organization.

Funding of the PPBHI was carried out in two phases: Phase I primarily extending from mid-1979 to late 1981 (though with some projects continuing after this period) and Phase II extending from early 1982 to the present. In the Phase I proposal, the objectives of the program were stated to be the strengthening and improvement of the scope and quality of legal aid efforts throughout the country and heightening of public awareness of the value and availability of legal assistance for the poor and indigent. By contrast, in the Phase II proposal legal aid concerns were ostensibly purged in deference to the new political climate in Washington. The goals of PPBHI were now stated to be the improvement and strengthening of the institutional basis of the Indonesian legal system as a whole through the support and development of centers of legal competence.

This shift in stated objectives led to certain changes in the types of projects undertaken by the PPBHI. Yet, throughout the complicated history of the program the underlying goals continued to be the strengthening of government and popular commitments to the 'rule of law', the recognition of fundamental human rights and social justice, and the generation of institutions capable of guaranteeing these for all Indonesians. These goals were essentially reformist and whether specific projects were aimed at strengthening the legal aid infrastructure as in Phase I, or the legal infrastructure generally as in Phase II, the goals of development and reform remained unchanged.

As part of the Phase I proposal, provisions were made for an in depth evaluation of the accomplishments of PPBHI supported projects. As of mid-1983

no such evaluation had been carried out. While this evaluation might have been expected to take place at the end of Phase II, it was apparent by mid-1983 that many of the Phase II projects had not even begun though Phase II was originally to be completed by 31 August 1983. The Asia Foundation Representative therefore decided that an overall evaluation of the PPBHI program from its inception to the end of 1983 would be highly desirable in order to determine whether the extended deadline of 31 December 1983 should be extended once again or the program terminated at that point. This evaluation would include: 1) a consideration of the accomplishments of completed projects, primarily under Phase I, and 2) an inquiry into the present status of uncompleted projects and the reasons for continuation beyond originally expected completion dates. An independent project evaluator was contracted to carry out this study during late November and early December 1983 and this report represents part of the results of his study.

1.2 Methods

The multiplicity of the projects funded, the wide variety of institutions and groups receiving aid, and the fundamental shift in the stated rationale for PPBHI between Phase I and Phase II make any attempt at straight-forward analysis of PPBHI accomplishments difficult. It is important to keep in mind in this regard that the PPBHI itself acted in the role of intermediary, receiving and redisbursing TAF funds for projects carried out primarily by other groups. The short time available for this study (20 working days) precluded more than brief consideration of each individual project. Rather, this study provides a review of the development of the PPBHI and its present

status brief reviews of completed and ongoing PPBHI activities, and a general consideration of PPBHI success in achieving its objectives.

Time limitations also precluded more than cursory examination of PPBHI expenditures for project categories and no consideration of the appropriateness of expenditures for individual projects was possible.

The information reported in this study comes primarily from two sources. First, an initial review was made of TAF file documents including copies of proposals, status reports, correspondence, financial reports, etc. Other documents such as study center and legal aid bureau descriptions, course and seminar outlines, case reports, and so on were reviewed as these became available. A list of the more important of these documents appears in the first part of Appendix 1. Second, important information was obtained through interviews with PPBHI staff, legal aid organization staff, deans and faculty members and of major law faculties. A list of persons interviewed appears in the second part of Appendix 1.

2. BACKGROUND

2.1 Historical Overview

2.1.1 The Emergence of Legal Aid in Indonesia

During the first two decades of independence, few attempts were made to establish legal aid activities in Indonesia. Since the advent of the New Order, however, there has been a slow but steady growth of legal aid establishments and an increasing interest among legal professionals in the legal needs of the poor. Something of a legal aid movement was therefore gathering momentum during the 1970s.

An important pioneering event for this movement was the reorganization in 1967 of the Padjadjaran University Law Faculty's consultation bureau under the direction of Prof. Dr. Mochtar Kusumaatmadjaya (now Minister of Foreign Affairs) into a legal aid organization rendering assistance to the poor and at the same time training students to more sensitively address the special legal needs of the poor. In subsequent years, many similar institutions were developed in other state and private law faculties.

In a related development, in April 1971 the Indonesian Association of Advocates (PERADIN) established the first private institute of legal aid in Indonesia, the Lembaga Bantuan Hukum (LBH) of Jakarta under the direction of Adnan Buyung Nasution. Backed initially by the then powerful governor of Jakarta, Ali Sadikin, the LBH was and continues to be supported and partially financed by the government of Jakarta. Over the years, the LBH has come to serve as both model for private legal aid institutions throughout the country and as an important legal aid training center.

By the late 1970s there were some 40 to 50 legal aid groups of various kinds and at various levels of professional development and ability to serve public needs. These groups were fairly sharply divided into four categories: those in state university law faculties, those in private university law faculties, non-university legal aid bureaus affiliated with PERADIN, and non-university legal aid clinics unaffiliated with PERADIN.

During the mid and late 1970s a number of Jakarta academics and intellectuals with legal interests became increasingly interested in nurturing and developing legal aid institutions in Indonesia. However, the primary concerns of this group appear to have extended beyond the confines of legal assistance to the poor per se. Rather they hoped to develop the legal consciousness of the Indonesian public as a whole in order: 1) to increase popular commitment and support for the 'rule of law' by all sectors of society, and 2) to create conditions under which the ongoing evolution of the national legal system would increasingly reflect commitment to democratic principles, especially the recognition of fundamental human rights and equal access to legal redress when those rights are violated. These broad goals were essentially reformist and the legal aid movement provided a concrete, rational and widely supported means for achieving them.

In January 1978 the legal aid movement received an important stimulation when in his introduction to the Third Five-Year Plan, President Soeharto outlined an eight-path plan for Indonesian development. The eighth path, (jalur kedelapan) emphasized the importance of 'equal opportunity for access to justice' [(pemerataan kesempatan memperoleh keadilan)], a phrase which nearly all legal aid workers today can recount. This commitment was reiterated in the annual 16 August Presidential address. Both were essentially statements of intent and did not specify the means by which equal opportunity

should be guaranteed. Nonetheless, the green light appeared to have been given to legal aid activities and most of the lingering doubts about state intentions toward legal aid were dispelled.

Also in 1978 a group of Jakarta legal aid supporters led by Mardjono Reksodiputro, S.H., M.A., the director of both the University of Indonesia's Institute of Criminology or LK-UI (Lembaga Kriminologi) and the Legal Documentation Center or PDH (Pusat Dokumentasi Hukum) began to consider ways in which the diverse threads of the legal aid movement could be strengthened and brought together to become a more cohesive and effective factor in the general growth and development of the Indonesian legal system. A legal aid conference was planned for late 1978 by the University of Indonesia Law Faculty's legal aid bureau at which time many of the more important legal aid figures and institutions would gather.

In November 1978 the planned Legal Aid Conference took place with Ford Foundation support. Those attending ratified (with certain modifications) proposal for legal aid activities which were felt could and should be carried out in the near future. This outline had been put together by Mardjono, director of the Institute of Criminology (LK-UI), with the assistance of Gregory Churchill, J.D., a graduate of Harvard Law School and a consultant at the Legal Documentation Center (PDH) of the Law Faculty. Plans were included for upgrading legal aid skills, development of skills for recognizing and addressing the legal needs of the rural and urban poor, research on the legal needs of the poor, support for struggling legal aid bureaus in establishing routines and carrying out pilot projects, and increasing collections of and access to legal documents and works on human rights and social justice. In addition, the LK-UI was designated as the information 'clearing house' for the legal aid movement as a whole.

In 1978 the GOI Department of Justice was still opposed to any institutional aid for legal aid and, hence, financial support had to be sought from outside sources. Even before the November conference, therefore, approaches had been made to USAID.

2.12 PPBHI - Phase I

A strong impetus for USAID support for just this type of program had been developing within the Carter Administration and by mid-1978 increasing pressure was being put on the USAID mission in Jakarta to demonstrate support of human rights and social justice activities in Indonesia.. The Asia Foundation was considered to be the only NGO through which USAID/Indonesia could work on this topic. USAID therefore strongly urged TAF to become involved in programming and channelling funds for Indonesian legal aid activities. (letter: INDO-SX 603). TAF agreed to serve in this capacity.

During the last three months of 1978, the Director of the LK-UI and of the PDH. (Mardjono Reksodiputro) and the consultant at the PDH (Gregory Churchill) prepared a viable proposal to fund projects in a wide range of legal aid activities. USAID support for this program appears to have been unwavering at the time and the TAF correspondence during these months indicates a strong sense of urgency and an expectation that the program would be rapidly approved and set in motion in the early months of 1979.

The December 1978 PPBHI proposal to USAID is a well-written document which clearly indicates the rationale and need for development of the legal aid movement in Indonesia, the overall goals of the program, the degree of government support for such activity, and a thorough listing of the specific projects to be undertaken.

A total budget of US \$ 419,393 was requested. Three Jakarta institutions figured most prominently in this proposal: /the LK-UI, the LBH/Jakarta, and the PDH./

The large number of institutions and projects involved in the legal aid program militated against direct involvement and oversight by the limited Foundation staff. An umbrella organization, also referred to as the PPBHI, was therefore created to manage the numerous activities to be funds. The managerial staff of the PPBHI at this point included members from LK-UI, LBH/Jakarta, and the PDH. This organization was expected to receive most of its funds from the Asia Foundation and would be responsible for redisbursing these to project holders at the next lower level and for overseeing their progress. Various alternatives for the institutional setting for the PPBHI were considered, but it was decided that it should be 'housed' in the University of Indonesia's Institute of Criminology (LK-UI) which was directed by the PPBHI Coordinator (Mardjono). This 'housing' would give the PPBHI easier access to government approval for its projects through the university (a state institution), but would leave it relatively autonomous in its administration.

By the first months of 1979 a strong momentum had built up in preparation for carrying out the PPBHI projects. Unfortunately these was a long delay in USAID/Washington approval. In June 1979 with signs that the all-important momentum might be flagging, the Asia Foundation provided limited 'start up' funds in anticipation of eventual USAID approval. These funds were provided out of TAF General Grant funds under grants INDO-9055, INDO-9056, and INDO-9057 (see Appendix 2).

It was not until December 1979, nearly a year after the PPBHI had expected to begin operating that USAID approved the PPBHI proposal. The first USAID disbursement to the Asia Foundation (US \$ 250,000) was made through grant GA 79-15 and an agreement was made that all future AID disbursements for PPBHI would be handled as amendments to this initial grant (a list of subsequent CA 79-15 Amendments is given in Appendix 3). The first two amendments to GA 79-15 raised the total USAID commitment to US \$ 508,279. The Foundation grants made in December 1979 to PPBHI and to PDH directly were INDO 0022 and INDO 0023.

Most of the TAF funds earmarked for PPBHI activities had been disbursed and expended by late 1982 as was indicated in the PPBHI Status Report of October 1982. However, in May 1983 some US \$ 31,831 still remained to be expended from Phase I grant. (see letter: INDO-SX 337).

2.13 PPBHI - Phase II

Certain references to a possible second phase of PPBHI activities had been made in the documents and correspondence of the Asia Foundation during 1979 and a clear-cut plan to extend and expand certain aspects of the program took more concrete form during 1980. Phase II was to provide additional funds for continuation of support for certain legal aid organizations and to continue with legal aid research and training activities, while at the same time addressing certain immediate possibilities for PPBHI involvement in legal aid related issues of 1981. Most important among these was the expected passage of the new Criminal Procedures Code (Undang-Undang Nomor 8 Tahun 1981/ Kitab Undang-Undang Hukum Acara Pidana) by the Indonesian legislature for which

training and research projects were planned. In addition, nearly all persons recently interviewed emphasized that a major thrust of the Phase II program was to be support for development of legal aid centers, projects, institutions outside of Jakarta, something which Phase I had only begun to achieve.

The first Phase II proposal to USAID was presented in December 1980. A strong case was made by the Foundation Representative that since most or all of the funds to be allocated to the PPBHI would terminate at the end of May 1981, supplementary funds would become essential if the PPBHI was to continue to work toward a self-sufficient legal aid movement. The movement would moreover suffer 'devastating setbacks' in the legal aid processes being established if the momentum which had built up was lost at this point. An additional period of funding of 24 months was therefore requested--from 1 April 1981 through 31 March 1983. (see letter: TAF Representative to Deputy Chief of Mission, US Embassy Indonesia, 31 December 1980).

