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# INDONESIA CONTROL OF CORRUPTION PROJECT

**FINAL REPORT: TASK ORDER EXTENSION  
APRIL 11, 2009-OCTOBER 10, 2009**

November 2009

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**Contract No. DFD-I-00-05-00219-00, Task Order No. 4  
Building Recovery and Reform Through Democratic Governance IQC  
Indonesia Control of Corruption Project**

Cover: Supreme Court of Indonesia  
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## EXECUTIVE SUMMARY

The Indonesia Control of Corruption Project (ICCP) task order extension was a six-month contract designed to consolidate several of the successes of the Millennium Challenge Corporation's Threshold Country Program (TCP) for Indonesia. It focused on activities and outcomes related to human resources and budget reform at the Supreme Court of Indonesia and provided a programmatic bridge for anticipated future assistance from USAID to support the Supreme Court's judicial reform efforts.

Awarded to Chemonics on April 11, 2007, MCC ICCP closed on April 10, 2009. The extension project team continued to work closely with the leadership of the Supreme Court and several key divisions of its administration, including the human resources bureau, administrative affairs body, and supervisory body. The team maintained relations with the Corruption Eradication Commission (KPK) for activities related to the submission of wealth reports by court personnel. The team, including partners Internews Network, BlueLaw International, the Indonesian Society for Transparency, the Indonesian Institute for an Independent Judiciary, and software developer DataOn Corporation, continued their work to improve the integrity, competence, and productivity of court officials. Project highlights are briefly summarized below.

Activity 1, human resources management, focused on five linked activities: further implementation of the wealth reporting system; integration of job descriptions and performance standards into the Supreme Court's recruitment and career path systems; a staffing assessment; integration of the human resources database into court operations; and implementation of the public complaint system. Activity 2, budget reform, advanced budget advocacy for the Supreme Court with the Indonesian parliament (Dewan Perwakilan Rakyat, or DPR) and standardized financial reporting formats. All contract targets within the project team's manageable control were met, including those resulting from changes made during implementation and agreed by USAID and the Supreme Court. A total of 578 individuals (418 men and 160 women) received training in topics such as completing the state wealth report, using job descriptions to improve human resources management, recruitment and career path development, using a staffing assessment tool, using the human resources database, operating the public complaint system, and standard operating procedures (SOPs) for asset management and budget development. Training participants were selected by the Supreme Court and lower courts. The Supreme Court also contributed to many workshops and training sessions by providing venues and refreshments and covering travel and other expenses.

The purpose of the ICCP extension was to maintain momentum for implementing change generated by MCC ICCP. The Supreme Court demonstrated strong commitment to internal change and was very responsive throughout the six-month contract period, enabling the project team to meet its goals. Chemonics and our partners are grateful to the Supreme Court for this high level of collaboration, as well to USAID for technical guidance and direction. ICCP also benefited from excellent relationships with the Indonesia Anticorruption and Commercial Courts Enhancement (In-ACCE) project and the Judicial Reform Support Project (JRSP). At the end of the project, ICCP provided substantive technical materials on the public complaint system and judicial ethics to these two teams.

## **I. IMPLEMENTATION OF WORK PLAN COMPONENTS**

The six-month ICCP extension contract was funded by USAID as a bridge between the two-year MCC ICCP and anticipated future USAID assistance to the Supreme Court. The extension was funded through a modification to Task Order No. 4 under the Building Recovery and Reform through Democratic Governance (BRDG) indefinite quantity contract, which USAID awarded to Chemonics International Inc. on April 11, 2009.

Chemonics was the prime contractor for ICCP. Partners for the extension period were BRDG consortium partners Internews Network and BlueLaw International, and Indonesian subcontractor organizations Institute for an Independent Judiciary (LeIP), the Indonesian Society for Transparency (MTI), and DataOn (PT Indodev Niagatama).

To begin, ICCP held meetings with the Supreme Court leadership to clarify implementation plans and strategies. Separate meetings were held with the supervisory body and with bureaus under the administrative affairs body. On May 4, 2009, ICCP submitted an inception plan that had been thoroughly discussed and revised based on feedback from the court. As the court did not send further comments beyond this date, concurrence with the inception plan was assumed. The six-month work plan was submitted to USAID on June 3 and was approved on June 6, 2009 (see Annex B).

This final report includes work initiated on April 13, 2009, and concluded on October 9, 2009. Project accomplishments are discussed in more detail in the individual activity reports, numerous project deliverables, and other key documents, including the final project calendar (see Annex B). The staff who worked on ICCP are identified in Annex C.

### **A. Progress toward Achieving Minimum Tangible Results**

ICCP successfully met or exceeded each “minimum tangible result” identified in the proposal and work plan, including those specified by modifications made over the course of implementation. Several activities were added during implementation, and the training budget was carefully managed to maximize participation. Project team efforts were augmented by significant contributions from the Supreme Court, including extensive use of the court’s training facilities at Ciawi, Bogor, approximately 1.5 hours south of Jakarta. The exhibits on the following pages summarize project results. Section B presents a narrative description of results achieved under each of the two main activities.

**Exhibit 1. Minimum Tangible Results for  
Activity 1, Human Resources Management**

Minimum Tangible Result	Results Achieved
<b>Activity 1a. Additional Training to Implement the Wealth Reporting System</b>	
At least two circular letters or other formal documents drafted by ICCP staff and released by the Supreme Court to strengthen state wealth report submission compliance (Laporan Harta Kekayaan Penyelenggara Negara or LHKPN).	Completed. Three circular letters were drafted by ICCP and issued by the Supreme Court: Letter No. 281 Bua.2/07/VII/2009 dated July 14, 2009; Letter No. 322/Bua.2/07/VII/2009 dated August 10, 2009; and Letter No. 325/Bua.2/07/VIII/2009 dated August 10, 2009. Since March 30, 2009, the percentage of judges submitting wealth reports to the Corruption Eradication Commission (KPK) increased from 79% to 99.8%.
<b>Activity 1b. Integration of Job Descriptions and Performance Standards into the Recruitment and Career Path System</b>	
30 court champions for integration of job descriptions identified and trained.	Completed. A total of 35 court staff (32 men and 3 women) were trained, including half-day participation by six Supreme Court leaders. Training focused on the importance of integrating job descriptions into human resources systems.
Guiding decree letter drafted and issued by deputy chief justice for nonjudicial affairs.	The Supreme Court leadership indicated their intent to issue a job descriptions decree letter. Due to Supreme Court scheduling priorities, job descriptions training was postponed until September. The Supreme Court held its annual national meeting for judges (Rakernas) in early October, and the decree letter is expected to be released by January 2010.
Task force to integrate job descriptions established and functioning based on terms of reference drafted and issued with decree letter.	The task force is expected to include Supreme Court leaders and champions trained in September. The task force is to be announced when the job descriptions decree is issued by January 2010.
Assessment of court recruitment process completed.	Completed. An extensive map of the recruitment process across different courts based on document research, interviews, and focus group discussions was submitted to the Supreme Court.
Assessment of court career path system completed.	Completed. An extensive map of the career path system across different courts based on document research, interviews, and focus group discussions was submitted to the Supreme Court.
Action plan drafted for implementation of results and recommendations from the recruitment and career path assessments.	Completed. Results of the career path and recruitment assessments were combined into a two-year "Draft Action Plan for Managing Human Resources Program Implementation." This is a combined output with the action plan for staffing assessment, per Activity 1c.
<i>Additional result.</i>	Completed. Two seminars were delivered to Supreme Court leadership on successful international practice in legal education, recruitment and career path development. Thirty individuals attended each session (21 men and 9 women).

Minimum Tangible Result	Results Achieved
<b>Activity 1c. Implementation of a Staffing Assessment</b>	
Visits to five selected courts completed.	Completed. Five cities and eight courts were visited to review progress of the Supreme Court's implementation of a staffing assessment.
Advice or recommendations provided by ICCP extension team members as needed.	Completed. The staffing assessment data collected by the Supreme Court during the project period was reviewed, and advice and guidance was provided to Supreme Court leaders on a regular basis. Data analysis results and recommendations were submitted to the Supreme Court in the form of reports.
Two-year action plan drafted and submitted to the court with specific instructions on use of the staffing assessment tools.	Completed. The plan, "Draft Action Plan for Managing Human Resources Program Implementation," is a combined output with the action plans for recruitment and career path systems, per Activity 1b.
<i>Additional result.</i>	Completed. A staffing assessment refresher course was delivered to 67 high court registrars and secretaries (61 men and 6 women).
<b>Activity 1d. Integration of the Human Resources Database into Court Operations</b>	
80 Supreme Court human resources database trainers from the Supreme Court/High Courts trained.	Completed. A total of 85 trainers (56 men and 29 women) completed the workshop. Of these, 20 trainers (17 men and 3 women) were selected to deliver training to district court officials on how to use the human resource database.
140 district court officials trained to operate and maintain the new human resources database.	Completed. A total of 140 district court officials (85 men and 55 women), representing 140 courts from around the country, were trained to use the human resources database.
Human resources database operation fully integrated with the Supreme Court's wealth report monitoring and supervision procedures.	Completed. The Supreme Court human resources bureau identified one staff member to serve as coordinator for managing the human resources database and wealth reporting via use of the KPK database. ICCP provided monitoring, which will be continued by the coordinator.
<b>Activity 1e. Implementation of the Public Complaint System</b>	
24 officials from the Supreme Court supervisory body (Bawas) trained in public complaint system standard operating procedures (SOPs) and database.	Completed. A total of 48 individuals from Bawas (38 men and 10 women) were trained. Of these, 6 served as trainers for the rollout of SOPs training in five cities.
Between 50 and 100 officials from 5 cities trained in public complaint system SOPs and database.	Completed. A total of 145 officials from 49 courts (105 men and 40 women) were trained, including the Supreme Court, 18 high courts, and 30 district courts in the use SOPs.

Minimum Tangible Result	Results Achieved
<b>Activity 1e. Implementation of the Public Complaint System (Cont'd.)</b>	
Printed materials for public complaint system awareness printed and distributed within the court system.	Completed. An additional 6,700 booklets, 20,100 brochures, and 2,010 posters were printed for distribution to all high courts for public use. Bawas will continue distributing these materials throughout the courts.
Modifications and improvements of the public complaint system recommended for use in courts nationwide.	Completed. A database was designed and developed for the Supreme Court supervisory body intranet and for use by all courts in the future. Recommendations for future training and use of the database for handling complaints were provided to the supervisory body.

### Exhibit 2. Minimum Tangible Results for Activity 2, Budget Reform

Minimum Tangible Result	Results Achieved
<b>Activity 2a. Budget Advocacy</b>	
Supreme Court concept paper drafted describing the court's judicial independence goals and providing a basis for a future MOU among the court, parliament (DPR), and Ministry of Finance.	Completed. The Supreme Court determined that the concept paper would not be needed; however, the team developed the paper and delivered it to the court at the end of the project period. The ICCP court budget expert provided continuous input and advice on informal basis and facilitated introductions to foster relationships between Supreme Court personnel and members of parliament to discuss budgetary independence.
Three interministerial meetings on judiciary budget independence held with a total of 60 participants.	As the court determined that formal meetings with donor support were not needed, the ICCP court budget expert held frequent informal meetings with Supreme Court personnel and members of parliament separately and together. Joint meetings between the court and parliament (not financially supported by ICCP) resulted in draft language to revise Law UU 17/2003 concerning judicial and legislative branch budgetary independence.
Assessment of issues related to achieving greater budgetary independence for the judiciary completed, with recommendations on how the Supreme Court can move toward drafting and signing a memorandum of understanding (MOU) or joint circular letter ( <i>surat edaran bersama</i> ) with the executive and legislative branches.	Completed. A draft recommendation paper, "Budget Management and Judicial Finance Reform," was submitted to the Supreme Court at the end of the project period.

Minimum Tangible Result	Results Achieved
<b>Activity 2b. Standardization of Financial Reporting Formats</b>	
A minimum of eight budget formulation and financial reporting SOPs developed and accepted/issued by the Supreme Court's administrative affairs body and the bureaus of finance and planning.	Completed. A total of 26 SOPs were developed and approved by the Supreme Court administrative affairs body through a new decree, SK 80. The SOPs include 11 for the finance bureau, nine for the equipment bureau, and six for the planning bureau.
SOP training events paid for by the Supreme Court, with technical assistance from ICCP extension staff.	Completed. A two-day introductory training session was conducted for 58 individuals (41 men and 17 women) from the finance, planning, and equipment bureaus of the Supreme Court supervisory body.