While initial responses from USAID/Indonesia to Phase II funding appeared promising, the Indonesia mission did not have adequate funds available and thus requests by TAF had to be made directly to USAID/Washington. The budget was eventually scaled down to \$ 191,000 (some \$ 130,900 of which would go to PPBHI). As this was all that was available in Washington.

At this point the change of administration in the United States had a direct effect on PPBHI. The newly appointed General Counsel of AID, John Bolton, apparently inserted himself into ^{the} process for use of 116(e) Human Rights and Social Justice funds -- the funds from which the PPBHI Phase II program would have been supported. Bolton was reported to have been against assistance for legal aid activities. (see letter: TAF Representative/ Washington to TAF President, 31 July 1981). Therefore, although

USAID/Indonesia had indicated strong support for the PPBHI Phase II proposal, USAID/Washington turned it down.

It was during this period that the PPBHI Phase II proposal was rewritten to thoroughly de-emphasize legal aid and to strengthen the rationale for the PPBHI in terms of development of 'Indonesian legal infrastructure'. In order to make the program more politically palatable, for example, a single though important, change was made in the title of the program, from PPBHI to PPPHI. The change of the third letter reflected a substitution of the word prasarana 'infrastructure' for bantuan ('aid'). This change (unclarified in the Phase II proposal) refers only to the Phase II grant -- the overall program continue to be called the PPBHI. Still, while some of the changes in Phase II were essentially in 'packaging', there was also a major shift in projects themselves to emphasize development of regional and national training and research centers.

The participants in the PPBHI continued to adhere to their initial overall objectives for the PPBHI, i.e., as contributing to the long term development of the Indonesian legal system in ways which would strengthen commitments to the rule of law and increase the possibilities for reform in support of human rights and social justice. To many of the key figures in the PPBHI, especially at LK-UI and at PDH, the shift to direct emphasis on infrastructural development was not seen as a negative change, since in their view support for the legal aid movement had always been intended to foster legal development and reform. The Phase II objectives in effect allowed them to return more directly to these goals.

Again fearing an important loss of momentum due to long delays in USAID funding, TAF stepped in September 1981 to provide partial Phase II funding out of its own General Grant funds under what became known as Phase IIa.(INDO-1058).

USAID Specific Support Grant funds for Phase II did not become available until June 1982 and these were disbursed to TAF under Amendment 5 to the earlier GA 79-15. It was not until September 1982 that TAF began providing funds to PPBHI under INDO-2070, what was by then being termed Phase IIb.

The long delay in USAID funding had a profound and negative effect on the subsequent progress of Phase IIb. Again, Phase II was aimed at taking advantage of opportunities primarily existing in 1981 and momentum for involvement in Phase II activities was high throughout 1981. Unfortunately however, while limited TAF funds had been expended under Phase IIa in the hope of keeping PPBHI Phase IIb interests alive, the long delay through most of 1981 and 1982 inevitably resulted in a critical loss of momentum and many of the principle figures became involved in other legal activities. Consequently Phase IIb has experienced a painfully slow start-up. By March 1983, whereas some 40% of the term of INDO-2070 had expired, only 8% of the funds had been expended.

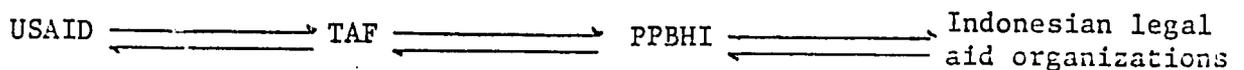
A great deal of pressure has been applied on the PPBHI by the Foundation Representative over the past year to get the remaining Phase IIb projects underway. This pressure has had both positive and negative effects, but as a result, at this writing all of the Phase IIb projects are underway though only a few can be expected to be completed before the scheduled termination date of 31 December 1983.

2.2. Descriptions of Key Institutions

2.21 'Buffer System'

As was noted earlier, by the time of the November 1978 Legal Aid Conference, the leaders of the legal aid movement had a fairly clear conception of the projects which they wanted to pursue to strengthen the movement over the next few years. For reasons noted earlier, USAID was willing to provide substantial funds, but preferred to work through The Asia Foundation.

The sheer size of the planned program with its myriad of grants for numerous projects at different institutions precluded a direct handling of specific projects by the limited staff at The Asia Foundation. Therefore the PPBHI was organized to receive and redispurse TAF funds and to generally administer the program. The structure relationships between the various groups involved became essentially linear:



In addition to simplifying logistical and management functions, however, this linear communication, management, and funding arrangement served to isolate or at least buffer the two extremes of ultimate donor and ultimate recipient against interinvolvement. It is unclear to what extent this was important for USAID, but in the view of PPBHI staff and many legal aid groups it was understandably desirable to retain the image of being fully indigenous and, hence, to avoid any appearance of foreign involvement in the movement. This was not merely an ideological issue since there were still elements in the government which viewed (and still view) the legal aid movement as essentially subversive.

An apparently unspoken understanding therefore emerged in which USAID had little or no direct contact with PPBHI. This understanding was unintentionally challenged in August 1982 when a VHP representative requested a direct fact-finding meeting with the PPBHI director. (see letter: USAID-VHP to PPBHI coordinator, 9 August 1982). The PPBHI considered this to be a serious 'breach of protocol' and was preparing a letter to USAID saying so when The Asia Foundation Assistant Representative successfully interceded. A meeting was eventually held, but the incident illustrates the extent to which the 'buffer system' tended to keep USAID and the legal aid groups fairly isolated. In interviews for this study, it was found that while many persons outside of PPBHI knew that PPBHI funds came from TAF, almost none knew the ultimate source was USAID.

2.22 PPBHI

The structure of the PPBHI organization and its personnel have undergone certain minor changes over the years. Figure 1 and Figure 2 illustrate both structure and personnel in 1979 and at present.

The PPBHI is directed by a Steering Committee (Panitia Pengarah) composed of five highly respected Indonesian leaders: three in the Indonesian legal world and two as social planners and intellectuals. Prof. Dr. Selo Soemardjan has a U.I. law degree when it used to be the Faculty of Law and Social Sciences, but he is best known as a sociologist and as special assistant to Vice Presidents Sultan Hamengku Buwono and Adam Malik. Prof. Dr. Harsya Bachtiar is best known as an educator. Prof. Sudarto S.H. is from the legal world, is rector of Diponegoro University in Semarang, Central Java and is a

respected Criminal Law and Criminology scholar. General E.Y. Kanter S.H. was head of MAHINDO (Majelis Hukum Indonesia) and PERSAHI (Persatuan Sarjana Hukum Indonesia) as well as the Babinkum ABRI, the Army Law Development Center, and known and respected by the civil rights bar as dedicated to human rights and the rule of law. Buyung Nasution was founder and head of the LBH in Jakarta. The membership of the Steering Committee has remained the same over the years.

Below the Steering Committee of the PPBHI is the Coordinator (Koordinator) directing an Implementation Committee (Panitia Pelaksana). Under Phase I, the Implementation Committee consisted of four Project Officers each of whom directly oversaw a number of individual projects. Under Phase I the composition of this committee -- two members from LK-UI and one each from PDH and LBH/ Jakarta -- reflected the prominence of the three institutions cooperating to run the PPBHI.

Under Phase II, the Implementation Committee underwent of number of modifications and this committee now consists of two tiers: six Project Officers reporting to a group of three Field Leaders (Kepala Bidang Kabid). All three Field Leaders are also Project Officers, but in all cases they report, as Projects Officers, to one of the other two Field Leaders. Perhaps most importantly, the personnel of the Implementation Committee are now all members of the LK-UI.

The lynchpin figure in the PPBHI organization both structurally and in terms of the driving force behind most of the decisions made has from the beginning been the Coordinator, Boy Mardjono.

Figure 1. Structure and Personnel of the PPBHI in 1979 (Phase I)

Steering Committee (Panitia Pengarah)

1. Prof. Dr. Selo Soemardjan
2. Prof. Dr. Harsja Bachtiar
3. Prof. Sudarto, S.H.
4. Major General E. Y. Kanter, S.H.
5. Adnan Buyung Nasution, S.H.

Coordinator (Koordinator) ————— Sekretariat

Mardjono Reksodiputro, S.H., M.A. R. Suryodiningrat, S.H.

Implementing Committee (Panitia Pelaksana)

1. Drs. Muhammad Mustofa (Institutionalization; Infrastructure)
2. Drs. Mulyana W. Kusumah (Research; Pilot Projects)
3. T. Mulya Lubis, S.H., LL.M. (Development of Legal Aid)
4. Gregory Churchill, J.D. (Information Services; Legal Education)

Figure 2. Structure and Personnel of the PPBHI in 1983 (Phase II)

Steering Committee (Panitia Pengarah)

1. Prof. Dr. Selo Soemardjan
2. Prof. Dr. Harsja Bachtiar
3. Prof. Sudarto, S.H.
4. Major General E. Y. Kanter, S.H.
5. Adnan Buyung Nasution, S.H.

Consultant — Coordinator (Koordinator) ————— Sekretariat

Gregory
Churchill,
J.D.

Mardjono Reksodiputro, S.H., M.A. Uu Supriatin, S.H.

Field Directors (Kepala Bidang)

1. Drs. Thomas Sunaryo (Development of Law and Criminology)
2. Drs. Yulia Harun (Development of Legal Aid)
3. Uu Supriatin, S.H. (Development of Legal Instruction)

Project Officers

1. Drs. Muhammad Mustofa
2. Drs. Mulyana W. Kusumah
3. Drs. Thomas Sunaryo
4. Drs. Yulia Harun
5. Henki Liklikuwata, S.H.
6. Uu Supriatin, S.H.

2.23 PPBHI and Lembaga Kriminologi

The LK-UI was founded in 1948 as part of the University of Indonesia Faculty of Law to aid the Courts in matters of forensic science and to carry out research on criminal justice. Over the years it has expanded its functions and today it is an autonomous body under the University of Indonesia's rector. The LK-UI director, Mardjono Rektodiputro, is a man of great vision and dedication and it is largely due to his labors and commitment that the PPBHI came into being. He has remained the Coordinator and guiding force behind the PPBHI from its inception. The PPBHI is, again, 'housed' in the LK-UI.

The relationship between the LK-UI, the PPBHI, the legal aid organizations, and university law faculties has, however undergone something of an evolution. As the PPBHI was originally constructed, Project Officers were drawn from the PDH, the LBH/Jakarta, and the LK-UI itself. This reflected the organization of the Phase I projects all of which were administered under one or the other of these three institutions. Phase II, however, brought a series of changes. The PPBHI appears to have become more closely associated with the LK-UI and this was reflected in the fact that now all project officers are LK-UI staff and all projects including those to the PDH and LBH/Jakarta in Phase II were carried out under contract to the PPBHI (see letter: PPBHI coordinator to TAF Representative Indonesia).

At an earlier period of its development the PPBHI acted more in the role of an 'umbrella organization' for the legal aid movement as a whole, though it appears that this role was never accepted by the key figures in the managerial structure. As a source of substantial funds the PPBHI clearly provided an 'umbrella', but at least some legal aid organizations, especially outside Jakarta, seem to have hoped that the PPBHI would take on the mantle

of sponsor, protector, and voice of the movement. This was apparently never the vision of the LK-UI staff many of whom today insist on the importance of maintaining a highly decentralized interaction among legal aid groups given the unique history and circumstance of each. To those at LK-UI and PDH (and probably LBH as well) the PPBHI was expected to perform a more limited role, primarily within the LK-UI, as information coordinator and center of legal competence operating as an autonomous, cooperative member within a community of legal education and legal aid institutions.

The increasingly closer integration of the PPBHI with the LK-UI is about to enter a new stage and, unfortunately, the PPBHI is at present facing a period of uncertainty. Its Coordinator has recently been elected to fill the position of dean of the Faculty of Law and he will probably have to take up this position in early 1984, leaving little time for his LK-UI and PPBHI activities. Moreover, in response to a major government directed reorganization of universities presently being carried out nation-wide, the LK-UI itself will be dissolved into the new Center for Social Justice and the Rule of Law (Pusat Pelayanan Keadilan dan Pengabdian Hukum) some time next year. This center will also absorb the University of Indonesia's Legal Aid and Consultation Bureau and the PPBHI and will be placed under the university's newly formed Social Services Institute (Lembaga Pengabdian pada Masyarakat).

3. REVIEW OF PROGRAM CATEGORIES

3.1 Purpose of the Review

The purpose of this evaluation is to review the accomplishments of TAF funded PPBHI projects which have been completed and to report on the present status of incomplete projects.

Given the large number of PPBHI projects and institutions receiving them, a detailed analysis of each project would be beyond the scope of this evaluation.

Nevertheless, in order to provide background for the appraisal of accomplishments in the next section, brief reviews of the initial objectives of different project categories along with brief reports on developments in and current status of these categories will be necessary. Again this is best approached through a separate consideration of Phase I and Phase II. The subsections discussed under each represent the actual categories used in the Phase I and Phase II proposals.

3.2 Phase I Projects

The major categories of Phase I projects are listed below. Each category has a number of subcategories below it.

- 1) Documentation
- 2) Training
- 3) Research
- 4) Ongoing Routine and New Outreach
- 5) Legal Aid Information, Coordination, and Cooperation

3.21 Documentation

The Phase I proposal notes that the continued growth and viability of legal aid groups throughout the country will depend increasingly on their ability to obtain and properly utilize accurate legal information. The proposal goes on to point out the desperate inadequacy in university collections of even basic Indonesian law texts, materials on law and development, legal aid and legal problems of the poor. Moreover, while at least partially adequate repositories of Indonesian laws and regulations did exist in Jakarta (at LBH, at LK-UI, but especially at PDH), in 1979 there were no adequate repositories in the provinces. As one project under PPBHI, therefore, PDH would acquire and distribute various materials on these topics.

3.21.1 Core Collections

Twenty eight collections of 'core' Indonesian language books of relevance to legal aid services were to be put together and placed in major law faculty libraries and other institutions. Table 1 indicates the totals of core collection materials which are reported by PDH (PDH Final Report, September 1983) to have been actually sent as of November 1983. As can be seen, the total number of collections sent by October 1982 had greatly exceeded the expected number at 54 collections (though the group of 1981/82 collections were purchased with funds originally slated for a specialized collection for LBH/Jakarta). These were sent to private university law faculty libraries and to both PERADIN and non-PERADIN legal aid bureaus. There was an effort to concentrate on books and journals not commercially available and the collections consisted of Supreme Court reports, indexes, practical guides,

	core collections	bibliographies
1980/81	24 state (provincial), law faculties	—
1981/82	9 legal aid institutes PERADIN 5 legal aid institutes non-PERADIN 6 private university law faculties	—
1983	10 private university law faculties	38 institutions receiving core collections 1980-82
	54	38

Table 1: Core Collections and Bibliographies Reported Sent to Institutions by PDH, 1980-1983

seminar proceedings and other materials difficult to obtain in the provinces. A list of materials sent in the first group of collections appears in the PPBHI Interim Report, May 1981.

In interviews at PDH, it was indicated that one of the major purposes of core collections was to serve as a kind of model for other organizations (such as the National Law Development Center--BPHN) which would be capable of compiling and sending similar collections on a much larger and systematic scale. Unfortunately there has been little such response to date.

While I could verify that core collections had indeed been sent in the few cases checked, it was difficult to determine what impact they might be having on the libraries receiving them. However, it seems reasonable to assume that, especially outside of large state universities, the utility of such materials would be high given the paucity of textual materials in general.

3.21.2 Microfiche Collections

One of the major sources of confusion and uncertainty in the present legal system of Indonesia, especially in the more outlying regions, is the general lack of access to copies of both national and provincial laws and regulations. Such access is essential if thorough research habits are to be promoted among legal professionals, including legal aid staff. As of 1979, the only facility with relatively complete collections of these materials was the PDH in Jakarta.

It is still uncertain exactly how many laws and regulations are stored in the PDH, but it was estimated that in 1979 there were approximately 60,000 national and 35,000 provincial laws and regulations. It is now estimated that national laws and regulations have increased to some 95,000 due to new acquisitions of both old and new materials.

In order to make a major portion of this collection available throughout the country, a plan was adopted to prepare microfiche diazo-negatives of the then 60,000 national laws and regulations. Positive collections of these negatives along with microfiche readers would then be sent to law faculties or other central facilities in all 27 provinces of Indonesia. It was determined that the complete set of microfiche negatives and each set of

positive copies would need to consist of some 5000 prints if the entire 60,000 national laws and regulations were to be included. It was hoped that microfiching of the provincial regulations could be carried out at some later time if funds became available.

The microfiche collections project was one of the most ambitious and potentially useful of the many PPBHI Phase I projects. However, various problems and delays have plagued the project from its inception. Though it began in 1980, there were initial delays in obtaining film and other materials (which were reported to have been imported directly by TAF). The project then underwent a long period of slow progress in the production of the diazo-negatives until in 1983. This slow progress apparently was due to PDK hesitation over rapid dismantling of their key asset for reproduction. Each compilation was therefore fully cataloged before being sent to the National Scientific Documentation Center (Pusat Dokumentasi Ilmu Nasional--PDIN).

During 1983, under pressure from The Asia Foundation to complete this project, the PDH began a 'crash program' and finished the 5000 diazo-negative microfiches of national laws and regulations, though at the cost of a degree of chaos in their collections. The materials copied included all of the Koesnodiprodjo Compilations (1945-1951), all of the State Gazette (Lembaran Negara) and Supplements (Tambahan Lembaran) since 1950, all of the State Compilations of Regulations (Himpunan Peraturan Negara) since 1968, constitutional materials and decrees of the People's Consultative Assembly (MPR) and major departmental compilations.

One problem concerned the funds available for the project. Since the PDH had concentrated on production of the negatives and presumably since prices were rising over time, it became impossible to prepare all 27 copies of about 5000 microfiche. Some cutbacks in scale became necessary.

Another problem concerned the supposed durability of the microfiche itself. An Australian consultant at the PDIN had originally told the PDH staff that microfiche 'are as tough as credit cards'. PDH later learned that in fact proper care and maintenance for the microfiche would require low humidity/temperature stable environments unlikely to be found in libraries readily accessible to legal aid groups. When it was subsequently realized that available funds would be inadequate, the PDH considered preparing only a dozen complete sets, which would be distributed to the few places with adequately controlled environments. However, since this would have defeated the original intent of encouraging the widest possible usage, it was decided that a smaller set of 1300 microfiches (some 12,000 laws and regulations in the State Gazette and the State Compilation of Regulations) should be prepared and sent to the 27 provinces. It was decided that while the microfiche may deteriorate more rapidly than might have been hoped, they should nonetheless be useable for at least the next decade, if not longer.

For several reasons, it appears unlikely that the microfiche sets can be sent before early 1984. Most important, while agreements concerning production of microfiche sets have been made with PDIN, these have not been completed as of this writing. Moreover, a definite list of 27 recipients has not yet been drawn up. Third, an index for the microfiche is not yet available and the microfiche themselves would appear to be of little use without one. This cannot be completed before about April 1984. Fourth, concrete plans will have to be made for demonstration of microfiche use. Finally, funds for shipping microfiche sets, specially made microfiche cabinets, and the readers are not presently available. It was hoped by PDH staff that unspent funds from another Phase I budget category would be available for this, but the

11/14/84 31,000

Foundation Representative has so far not allowed this.

It is particularly unfortunate that the microfiche project has run into so many problems, given the real needs in Indonesia for precisely these kinds of materials. While PDH has been slow to complete this project, it is also probably true that the project itself was an extremely ambitious one unlikely to have been completed within the original life of the grant. Moreover, given that only a portion of the nation's laws and regulations albeit the most important portion will be covered and that only a single microfiche reader will be sent with each collection, this project will probably not succeed in itself in having the impact on legal practices hoped for in the original proposal. Rather its utility will more likely be as a 'seeding project' with pressures for expansion of the provincial collections and for facilities for their use arising from the legal communities being served.

At this point as the project end is in sight by mid-1984, a six-month extension should be given and, if available, the budget transfer from another Phase I category should be allowed to cover shipping expenses.

3.21.3 Special Collections

Drawing on the earlier experience in building up a special collection on economic law reform, PDH had already begun with a Ford Foundation grant in 1977 to build a similar special collection on human rights and criminal justice. This effort was to be continued and expanded under funds from Phase I.

Two collections were eventually created. The first collection focused on criminology and police practices. This has now been placed in LK-UI. The second collection focused on Criminal Law and social aspects of crime and an attempt has been made to collect older law texts of great historical interest. This collection has remained in the PDH.

3.22 Training

One of the major thrusts of the legal aid movement in Indonesia has been to increase both awareness of legal rights and obligations on the part of the public and knowledge of and skills for legal assistance on the part of legal professionals. Under Phase I therefore, PPBHI requested funds for both public and professional educational activities.

3.22.1 LBH Apprenticeships

LBH/Jakarta, as the oldest and most successful of the non-university legal aid clinics, serves as a model for similar clinics both in and out of Jakarta. Due to this special position in the legal aid movement, the LBH was also serving on a limited scale in 1978, as a training center for potential legal aid lawyers. Funds were therefore requested to expand the LBH apprenticeship program to enable 'up to 30' lawyers and staff of regional legal aid organizations to undertake 3-month apprenticeships at LBH/Jakarta.

Training under this project was carried out as a rotation through various sections of the LBH/Jakarta program. The intent was to expose the students to a wide range of topics including types of litigation often

encountered as well as exposure to the types of problems frequently faced in a legal aid institution. Similar apprenticeship programs continue under other funding.

3.22.2 Public Courses on Legal Aid

The Phase I proposal notes earlier achievements of the LBH/Jakarta in carrying the series of course for legal professionals and the need is expressed for 'new courses...for rural village leaders, urban village heads, rural lay lawyers, and for law enforcement officials (judges, prosecutors, and police)' (PPBHI Phase I Proposal: 9). Four such courses were to be funded.

The PPBHI reported that LBH carried out two such courses on legal aid and legal needs of the poor, the first for journalists and editors and the second for recently graduated lawyers (Status Report, April 1983).

These courses were said in interviews with LBH officials to have been successful, though the results did fall short of the more ambitious objectives stated in the proposal.

3.22.3 Clinical Legal Education

One of the major objectives of legal aid activities in law faculty legal aid bureaus, aside from providing legal assistance to the public, is to give law students practical legal experience in the form of both consultations and court case work with the poor. Following the early Dutch legal education pattern, under the standard law faculty curriculum no such clinical training was given. Hence, newly graduated lawyers typically had to undergo a period

of one to two years of post-university legal apprenticeship before they could actually practice law. Influenced especially by the American legal education system, several Indonesian law faculties began to show a strong interest in clinical legal education in the 1970s. Funds were therefore requested to support development of clinical training program in four law faculties.

In actual carrying out of projects under this category, PPBHI did not support the establishment of any new clinical programs, but rather provided support for the continuation or extensification of activities in clinical training program already underway and for writing up materials used in these training programs for eventual dissemination to other universities.

Teaching material from clinical legal education programs and experients was ultimately compiled from five universities and materials from all of these projects were presented in the May 1981 Legal Aid Workshop in Jakarta (see PPBHI Status Report, May 1981).

- 1) Fakultas Hukum-Universitas Padjadjaran (Bandung): A three volume text was compiled covering materials used in a major Clinical Legal Education (Program Hukum Klinis). This was a pilot program established in 1976 by the Department of Education and Culture and carried out primarily in the university's legal aid clinic (LBH). The text was entitled Buku Panduan Pilot Proyek Perintis Pendidikan Klinis Hukum FH-UNPAD.
- 2) Fakultas Hukum-Universitas Gadjah Mada (Yogyakarta): A report was written entitled Laporan Proyek Pendidikan Hukum Klinis FH-UGM which described activities during a five month period in 1980/81. This project seems not to have involved legal aid types of activities.