## B. Activity 1: Human Resources Management

*Scope of work.* Five sets of linked activities were completed addressing the human resources management system at the Supreme Court.

- *Activity 1a.* Continued implementation of the wealth reporting system through training of 80 high court registrars/secretaries and development of follow-on decree letters.
- *Activity 1b.* Integration of job descriptions and performance standards into the recruitment and career path system through assessments of those systems and development of an action plan for job description integration.
- *Activity 1c.* Implementation of a staffing assessment through (i) intensive monitoring of court staff in the use of assessment tools, (ii) integrating the results into recruitment and transfer policies and procedures, and (iii) developing a two-year plan for these activities to be accomplished.
- *Activity 1d.* Integration of the human resources database into court operations by training key staff and through analysis and migration of court system data from various bureaus.
- *Activity 1e.* Implementation of the public complaint system through staff training and development of pilot systems for lower courts.

ICCP concluded three fixed-price subcontracts with Indonesian partners to undertake several of these activities. These partners had been approved for similar work through MCC ICCP and included the Indonesian Society for Transparency (MTI) for Activities 1b and 1c, DataOn Corporation for Activity 1d, and the Indonesian Institute for an Independent Judiciary (LeIP) for Activity 1e. Each sub-activity is described in detail below.

### Activity 1a. Additional Training to Implement the Wealth Reporting System

The goal of this activity was to increase compliance with state wealth reporting requirements by providing additional training of court personnel to implement the wealth report monitoring system developed under MCC ICCP. The activity comprised three separate tasks, as follows.

*Task 1. Train high court registrars/secretaries to serve as wealth report coordinators and to oversee SOP implementation.*

ICCP conducted a one-day training session on the wealth report form (LHKPN) for 67 high court secretaries/registrars (61 men and 6 women) on July 15, 2009, in Bandung. These individuals serve as internal coordinators to monitor submission of the LHKPN by court staff. The workshop included sessions on how to fill out the form (similar to the training provided to more than 2,251 judges under MCC ICCP) and on SOPs to monitor LHKPN compliance within the court system, also developed under MCC ICCP. As a result of continuous collaboration under the Memorandum of Understanding (MOU) signed between the Supreme Court and the Corruption Eradication Commission (KPK) in February 2009, KPK provided two trainers who explained why wealth reporting is important for reducing corruption and provided instructions on completing the form. The head of the Supreme Court personnel bureau presented the SOP for monitoring submission of LHKPNs at the Supreme Court and described the role of the coordinator.

As part of the Supreme Court's counterpart contributions, this training was tagged onto a budget-related meeting organized by the Supreme Court, which covered transportation costs. Although the training was prepared for 80 participants, 13 Jakarta-based participants from the Supreme Court and directorates general did not attend after the venue was switched from Jakarta to Bandung. Unfortunately, at the time, the cost of travel, meals, and incidentals for these 13 individuals could not be absorbed by ICCP.

The participants asked questions on how the secretaries/registrars should perform their responsibilities as coordinators and wanted to know about other Supreme Court policies related to wealth reporting. They asked specific questions concerning completion of the LHKPN, for example:

- If an official expects future income or assets (e.g., an "account receivable") but will not receive it for two years, should it be reported?
- If an official owns antique goods such as *keris* (daggers), family cloth passed from generation to generation, or collectable porcelain, how should these items be reported?
- If an official has extra income (not received in regular amounts and/or not routinely) and receipts are not available, how can the official prove and report on this income?

The workshop gave participants a more thorough understanding of LHKPN requirements and how to complete the LHKPN form. ICCP expects this training to have a positive long-term impact, as the participants serve as wealth report coordinators at the high court level and are available to answer questions from other staff about the LHKPN.

*Task 2. Help the Supreme Court plan awareness efforts across the court system regarding officials' obligations to complete the LHKPN.*

The SOP for monitoring submission of LHKPNs by Supreme Court officials developed under MCC ICCP required a period of practical implementation to test the

effectiveness of the procedure, with frequent input from ICCP. This included testing the Supreme Court's ability to access the KPK's LHKPN database.

Following the MOU signing, the Supreme Court secretary issued a letter (Letter no. 101/Bua.2/07/II/2009) addressed to all LHKPN coordinators within the Supreme Court and the four directorates general instructing them to update data in the KPK database by March 17. Coordinators and users were unable to meet this deadline because the LHKPN database was being repaired. Beginning May 1, 2009, coordinators and users were able to check and update the database, but they continued to encounter problems with opening and submitting data.

In early June 2009, the Supreme Court sent a letter to KPK describing their database access problems. Subsequently, the Supreme Court and KPK have been in direct verbal communication, with the LHKPN coordinator informing KPK of any issues. KPK continues to be helpful and responsive to the court. At present, the main problem is that too many users from a number of government agencies outside KPK are trying to access the database at once.

The ICCP wealth reporting specialist worked frequently with human resources bureau and personnel bureau leaders overseeing the LHKPN coordinators and the authorized KPK database users. After an initial focus on resolving problems with KPK database access and encouraging the coordinators to update data regularly, the emphasis shifted to transferring knowledge to the newly appointed wealth reporting application administrator from the Supreme Court administrative affairs body. This individual is supervised by the head of the Supreme Court wealth reporting team and prepares a monthly report to remind all coordinators and users of the KPK database about data updates and other required functions related to wealth reporting. The monthly report is delivered to a "MA-LHKPN mailing list." After six months, the administrator will write a summary report to assess overall progress.

When updating the database, users thoroughly check the compulsory data. If incomplete data are found, it is their obligation to complete the data. If they find a mistake, they are expected to correct it or delete the data. All three activities (adding, altering, or deleting compulsory data) initiated by the user are recorded in the system, which helps trace accountability.

Exhibit 3 on the following page is a cumulative report of Supreme Court user activity of the KPK database. The User Name column refers to users based in each directorate general and the Supreme Court, who are responsible for updating and maintaining the database. The other columns track user access of the database by counting the addition of a new LHKPN report (*tambah* data), recording changes to an existing record (*ubah* data), and noting the deletion of an existing record (*hapus* data).

ICCP helped develop letters that issued by the court to enhance the wealth report submission monitoring system. First, on July 14, 2009, the Supreme Court secretary sent a reminder/warning letter (Letter No. 281/Bua.2/07/VII/2009) to all wealth report coordinators. The coordinators were required to report on their data updates by July 27, 2009. This deadline was later extended by one week, and a meeting was held on August 26, 2009, to assess progress. Second, a recommendation was made during the July training of secretaries/registrars to require officials responsible for authorizing

**Exhibit 3. Report of Supreme Court User  
Activity in LHKPN Application as of September 30, 2009**

No.	User Name	Tambah Data	Ubah Data	Hapus Data
1	admin.ma	0	0	0
2	AGAMA1	32	1	0
3	AGAMA2	68	5	3
4	AGAMA3	3	0	0
5	dzma	0	0	0
6	hakim	0	0	0
7	MA	0	0	0
8	Mahkamah Agung	0	0	0
9	MILITER1	0	0	0
10	MILITER2	0	0	0
11	MILITER2	0	0	0
12	PUSAT1	17	2	0
13	PUSAT2	1	0	0
14	PUSAT3	0	0	0
15	TUN1	0	0	0
16	TUN2	0	0	0
17	TUN3	60	4	0
18	TUN4	0	0	0
19	UMUM1	831	7	0
20	UMUM2	14	0	0
<b>Total</b>		1026	19	3

the use of financial resources (*pejabat pembuat komitmen*) to submit the LHKPN per decree Letter No. 44 /SEK/SK/IX/2008 (issued on September 24, 2008). However, this letter could not be amended to include *pejabat pembuat komitmen* because there was no precedent for amending this kind of decree.

To increase the number of officials submitting LHKPNs, the Supreme Court secretary signed a reminder letter addressed to all Supreme Court officials to submit their wealth report (Letter No. 322/Bua.2/07/VII/2009) on August 18, 2009. This letter is similar to the Supreme Court secretary's Letter No. 578/SEK/0I/IX/2008, dated September 24, 2008, concerning submitting and receiving wealth reports. The new letter served to:

- Remind all the officials to submit the LHKPN.
- Instruct all *pejabat pembuat komitmen* officials to report their wealth to KPK. (This is considered, therefore, a specific appeal to these officials in lieu of devising an amendment, as described above.)
- Instruct all registrars/secretaries to report on their activities as LHKPN coordinators by September 1, 2009.
- Provide data through an attachment with the recapitulation table as of August 10, 2009. The table reports the total number of officials in each court jurisdiction who have or have not submitted their wealth reports.

A third letter (Letter No.325/Bua.2/071VIII/2009, dated August 10, 2009) signed by the head of the wealth reporting coordination team was sent to all high court-level secretaries/registrars. This letter provided secretaries/registrars with the names of court officials in their jurisdiction who had yet to submit the LHKPN.

Because of these letters, we anticipate a surge in overall wealth reporting in the coming months, but close monitoring will be required. Importantly, these letters have established a precedent for steps the human resources bureau and secretary can take to improve compliance with LHKPN reporting requirements. As mentioned above, and related to these letters, on August 26, 2009, the wealth report coordinators in the directorates general and the Supreme Court held a meeting to assess how the coordinators were performing their new duties. This meeting also set a precedent for ensuring that coordinators carry out their duties in full and established communication among all the wealth report coordinators. ICCP learned that no technical difficulties or other obstacles were encountered in updating the KPK database.

Team efforts were primarily targeted at senior court officials (per the MCC ICCP definition). Under ICCP, the percentage of officials submitting wealth reports increased from a baseline of 77 percent (March 2009) to 93 percent (September 30, 2009). Over the same period, submissions by chief and deputy judges of high courts and district courts increased from 78 percent compliance to 99 percent compliance; leaving just 22 of 1,566 individuals to submit their reports. The number of registrars/secretaries submitting LHKPNs increased from 73 percent to 80 percent. The Supreme Court justices are fully compliant, and only two echelon 1 individuals still needed to submit their LHKPNs to KPK. Exhibit 4 illustrates compliance rates.

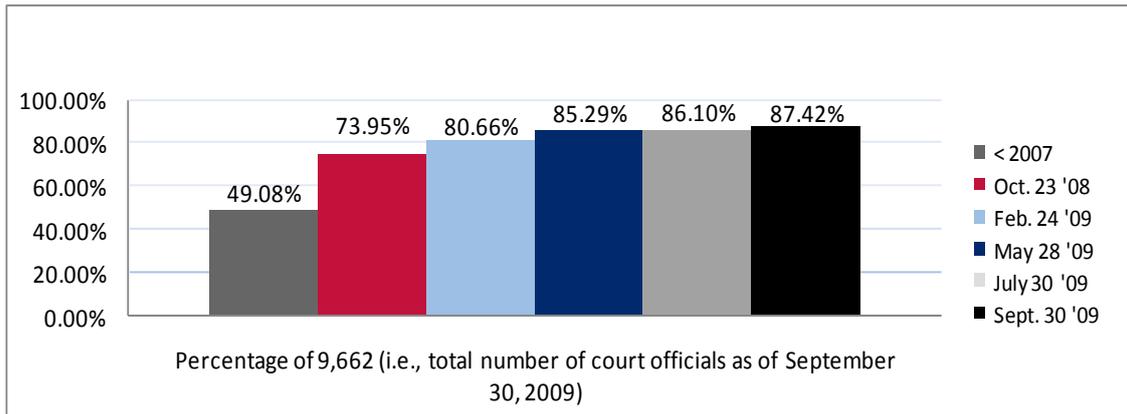
The total number of wealth report filers across the court system increased by 701 between February 24, 2009, and September 30, 2009. During the same period, 306

**Exhibit 4. Number of Senior Court Officials Who Submitted Wealth Reports as of September 30, 2009**

Position	Number who must submit LHKPN	Number who have already submitted LHKPN *					
		March 2009		June 2009		Sept. 2009	
		Total	%	Total	%	Total	%
Supreme Court justices	43	43	100	43	100	43	100
Echelon 1 staff	7	5	71	5	71	5	71
Judges (chief judges and deputy chief judges of all high courts and district courts)	1,566 (783 total courts under all four jurisdictions; two judges per court)	1,221	78	1,534	98	1,544	99
Registrars/secretaries	783 (783 total courts under all four jurisdictions; one registrar/secretary per court)	572	73	569	73	626	80
<b>Total</b>	<b>2,392</b>	<b>1,843</b>	<b>77</b>	<b>2,153</b>	<b>90</b>	<b>2,218</b>	<b>93</b>

\* Note: figures in this tabulation are obtained from KPK's LHKPN application but are counted manually. Changes can occur at any time.