- 3) Fakultas Hukum-Universitas Sumatera Utara (Medan): This project involved clinical training in the university legal aid bureau (BBH) as well as a wide variety of other activities ranging from legal drafting, to moot court participation, to carrying out library research and writing formal papers.
- 4) Fakultas Hukum-Universitas Airlangga (Surabaya): Activities in the extent legal aid clinic (BBH) included practicum sessions in the clinic, analysis of cases from the viewpoints of judges, prosecutors, and defense attorneys, and practical training in the Mobile Legal Services Post (Pos Pelayanan Hukum Klinis) and the Mobile Legal Education unit (Penyuluhan Hukum Keliling) of the law faculty.
- 5) Fakultas Hukum-Universitas Indonesia (Jakarta): As an experimental project, a moot court competition was held.

While the projects themselves seem to have been successful on the whole, it appears that there has not yet been much success in disseminating the results of the projects beyond the Workshop and brief writeups in BAHANA. The American consultant at PDH mentioned the strong desire on the part of PDH to present the results of the project reports in a single integrated text on clinical legal education in Indonesia. This would appear to be a particularly useful and even necessary final step for dissemination of the fruits of this project category.

3.23 Research

As legal aid activities were being expanded in the mid- and late-1970s, it was becoming clear that in order to serve the rural and urban poor through legal aid services a great deal more needed to be known about the legal needs of these groups than was presently known. One important aspect of PPBHI Phase I was therefore a request for funds to support several research projects expected to address such concerns as rural credit, land registration, village crime, village dispute resolution, rural legal problems, and legal needs and resource as perceived by urban poor and rural villagers. In addition to yielding specific useable information on certain groups, these research projects were expected to be carried out by the more competent of the Law Faculties and, hence, were also expected to serve as models of research for other institutions and as models for how such research could be made to feed back into educational and practical legal aid activities. Five such research projects were expected to be carried out under PPBHI auspices.

Four studies on the legal needs of the poor were carried out at:

- 1) Universitas Airlangga—Center for the Study of Law Development
- 2) Universitas Diponegoro—Center for the Study of Law and Society
- 3) Universitas Padjadjaran—Law Research and Criminology Institute
- 4) Universitas Lambung Mangkurat—Center for the Study of Land Law.

Two additional studies were carried out by the LK-UI.

3.24 Ongoing Routine and New Outreach Programs

While in 1978, the legal aid movement was growing rapidly, it was also clear that there was a wide range in the ability of the groups which had formed to provide legal services to the poor. Some of these groups has successfully institutionalized their basic services to the point where they were ready to carry out more ambitious pilot projects. Many other groups, however, were still struggling to establish fixed routines for handling cases and many did not even have sufficient office equipment to complete out ordinary paperwork. PPBHI therefore requested funds under Phase I to assist these groups in ways appropriate to their level of development.

3.24.1 Legal Aid Organization Support: Basic Assistance

Financial support was to be given to a number of legal aid organizations still in the early stages of development to buy equipment and in some cases for administrative support.

Under this project, a total of 30 such groups were reported to have been given Rp.500,000 each (about US\$ 800). In return, each group was asked to submit an agreed upon number of case reports from consultations and legal aid court cases. In this way the PPBHI was able to both provide material support and to help upgrade the abilities of these groups to routinize their activities and procedures. The groups aided are listed in the PPBHI Status Report, April 1983 and fall into the categories indicated in Table 2.

	Jakarta	Non-Jakarta	Total
Law Faculty (State University) Legal Aid Clinic	1	11	12
Law Faculty (Private University) Legal Aid Clinic	1	5	6
Non-University PERADIN Legal Aid Clinic	1	2	3
Non-University non-PERADIN Legal Aid Clinic	8	1	9
	11	10	30

Table 2: Legal Aid Organizations Assisted
by PPBHI Under Phase I

As can be seen from this table, most of the non-Jakarta groups aided were clinics in State Law Faculties. Jakarta legal aid groups, which were actually given financial support at a later date, were primarily private, non-PERADIN organizations.

3.24.2 Legal Aid Organization Support: Established Groups

A number of legal aid organizations outside of Jakarta which had already achieved a level of institutional sophistication beyond that of the groups assisted under the above project category and were considered in

1979 to be ready to undertake expanded or experimental types of legal aid services. Thirteen such projects were under consideration at the time the Phase I proposal was submitted.

Nine projects of this type were funded under this category with institutions outside of Jakarta and these are reported on in BAHANA and were discussed at the May 1981 workshop. The projects appear to have varied widely in quality, some involving public education, others simply involving extension of legal services already available to new districts. The PPBHI Status Report of April 1983 reports the institutions which carried out projects under this category.

A particularly innovative pilot project was carried out by the LBH/Jakarta. The LBH had been concerned for some time with the problems of providing legal services to poor urban laborers, and under this project they were able to develop effective methods for providing assistance for these workers without jeopardizing the jobs of the more activist among them.

The LK-UI planned a pilot project under this category which was aimed at organizing a series of seminar/courses for inmates and junior guards in the Cipinang prison of East Jakarta. In the process of attempting to obtain permission for these activities, the basis was laid for the eventual filming of a documentary on prison life by the well-known Indonesian filmmaker, Hadi Purnomo. Unfortunately, given the sensitive nature of the the prison seminar/course project, the LK-UI made little progress in attempts to obtain permission from prison officials until fairly recently. The Asia Foundation instructed that the project be terminated and the funds were returned. Nonetheless, as the LK-UI still considers the project to be an interesting and important one and since it was already

underway when TAF funding was withdrawn, a scaled-down version of the original project will probably continue when other funding becomes available.

3.24.3 Text Compilation

As one of the major purposes of PPBHI Phase I was to upgrade educational programs primarily in the area of legal aid, funds were requested to support the compilation of legal textbooks 'on such topics as human rights, legal aid, legal problems of the poor, and criminal justice' (Phase I Proposal: 11).

Two texts were compiled under this project category:

- 1) Abdurrahman, S.H. 1981 Beberapa Aspek Tentang Bantuan Hukum Indonesia.
(Several Aspects of Legal Aid in Indonesia)--discusses the background of the Indonesian legal aid movement, the nature of major regulations concerning legal aid, steps toward carrying out legal aid services, legal services for the poor, and the future of legal aid in Indonesia.
- 2) Ramdon Naning, S.H. 1983 Cita dan Citra Hak Asasi Manusia di Indonesia.
(Ideals and Performance of Human Rights in Indonesia)--discusses the meaning, significance, and function of human rights under the rule of law as a general concept and in Indonesia specifically particularly as seen from the viewpoint of jurisprudence.

Abdurrahman is from the Law Faculty of the University of Lambung Mangkurat (Banjarmasin, South Kalimantan) and Ramdlon Naning is from the Islamic University of Indonesia (Yogyakarta). Limited editions of these texts were distributed at the Legal Aid Workshop in May 1981.

3.24.4 Self-Help Manuals for Legal Aid Groups

As one of the major goals of PPBHI Phase I was to strengthen the newly emerged legal aid organizations funds were sought for the creation by LBH/Jakarta of a set of 'self-help' manuals or guidelines discussing the major problems commonly faced by legal aid groups. These manuals would then be distributed to legal aid organizations in the early stages of development to provide them with insights gained by longer established legal aid groups.

The present director of LBH/Jakarta reported that the intent of this project was to produce a guidebook describing the apprenticeship program at LBH focussing especially on the problems of training for legal consciousness raising among laborers. He was, however, unsatisfied with the results of this project since to date what has been produced is more of a compilation or collection rather than a manual for use by other legal aid groups. He also pointed out that work was continuing on this project, thought outside of PPBHI direction and funding.

3.25 Legal Aid Information, Coordination, and Cooperation

By early 1978 the legal aid movement had achieved a certain momentum and this was being sustained and even fueled in part through the occurrence of frequent conferences and workshops focusing on legal aid topics. The last of these and the most important for the formation of the PPBHI was the November 1978 Legal Aid Workshop. These gatherings were important in part because of the specific topics taken up in each case but also in part because it gave the dispersed groups involved in legal aid activities the opportunity to share experiences and ideas. In an effort to help maintain this momentum, funds were requested for several workshop and publication dissemination projects.

3.25.1 Workshop on Legal Assistance to the Poor

In order to bring together the participants in the PPBHI projects and other legal aid groups in Indonesia to consolidate and disseminate the ideas and materials expected to result from various PPBHI funded projects, a Workshop on Legal Assistance for the Poor was planned for the end of the Phase I period. At the time of the submission of the Phase I proposal to USAID this was expected to be in late 1979 or early 1980.

The workshop was in fact carried out in May 1981. Brief presentations of nearly all the research and pilot projects formed the core of the program and these were published in the PPBHI journal BAHANA.

The majority of those interviewed around the country indicated that the conference was considered to be quite informative. Many fully expected continuation and even expansion of PPBHI funded projects would follow soon after this workshop and were disappointed when Phase II funds were not forthcoming.

3.25.2 Clearinghouse Publication: BAHANA

As previously noted, at the time of the November 1978 Workshop, LK-UI was designated to be the national 'clearinghouse' for legal aid information and was expected to become responsible for the compilation and dissemination of timely materials and information for Indonesian legal aid organizations. To this end, a LK-UI began publishing a bimonthly bulletin called BAHANA in mid-1979.

(BAHANA is an acronym standing for Bantuan Hukum, Hak Azazi, dan Hukum Pidana, i.e., 'Legal Aid, Human Rights, and Criminal Law'). Some five hundred copies of each BAHANA issue are printed and all are sent gratis to various legal aid and educational institutions and certain provincial officials.

BAHANA appears to be the best single source of up-to-date information on legal aid issues in Indonesia. However, the limited circulation of the bulletin probably sharply limits the influence it might otherwise have were it to be more widely distributed. Moreover, there has been less than initially expected inputs of materials from outside the core PPBHI institutions of LK-UI, PDH, and LBR/ Jakarta and during the long period between Phase I and Phase II funding, this problem became fairly acute. Nonetheless, BAHANA does serve an important and unique function within the Indonesian legal aid movement and for this reason, it is to be hoped that in the future greater contribution can be elicited from outlying legal aid groups along with a simultaneous growth in circulation.

3.25.3 Publications Support and Dissemination

As an important adjunct to other PPEHI information dissemination activities, funds were requested under Phase I to support several Indonesian legal publications. Such publications tend to be short-lived and have histories of continually going in to and out of print. It was hoped that with a combination of both direct support and indirect support through subsidized subscription, that more stable

legal publications could be developed. Five legal publications were listed in the Phase I proposal as those expected to receive support.

Four publications were reported to have been supported through subsidized subscriptions (PPBHI Status Report, April 1983: 13). However, except for FH-UI's lawjournal and PDH's excellent monthly catalog and index of current legislation, these publications have in fact continued to be plagued with the same on-again off-again problems as earlier and for this reason few publications were actually sent out on a continual basis. To the extent that PPBHI funds were aimed at both stabilizing these publications and providing expanded information services to legal aid and other groups, this objective has not been achieved.

3.25.4 Ad Hoc Consultations and Visitations

Under Phase I, funds were expected to be made available for ad hoc professional visitations and consultations between legal aid practitioners to foster communication in outlying areas. The PPBHI Status Report, April 1983 (p.14) reports, however, that little use was made of this opportunity and that funds were reallocated to other project categories.

3.3 Phase II Projects

The major categories of Phase I projects were reshuffled into new categories under Phase II. Those appearing in the Phase II proposal were:

- 1) Skills Training
- 2) Research
- 3) Documentation and Information Services

3.31 Skills Training

One of the three major project categories of PPBHI Phase II was aimed at further development of Phase I training and education programs under the new category of Skills Training. Projects in this category were intended both to continue development of professional and public educational materials and to develop a number of national and regional training and resource centers, primarily outside of Jakarta.

3.31.1 National Training Center for Clinical Legal Education

As a major factor in the reform of Indonesian legal education curricula, the nation-wide Consortium of State Law Faculties (under the direction of the GOI Department of Education and Culture) had, by the mid-1970s, formulated plans for development of legal clinical education in Indonesia. As an integral part of this plan and largely due to the efforts and prestige of Prof. Mochtar Kusumaatmaja, a five-year clinical law pilot project was entrusted to the Law Faculty of the University of Padjadjaran (FH-UNPAD). This project was intended to develop materials and practices to be evaluated and disseminated to other law faculties at the end of the five-year period.

In an effort to continue and expand earlier achievements under clinical training projects in Phase I, PPBHI requested funds to support a project at UNPAD's Legal Aid Bureau to instruct legal educators from other parts of Indonesia in the operation and management of clinical education using UNPAD's pilot project as the model.

However, this project as it was later presented to the UNPAD Law Faculty, took on a more general 'legal aid for the poor' character apparently moving away from the strict focus on university clinical education discussed in the Phase II proposal. The project was eventually rejected by FH-UNPAD and the UNPAD Legal

Aid Bureau gave the following three reasons this rejection. First, according to the Legal Aid Bureau's own projections, the course budget would require roughly twice the amount available from PPBHI. Second, PPBHI expected to retain the right to choose participants and planned to invite non-law degree legal practitioners (pokrol), while the UNPAD staff wanted to involve only law degree participants, since they believed that non-lawyers would not have the necessary background in and orientation towards the law that the course would demand. Third, the PPBHI planned to involve the Legal Aid Study Group (Kelompok Studi Bantuan Hukum--KSBH) of Yogyakarta as teachers in the project. While KSBH are considered by some to be a highly motivated and particularly successful at legal consciousness raising in rural areas, it is almost entirely composed of students and non-lawyers. UNPAD therefore opposed KSBH participation on the same grounds that they opposed accepting non-lawyers as students in the course.

By February 1983, it had become clear that no compromise could be reached between FH-UNPAD and PPBHI. In the early months of 1983, therefore, PPBHI approached the Law Faculty of the University of Airlangga in Surabaya (FH-UNAIR) and an initial agreement was made in June 1983 to use the PPBHI funds under this project category to strengthen an already extant clinical legal training course in the faculty. This course had been the brainchild of the dean of FH-UNAIR who in turn had been influenced both by his experiences while visiting legal education programs in the United States and through interactions with a lawyer consultant (Hamilton) to the faculty in the mid 1970s. (Called simply 'Clinical Legal Education' (Pendidikan Hukum Klinis--PHK), the course is optional for law students and is being expended

from a single semester (4 credits) in 1982/83 to two semesters (8 credits) in 1983/84. PPBHI funds will be used in 1984 to allow students to spend more time in both courts and rural areas.

It is unfortunate that the original plan to use the major pilot program at FH-UNPAD as an educational resource for training legal educators could not be realized. Nevertheless, the FH-UNAIR clinical course appears to be an impressive attempt by that faculty to expand its educational services in the direction of increased clinical experience for its students. It must be pointed out however that the UNAIR course is neither 'national' in scope nor is it aimed at training legal educators as originally intended. Rather it represents an effort to upgrade a program designed for UNAIR law students alone.

The dean of FH-UNAIR stated that PPBHI funds had already been received, but would not be actually expended until well into 1984. PPBHI therefore will not be able to make a final report on this project until the middle of 1984.

3.31.2 National Training Center for Criminal Procedure

In December 1981, the Indonesia national Legislature enacted an entirely new Criminal Procedure Code known by the acronym, KUHAP. This new code represented a major effort to replace the Dutch colonial criminal code and it includes a number of significant innovations in criminal procedure and in protection for the rights of suspects and defendants. One important change, for example, is an attempt to shift emphasis from confession to other forms

of evidence in criminal cases. The changeover to the new code was to occur relatively rapidly [so that a major effort would be required to train judges, lawyers, prosecutors, and educators] to both familiarize them with the details of the new code and to aid efforts to generate standard operating procedures for protecting the rights of the accused. Under Phase II, the LK-UI was planning to organize a special course on KUHAP for legal professionals and PPBHI requested funds under Phase II for this educational effort.

Perhaps more than in any other case under Phase II, the timing of funding for this project was critical. The long delay by USAID therefore meant that this project could not be carried out when it would have had the most impact, that is, just as the new code was first being put into practice. Nonetheless, it would appear that such a course would still be of significant value even today given the importance of the Criminal Procedures Code in the Indonesian legal system. While it is somewhat behind schedule, the LK-UI is presently preparing a two-week course along these lines. Basic comparative materials have already been compiled which will be used to demonstrate points of similarity and difference between the old and new codes. A three day workshop was carried out at LK-UI beginning on December 7 and aimed at organization of these materials into a viable course. Over the next two days, a course outline was decided upon. Finally, a seminar was planned for December 15 and 16 to consolidate the earlier decisions and to further work out course details. While, the course itself will not be offered for the first time until early 1984 (probably February), the PPBHI Project Officer for the case indicated that all funds will be expended before 31 December 1982.

3.31.3 Regional Training and Resource Center

In an effort to continue development of legal aid training centers in law faculties outside of UNPAD and UI, funds were requested to set up two legal training and resource centers in outlying areas and these were intended to serve other universities and the public in their regions. These two centers were expected to be at the University of North Sumatera Law Faculty (FH-USU) and at the Airlangga University Law Faculty (FH-UNAIR). It was not altogether clear from the Phase II proposal what activities these centers were expected to engage in, however, it was stated that they would be 'expected to fashion practically oriented training sessions aimed at meeting the needs of legal practitioners and at thereby creating new materials for introduction into the law school curriculum' (Phase II proposal: 10). In interviews with the PPBHI Coordinator this was further clarified to mean development of special training materials and courses to increase the ability of graduated lawyers to successfully address the needs of the urban and rural poor through legal aid.

Because of critical problems in relationships between key persons at the University of North Sumatera, PPBHI decided to offer funds only to the Law Faculty at UNAIR. Though a written agreement was signed in June 1983 with this faculty, actual work on the project could not begin until recently.

This project does not involve the founding of an actual 'center' for which funds were clearly inadequate from the beginning, but a training course for legal aid lawyers and other workers to be carried out under the direction of the Dean of the Law Faculty UNAIR. This course, unlike the Clinical Legal Education course discussed under Section 3.21.1 above, will be kept entirely separate from the faculty's Legal Aid Bureau and will be offered

only to non-students. A detailed course and seminar outline was completed by early December 1983, though the instructors have yet to be chosen.

It is expected that course will begin in early 1984 and that all funds will be expended soon after the beginning of the course.

3.31.4 Training Manuals and Textual Materials

This project was envisioned to involve preparation of a practically oriented case book on criminal procedures code to be used in conjunction with the LK-UI course on the new Criminal Procedure Code. In addition to being used in the LK-UI course, these materials would contribute in important ways to the recent growth in clinical legal education around the country.

The LBH/Jakarta signed an agreement to undertake this project in July 1983. They had completed most work on the text by this writing and were expected to turn the materials over to the PPBHI by the agreed upon deadline of December 1983 or, at the latest, January 1984.

3.31.5 Educational Films

As the earlier film on Legal Aid made as a pilot project under Phase I was so well received, funds for further audio-visual projects were requested. First, two new educational films were planned under Phase II. In the Phase II proposal, one section was expected to be on criminal trial practices under the Criminal Procedures Code. The other was expected to cover the problems of land registration, though this later proved not to be feasible. Second, in an effort to make several films already made more widely available, these

films were to be transferred to video format and duplicated.

Ultimately, not two but three films will be produced under PPBHI Phase II. The first (prepared under Phase IIa funding, i.e. out of TAF General Grant funds) concerns prison life in Indonesia and like earlier PPBHI films, this one was made by Hadi Purnomo. It is a long, two-part documentary covering life in several Indonesian prisons including the high security Jakarta penitentiary, a modern womens prison, and small rural prisons. While there were some complaints that the film too heavily emphasized negative aspects of prison life, on the whole it was quite well received as an educational documentary. It has not as yet been widely circulated.

The PPBHI staff reported that two more films were contracted to Hadi Purnomo under Phase IIb in September 1983 though work has not yet begun on them. The first will focus on the new Criminal Procedure Code procedures and will involve following a single case through the entire pre-court sequence. It is anticipated that this film will make an important contribution to educational programs covering the new Criminal Procedure Code. The second Phase IIb film will be a documentary following a single case through the Indonesian Labor Dispute Settlement Board (Panitia Penyelesaian Perselisihan Perburuhan).

Unfortunately, Hadi Purnomo will not be able to begin on these two Phase IIb films until the beginning of 1984 as he has been producing another film in Eastern Indonesia. Moreover, state permission to carry out the filming has not yet been requested and, in the prison film case, took six months for approval. As the actual filming is expected to take three to four months for each, it is unlikely that all funds for these films can be expended before

mid-1984 at the earliest and it is possible that actual production could run into 1985.

The second Phase II audio-visual project involves transference and duplication of three previously produced films--the legal aid film, a moot court film and the prison film onto video format to allow wider distribution than would otherwise be possible as films. This task is presently being carried out at the French audio-visual facilities in Bogor and is expected to be completed by late December or early January.

3.31.6 Legal Literacy Materials

In an effort to support development of easily understood materials on legal matters for public use, the PPBHI conceived of two projects to be funded under Phase II. The first set of materials involves discussion of common legal problems and takes the form of small brochures featuring short stories with comic-strip caricatures. This project was to be carried out at Universitas Atmadjaya, a private Catholic university in Jakarta. The second set of materials involves a simple guide-book describing legal procedures for rural villagers. This project was to be undertaken by the Legal Aid Study Group (KSBH) of Yogyakarta which has shown to be highly successful in raising the legal consciousness in the rural areas of Central Java.

Neither of these projects is yet completed though in both cases the basic materials have been produced. Following the original contract with PPBHI, Atmadjaya University produced four brochures at 5000 copies each. With the more cash available due to the devaluation of Indonesian currency, however, an additional brochure has been requested and 7000 copies of all five are being produced. The copies of the first four brochures have already been delivered to PPBHI and these will be sent out to some 78 legal aid organizations. It is hoped that if well received, further brochures of this type can be produced.

The second project (contracted in June 1983) is being carried in Yogyakarta by the KSBH and draft copy of the planned guidebook was reviewed during an interview with the KSBH chairman. This book takes the form of a series of questions and answers about legal issues commonly confronted by rural villagers. The KSBH is presently testing these materials for comprehensibility and the guidebook itself, which will run to about 100 pages, will be ready for publication in late December or early January. 1000 copies are expected to be produced.

3.32 Research

Under Phase I funding, five research projects had been carried out on the legal needs of the poor and, on the whole, these projects were thought to have successfully contributed to the increased research capabilities of the institutions and individuals involved in them. PPBHI therefore sought further funding under Phase II both to support training in research skills at two established research centers and to support the carrying out of further research projects in provincial law faculties.

3.32.1 Regional Research and Resource Centers

In an effort to draw on the research expertise of two experienced research centers for upgrading the abilities of other institutions in their regions funds were sought to support training projects at two such centers under Phase II. These were expected to be at the Center for the Study of Land Law (Pusat Studi Hukum Tanah) at the University of Lambung Mangkurat - UNLAM (Banjarmasin) and by what was referred to as the 'law and development research group' at the Law Faculty of the University of Diponegoro - UNDIP (Semarang).

Because the director of the Center for Land Law at UNLAM is now pursuing an advanced law degree at the Law Faculty of the University of Indonesia in Jakarta, plans for the training project at UNLAM did not materialize. As an alternative, this project was offered to the Center for Research Training (Pusat Latihan Penelitian - PLP) in the Faculty of Social and Political Sciences at the University of Airlangga. This center is in its third year as a graduate social science methodology training institute. Although its director was until 1980 head of the UNAIR Law Faculty's Center for the Study of Law and Development (Pusat Studi Hukum dan Pembangunan - PSHP) and is one of the key proponents of

the development of sociology of law in Indonesia, the center itself is aimed more generally at training in social science methodology. Hence, only seven of the thirteen students at the center this year are carrying out law related projects.