**Exhibit 5. Percentage of Court Officials  
Who Submitted Wealth Reports as of September 30, 2009**



new positions (net) were required to submit reports. As illustrated in Exhibit 5, this led to an increase in the percentage of overall court staff submitting wealth reports from 80.66 percent to 87.42 percent.

ICCP considered supporting publication of a frequently asked questions (FAQ) document for Supreme Court officials on filling out the LHKPN but learned that KPK was in the final stages of completing a FAQ booklet to guide all LHKPN filers. In the future, the Supreme Court could cooperate with KPK to survey Supreme Court staff who must file the LHKPN to see if they experience difficulties that differ from those of their peers from other agencies.

On September 29, 2009, we provided the Supreme Court with three compact discs containing the overall LHKPN data, the database application manual, general and internal regulations, Supreme Court policies regarding the LHKPN and LHKPN A and B forms, and the Supreme Court and KPK training presentation.

*Recommendations.* The Supreme Court now has a functioning system and capacity to monitor and hold staff accountable for LHKPN submission. The success of the system depends on the continued commitment of the LHKPN coordination team and ongoing encouragement and pressure from the Supreme Court leadership. Submission of these reports greatly enhances judicial system transparency and supports Indonesia's bureaucratic reform goals. Refresher training and meetings that emphasize the importance of submission and monitoring of LHKPNs should be regularly scheduled for LHKPN coordinators.

It is still unclear whether Supreme Court circular letter No.3/2008, which stipulates restrictions on the promotion or transfer of judges who have not submitted the LHKPN, has been enforced. A large number of new judges will need to be trained and familiarized with the need for regular submission and updating of the LHKPN. Providing LHKPN form training as part of new judge training would be an important step forward.

## **Activity 1b. Integrate Job Descriptions and Performance Standards into the Recruitment and Career Path System**

The goal of this activity was to ensure that the Indonesian Supreme Court leaders understand the relationships of the different components of a human resources management system. During the MCC ICCP job description activity, the team collaborated with the Supreme Court to identify the work (i.e., tasks) to be done and organized those tasks into individual jobs with associated duties, authorities, responsibilities, accountabilities, qualification requirements, and performance standards.

Managing job descriptions effectively and efficiently is a critical success factor for the court's human resources program. Job descriptions organize the work into jobs and career paths, providing the foundation for other human resources system components, such as recruitment, transfer, promotion, performance management, professional development, and remuneration. Three tasks under the ICCP activity are detailed below.

*Task 1. Broaden court personnel's understanding of new job descriptions and performance standards by identifying court "champions" and develop them as change agents to communicate the use of job descriptions throughout the court system.*

To broaden the court's understanding of job descriptions and performance management, a series of informational meetings were held with the vice chief justice for nonjudicial affairs, the junior chief justice for institutional development, the secretary of the Supreme Court, and the head of the personnel bureau, which planned implementation of ICCP-supported human resources activities. It became very clear that these individuals recognized the strategic importance of developing internal champions among Supreme Court staff so that job descriptions could be used as a critical stepping stone for continued development of the human resources system.

A socialization event for 14 Supreme Court leaders, including echelon 1 and echelon 2 leaders from all four court jurisdictions (general, religious, military, and administrative), was held on June 25, 2009. The agenda touched on the entire ICCP extension program for human resources, but the event was most relevant to Task 1 because of its contribution to echelon 1 and 2 staff's understanding that a human resources system is an integrated whole comprised of job descriptions that link to career paths, recruitment, staffing, use of the human resources database, promotion (wealth reporting), and ethics (public complaints).

To accommodate the Supreme Court, the training for human resources champions was held at the court training center in Ciawi, Bogor, on September 8-9, 2009. Twenty-nine champions (26 men and 3 women) were trained in two days, and 6 Supreme Court leaders attended the first half-day, which focused on the importance of integrating job descriptions into human resources systems. The sessions were lively and interactive and included videotaping of the champions during mock sessions to provide immediate feedback on how the champions came across to their constituents. A complete training report, including the agenda and curriculum, was presented to the Supreme Court and is listed in Annex B.

It is expected that the Supreme Court leaders who attended the champions training will create a task force to guide the work of the champions in their efforts to regularize the use of job descriptions for human resources activities throughout the court system.

*Task 2. Integrate new job descriptions into the court's recruitment and career path advancement systems.*

The initial activity of this task was for ICCP subcontractor Indonesian Society for Transparency (MTI) to develop a methodology for integrating job descriptions into the court's recruitment and career path systems. MTI carried out a detailed analysis of the current recruitment process, career path model, and system based on a comprehensive desktop review of critical documents, interviews with Supreme Court leaders across all four court jurisdictions, and focus group discussions. For each step in the recruitment and career path development programs, MTI examined:



Role-playing during Job Descriptions Champions Training, Ciawi, September 8-9, 2009.

- Content: What kind of information or data is utilized or needed in the current system? To what extent is the information linked to the organization's objectives?
- Process: What are the steps and processes involved in the current system? Who is involved in each work step or process?
- System integration: How is each specific program linked and integrated with other HR programs?

MTI conducted a detailed review of Supreme Court policies and processes, documented the step-by-step processes used for recruitment and career path development, and interviewed the chief justice and 16 other key echelon 1 leaders. MTI also held several focus groups with echelon 2 leaders responsible for managing personnel in their respective divisions of the court system. The interviews and focus groups served both an information collection and validation function.

MTI used the objectives of the bureaucratic reform as described in the General Guidelines of Bureaucratic Reform, Peraturan Mentari Pan No. Per/15/M.Pan/7/2008 — transparency, independence, accountability, compliance, and efficiency and effectiveness — to provide a framework for analyzing the data.

The Supreme Court invited the ICCP court human resources expert and the MTI team to attend a meeting in Bandung on August 13-14, 2009, convened for 240 court leaders and secretaries/registrars from across Indonesia. ICCP was given time to ask participants to fill out a questionnaire developed by MTI on recruitment and the

career path system. This event provided a convenient opportunity to gather significant data. Accommodations for the team were provided by Supreme Court.

Analysis of the recruitment process and career path model and system resulted in much more data than was initially anticipated. The information included, described, and accounted for differences across the four judicial jurisdictions. The ICCP court human resources advisor conducted quality assurance reviews of the MTI draft deliverables. The final document provides a comprehensive overview of the court's current systems and recommendations for future implementation. The document was submitted to the Supreme Court in Indonesian and is listed in Annex B.

Finally, the results of MTI's analysis were incorporated into the action plan on human resources, which addresses court recruitment, career path development, and the use of the staffing assessment (see Activity 1c). As agreed by USAID, it was decided that it would be most useful to the Supreme Court to have only one action plan, entitled "Draft Action Plan for Managing Human Resources Program Implementation." This is because all the human resources components are interrelated and should be viewed as parts of a whole rather than as single programs for individual implementation.

*Additional activities: Two half-day seminars on judicial recruitment strategies in the United States and other countries.* As a result of day-to-day technical assistance and numerous discussions with the Supreme Court's leadership and senior staff, it was determined that two half-day seminars on the topics of recruitment and education, led by the court human resources advisor, would be the best way to present the material. The first seminar was held on July 22, 2009. The presentation and discussion emphasized the essential link between recruitment (getting the talent) and education (keeping the talent) programs if the court is to realize its goal of becoming an "employer of choice." It also emphasized that these two programs were part of the larger human resources system. Job descriptions provide the foundation of the system, because the job description organizes the work to be accomplished into specific positions and career ladders and paths. The seminar stimulated many questions, which provided the framework for the second seminar, held on September 16, 2009. The seminars were attended by court staff actively engaged in developing the court's human resources system. They included:

- The deputy chief justice for nonjudicial affairs
- The junior chief justice for institutional development
- The director general of the general courts
- The director general of the state administration and military courts
- Head of the development and training body for law and justice
- The technical resources supervision and development directors of the general courts, the religious courts, the state administration courts, and the military courts
- The secretary of development and training body for law and justice
- The personnel bureau head
- The Jakarta General High Court head
- The Jakarta Religious High Court head
- The Jakarta State Administrative High Court head
- Staff of the personnel bureau
- The technical members of the judicial bureaucratic team

In addition to developing the materials presented at these sessions, the advisor wrote a comprehensive review on judicial recruitment, career path development, and international practices in education. The paper summarizes the successes of several countries in conducting judicial recruitment, developing career paths, and providing education and training for judges and court staff. While the primary focus of the paper is on best practices for judges, the same principles apply to court staff. This report was translated and presented to the Supreme Court. Answers to all questions received at the first seminar are included in an annex.

*Blueprint development and general technical support.* The ICCP human resources expert helped formulate and modify the Supreme Court's new round of blueprints for reform. On August 27, 2009, she was asked by the Supreme Court leaders to facilitate a session to help define the court's vision, mission and values. This was an early step in the court's process of refining its strategic vision. The expert also attended the annual national meeting of judges (Rakernas) in Palembang on October 7-9, 2009, to describe progress in human resources management with leaders from across the national court system.

*Recommendations.* The need for a qualified judiciary is a shared value that transcends political and judicial philosophies, economic principles, systems of governance, and methods of judicial selection, career path development, and education. Democratically governed countries around the world, whether by common law, civil law, or other legal systems, are united in the belief that a well-qualified judiciary is essential to a properly functioning judicial system. Recruitment and retention of well-qualified judicial talent is a critical success factor for judiciaries all over the world.

Research completed under this activity aimed to assess the effectiveness and efficiency of the court's recruitment and career path development programs and to provide recommendations for improvement. The work builds off of job descriptions, which define the qualifications required to do the work and the performance standards to be achieved. The purpose of the champions training was to begin building a constituency for using job descriptions as the foundation of the court's human resources system.

The MTI analysis and recommendations provide the court a sound way forward. The champions training produced a cadre of committed individuals who can move the court forward. The court has the materials they need to develop a recruitment system that will attract qualified candidates for judge and court staff positions and create a career path system to help retain top talent.

Convincing the top law school graduates and top graduates from other institutions to apply for court judge and court staff positions may be challenging. Court leaders should consider taking an active role in convincing university faculty, staff, and students that the judiciary offers demanding, challenging work, and that advancement is based on performance. The court can offer top law graduates what no other institution can: the opportunity to play a significant role in the continued development of judicial institutions and to provide justice to the citizens of Indonesia. No private sector organization can come close to making a similar offer. In this regard, the court leadership should move forward with the following core suggestions for continued reform:

1. Fully mobilize the “champions” to push for the use of job descriptions throughout the court system, and to familiarize staff with the link between job descriptions and recruitment, career path development, and staffing analysis.
2. Accept, develop, and implement the recommendations contained in the MTI study of the recruitment and career development systems. For these systems to be fully effective, the court should have budget authority and the independence to manage its own recruitment and career path development systems.
3. Take an active, public role in marketing and branding judicial and court staff career opportunities. Marketing and branding messages should refer to the intrinsic worth of the work as well as to the increased remuneration and other improved benefits the court can offer to top talent.
4. Engage civil society organizations as partners in the court’s campaign to become an “employer of choice,” able to compete successfully for the best legal and other talent that Indonesia has to offer.
5. Ensure that recruitment and career path development opportunities are made available and attractive to women as well as men. For the first five years, this may require special marketing, branding, and recruitment efforts aimed at women.
6. Engage an external body to conduct annual recruitment and career path development program evaluations for the first three to five years. This approach can then be integrated into the marketing and branding campaign to assure applicants that the court is dedicated to achieving its reform objectives.
7. Issue the appropriate “structure and position” (*susunan dan kedudukan*, or SUSDUK) for job descriptions once the revised organizational structure of the Supreme Court is approved. The court should issue a SUSDUK to promulgate the regulatory basis for job descriptions. ICCP held several discussions with the junior chief justice for institutional development concerning the actions that will be needed to fully integrate job descriptions into the court human resources management system, and how this relates to organizational restructuring. The chief justice recently indicated that the Supreme Court needs to be restructured to ensure that its functions and structures are aligned with its mission, values and strategic goals and objectives, and that the structure meets the goals of efficiency, effectiveness, and transparency. After considering all the issues associated with institutionalizing job descriptions in a recent strategy session, the court decided that the SUSDUK should be issued after organizational restructuring is completed.