PPBHI funds were used to support the training of one graduate law student for one year. This scholarship supplemented what were described as equivalent grants for twelve other students donated by the GOI Department of Education and Culture. While this student will continue in his studies until about May 1984, it is unclear when all PPBHI funds for the scholarship will be completely expended. (Note that these funds were not used nor intended to be used to 'set up' a research center as was somewhat ambiguously implied in the PPBHI Status Report April 1983.)

The second research training project has been offered to the University of Diponegoro Law Faculty as planned. In an interview with the dean of the Law Faculty, the 'law and development research group' was described as referring to a very loose group of faculty members in the Law Faculty's Center for the Study of Law and Society (Pusat Studi Hukum dan Masyarakat). An initial agreement has apparently been reached between the PPBHI coordinator and the dean of the Diponegoro Law Faculty and PPBHI has supplied an outline proposal for building up of what was described as something similar to the UNAIR Research Training Center program, though more concentrated on study of the legal needs of the poor. Although it was reported that substantial PPBHI funds had already been disbursed to the Law Faculty for use on the project, a full proposal by the UNDIP Law Faculty has yet to be completed.

3.32.2 Research Grants

In the PPBHI Phase II proposal, funds were requested for three research projects. The first two, to be given to provincial law faculties which did not receive research grants under Phase I, were to be 'aimed at identifying those areas where villagers or rural communities are experiencing legal difficulties'. It is expected that the results of these projects will be useful to government planners in drafting new legislation and in designing public information programs. These research projects are also considered important as part of the more general efforts of PPBHI under Phase I to standardize the methodologies used in research on the legal needs of the poor. The third research project under Phase II is expected to focus on implementation of the new Criminal Procedures Code specifically identifying potential problem areas in implementation which might be alleviated through remedial legislation or special training programs.

Four research projects, rather than three are presently being carried out. The three concern the legal needs of the poor and concerns criminal trials

- ✓ 1) Universitas Lambung Mangkurat-Center for the Study of Land Law (Banjarmasin): agreement signed in June for a 6-month project entitled, Kebutuhan Hukum Golongan Miskin di Kalimantan Selatan.
- ✓ 2) Universitas Gadjah Mada-Law Faculty (Yogyakarta): agreement signed in September for a 6-month project entitled, Peranan Pemerintah Desa dalam Memberikan Perlindungan Hukum kepada Masyarakat Desa.
- 3) LIPI/LEKNAS (Jakarta): agreement signed in late November 1983 for a 6-month project entitled, Pemilik Tanah, Penjual Tanah, dan Buruh Menggali Tanah/Pasir.

- 4) LK-UI (Jakarta): agreement signed in July for a 6-month project entitled Proyek Peradilan Pidana.

Note that given the starting dates of these projects and the fact that all involve 6 months projects, they can be expected to be completed in December 1983, March 1984, June 1984, and December 1983 respectively.

Though the third project had been expected to be given to Universitas Jember, PPBHI redirected the project to LIPI/LEKNAS (the Indonesian Institute of Science/National Economic Institute) when for some reasons correspondence between Jember and PPBHI was delayed.

3.33 Documentation and Information Services

Continuing and expanding upon earlier PPBHI projects under Phase I (see Sections 3.21, 3.24, and 3.25) projects in this Phase II category are aimed at providing both basic legal texts and documents and current legal aid information to legal aid groups and legal education institutions around the country. Primarily carried out by the PDH, this legal information dissemination task appears to remain largely unduplicated by any other organization in Indonesia.

3.33.1 Publication of Legal Information Clearinghouse Bulletin (BAHANA)

As part of its function as the national legal aid information 'clearinghouse' for the legal aid movement, LK-UI began in mid-1979 publishing the excellent bimonthly bulletin BAHAN. This bulletin was entirely funded during Phase I through PPBHI (see Section 3.25.2 for further details). Phase II

funds were therefore requested to continue production of this journal.

As planned, BAHANA has been produced regularly to date by LK-UI. Approximately 500 copies of each edition are supplied to various legal aid and educational institutions at no charge and the bulletin is well regarded by all recipients interviewed.

3.33.2 Publication Program

As part of its continuing attempt to make the results of earlier projects more widely available, the PPBHI requested funds in Phase II to publish special legal reference works. The first set of publications would be based on the large number of case reports received by LK-UI as part of the Phase I legal aid group support project (3.24.1) and on new case reports being filed in conjunction with the government-sponsored (BPHN; see Section 4) legal aid and consultation program. The second group of publications would be based on the specialized collections and legislative materials at the PDH.

The two books being published in December 1983 under this project by LK-UI are: Masalah Bantuan Hukum--Laporan Penanganan Kasus terutama Kasus Pidana Biro Bantuan Hukum--Universitas Negeri di Seluruh Indonesia and Ramdlon Naning's Cita dan Citra Hak-Hak Azasi Manusia written under a Phase I grant (see Section 3.24.3).

Publication efforts have also been pursued by PDH using PPBHI funds. First, a checklist of all Indonesian legal periodicals since Independence was reported to have been drafted though it not yet published. A subject list for central government regulations is also being published based on the

indexing of 30,000 regulations since 1977. Finally an index to BAHANA covering the issues between 1979 and 1982 was completed and published in mid-1983.

3.33.3 Domestic Subscriptions

In an effort to continue support for a number of Indonesian legal journals and bulletins through subsidized subscriptions further funds were requested under Phase II. Unfortunately, as reported above (Section 3.15.3), this project was not very successful under Phase I since most of the publications which were to be subsidized in fact failed to maintain regular publishing schedules. In interviews at PDH it was reported that only the PDH's looseleaf publication on current regulatory information and the journal of the University of Indonesia Law Faculty (Hukum dan Pembangunan), are currently being sent out.

3.33.4 Core Collections

Continuing efforts made in Phase I to make collections of 'core' legal and legal aid materials available to university libraries and other institutions PPBHI requested funds 'to expand the scope to reach provincial courts and private law schools' not reached by the earlier program (Phase II Proposal: 21)

In 1983, a bibliography of Indonesian and international materials on human rights was sent to institutions receiving the earlier core collections. In addition, a new core collection was sent to ten private university law faculties outside of Jakarta, eight of which are located outside of Java (see Table xx, Section 3.21.1).

Though PPBHI funds under this category have been exhausted, further collections have recently been compiled and these will be sent to state courts in areas outside of Jakarta. This will in fact represent a new development in the core collection project and it is hoped that further interest in systematic compilation and provision of such collections to courts will follow from this initiative. Back issues of the Diponegoro journal Masalah-Masalah Hukum are included and, in fact, if funds should become available under another PPBHI Phase II category, these will also be sent to former core collection recipients.

3.33.5 Microfiche Preparations

As described under Phase I, sets of microfiche copies of key portions of PDH collections on Indonesian national laws and regulations were to be sent to each of the 27 provinces. This was intended to help promote thorough research habits among the nation's legal professionals. (see Section 3.21.2). This Phase I project was still uncompleted at the time the Phase II proposal was submitted. Nonetheless, following plans made at the outset of the program funds were requested under Phase II to expand the microfishing effort to include national laws and regulations issued since 1978 (an addition of some 10,000) and to support the preparatory activities required for microfishing and duplication of provincial level regulations.

Funds for this project category were cut to a little over half of the original amount by TAF Representative in August 1983 (Amending Letter of Agreement between PPBHI and TAF, 22 August 1983).

There has been a slight extension of the laws and regulations covered to include the State Gazette (Lembaran Negara) up through 1982. These will form part of the reduced number of documents covered in the microfiche sets, which will be only about 26% of their originally intended size. As the full quantity of national documents could not even be included in the sets, it was clearly not possible to begin yet on the provincial laws and regulations.

As reported under Section 3.21.2, this project will not be completed before mid-1984.

3.33.6 Expansion of Law Book Collections as Back-up for Clearinghouse

This proposal category was essentially a continuation of the special collections category of Phase I (see Section 3.21.3). Under Phase II objectives, however, the focus was to shift to materials of a more traditional legal library nature including texts on judicial administration and administrative law, shipping and maritime law, banking and secured transactions, land registration, etc.

The American consultant to the PDH recently travelled to the United States where some of these texts were obtained. It is expected by the PDH staff, therefore that funds in this category will be fully expended by 31 December 1983.

3.33.7 Indexing of Court Decisions

Over the past decade the PDH has built up an impressive collection of Supreme Court decisions. Due to lack of funds and manpower, however, these

decisions had not yet been cataloged or indexed. PPBHI therefore requested funds to carry out this task and will draw on the expertise of its own documentalists to do this.

In the past indexing would have been carried out through the building up of hand written card decks. However, the PDH has acquired two small IBM computers which it is using to carry out the indexing of court decisions. Part of the funds under this project were used to upgrade the memory of the PDH's computers to allow them to be used for indexing.

Meanwhile the file structure has been designed and the data sheets for indexing have been prepared and indexing itself has begun. In order to speed up this process, earlier plans to design a new standardized subject index list for cases have been deferred.

It was reported that although the funds for this project should be expended by the end of 1983, the project itself would not be completed until well into 1984.

4. APPRAISAL OF PPBHI ACCOMPLISHMENTS

This evaluation has two purposes. The first is to review the PPBHI projects which have been completed to date. As should be apparent from the foregoing sections, PPBHI has had numerous successes, but also a number of shortcomings, and even outright failures in its short but complicated history.

The second issue of current importance was the long delay implementation of most Phase II projects. While there is presently a 31 December 1983 deadline on these projects, The Asia Foundation currently lacks information on their present status on which to base a decision to extend further or not. This section provides an overall appraisal of the PPBHI keeping these two purposes in mind.

While Phase I clearly laid the basis for Phase II, the objectives pursued under the latter were sufficiently different to require separate consideration here. Further sections discuss the reasons for the long delays in implementation of Phase II projects and the present status of the PPBHI.

4.1 Phase I: Legal Aid Development Objectives

The major underlying objective of Phase I was to assist Indonesian efforts to implement constitutional commitments to human rights and social justice through the strengthening of the emerging legal aid movement. By improving the scope and quality of legal assistance throughout the country and by heightening public awareness of the value and availability of such assistance, it was hoped that stronger public and government support for the rule of law and for legal reform could be fostered.

With this objective in mind, the FPBHI sought funds under Phase I to carry out a broad array of projects aimed specifically at: 1) strengthening Indonesian legal aid groups and increasing communication between them, 2) improving educational opportunities in the area of legal aid, 3) encouraging pioneering efforts to serve and instruct in legal matters, and 4) encouraging future GOI political and financial support for the provision of legal aid services.

While as shown under Section 3, several Phase I projects did not accomplish the specific objectives described in the Phase I proposal, most of these projects were relatively successful and, on the whole, PPBHI Phase I can be said to have contributed significantly toward the underlying legal aid development objectives noted above.

4.11 Strengthening Legal Aid Groups and Increasing Communication

At the time of the November 1978 Conference on Legal Aid in Jakarta there was already a large number of legal aid groups in operation. These groups were, however, at different stages of professionalization. Through the direct provision of funds in return for actual case reports, the PPBHI successfully upgraded the quality of legal aid services in many groups at early stages of development. A number of pilot projects were carried out by more developed groups with generally good results. The LBH/Jakarta apprenticeships also appears to have been successful in transferring both the procedures and ideals of the LBH/Jakarta to other legal aid organizations in both of these categories.

PPBHI attempts to increase the degree of communication between legal aid groups appears to have had more mixed results. The LK-UI bulletin BAHANA is

an excellent publication as reported earlier and stands out as one of the major PPBHI accomplishments. Another project which was widely lauded by all parties interviewed were the two workshops in May 1981 and December 1982. The first was considered especially instrumental in disseminating information from Phase I projects and in contributing to the momentum which would have been important for Phase II had not the long period of inactivity intervened.

The support of other publications, has apparently not succeeded in strengthening these to the point that regular editions could be produced. Moreover, the contents of these publications were said by some of the legal aid workers interviewed to be overly academic or legalistic and were therefore of little use in solving practical day to day legal problems of the poor.

Another PPBHI contribution in the area of communication was support for the documentation activities of the PDH. Here again results were mixed. By all indications, the special collections described earlier have seen heavy use and to this extent objectives have been met. It was more difficult to determine the impact which the core collections which have been sent have had on the groups which have received them. A major intent of this project was to stimulate similar activities on a larger scale by a government institutions, but this has not yet happened.