### **Activity 1c. Implement the Staffing Assessment**

The goal of this activity was to support the Supreme Court’s nascent use of the staffing assessment methodology developed under MCC ICCP. Continuing the productive partnership established with the court leadership, we met with the Supreme Court secretary on June 26, 2009, to determine the resource persons needed for Activity 1c. The following individuals were specified:

- The chief justice
- The deputy chief justice for judicial affairs
- The deputy chief justice for nonjudicial affairs
- The deputy chief justice for supervision
- The head of the supervision and monitoring body
- The head of state administrative court justice
- All echelon 1 staff

- Echelon 2: the head of the personnel bureau and staff, all technical resources development directors, and the planning and organization bureau
- Selected heads of courts

*Task 1. Mentor Supreme Court staff who received staffing assessment training prior to April 10, 2009.*

The goal of this task was to monitor and support the Supreme Court’s implementation of the staffing assessment methodology developed under MCC ICCP. In March 2009, the Supreme Court secretary required all high courts to undertake a staffing assessment for each of the courts under their jurisdictions. By the end of July 2009, 44 of the 67 high courts had submitted their staffing assessment results.

Starting in May, ICCP received many requests for assistance from various courts, as there were — as anticipated — practical challenges for courts using the staffing assessment methodology for the first time. ICCP support ensured:

- A common understanding of the list of activities for each job description position.
- An accurate calibration of the information/data received from respondents.
- A thorough understanding of the staffing assessment formula.

The ICCP human resources expert responded to some requests by telephone and in May, with subcontractor MTI, attended a meeting with four military high and district courts (participants from Jakarta, Medan, and Surabaya) to answer questions about the methodology.

As required, the high courts continued to submit their results to the Supreme Court, and in July, ICCP began preliminary “birds-eye” assessments of the data. MTI then prepared an analysis of the data, which helped the team prepare for additional site visits and provided guidance to the court for ongoing staffing assessment activities. ICCP held regular informal meetings with the secretary and other Supreme Court staff to discuss how to understand, interpret, and use the data.

Finally, on July 16, 2009, ICCP conducted a “refresher course” for registrars/secretaries (61 men and 6 women) from the 67 high courts. Taking advantage of the budget meeting for registrars/secretaries (to which ICCP had already added the wealth reporting training), this refresher course was added as special session to their agenda. The team reminded registrars/secretaries of their responsibilities in overseeing the staffing assessment process and discussed their concerns. Solutions were offered, as well as suggestions on how to increase understanding of the staffing assessment tools.

*Task 2. Staffing assessment methodology demonstration.*

The high courts’ use of the staffing assessment tool was uneven. Some high courts understood the assignment from the Supreme Court secretary, while others were not sure how to use the methodology. Others seemed to report based on the expectation that their reports would be linked to remuneration issues (despite instructions saying that this was not the case). ICCP team members conducted site visits to five cities,

one during the period when the courts were conducting the staffing assessment exercise and four after the data was collected.

The high courts in Aceh province requested assistance with the staffing assessment methodology. The ICCP court human resources expert and two MTI consultants travelled to Aceh in May to review progress and provide technical assistance if needed. On May 27-28, 2009, court personnel from 20 Aceh cities and towns met to complete this task. The ICCP team attended this meeting to observe and review the staffing assessment implementation process and helped participants apply the methodology correctly. This visit improved the Aceh courts' submissions to the Supreme Court. ICCP improved court personnel's understanding of key topics, such as:

- How to handle individuals who tend to include activities that not really part of their regular tasks.
- How to accurately report the period, frequency, and time needed for each of job function or activity.
- How to determine the full-time equivalent (FTE) measure if and when there are several people sharing the same position.
- Whether activities can be added to and/or removed from the job functions/activities questionnaire template (e.g., whether extracurricular activities such as speaking at university seminars should be listed separately or noted under "other" job functions").

The Aceh meeting served as an excellent "ground-truthing" exercise, enabling ICCP to understand how future visits should be structured and what materials would be needed. The Aceh courts paid for the ICCP team's airfare, demonstrating a tangible commitment to successfully undertaking this exercise. MTI's analysis of the staffing assessment data helped identify which courts would benefit most from a site visit. Criteria included (i) a representation of all four types of courts, (ii) courts that had a large number of full-time equivalent quotients, which suggested that the staffing assessment formulas were not used correctly, and (iii) sites presenting an opportunity to visit and assist more than one court. After consulting with the Supreme Court, the following courts were visited by our team:

- Bangka Belitung (religious and general high courts, August 20)
- Banjarmasin (religious and general high court, September 1)
- Jakarta (military high court, September 1)
- Makassar (state administration high court and religious high court, September 14)

An unexpected discovery at the Bangka Belitung Religious High Court was the use of logbooks to record staff activities. This is an excellent practice, and we began encouraging all religious courts to consider the use of logbooks. We suggested that a column be added for time spent on each activity. The use of logbooks is a feasible step for the religious courts, given their current management structure and team; however, for various reasons, it is not yet feasible for the entire court system. A report on the staffing assessment visit to the Bangka Belitung Religious High Court can be seen at their Web site, <http://www.pta-babel.net/asistensi-analisa-beban-kerja.ptabb>. The final trip was to the Makassar religious and administrative high courts, where the team met with an average of 15 participants at each court. As was the practice with

the other court visits, ICCP provided a three-part training session. Part I included a review of the basic staffing assessment methodology and identification of the areas in each court's staffing assessment submission where the results were inconsistent with the established methodology. Using specific court examples was particularly helpful, because each group was able to review its own data and experience. Having two courts in the same training session provided an additional benefit, because each was able to see what had caused misunderstandings for the other group. The Part I presentation concluded with an extended question-and-answer session.

In Part II, both court teams reviewed the data they had submitted and made corrections based on what they had learned in Part I. This hands-on experience reinforced the learning of each team.

Part III included a presentation by both teams on how and why they had revised the results based on their greater understanding of the staffing assessment methodology. Each presentation was followed by an extensive question-and-answer session. This part of the refresher course reinforced the learning process by giving the presenters practical experience in answering questions from their colleagues from both courts.

The presentation materials used for site visits are available and listed in Annex B. The knowledge gained from birds-eye analyses and site visits was incorporated into the two-year "Draft Action Plan for Managing Human Resources Program Implementation" written by the ICCP court human resources advisor.

*Recommendations.* Initial application of the staffing assessment methodology showed that it provides a sound basis for assessing court workload and can identify the level of staffing needed to accomplish the court's work. Supplemental assistance provided by ICCP demonstrated that the courts can develop the capacity to implement the staffing assessment methodology appropriately and successfully.

However, the initial application also showed that the court needs to build a solid foundation if it is to realize the full benefits of the staffing assessment methodology and process. This begins with ensuring that the court's organizational structure is aligned with its mission, values, strategic goals, and objectives. The organization should be efficient, meaning that there should be no overlapping functions or duplication of tasks, authorities, and responsibilities. Discussions with the Supreme Court leadership indicated that they were ready to take the steps necessary to implement the staffing assessment. This will affect all components of the court human resources system, as well as the court's efforts toward organizational restructuring. The draft action plan identified the anticipated impacts on:

- Establishing a function or office to manage the staffing assessment program, including requests for recruitment, transfers, and realignment of judges and staff in relation to court workload
- The job description program
- The recruitment and hiring program
- The education and training program
- The restructuring of the human resources office(s)
- The organizational structure of the court by office and function

For each of these areas, the draft action plan described the steps that need to be taken. Many of the steps are identical or similar. Ultimately, there should be a single action plan that incorporates all these components and shows the concurrent and sequential actions that need to be taken. However, given the complexity of an integrated plan, it seems best to define each plan separately so that the actions that need to be taken can be examined within the context of each program area. Once there is agreement on program area actions, a consolidated plan can be prepared. The fundamental steps and actions are similar across all the programs. The changes should result in:

- Effectiveness, which refers to the extent an activity fulfills its intended purpose or function. A more common definition is “doing the right thing.” In the Indonesian context, effectiveness should also include transparency and fairness.
- Efficiency, which refers to using the minimum level of effort to achieve the maximum result. It is commonly defined as “doing the thing right.” In the Indonesian context, efficiency also incorporates transparency and fairness.
- An audit trail for every action and decision. An audit trail provides a clear written record of request(s) made and decision(s) taken, and the record is available for later review. The audit trail should include who made the decisions and who provided higher level approval. The audit trail provides both accountability and transparency. It also provides valuable information to be used in evaluating program processes and results. To the extent that nepotism or other inappropriate factors have historically influenced decisions, an audit trail will help identify these incidents.
- Assurance that decisions are aligned with the court’s strategic goals and objectives and are justified based on the needs of the court. This means that work products are prepared according to the methodology established by the court, and decisions are based on officially identified needs as articulated in the strategic plan. Alignment with court strategic goals and objectives provides a way to distinguish among the many competing demands for scarce human and fiscal resources and helps ensure that decisions are aligned with the most important needs rather than the parochial needs of a particular component of the court. It also means that an action or decision is genuinely needed to achieve the work of the court.
- The best use of the court’s scarce fiscal and human resources. This means that decisions are made in relation to the top priorities of the court as identified in its strategic plan and related documents

The court leadership should review the entire two-year draft action plan. For each human resources program area that impacts the staffing assessment, the court could examine the questions raised and decide the most appropriate answers. Based on those answers, the court leadership could develop an integrated plan to implement all the human resources system components supported through MCC ICCP and ICCP. Those programs will support and be supported by the staffing assessment.

In deciding what policies and procedures should be developed and implemented, the court could apply the above criteria to help ensure that the policies and procedures instituted represent the minimum level of effort required to achieve the desired outcomes. Critical success factors for new program implementation include providing:

- The right leadership. This means identifying proven leaders who support the reform agenda of the court, understand the contribution human resources programs make to the larger reform agenda, are willing to make difficult decisions, have the courage to be role models, and are able to communicate why certain decisions are needed for the good of the court and the nation.
- Simulation and testing of policies, procedures, forms, and support systems, particularly information technology (IT) support systems. When new policies, procedures, and the like are not pretested, there are frequently unintended or unanticipated consequences. When these events occur, they undermine employees' confidence in the changes. Thus many organizations undergoing major change will identify a few entities within the larger organization to pilot the new program and related procedures. While this approach takes longer, the overall results tend to be more successful.
- Provide sufficient resources. Transformation is expensive. Sufficient fiscal and well-qualified human resources should be devoted to implementing the changes and integrating the new programs and procedures into the fabric and culture of the organization. Every resource invested up front to ensure correct implementation will pay significant dividends later, helping to ensure successful change.
- Develop and implement communication, training and rollout strategies and plans. Communicating the change, training employees at every level on the change, and investing time and thought in rolling out changes helps ensure that the desired results are achieved.
- Develop criteria and metrics against which success can be judged. Before change is implemented, the organization's leadership should define what success looks like, determine how it will be measured — qualitatively and quantitatively — and estimate of how long rollout of the change will take.
- Develop a program evaluation methodology. For the first several years, a new program should be evaluated every year to see if it is achieving its goals. Most new programs require adjustment for the first several years as the organization becomes more skilled at refining needs, implementing regulations, and devising policies and procedures needed to ensure smooth functioning.
- Decide whether implementation will be occur in stages or will apply throughout the court system on a date certain. Major change can be rolled out in stages across the court system, or it can be rolled out to all units of the court simultaneously.

#### **Activity 1d. Integrate the Human Resources Database into Court Operations**

This goal of this activity was to increase use of the human resources database (developed under MCC ICCP) by court staff around the country. It included three separate tasks.

##### *Task 1. Rollout of a follow-up training program on the human resources database.*

In April 2009, the Supreme Court asked ICCP to develop a training plan so that every high court in Indonesia would have someone trained to use the Supreme Court human resources database (Sistem Informasi Kepegawaian Mahkamah, or SIKEP MA), per Circular Letter No. 152/Bua/2009. The ICCP IT specialist responded by presenting several training scenarios for staff from district courts and organized training of trainers (TOT) for the high courts. TOT workshops are important, because the high courts are responsible for training the district courts to use the database. The scenarios

were discussed on May 14, 2009, during a meeting convened by the Supreme Court secretary with the head of the personnel bureau and support staff, the secretary of research and development and legal and judicial education, the head of the Supreme Court training center, and a judicial reform team representative. In this meeting and through subsequent communications, the timing, roles and responsibilities, and venues needed for implementing the plan were agreed. At least 80 participants were scheduled to complete a TOT workshop, and 140 court staff were to be trained to use the database. The court sent out invitations and handled all arrangements at its training center in Ciawi.

During the same meeting, the Supreme Court requested that the ICCP court human resources expert and the IT specialist serve as resource persons for a session on “Supervision of Personnel Administration Management for Courts in East Region” held in Surabaya on May 29. The meeting included 40 participants from eastern Indonesian courts representing all four jurisdictions; the cities represented included Surabaya, Gresik, Sidoarjo, Sorong, Soe, Limboto, Masoha, Kolaka, Palu, and others. ICCP provided 45 copies of the offline version of the database; presented an overview of the database and background information; and demonstrated the process of installation, application use, and other technical information on operating the database. The offline version of SIKEP-MA is equivalent to the online version and is designed for use by courts that do not have regular or sufficient Internet access.

In June, ICCP finalized the database curriculum and training materials, which provide a brief refresher on database operations and also focus on the data export/import function and uploading the offline version of the database.

The participants were eager to use the new system, especially individuals from the religious courts who were already familiar with the human resources databases used by those courts (i.e., the Sistem Informasi Kepegawaian-SIMPEG). The participants raised important questions about data migration and compatibility issues from SIMPEG to SIKEP-MA.

Methods for minimizing problems when installing SIKEP MA on computers with the old SIMPEG system still installed were shared. ICCP continued to work on this issue throughout the project. The TOT workshops were delivered at the Supreme Court training centers in Ciawi and in Makassar, with 85 individuals trained (56 men and 29 women) during June and July 2009. The TOT workshop report is available and listed in Annex B. The court posted the opening session on its Web site: <http://www.mahkamahagung.go.id/index.asp?LT=01&tf=2&idnews=1138>.

Seven workshops for beginner users of the human resources database were delivered in August in Ciawi, Surabaya, and Makassar. Each workshop was conducted by groups of four Supreme Court staff trainers who graduated from the TOT workshops held in June and July. Of a total of 136 participants, 83 were men and 53 were women. Each trainee was given a trainer’s manual, and these were also provided to the Supreme Court, along with the TOT curriculum.

There are now 221 additional Supreme Court staff (139 men and 82 women) who were trained through ICCP to operate the database. One observation was that a few participants had already received training previously under MCC ICCP, while others

were familiar with the database due to personal interest or had received training from their peers. This situation points to the need for greater controls on training participant identification by the Supreme Court and knowledge management on who is using the database in the lower courts. ICCP made specific recommendations concerning the training evaluation report results, and provided a set of tips for Supreme Court trainers on how to conduct quality training.

*Task 2. Human Resources Database warranty.*

Throughout the project the ICCP IT specialist provided intensive oversight related to the relevant warranties for human resources database implementation. He reviewed the guarantee letters of MCC ICCP subcontractors DataOn (PT Indodev, developer of the SIKEP MA) and PT Public Sector (the vendor for the computer equipment needed to access the database). These guarantee letters ensure that both subcontractors complete all the intents and purposes of the subcontracts and purchase orders to provide the Supreme Court with working equipment and software that has been thoroughly tested, and also to provide ongoing troubleshooting and training.

Although the system is fully online, occasional outages have occurred. While DataOn has been responsive to problems, the IT specialist's assistance was needed to foster a working relationship between DataOn and the Supreme Court, and to ensure consistent high-level responsiveness to the technical issues that occasionally arise with every software program.

At a meeting on April 13, 2009, representatives of the Supreme Court leadership, the judicial reform team, ICCP staff, and DataOn discussed progress on database implementation, the data migration process (i.e., the export-import feature), and technical problems experienced. A follow-on meeting was held on April 15 with members of the personnel bureau, DataOn, and ICCP to provide hands-on assistance in using the export-import feature. Topics included how to change the regional setting in the control panel in the Microsoft Windows operating system to Indonesian; how to change the date format to *yyyy-mm-dd*; and how to ensure that Microsoft Excel files are uploaded using the Excel 97-2003 xls format).

ICCP also followed up on the issue of the Microsoft Office licenses issued for 175 desktop computers and other hardware and software installation. These were contractually to have been included by the vendor, PT Private Sector, when the computers were purchased under MCC ICCP. A commitment letter signed by PT Private Sector to provide the licensed software for each computer was sent to the Supreme Court at the end of MCC ICCP. The Supreme Court did not come back to us on this issue again during ICCP.

Given the need for coordination regarding the provision of guarantees by DataOn and PT Public Sector, a second meeting was held at the Supreme Court on April 20, 2009, with participants from the Supreme Court personnel bureau, the Supreme Court IT division, DataOn, PT Public Sector, and ICCP. Discussion topics built off the April 13 meeting and included consistent online operation of the database, review of the services delivered by DataOn, and minor barriers due to coordination issues. After several test scenarios, the human resources database went online consistently starting on April 21, 2009. The site address is <http://sikep.mahkamahagung.go.id>.

ICCP attended one additional meeting on June 15 with Supreme Court personnel bureau staff to explain the warranty and maintenance period required of DataOn and to encourage regular meetings between the Supreme Court and DataOn. Subsequently, we did not attend any further meetings during the project period so as to encourage a direct relationship between the parties. A positive development in June was the Supreme Court naming three dedicated personnel bureau administrative staff as go-to persons for database issues. DataOn provided a list of issues and problems they have addressed as part of their warranty.

ICCP continued to assist the personnel bureau team in database use and maintenance by facilitating communications and finding solutions to technical problems that arose during the subcontractors' warranty periods. The IT specialist monitored installation and maintenance issues related to the 175 desktops and 25 laptops, the server, and networking equipment procured during MCC ICCP.

*Task 3. Use of the human resources database by the Supreme Court.*

This activity was to help connect different parts of the IT structure to ensure that maximum use of the human resources database can be made. The database has an Excel export-import data format template that serves as a bridge to other databases used by various units of the Supreme Court databases. We provided technical assistance to the personnel bureau, the Supreme Court training center at Ciawi, and the supervisory body on how to consistently migrate data from databases they use for specific purposes to the new human resources database.

The IT specialist analyzed the supervisory body's system of managing its manual data, which will now migrate to the specialized database for public complaints, as detailed under Activity 1e. The outcomes of the supervisory body's handling of complaints and other proceedings also need to migrate into the human resources database. Following development of the public complaint database, the IT specialist met with supervisory body IT staff and confirmed their ability to work with the personnel bureau to coordinate data transmission from the public complaint database to the human resources database.

As well, the IT specialist, through database training activities held at the Supreme Court's training center, determined that the center's IT staff had the capacity to work with the personnel bureau to coordinate data transmission from the future training center database (currently being developed with support from the Netherlands/IMF legal reform program) to the human resources database.

Based on their participation in training and as trainers, ICCP recommended seven individuals to the Supreme Court as fully qualified trainers/managers of the human resources database who can address issues with database migration.

*Recommendations.* The Supreme Court has made significant progress toward using the new human resources database across the court system. Some of the individuals trained in database use have shared knowledge on their own initiative. For example, in Surabaya, the religious high court conducted its own rollout of training on using the human resources database for district religious court staff. This is a model that other regions could replicate. Some funding constraints should be addressed. For instance,

the Ambon Religious High Court indicated they felt ready to conduct a similar rollout but wanted a qualified Supreme Court trainer to ensure quality control and troubleshoot any problems. The Supreme Court indicated it did not have funding to support a trainer going to Ambon for this purpose. As the database use continues to expand, the court should look for employees with the skills and knowledge to help the court fully maximize use of the human resources database.

The court could monitor and evaluate the socialization and implementation process of the human resources database training at the directorate general agency (DGA) level, high court, and district court, as follows:

- Each DGA, high court, and lower court/working unit should provide periodic updates to the Supreme Court on its database training action plan, progress, and future activities.
- The database administrator and help desk staff should have specific scopes of work and job descriptions, as they will serve as technical resource persons and trainers with formal and legal authorization from the Supreme Court.
- There should be frequent routine communication between the database administrator and the DGA team, the DGA team and the high court team, and the high court team and lower court/working unit teams.
- Field and technical assistance visits to the high courts should be scheduled periodically, especially when database training is provided to lower courts/working units.
- Standard training on the database should be available at any time.
- The personnel bureau may want to analyze and assess how to ensure that all staff are using the database as part of their daily activities and in implementing the job description system.
- The personnel bureau could announce progress on database implementation by unit and compare progress of the DGA, high courts, and lower courts/working units regarding data completion, updates, and coordination. Based on this information, the bureau could make recommendations to the Supreme Court leadership to improve database use.

Based on ICCP observations of database operation and maintenance, the Supreme Court could consider the following:

- Regularly collect and document information from all database users and report to the Supreme Court leadership.
- Analyze the current information directory solution responses (using DataOn log data and data logs from the training sessions).
- Create and define database user escalation follow-up.
- There should be technical coordination online (phone, e-mail, or chat) and meetings with DGA database administrators or others to ensure that recommendations are identified and addressed.
- To maximize the benefits of using the database, collect information on any weaknesses experienced and report these to the Supreme Court leadership so they can be corrected through a specific action plan.

The Supreme Court should consider requesting technical assistance to develop a strategic plan and guidance on providing training to all staff so they can become adept at using the database on a regular basis. Also useful would be SOPs focused on the “big picture” of database implementation and a how-to guide that follows the court structure from the Supreme Court to DGAs, high courts, and district courts across all four types of courts.

Finally, the database training package and 20 trainers are ready to go. Approximately 60 of the TOT participants have not yet had an opportunity to conduct training. The internal database experts should seek to use these trainers before their skills become stale. Occasional training event support from DataOn may be warranted as well, depending on the comfort level of Supreme Court staff.

### **Activity 1e. Implement the Public Complaint System**

The goal of this activity was to help build the capacity of the supervisory body to implement the new SOP for the public complaint system. Approval of this SOP, previously expected before April 2009, was delayed to allow full review and discussion between the Supreme Court and the Judicial Commission, the need for which was triggered by the signing of a new joint decree and MOU between the court and the commission concerning the revised judicial code of conduct. Once the review was completed, Supreme Court Chief Justice Dr. Harifin Tumpa signed the SOP for the public complaint system on June 4, 2009. A ribbon-cutting event for the public complaint section of the Supreme Court information center in Jakarta was held on June 29, with USAID Mission Director Walter North also providing the opening remarks. The system provides the public with a formal avenue for lodging justified complaints, and the court with a means of discovering which judges or court staff are acting improperly. Three tasks were needed to complete this activity.

*Task 1. Train court chiefs or vice chiefs and Supreme Court supervisory body (Bawas) and public relations (Humas) staff on the new public complaint system.*

ICCP worked with subcontractor LeIP, and with the head and secretary of the supervisory body, to develop training on implementation of the public complaint SOP and use of the newly developed public complaint database (see Task 3). The following training sessions were developed:

- Session 1: Public complaint handling mechanism based on chief justice Decree No. 076/KMA/SK/VI/2009 on guidelines for handling public complaints in the court system
- Session 2: Accountability and transparency in the handling of public complaints
- Session 3: Procedures for complaint examinations
- Session 4: Conducting complaint investigations
- Session 5: Developing investigation reports
- Session 6: Electronic database use in the process of administration of public complaint handling

The training was two-tiered. First, on August 3 and 4, a two-day TOT session for supervisory body and Supreme Court staff was held in Jakarta at the court. To help build capacity and ownership, senior supervisory body officials were assigned as the main trainers, while consultants from LeIP played the role of co-trainers. This arrangement was agreed to reduce potential reluctance and psychological barriers of participants about receiving training directly from LeIP consultants, and to better prepare supervisory body staff to serve as trainers around the country. However, all the trainers used for Session 6, electronic database use, were from LeIP, as the supervisory body staff had not yet become expert in using the software. The 48 participants in the TOT included 38 men and 10 women.