The distribution of sets of microfiche of national laws and regulations is one of the most unique, ambitious, and potentially significant of the many Phase I projects. It is regrettable that the Sets themselves had to be greatly reduced in size under initial proposal objectives though the most important national laws and regulations are still being included. Most important, the project has continued for several years and is still several months from completion. Given the magnitude of the task of orderly reproduction of such

a large number of documents, the initial deadlines were probably unrealistic.

4.12 Improving Legal Aid Educational Opportunities

Projects undertaken by PPBHI to improve instruction in legal aid included those aimed at training legal aid workers and potential workers on the one hand and at public legal education on the other.

The LBH apprenticeships were successful in meeting stated objectives in this regard and the apprenticeships have continued on a lesser scale. The production of training materials from clinical programs at several university law faculties and legal aid bureaus, partially written up in BAHANA, was also successful, though the full potential of these materials has yet to be realized in the form of a consolidated compilation or text which could be widely disseminated. In fact, this is one of the projects which PDH staff hopes to carry out in the future.

Two projects were aimed at producing textual materials on legal aid and human rights topics. The first involved the successful completion of two textbooks. The objective of the second was altered from production of a self-help manual for struggling legal aid groups to production of a guide-book describing the apprenticeship program at LBH. This remains only partially completed.

Further educational course projects were aimed at providing legal aid information outside of the university. As only two of the four intended courses were carried out, it would appear that objectives were only partially achieved under this project.

legislation was introduced into the national legislative body (DPR) in 1979 but, as it had deviated from an earlier consensus between lawyers, judges, government, and others, it was not actually passed until further revisions were agreed upon in 1981. LK-UI staff members were very active in this process and both LK-UI and PDH leaders indicated that the special collections on human rights and on police practices being put together at the time under PPBHI funds were particularly useful.

The second major development involved the initiation of substantial funding the GOI in 1980/81 for legal consultations and legal aid court casework for the poor through the National Law Development Board (Badan Pembinaan Hukum Nasional--BPHN). This board has the status of a Directorate General under the GOI Department of Justice. Originally founded in 1974 (but as a Lembaga rather than as a Badan), this organization serves as the national center for documentation, law research and law drafting. One of the four centers within the BPHN is the Center for Legal Instruction (Pusat Penyuluhan Hukum or Pusluhkum) and one of the sections within this center now coordinates the dispersal of substantial GOI funds to consultation and legal aid bureaus at state law facilities. Following the earlier lead of the PPBHI, the Pusluhkum compensates these bureaus on a per case basis. Special case report forms are provided by the BPHN and are submitted as evidence for the number of cases completed by each bureau.

While it had been originally hoped by some leaders of the legal aid movement (particularly Buyung Nasution) that GOI funding would be made available to both state and non-state organizations, in the end, this was not to be the case. The numerous non-state law faculty bureaus then remain without access to this substantial source of assistance.

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The major figures involved in the PPBHI see the strong GOI support of legal aid activities through the BPHN as a very positive development. Indeed in as much as gaining strong GOI support for legal aid activities was a primary objective of the PPBHI this development can be seen as one of the more substantial successes of the program. It should be noted, however, that some legal aid practitioners outside of state law faculties as well as some members of state law faculties themselves are critical of what they see as the 'bureaucratization' of legal aid activities and, hence, inevitably of a drop in quality of casework in favour of quantity.

4.2 Phase II: Legal Infrastructure Development Objectives

In the revised PPBHI Phase II proposal, though some legal aid activities remained, all reference to legal aid objectives was purged and the focus on development of legal infrastructure became paramount. The primary goals of PPBHI were stated in the Phase II proposal to be the improvement and strengthening of the institutional basis of the Indonesian legal system as a whole through the development of centers of legal competence. Though legal infrastructure development in this sense had always been an important long term goal of PPBHI even under Phase I the reorientation of plans away from legal aid as the vehicle to achieve such development constituted what in fact amounted to the establishment of a altogether new program, albeit with some elements of the Phase I projects still intact or continuing.

In reviewing Phase II accomplishments and the potential for accomplishments, (since many Phase II projects have only just begun), attention must be given to projects in three principal topical areas: 1) the continuation

of documentation and information dissemination efforts begun under Phase I,
2) the development of regional centers of legal competence, and 3) special
training and compilation of new textual materials to facilitate implementation
of the new Criminal Procedures Code.

4.21 Continuation of Documentation and Information Dissemination Initiatives

As indicated in project descriptions under Section 3.2, a number of documentation and information projects were continued into Phase II. These include the compilation and distribution of core collections, publication of the clearinghouse bulletin BAHANA, expansion of law book collections, subsidizing of subscriptions to domestic legal journals and preparation of microfiche collections of national laws and regulations. Progress is being made toward completion of the first three projects and objectives can be expected to be achieved by mid 1984. Subscriptions to two domestic law journals have been purchased for a number of law faculties and legal aid groups. No progress beyond Phase I objectives has been made on the microfiche collections and Phase II objectives in this category were abandoned due to lack of skilled workers and funds.

New documentation and information projects in this topical area include indexing of Supreme Court decisions, the production of films and videos of earlier films, production of legal literacy materials for public instruction on legal matters of common interest, new publication initiatives, and production of training manuals for legal aid organizations.

While the indexing and film projects have not progressed far as of this writing, the objectives of at least the former can be expected to be met if the deadline is extended at least 6 months. The public legal literacy instruction materials projects have progressed much further and can be expected to meet project objectives within the first two months of 1984. Several new publications have been published or are close to publication by PDH and LK-UI. Here again project objectives can be expected to be met within the first few

months of 1984. Finally, the LBH training manuals are close to completion and are expected by PPBHI in December 1983.

4.22 Strengthening of Regional Centers

One of the most salient aspects the Phase II proposal is the prominence given to projects aimed at supporting the further development of regional centers of legal competence. No less than seven universities were to receive projects covering development of clinical legal education, legal aid training, research methodology training, and research grants on legal needs of the poor. It was intended that these projects help the various groups to increase their services to other universities and organizations in their respective areas.

Progress of each of these projects is outline in Section 3.2. Two probably interrelated points stand out regarding the likelihood of achieving the stated objectives. First, although funding for the bulk of Phase II projects (i.e., Phase IIb) was approved in September 1982, written agreements between PPBHI and the recipient parties were not made in most cases until after May 1983 and in a few cases final proposals have not yet been approved by the PPBHI. The late implementation dates make final completion of some these projects probably impossible before mid-1984..

The second point concerning this project category is the relationship between nature of individual projects as these have actually emerged and the initial goal of infrastructure development which motivated their inclusion in Phase II in the first place. In this regard, while it is probable that at least the modified objectives of most of these projects are likely to be met given enough time for completion, the overall goal of building up regional

centers of legal competence will at best be only partially realized. Probably the single most important reason for this is that the funds made available for these projects were simply not sufficient to have more than minor influence on development of the centers and facilities which undertook them. Again this is not to say that specific objectives will not in many cases be met (albeit at later dates than expected) but rather to suggest that the intention to nurture such centers of legal competence was in itself far too ambitious to be accomplished through such a limited program.

4.23 Efforts to Facilitate Implementation of the new Criminal Procedure Code

Three projects were planned under Phase II to facilitate implementation of the new Criminal Procedures Code passed in October 1981. These projects included the creation of a special course on the new code by LK-UI, the production of a practically oriented casebook by LBH/Jakarta based on the new code, a research project at LK-UI to investigate ways of implementing and monitoring the new code, and the production of a film documenting a single criminal case under the new code. Significant progress has been made only on the first two of these four projects. The course by LK-UI will have been organized by the end of this month and is expected to begin in February 1984. This course is expected to make use of the training materials already compiled by the LBH. (though not yet published in book form). The research grant by LK-UI is still in progress, but will almost surely not be completed by its deadline of December 1983. The film is still in the planning stage and will probably not be produced until well into 1984.

To some extent, these projects were all intended to take advantage of opportunities expected to appear with the passage of the Criminal Procedure Code in late 1980 or early 1981 and the long delay in USAID funding tended to dispell some of the momentum and enthusiasm which had built up around them. Nonetheless, given the magnitude of the task of implementing a whole new Criminal Procedure Code, there would still appear to be strong incentives for proceeding as rapidly as possible with these projects even at this late date. Except in the case of the film, objectives of each these projects can still probably be met if a six months extension is granted.

4.3 Delays in Project Implementation or Completion

One of the more salient aspects of the PPBHI's history has been the frequent extension of deadlines which in many cases occurred not once but several times. (see Appendix 2). As might be expected, the reasons for the general failure to complete PPBHI grants by expected deadlines are various and differ greatly between Phase I and Phase II. In outlining the major factors it will be useful to consider Phase I and Phase II separately.

4.31 Phase I Delays

Initial portions of Phase I were first funded under TAF General Grant funds in June 1979 six months after it was assumed that USAID would begin its own funding of PPBHI. It was not until December 1979 that USAID funding actually began. During 1979 there was great enthusiasm for the planned

projects and in part due to the June 1979 start-up grant by TAF, this momentum carried through to actual project initiation in 1980.

The main body of PPBHI Phase I grants was scheduled to have a duration of 24 months, i.e., up through 31 December 1981. Some of these projects did in fact require extensions beyond this deadline due in part to the difficulties in getting GOI permission for certain activities in the period proceeding the national elections in May 1982 and the presidential election in March 1983. Nonetheless, most of the Phase I projects had been completed and reported upon by the time of the submission of the PPBHI Status Report of October 1982.

Three projects appeared to have been delayed over a long period. The first of these was the Legal Aid film which was not completed until mid-1982. The second was the microfiche collections of national laws and regulations being prepared by the PDH. After initial problems obtaining materials and equipment, a long period between 1981 and 1983 passed during which steady but limited progress was made. Only recently under pressure from The Asia Foundation Representative has there been what PDH staff referred to as a 'crash program'. Still, the project is not expected to be completed until mid-1984. The third project to undergo a long delay was one of the pilot projects concerned with developing prisoner legal services. This project was intended to provide legal services to prison inmates, a group which had not previously received much attention from rights activists. Due to the inability to come to an agreement with the Director of Prisons, little progress was made on this project until the beginning of 1982 when a new director more amenable to legal aid activities was appointed. Foundation funds for this project were reported by the PPBHI coordinator to have been returned in June 1983 at the request of the Representative, though PPBHI has continued to pursue the project

to the extent possible under alternative funding.

On the whole, delays in implementing parts of PPBHI Phase I should be viewed as resulting from specific difficulties arising in specific projects, rather than as a systematic PPBHI problem. Also significant in this regard is the fact that the PPBHI was, at that time, a new organization within which standard procedures and roles still had to be worked out. The ambitious size of the program with its myriad of minor grants to both private and state legal aid bureaus and law faculties meant that a certain number of delays were probably inevitable. The long delay in initial funding did not lead to an appreciable drop in momentum, but as a result some projects undoubtedly could not be implemented immediately when funds did become available. The PPBHI Coordinator and Implementation Committee should be congratulated on their ability keep so many projects on track all at the same time.

4.22 Phase II Delays

In contrast to Phase I, delays in implementation of Phase II projects have been a more general and serious problem. Although funds for the bulk of the Phase II proposal became available after September 1982, almost no progress was made at all in implementation until early 1983. It was only during June, July, and August 1983 that substantial strides were made in this regard. As a result, many of the Phase II projects cannot reasonably be expected to be completed until mid-1984.

A number of factors have gone into the delays in Phase II and perhaps the most important of these was the long delay in USAID approval of Phase II activities. Nearly all participants of May 1981 Legal Aid Workshop who were

interviewed noted the strong momentum which had built up at that time along with the strong expectation that future PPBHI activities would continue to receive funds through The Asia Foundation. This momentum suffered greatly in the long period of inactivity which followed and unlike earlier Foundation start-up funds for Phase I, similar funds for Phase II (Phase IIa) did not succeed in maintaining the momentum. By September 1982 many of the key participants had become involved in other activities. For example, the staff at LK-UI who were so vital to PPBHI success, were working closely with the institutionalization of legal aid activities in the BPHN during this period. Another activity in which the PPBHI staff had become involved during late 1981/82 period was a monitoring and evaluation project in legal aid bureaus funded by The Ford Foundation. Also in the end of 1982, the PPBHI was very tied up with the December 1982 legal aid workshop. Finally, during the six-month period before the national elections in March 1983, GOI approval for many PPBHI projects was virtually impossible.