Supervisory body participants at the public complaint system “train the trainers” workshop, August 3, 2009.

The workshop was conducted in five cities during August and September: Sematang, Makassar, Medan, Surabaya, and Jakarta. A total of 193 individuals were trained (143 men and 50 women). The training sites were in cities where the USAID Indonesia Anticorruption and Commercial Courts Enhancement (In-ACCE) was supporting model courts. Those courts were in the process of opening information/comment desks similar to the desk opened at the Supreme Court under MCC ICCP, and their staff were receiving public information desk training based on the MCC ICCP training curriculum. These individuals were invited to attend the ICCP training sessions, but scheduling conflicts prevented most of them from attending.

Our initial plan was to train approximately 20 people per location. However, in Semarang 14 high court judges also attended at the request of the head of the Semarang General High Court, because high court judges conduct complaint examinations and investigations when complaints are serious. In Jakarta, The supervisory body requested an increase in workshop participants to maximize those who could easily attend from the Jakarta region. We were pleased to accommodate more trainees because it reflected courts’ strong interest in implementing the new SOP. Subcontractor LeIP’s training report is listed in Annex B.

The five cities chosen for training were cities where the USAID In-ACCE project was supporting model courts. Those courts were in the process of opening information/comment desks akin to the desk opened at the Supreme Court under MCC ICCP, and they are receiving public information desk training based on the MCC ICCP training curricula. These information/comment desk officers were invited to attend the ICCP trainings, but conflicts prevented most of them from attending.



Left: Poster seeking submission of public complaints. Right: Brochure describing public complaint services at the court.

*Task 2. Disseminate information within the court system.*

Following discussions with LeIP and the supervisory body in late September, ICCP determined that it could reprint information materials (brochure, booklet, and poster) printed under MCC ICCP and deliver them to the supervisory body with the expectation that the supervisory body would distribute 300 copies of the brochure, 100 copies of the booklet, and 30 copies of the poster to the 67 high courts across Indonesia when regular inspection visits were made. ICCP also requested that the posters be sent to each district court under the high courts. Logistical constraints prevented the proposed distribution of these materials at the Supreme Court’s annual gathering in early October.

The supervisory body retains approximately 600 copies of each of the previously printed materials, which will be distributed by the Supreme Court. The legal and public relations bureau (Humas) has distributed approximately 400 copies of the materials through the Supreme Court information and complaint desks. Samples of the reprinted materials are pictured here.

*Task 3. Analyze and provide recommendations to improve the Supreme Court supervisory body database system.*

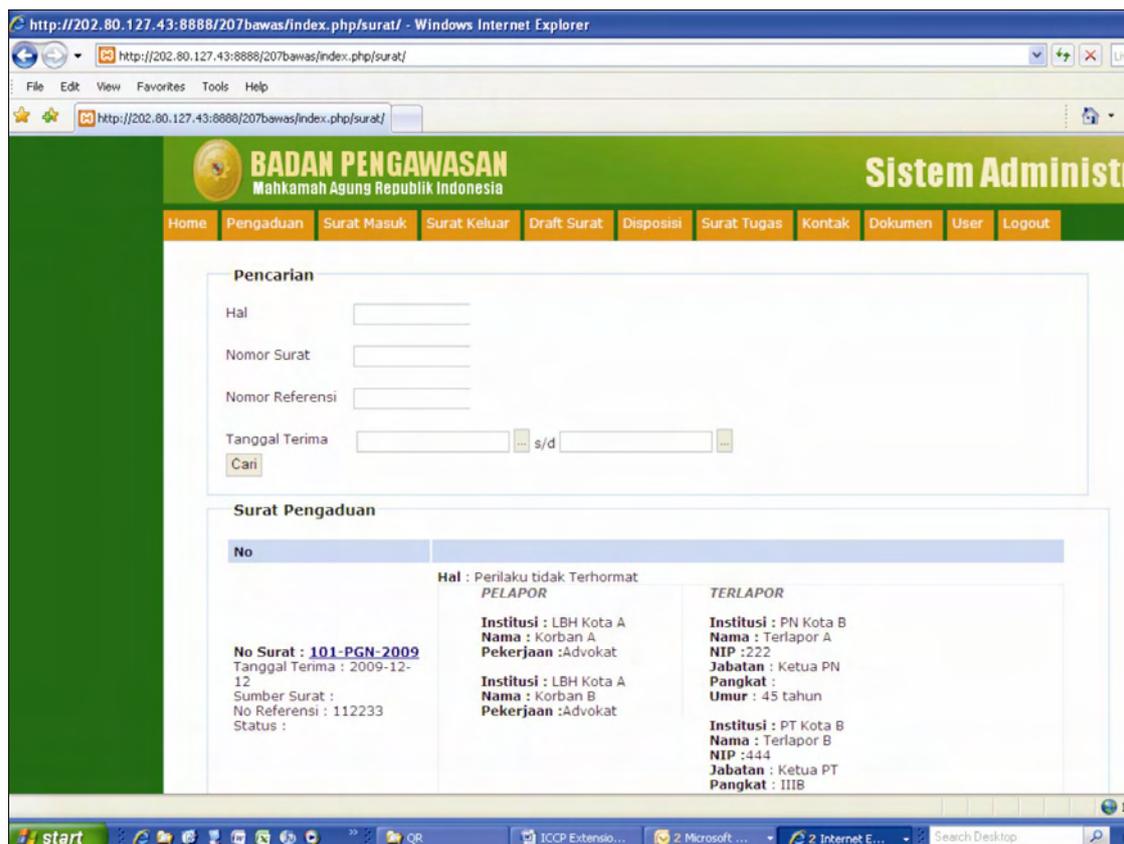
ICCP conducted an initial analysis of the supervisory body’s IT infrastructure (which was augmented through procurement of six desktop computers and a server under MCC ICCP), the level of computer literacy, and the existing system for managing complaints. LeIP was subcontracted to develop a simple database system for managing public complaints. The specifications included development of a database that was simple, replicable, and appropriate to the number of complaints handled by the court system.

ICCP initially anticipated that the database would be Microsoft Excel-based. However, a low-cost applications developer was found who could develop a custom, simple-to-use database for the supervisory body within a short time frame. The custom system is designed to be used on the Internet, but is initially working offline at

the supervisory body. A formal “final” copy of the database as developed under ICCP was submitted to the supervisory body, but it is expected that the supervisory body will request continued refinement of the database over time. A screen shot of the database is provided here.

*Recommendations.* The supervisory body made significant progress in handling public complaints with greater efficiency and accountability. The new SOP provides the critical framework, and the database has the potential to be a streamlined, shared system across all courts and work units. The supervisory body’s eagerness to implement the SOP and database was clearly evident during ICCP training, and the supervisory body repeatedly expressed the hope for additional support to ensure that the whole court system receives training. During training, supervisory body officers performed very well as lead trainers. They encouraged interactive learning, shared their knowledge, and kept the discussions focused. Participants were very enthusiastic and involved in the discussions, and some were reluctant to end the last session on Day 2, which involved testing the new public complaints database application.

During the workshops, participants offered some key suggestions on how to improve accountability, transparency, confidentiality, and objectivity when managing and acting on complaints. Each of these should be analyzed carefully to determine the correct steps for follow-up. For example, it was suggested that the possibility of a criminal case within a complaint would need to be handled carefully. If a criminal case is warranted, the court’s investigation would have to be suspended until the case was resolved, as the resolution would have an effect on sanctions warranted after a



Screen shot: Draft of the public complaint database.

complaint investigation. Another key point of discussion focused on ensuring that an investigation report includes clarification of the results and a statement of the violations committed. Missing information of this type can make it difficult for the Supreme Court leadership to take appropriate decisions. As part of its deliverables, LeIP provided reports detailing the issues raised during the workshops. LeIP also submitted the relevant reports and recommendations to the supervisory body in Indonesian.

The SOP specifies deadlines for handling complaints of different types. ICCP initially proposed a simple target of 90 percent of complaints to the Supreme Court receiving a response in 15 to 21 days. However, the final SOP provides a much more detailed set of complaint handling deadlines and gives complaint filers the right to receive an update within three working days. The amount of information the courts should provide depends on the level of confidentiality required. While ICCP was unable to measure response time per its proposed indicator, the database has the capacity to generate data on response times at each stage of a complaint's handling. In the workshops, participants were instructed step-by-step on how to record and track a complaint in the database. The supervisory body is in a position to track response times in the near future, in addition to following the SOP's mandates, but some time will be needed to regularize this practice. While the supervisory body has staff who are capable of maintaining the database, their counterparts at the appeals and district courts have less experience using computers, and this needs to be improved.

By the end of ICCP, LeIP had received separate USAID funding to continue the ICCP training in response to supervisory body requests to hold SOP workshops in additional locations through December 2009.

*Recommendations.* To help strengthen and sustain the public complaints system, the SOP sessions could be improved as follows:

- Utilize more and different supervisory body personnel as trainers. This may require training in training methods (not just the SOP topics) and verification of skills so that consistent training is provided and the workshops are more interactive, challenging, and participatory.
- Include appeals court judges in training.
- Provide details about the training to participants prior to the workshops.
- Provide short-term assistance to help the supervisory body conduct workshops without external assistance.
- The supervisory body should recommend that the training material and curriculum be formally adopted by the Supreme Court.
- Incorporate the complaints SOP training into the Supreme Court training center curriculum for officers and judges of the supervisory body and the appeals courts.
- Conduct a follow-up evaluation after three months to measure the impact of training vis-à-vis any improvement of complaints handling in the respective courts.
- Workshop materials should be evaluated and updated at least annually to keep pace with current practices and requirements.
- Training on implementing the public complaint database should be conducted throughout the Indonesian courts in conjunction with an analysis of which courts

can use the system online and which can use it offline (similar to the way the human resources database is used).

- The supervisory body should develop an annual and multiyear budget to implement and maintain the new complaint handling mechanism

The Supreme Court should consider developing a circular mandating the use of the public complaint database system. Immediately following, selected courts could be involved in a pilot test. Implementation of the human resources database and use of the staffing assessment methodology by the Supreme Court may provide guidance on how to best roll out use of the public complaint database.

Following the standards delineated in the public complaints SOP issued in June 2009, the Supreme Court could develop a more detailed definition of “implementing the public complaint system” so that success in reaching the goal of having a functioning public complaint system across the entire court system can be measured. Steps could include posting basic and detailed information on how to file a complaint using the, following and checking response time to complaints, and other procedural steps. Benchmarks could be established, and successful courts acknowledged and possibly rewarded. Courts where the USAID In-ACCE project works may serve as potential role models.

### **C. Activity 2: Budget Reform**

*Scope of work.* Two budget reform activities were to be completed during the six-month extension period.

- *Activity 2a. Budget advocacy* through the development of a draft MOU on judicial budgetary independence and interministerial meetings.
- *Activity 2b. Standardization of financial report formats* through the development of SOPs for budget and financial reporting processes,

Details on implementation of these activities, followed by recommendations for future activities, are below.

#### **Activity 2a. Budget Advocacy**

*Task 1. Provide technical assistance to senior court personnel on advocacy techniques.*

The goal of ICCP’s assistance for this task was to help develop cross-institutional relationships and to support the Supreme Court in developing its concept and approach towards budgetary independence.

It should be noted that prior to Law No. 3, Year 2009 (legislation regarding the Supreme Court, Undang-Undang No 3/2009), approved on January 12, 2009, the process for formulating the Supreme Court budget was conducted by placing the court budget under a budget line of the third function: Law and Regulation (Hukum dan Ketertiban). The third function is one of 11 functions under the Government of Indonesia budget, which is managed by the executive branch through the Ministry of Finance (MoF). If the Supreme Court budget remains under this line item budget, the

amount and process of formulating the Supreme Court budget would be still under the control of the executive. Law No. 3, however, includes a statement that makes it possible for the Supreme Court to have a dedicated budget line item in the national budget, which would give it more independence.

ICCP engaged this area very carefully. Early on, the court budget expert held informal information gathering discussions with MoF and parliament (DPR) staff to solicit their thoughts on what judicial budgetary independence means to their institutions. These conversations helped the team gauge the climate for judicial budgetary independence. It became clear that the MoF questions the Supreme Court's capacity to manage its budget independently. On the other hand, it appeared that the DPR was generally receptive to judicial budgetary independence. This echoes the steps taken by the legislature to reduce executive branch authority over management and administration of the DPR as well.

On June 9, 2009, the ICCP expert met with the head of planning bureau at the Supreme Court prior to a later meeting to discuss the indicative budget for 2010. The head of the bureau and his team had already prepared a written justification for the DPR. The expert advised the team on strategic points to emphasize. The session with the DPR was positive and a good exercise in using the strategic budget planning tools provided through MCC ICCP training in February 2008.

However, while the court made a good impression on the DPR and effectively presented their case for budgetary independence, progress on strategic budget planning was set back, as the MoF had set an indicative Supreme Court budget at approximately IDR 5.981 trillion, against the Supreme Court's proposal for a 2010 budget of IDR 8.514 trillion. The Supreme Court expressed dismay and requested that a representative of the judiciary be present during cabinet meetings when the indicative budget for the court was discussed and decided. If this was not possible, they requested that the MoF at least consult with the Supreme Court so that the results of their budget analysis and planning can be shared and explained.

Subsequently, the ICCP expert was invited to attend a key meeting held in July between the MoF, the DPR, and participants from the Judicial Commission, the Supreme Court, and numerous other government institutions. The MoF was represented by the director general of budget and the Ministry for National Development Planning. The topics discussed were the law enforcement budget and budget revision preparations.

Although many issues were discussed and the meeting was not focused on the Supreme Court, key points were raised related to the issue of judicial budgetary independence. For example, the Supreme Court argued that the permanent physical infrastructure for many of the courts it manages were yet to be built or identified, and that the court's needs were not being adequately addressed, given that the executive branch no longer considered capital development a priority. The Supreme Court argued that this situation posed great difficulty for its effort to implement its goals and execute its authorities, especially as it managed nearly 800 work units (*satker*) with a total staff of more than 30,000 (including more than 6,000 judges).

Earlier, the Supreme Court had sent a letter to the MoF pleading for a sufficient budget; however, the MoF rejected the proposal, and at the July 2 meeting, citing expenditure data, indicated that most government agencies engaged in law enforcement spent less than 90 percent of their allocated budgets. MoF reported that the Supreme Court had spent only 84.5 percent of its budget over the previous five years.

The meeting highlighted the viewpoint of a key DPR Commission III member, Agun Gunanjar. (The DPR Commission III handles laws, legislation, human rights, and security.) Mr. Agun expressed support for the Supreme Court. He indicated that Commission III would hold an internal meeting to discuss judicial budgetary independence, developing an efficient and effective judiciary, and ensuring equality before the law. He indicated that, given the current budget allocation, the courts would face difficulty putting these principles into practice.

Immediately following the meeting, the ICCP expert met with Mr. Agun and the head of the Supreme Court planning bureau. This meeting reviewed the budgetary challenges faced by court system; the judiciary's expectations, including its role in making a "footprint" for Indonesia's future; improving the relationship between the Supreme Court and DPR Commission III; and improving the quality of judges. The expert facilitated a discussion on the issue of separation of powers in Indonesia. Currently, implementation of the budget is severely constrained by the requirement of receiving spending approval from the MoF's regional offices. This problem occurs because there are differences in interpreting the judiciary's business processes and needs. At this meeting, it was decided that more intense discussions between DPR members and Supreme Court officials would be needed to solve the problems related to judicial independence.

The DPR then conducted a series of regional "working visits" to gather information and discuss budgetary, human resources, and other issues with representatives of regional courts from the four jurisdictions (general, religious, administrative, and military courts). Although ICCP was not directly involved in these visits, the topics discussed at these sessions included issues that the expert had raised with Supreme Court and DPR staff. Brief reports on the DPR visits are linked below.

Central Java:

<http://www.mahkamahagung.go.id/index.asp?LT=01&tf=2&idnews=1169>

South Sulawesi:

<http://www.mahkamahagung.go.id/index.asp?LT=01&tf=2&idnews=1167>

On August 10, another meeting was held between Supreme Court leaders, DPR Commission XI (on government finance, national development planning, banks, and nonbank financial institutions), DPR member Bachruddin Nasori, and the ICCP expert. The meeting resulted in agreement to convene a follow-on bilateral meeting to discuss implementation of judicial budgetary independence, including the possibility of modifying the legislation UU 17/2003 to accommodate the issue raised in the new Supreme Court legislation (UU 3/2009) regarding budgetary independence. The member of parliament and Supreme Court leaders were hopeful about possible modification of the law, despite major challenges in changing legislation related to



From left to right, Mr. Bachruddin Nasori, DPR Commission XI member; ICCP court budget expert Ms. Egi Sutjiati; and Supreme Court leaders Mr. Subagyo, head of the administrative affairs body, Drs. H. Rum Nessa, secretary, and Dr. Ahmad Kamil, vice chief justice for nonjudicial affairs, meet to discuss judicial budgetary independence matters on August 10, 2009.

budgetary and financial reform. ICCP was informed that the Supreme Court and DPR members subsequently dined together on August 14, which led the Supreme Court and DPR members to ask the expert to meet again on August 17 to discuss the concept of modifying UU 17/2003.

The DPR members subsequently drafted a modification of UU 17/2003 that could be discussed during the last session of the DPR meeting in September. However, this modification was not brought forth and will have to be raised again following the swearing in of new representatives later in 2009. ICCP views this as progress toward greater independence for the Supreme Court budget, as it implies greater judicial independence. However, the Supreme Court budget is still formulated under the existing process.

#### *Task 2. Tripartite meetings on judicial budget independence.*

Following the progress toward developing relations between the Supreme Court and the DPR, it was decided by both parties that it would be inappropriate for ICCP to support publicly, and with funding, any bi-party or tripartite meetings as initially conceived. This decision was accepted by USAID.

Given the limited relationship between the Supreme Court and the DPR at the start of ICCP, the expected outcomes for this activity were initially considered notional. In fact, the budget advocacy work, which was also conceived tentatively in light of April 2009 parliamentary elections and presidential elections in July 2009, evolved significantly over the course of project implementation.

From a strategic perspective, ICCP helped improve communications between the two parties, which seems to have fostered an appreciation of institutional positions on the concept of budgetary independence. The DPR did begin drafting a modification for a key law on budgetary independence from executive branch interference. Conversation lines between the DPR and the Supreme Court are now open. This new relationship across institutional lines can be considered a positive step toward enhancing judicial budgetary independence.

On a more practical level, the prospect of developing judicial budgetary independence requires continuous analysis and is linked to the use of a strategic planning-based budgeting process within the Supreme Court. While strategic-based budgeting was introduced under MCC ICCP, the court is working to harmonize its strategic plan, operational plan, and work plan, all of which follow different processes and are not comprehensive across all court functional units. Similarly, performance measures do not yet reflect the relationship between targets and actions. Another limiting factor is that the use of IT within the judiciary is uneven and limited regarding case flow management and financial administrative management.

The absence of a regulation that specifically governs the definition of a particular budget account makes it possible for the accounts to be filled with different expenditures that are inappropriate to the objective of the activity or sub-activity. This hinders the ability of the court to control its budget.

Finally, there is a lack of clarity between regulations at the policy level and actual implementation within the court system. The establishment of new courts and clusters of special courts are examples of the disconnect between high-level strategic efforts and responses to the specific needs of the judiciary.

These developments point towards some potentially very important activities for which the Supreme Court may need assistance, should the modification of UU 17/2003 be enacted.

*Recommendations.* The court is deeply interested in having greater budgetary independence. While ICCP was able to facilitate initial discussions between the Supreme Court and the DPR, this requires a consistent and continuous effort. Achieving budgetary independence for the Supreme Court will require intensive work with the DPR and the MoF. To advance the dialogue, a series of follow-on meetings need to be conducted with the MoF, Bappenas, the Department of Law and Human Rights (Departemen Hukum dan Hak Azasi Manusia) and broader stakeholder participants such as the Judicial Commission, lawyer associations, law school professors, and nongovernmental organizations. Several actions could help improve budgetary planning at the Supreme Court:

- Advocate active Supreme Court participation in the budgetary planning process with the MoF and DPR, at the very least so the Supreme Court can formally present its budgetary needs to the executive branch at an earlier date.
- Foster an integrated, coordinated, and participatory budgeting process among the functional units responsible for internal budget development so there is a sense that each unitary budget contributes to the larger budget.
- Develop budgetary performance measurements and minimum standards of service so that the performance of programs and/or activities at the Supreme Court can be used as an evaluation and feedback tool.
- Build the capacity of staff to use IT and increase the use of software tools to improve the case flow management and financial administrative management cycles.
- To address the absence of regulation regarding specific budget accounts, create specialized regulations for the Supreme Court so that the allocated budget from the MoF will describe the actual planned activities and sub-activities.

- Develop regulations for funding activities that are part of the executive government’s agenda but are not defined in the state budget, and hence, do fall under the purview of the Supreme Court, such as the creation of new courts and clusters of specialized courts.

## **Activity 2b. Standardization of Financial Report Formats**

### *Task 1. Develop SOPs.*

The primary goal of developing standard operating procedures for the Supreme Court administrative affairs bureau is to have all relevant staff understand and conduct every procedure for specific tasks so that satisfactory service is delivered to the receiving customer. In addition, SOPs are important tools to help newly hired and transferred staff understand their tasks and be able to carry out their jobs effectively.

Following a series of preliminary and planning discussions for developing SOPs with the relevant heads of bureaus and all the heads of divisions under the Supreme Court planning and finance bureau on April 29, the Supreme Court and ICCP held a workshop on the introduction and identification of SOPs to support Supreme Court budgeting, financial management, and asset management processes. The ICCP court budget expert and a short-term SOP development specialist provided technical expertise and conducted the workshop, which was hosted by the Supreme Court. The workshop was attended by 27 individuals (20 men and 7 women). The workshop training report is listed in Annex B. The Supreme Court posted a story about the workshop on their Web page:

<http://www.mahkamahagung.go.id/index.asp?LT=01&tf=2&idnews=1060>.

The workshop helped identify the general processes related to budgeting, financial management, and asset management that the Supreme Court considered as priorities. The workshop also gave the court a shared understanding of the six purposes of SOPs:

- Increase efficiency, effectiveness, and adherence to regulations.
- Assign specific responsibilities to staff so that all work is done by one person.
- Allow for the measurement of performance on activity implementation.
- Improve the ability to control and evaluate an activity.
- Increase the accountability of individuals undertaking activities.
- Allow for continuous improvement.

Under the supervision and direction of the ICCP court budget expert, the SOP consultant worked closely with the Supreme Court planning and organization bureau, financial management bureau, and equipment bureau, all under the administrative affairs body, to develop SOPs. The process involved many discussions and required information gathering from the head of each bureau and division, as well as mapping procedures against related government regulations. A total of 26 SOPs were completed and submitted to the administrative affairs body. The final SOPs have been classified into groups for three bureaus, as detailed in the following exhibits.

### Exhibit 6. SOPs for the Bureau of Planning and Organization

No.	Code	Title
1	01.01.01	Initiation and preparation of Supreme Court program
2	01.02.01	Initiation and preparation of Supreme Court budget
3	01.03.01	Technical assistance on planning, programming, and budgeting activities
4	01.03.02	Monitoring of preparation of planning, programming, and budgeting activities
5	01.04.01	Establishment of district court
6	01.04.02	Improvement of the court classification

### Exhibit 7. SOPs for the Bureau of Financial Management

No.	Code	Title
1	02.01.01	Preparation of Supreme Court financial statements
2	02.02.02	Disbursement of fund
3	02.02.03	Preparation of report and evaluation of budget realization
4	02.02.03	Technical assistance on fund disbursement
5	02.03.01	State loss indictment for the treasurer of fund
6	02.04.01	Initiation and preparation of fund disbursement
7	02.04.02	Payment of special allowance on performance
8	02.04.03	Technical assistance on treasury management
9	02.05.01	Preparation of annual target for non-tax revenues
10	02.05.02	Preparation of report on non-tax revenues
11	02.05.03	Technical assistance on non-tax revenues management

### Exhibit 8. SOPs for the Bureau of Equipment

No.	Code	Title
1	03.01.01	Approval for location of court and court's official housing facilities
2	03.01.02	Approval for architectural design of court and court's official housing facilities
3	03.02.01	Preparation of state property report
4	03.03.01	Approval for disposal of state property
5	03.03.02	Approval for exchanging of state property
6	03.03.03	Approval for changing of function of state property
7	03.03.04	Approval for lending of state property
8	03.04.01	Technical assistance on property management
9	03.04.02	Monitoring of property management

On September 14-15, 2009, ICCP and the Supreme Court jointly organized training for the heads of bureaus, divisions and subdivisions from the administrative affairs body for implementation of the SOPs. The training was held in the Supreme Court's meeting rooms. ICCP paid for printing of the SOPs, training kits, and other materials, as well as Ramadan meals.