Another important reason for the long delay in implementation of Phase II projects has been the role of the PPBHI coordinator. As both defacto director of the PPBHI and director of the LK-UI, his contribution to the conceptualization and organization of both the projects and the PPBHI organization itself should not be underestimated. His dedication, intellectual capacities, and drive are all readily apparent. However, even though the PPBHI was restructured in part to take some of the day to day administration burden off of the Coordinator he still appears overextended in workload. His colleagues suggest that this is due in part to the fact that, as director he tends not to decline requests for involvement in additional projects, many of which he has already delegated to those making the requests.

For this reason he often becomes overextended and this has apparently affected the rate at which Phase II projects could be implemented.

Substantial pressure by the Asia Foundation Representative as been put on the PPBHI to end delays in Phase II project implementation, and this has had both positive and negative effects. A major aspect of this pressure has been the intimation that further extensions for PPBHI grants past the 31 December 1983 deadline may not be forthcoming. This would mean that unexpended funds now in PPBHI possession will have to be returned and that all further disbursement to PPBHI under Phase II would end. PPBHI staff members themselves indicated in interviews that this pressure has galvanized them into returning their focus to PPBHI activities. Without strong attentions of some sort by TAF during 1983, it is not likely that as much progress as has been made on Phase II projects would have been possible. On the other hand, however, there has been a degree of resentment on the part of PPBHI staff at certain actions taken by The Asia Foundation. They express dismay at what they see as the end of the atmosphere of cooperation which characterized earlier TAF/PPBHI association. They feel, for example, that the shift of the budget from U.S. dollars to Indonesian rupiahs (in August 1983) was an unnecessary burden at this late point in the life of the Phase II grants. They also strongly feel that they should have had some input into the reallocation of their budget once it was changed into rupiahs. (see letter: PPBHI Coordinator to TAF Representative Indonesia, 25 August 1983).

For a number of reasons, then, Phase II projects implementation has undergone delays, at this point, however, there are written agreements made with all project holders and in all cases, except the films, projects have been started. Most of these will however have to be allowed to run until the

early or mid-1984 if objectives are to be achieved and this will require an extension of at least six months past the present deadline of 31 December 1983. Should such an extension not be forthcoming, many if not most of the attainable specific objectives of Phase II will definitely not be achieved.

4.4 The Status of the PPBHI as an Ongoing Institution

One of the objectives throughout the PPBHI's brief history has been to institutionalize itself as a major legal development organization capable of both conceptualizing and administering projects for legal aid and legal infrastructural development. This has, however, meant different things to different people. Some participants in the many projects overseen by the program saw the PPBHI as the seed of a national legal aid coordination body which would eventually come to serve the needs of the various legal aid organizations and university faculties, be their spokesmen in important national forums, and obtain and process funds for their growth and development. Others, including those most closely associated with the LK-UI and the PDH, saw the PPBHI as nothing more than an important outgrowth of the LK-UI organization and activities, even though it was structurally autonomous within the LK-UI. Changes in the structure of the PPBHI in recent years as well as the fact that it is housed in the LK-UI are relevant to these considerations (see Section 2.22 and 2.23).

In interviews around the country one of the questions which was posed concerned the extent to which the PPBHI organization was considered to fill the role a coordinating body in legal aid matters. Most of those interviewed

suggested that through most of its history, PPBHI had indeed been filling an important need as disseminator of information and as the source of development funds and of programming expertise for utilizing those funds.

There was, on the other hand, criticism of what was seen by many groups as monopolization of funds and projects by the three major Jakarta institutions-- LK-UI, LBH/Jakarta, and the PDH.

It was believed nonetheless that in Phase II more attention would be paid to strengthening groups outside of Jakarta and that this would correct what was seen as over-centralization of funding in Phase I. The PPBHI staff, in fact, was equally committed to this growth of regional centers.

As has been indicated in this report, however, despite the fact that build-up of regional centers was to be a primary overall objective of Phase II, this objective has not and will not be substantially advanced through PPBHI projects now being undertaken with Phase II funds. Impressive regional centers of legal competence are emerging in part due to Phase I activities, but Phase II seems not to have continued this development. Correspondingly PPBHI has dropped in importance as the hub organization to which such centers might have looked for coordination and leadership.

One is struck in fact by the extent to which present legal aid and legal infrastructure development programs in and out of universities are isolated.

There was a general and striking lack of awareness at most institutions of programs relevant to them at other universities and this was particularly surprising regarding projects sponsored by the PPBHI. In some cases organizations which had earlier been discussing Phase II projects with PPBHI had simply heard nothing further and were surprised to learn that these and similar PPBHI projects had been implemented at other universities months before.

Indonesian legal system. It is suggested, however, that the PPBHI might itself benefit if encouraged to submit more modest detailed, and carefully justified proposals worked out in close cooperation with the Foundation staff or with other donors to ensure rapid approval and implementation of specific projects. Particularly promising in this regard is the possibility of further provision of block grants to The Asia Foundation by USAID. According to LK-UI/PPBHI interests, such proposals might be in any of the three areas of interests institutionalized as Kabid, i.e., Development of Law and Criminology, Legal Instruction and Legal Aid.

The Asia Foundation should, however, also begin to consider possibilities of directly providing substantial grants to some of the many legal institutions inside and outside Jakarta. The Asia Foundation had expertise in developing 'centers of competence' and this expertise could fruitfully be used in the development of legal education and research programs at a number of universities. Moreover, one of the major rationales for maintaining the 'buffer' between donors and recipients has dissolved with the sea change in GOI attitudes toward legal aid issues. At this point the Foundation can and should become more directly and actively involved in strengthening Indonesian legal research and training centers.

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5. RECOMMENDATIONS TO THE ASIA FOUNDATION

5.1 Concerning Extension

For a variety of reasons, some Phase I projects and the majority of Phase II projects will not be completed by the present deadline of 31 December 1983. However, written agreements have been made between PPBHI and the project recipients for all remaining projects and all or nearly all of these (with the possible exception of the films being made by Hadi Purnomo) can be expected to be completed by mid-1984. Moreover, no further funds have been requested under outstanding grants to the PPBHI. Should an extension not be granted in the case of INDO-2070 no realization of objectives in a substantial number of projects can be expected. On the other hand, a high degree of success can be expected within the first six months of 1984. A tremendous burden will also be placed on the PPBHI in those cases where agreements have been signed and progress made in projects yet with no disbursements made from PPBHI to project holders at this point. The current status of INDO-0022 and INDO-1058 are somewhat ambiguous in that it appears that certain projects are not yet complete, but the PPBHI consider the grants to be closed and do not want extensions." It is therefore recommended that The Asia Foundation allow a final six-month extension for INDO-2070 to 30 June 1984. The status of INDO-0022 and INDO-1058 needs to be negotiated if this has not yet been done.

5.2 Future Funding of PPBHI Programs

Given the long experience and present staff abilities of the PPBHI it is fully expected that now that the Phase II projects are underway, it will be reasonable to expect that significant results will be forthcoming in 1984. At this point there appears to be no concrete plans on the part of PPBHI to approach The Asia Foundation for further funding of its projects, and given the present uncertainties concerning both the Coordinator and the status of the PPBHI itself, there probably will not be any major initiatives by PPBHI in this regard for the near future. Should PPBHI become willing to request Foundation support for further legal aid or legal infrastructure development projects, however, it is recommended that these be more modest, carefully targeted, and fully detailed than appears to have been the case in the Phase II proposal. The PPBHI has important experience in programming in both legal aid development and educational fields and these strengths could and should be encouraged by The Asia Foundation.

5.3 Future Funding of Other Law-Related Institutions

To the extent that The Asia Foundation intends to continue to support institutions committed to development of human rights and social justice in Indonesia, strong consideration should be given to direct support for the nurturing of 'centers of legal competence' primarily within, but also outside of, universities. This is an area in which The Asia Foundation might have substantial impact on the future development

of a just and democratic legal system in Indonesia which is open to stable but progressive reform. This is, of course, a major goal of the PPBHI, especially under Phase II, though both funds and administrative capacity limited the role which PPBHI could play in this regard. A more active, creative and direct role by the Asia Foundation in the nurturing of regional legal centers of education and research is therefore recommended.

APPENDIX 1: Documents and Interviews

Major Documents Used

(Available in The Asia Foundation/Indonesia files)

1. PPBHI Phase I Proposal:
INDONESIAN LEGAL AID ASSISTANCE PROGRAM (proposal to USAID),
13 December 1978
2. PPEHI Phase I Proposal (in Indonesian):
PROGRAM PENUNJANG BANTUAN HUKUM INDONESIA, n.d.
3. PPBHI Phase II Proposal:
Project Proposal--The Indonesian Legal Infrastructure Program:
Phase II (proposal to USAID), 20 January 1982
4. PPBHI Status Report, April 1983
INDONESIAN LEGAL INFRASTRUCTURE PROGRAM--STATUS REPORT. (Covering
Activities Through March 31, 1983), April 1983
5. PDH Final Report, September 1983:
INDONESIAN LEGAL AID ASSISTANCE PROGRAM--LEGAL DOCUMENTATION CENTER
COMPONENT (GRANT INDO 211-INDO-0022)--FINAL REPORT. (Covering
Activities Through August 31, 1983), September 1983.
6. PPEHI Interim Report, May 1981:
7. Amending Letter of Agreement--TAF/PPBHI, 22 August 1983

P.D.H.

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<p>Phase I</p> <p>INDO-9055 4 June 1979 (GG + SSG)</p> <p>INDO-9056 4 June 1979 (GG)</p> <p>INDO-0022 31 December 1979 (SSG)</p> <p> extensions: 21 August 1980</p> <p> 15 September 1981</p> <p> 19 May 1983</p> <p> (expired 31 August 1983)</p> <p>INDO-0075 8 September 1980 (GG)</p> <p> extensions: 29 December 1980</p> <p> 30 March 1981</p> <p> 29 June 1981</p> <p>(completed)</p>	<p>Phase I</p> <p>INDO-9057 4 June 1979 (GG)</p> <p> extensions to: 28 March 1980</p> <p> 29 September 1980</p> <p>INDO-0023 31 December 1979 (SSG)</p> <p> extensions: 18 September 1980</p> <p> 1 October 1980</p> <p> 13 November 1980</p> <p>INDO-0044 24 April 1980 (SSG)</p> <p>(completed)</p>
<p>Phase IIa</p>	<p>Phase IIa</p> <p>INDO-1058 17 December 1981 (GG)</p> <p> extensions: 15 April 1983</p> <p>(presently expiring 31 December 1983)</p>
<p>Phase IIb</p>	<p>Phase IIb</p> <p>INDO-2070 16 September 1982 (SSG)</p> <p> 22 August 1983</p> <p>(presently expiring 31 December 1983)</p>

(GG) - General Grants funds of TAF
 (SSG) -- Specifics Support Grant funds from USAID; all SSG funds to PPBHI are made USAID Grant No. 79-15.

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APPENDIX 3: Amendments to USAID GA 79-15

(initial grant: 31/8/79 initial amount: \$250,000 expiring: 31/8/81)

<u>amendment</u>	<u>date</u>	<u>contents</u>
1	6/5/80	addition of \$244,000 to a total of \$ 494,000
2	5/6/80	addition of \$14,279 to a total of \$508,279
3	10/15/81	period of grant extended to 31 December 1981
4	1/12/81	all disputes arising in terms of grants will be settled by USAID
5	28/4/82	period of the grant extended to 31 March 1983; addition of \$191,000; funds to be spent according to the proposal submitted to USAID for Phase II
6	1/10/82	period of grant extended to 31 December 1983
7	1/11/82	concerning the figuring of Indirect Costs