On September 16, the head of the administrative affairs body issued Decree No. 80/BUA/SK/IX/2009 regarding implementation of SOPs for the administrative affairs body. The decree stated that starting from September 16, 2009, the Supreme Court,

especially the units under the administrative affairs body, had fully adopted the SOPs to assist the relevant officers of the court to perform their activities in budget formulation, financial management, and equipment management in accordance with the SOPs.

ICCP printed 180 copies of the final SOPs (60 copies of each SOP for the planning bureau, finance bureau, and equipment bureau). The copies were distributed to all 150 staff in the three bureaus in early October. The ICCP court budget and finance expert provided expertise in formulating and modifying the Supreme Court's new round of blueprints for reform.

*Blueprint development and general technical support.* The ICCP court budget and finance expert helped formulate and modify the Supreme Court's new round of blueprints for reform. She attended a large meeting in Bandung on August 14, as well as preparatory meetings in May and July. At the invitation of the Supreme Court, she also attended the national conference for judges (Rakernas) meeting in Palembang on October 7-9 to share the progress achieved in budget and finance management with leaders from across the national court system.

*Recommendations.* The budget SOP work was highly successful, resulting in the identification of the most critical workflow processes in the administrative affairs bureau. This led to the completion and formal issuance of 26 SOPs for streamlined management of processes for the finance, planning, and equipment bureaus of the Supreme Court. SOP development was a critical "next step" that followed from the extensive mapping of budget-related processes undertaken during MCC ICCP. However, the ICCP time frame was too short to test implementation of the SOPs, and initial training was conducted only at the central level. Nonetheless, the court is poised to mainstream and further refine these SOPs. To continue the process of implementation, ICCP has several recommendations:

- Develop a detailed time frame for each SOP and assign dedicated staff to handle the different steps and processes of each SOP.
- Develop additional SOPs related to the budget planning process, regarding financial SOPs and equipment procedures. The 26 SOPs serve as a baseline from which to develop other SOPs for key tasks.
- Continued SOP training is needed beyond the central level as the SOPs are applied to other court units.

#### **D. Crosscutting Support Activities**

##### **Coordination with Other Donors and Projects**

The Supreme Court invited both the ICCP court human resource expert and the ICCP court budget and finance expert to attend a judicial reform coordination meeting on May 5 for all blueprint working groups to review progress and discuss plans for court system reform efforts. ICCP inputs (including prior MCC ICCP inputs) have contributed to the implementation of many reform efforts undertaken by the Supreme Court, as evidenced by the continued involvement of both ICCP experts in various formal and informal meetings on the blueprint throughout the project period.

ICCP continued to coordinate with the AusAid Legal Development Foundation (LDF) program on budget reform issues. On July 29, the ICCP court budget and finance expert presented a session on lessons learned from budget transparency implementation for participants in a court management training program for female court leaders from all over the country. The workshop was supported by LDF, and the program was introduced by The Honorable Diana Bryant, chief justice of the Family Court of Australia. The 26 workshop participants were all women, which provided an excellent opportunity for ICCP to encourage greater female leadership in the court system.

Given USAID's interest in ensuring no duplication of effort, ICCP ensured that USAID JRSP and In-ACCE staff were fully aware of ICCP activities, especially concerning development of the Supreme Court public complaint system. At the end of the project, we were informed that subcontractor LeIP would continue work on the public complaint system through JRSP, and that In-ACCE would consider providing training on the public complaint system SOPs at its five models courts. All relevant materials were provided to both projects. JRSP also attended the ICCP workshop to develop court human resources champions and is advancing work done on the judicial code of conduct, as agreed between the Supreme Court and the Judicial Commission in May. ICCP provided JRSP with the code of conduct curriculum developed under MCC ICCP. Finally, ICCP provided the Government of Indonesia/IMF National Legal Reform Project with the presentations used for the court recruitment and career path development workshop.

#### **D. Counterpart Contributions**

ICCP sought cost-sharing opportunities from the Supreme Court wherever possible to leverage USAID's assistance. This support came primarily through use of the Supreme Court's training center in Ciawi (south of Jakarta) as a venue for project workshops. ICCP and subcontractor training staff stayed at Ciawi free of charge. Other examples include provision of supervisory body trainers without an honorarium from ICCP; provision of the cost of meals for several workshops; and provision of lodging costs for the ICCP court human resources expert for a workshop in Bandung. The high courts in Aceh province funded airfare and local transportation for the ICCP court human resources expert and consultants from subcontractor MTI to travel to Aceh to provide technical assistance. Local transportation was also donated to ICCP by local courts and subcontractor staff for five other trips to review staffing assessment implementation.

The Supreme Court training center covered the costs of printing invitations to workshops; mail and courier service for distributing invitations and other documents; fax and telephone use; photocopy services; postage; and lunches/snacks in meeting rooms at the court. In addition, the Supreme Court allowed us to "tag on" the wealth reporting and staffing assessment training to a meeting of high court registrars/secretaries held in Ciawi in July, which helped conserve project resources. In all, the Supreme Court was generous and cooperative regarding cost-sharing and in-kind contributions.

## II. PROJECT MONITORING AND EVALUATION

Given ICCP's short time frame of six months, a complete evaluation of the project was not feasible. As part of work plan development, indicators were assigned to specific activities to measure implementation progress. ICCP monitored activities to ensure quality implementation based on standards used for the MCC ICCP. The workshops on using the human resources database were monitored especially carefully, as this training was designed to provide immediate analysis and feedback to Supreme Court trainers, enabling the court to be better prepared for systemwide use of the database. Our training team was also involved in an extensive evaluation of MCC ICCP activities, which helped enhance the quality and consistency of training. Use of the Supreme Court's training facility for many workshops also helped ensure consistency. Workshops held with the supervisory body, while successful on the technical side, posed logistical challenges, given that ICCP and subcontractor LeIP had not previously worked extensively with this unit on training activities. Additionally, ICCP monitoring of training workshops is reflected in the numerous recommendations emerging from the project as described in this final report and as elucidated in the deliverables. By the end of ICCP —combined with the contributions of MCC ICCP — the Supreme Court had received an array of tools to enable it to maintain and accelerate the bureaucratic reform process.

### III. TRAINING DATA

Summary ICCP training data are presented in Exhibit 9. We carefully collected data on all participants because one key area of focus was to increase female participation. MCC ICCP had made every effort to encourage the Supreme Court to select proportional representation of women for training activities, but only 12 percent of trainees were women. Approximately 28 percent of the court system staff are women, according to figures from the human resources bureau. Under the ICCP Extension, we sought to increase the percentage of female trainees wherever possible. This was possible particularly with the human resources database workshops, where participants were over 35 percent women. Overall, 28 percent of ICCP trainees were women, in line with the court system's overall male-female ratio. A limiting factor, however, was that the percentage of women in leadership positions (for example, only six of 67 secretaries/registrars of high courts) is limited. Future USAID funded activities with the Supreme Court should take additional explicit steps to encourage more equal opportunity in the court system.

**Exhibit 9. ICCP Training Plan Summary (April-October 2009)**

<b>Type of Training</b>	<b>No. of Participants Targeted</b>	<b>Actual No. of Participants</b>	<b>Notes</b>
Human resources database TOT for Supreme Court/ high court officials	80	<i>85 (56 men and 29 women) men: 66% women: 34%</i>	Three-day course held in Ciawi (3 batches) and Makassar (1 batch)
Human resources database training for district court officers	140	<i>140 (85 men and 55 women) men: 60% women: 39%</i>	Two-day course held in Ciawi (3 batches), Makassar (2 batches), and Surabaya (1 batch)
“Champion” training on job description implementation for Supreme Court and other court officials	30	<i>35 (32 men and 3 women) men: 91% women 9%</i>	Two-day course held in Ciawi
Wealth reporting standard operations procedures training and LHKPN form completion training for high court registrars and secretaries	80	<i>67 (61 men and 6 women) men: 91% women 9%</i>	One-day training held in Bandung
Onsite, on-the-job training for <i>Bawas</i> officers and court chiefs/vice chiefs and others from five cities on public complaint system SOPs	100	<i>193 (143 men and, 50 women) men: 74% women 26%</i>	Two-day TOT sessions held at the supervisory body of the Supreme Court; five onsite trainings at the high courts in Semarang, Surabaya, Makassar, Medan, and Jakarta
Budget SOPs training	60	<i>58 (41 men and 17 women) men: 71% women: 29%</i>	Two-day course held at the Supreme Court
<b>Total participants</b>	<b>490</b>	<b>578 (418 men and, 160 women) men: 72% women: 28%</b> These percentages are approximately equivalent to male/female percentages in the court system.	

## ANNEX A. ICCP EXTENSION PERFORMANCE INDICATORS

No.	Indicator	Target	Results
1	Number of court staff trained	490	578 (418 male, 160 female)
	<i>Human resources database TOT for Supreme Court/high court officials</i>	80	85 (56 male, 29 female)
	<i>Human resources database training for district court officers</i>	140	140 (85 male, 55 female)
	<i>“Champion” training on job description implementation for Supreme Court and other court officials</i>	30	35 (32 male, 3 female) <sup>1</sup>
	<i>Wealth reporting SOPs training and LHKPN TOT for high court registrars and secretaries</i>	80	67 (61 male, 6 female) <sup>2</sup>
	<i>Onsite, on-the-job training for court chiefs/vice chiefs and Humas officers from five provinces on public complaint system SOPs</i>	100	193 (143 male, 50 female) <sup>3</sup>
	<i>Interministerial meetings for the Supreme Court, MoF, and DPR representatives</i>	60	0 <sup>4</sup>
	<i>Budget SOPs training</i>	n/a	58 (41 male, 17 female) <sup>5</sup>
2	Number of courts visited by team with rapid assessment of staffing needs	5	8

<sup>1</sup> This includes six Supreme Court leaders who attended the first half-day of the two-day training.

<sup>2</sup> Thirteen HR bureau and other Jakarta-based planned invitees were not able to attend due to a change in venue from Jakarta to Bandung and insufficient Supreme Court funding for their participation.

<sup>3</sup> 48 participants (38 male, 10 female) in Supervisory Body training; 145 participants (109 male, 36 female) in five city trainings.

<sup>4</sup> Cancelled at the Supreme Court’s request.

<sup>5</sup> Training delivery was initially uncertain under the ICCP time frame, thus, no target was projected at the outset. This training was included here after ICCP training and other funds were shifted towards publishing SOPs and training materials, and because support for additional training became available due to cancelled meetings with DPR and MoF.

No.	Indicator	Target	Results
3	Number of action plans received/accepted by the Supreme Court on human resources management (recruitment, career path, and two-year staffing assessment implementation plan)	2	1 (consolidating the original aim for 3 action plans)
4	Percentage of senior court officials (per MCC ICCP definition) submitting wealth reports	80%	93% (as of September 30, 2009)
5	Percentage of overall court staff submitting wealth reports	95%	87.42% (as of September 30, 2009) <sup>6</sup>
6	Percentage of public complaints receiving response within 15-21 working days	90%	Indeterminate <sup>7</sup>
7	Percentage of courts implementing the public complaint system (baseline is Supreme Court)	5 high courts plus 20 district courts	Indeterminate <sup>8</sup>
8	Draft MOU prepared for use as advocacy tool for judicial budgetary independence	MOU drafted	Legislation modification to enhance judicial independence drafted by DPR
9	Number of meetings held among Supreme Court, DPR, and MoF to discuss judicial budgetary independence	3	3 <sup>9</sup>
10	Number of budget and financial process SOPs drafted and issued	8	26 <sup>10</sup>

<sup>6</sup> The selection of 95 percent as a target was, retrospectively, overly ambitious, given that ICCP's target training group was high court secretaries/registrars. The court system now has a relatively high compliance rate in comparison to other law enforcement agencies. Nonetheless, 100 percent compliance is still required, and significant additional steps will be needed to meet this requirement.

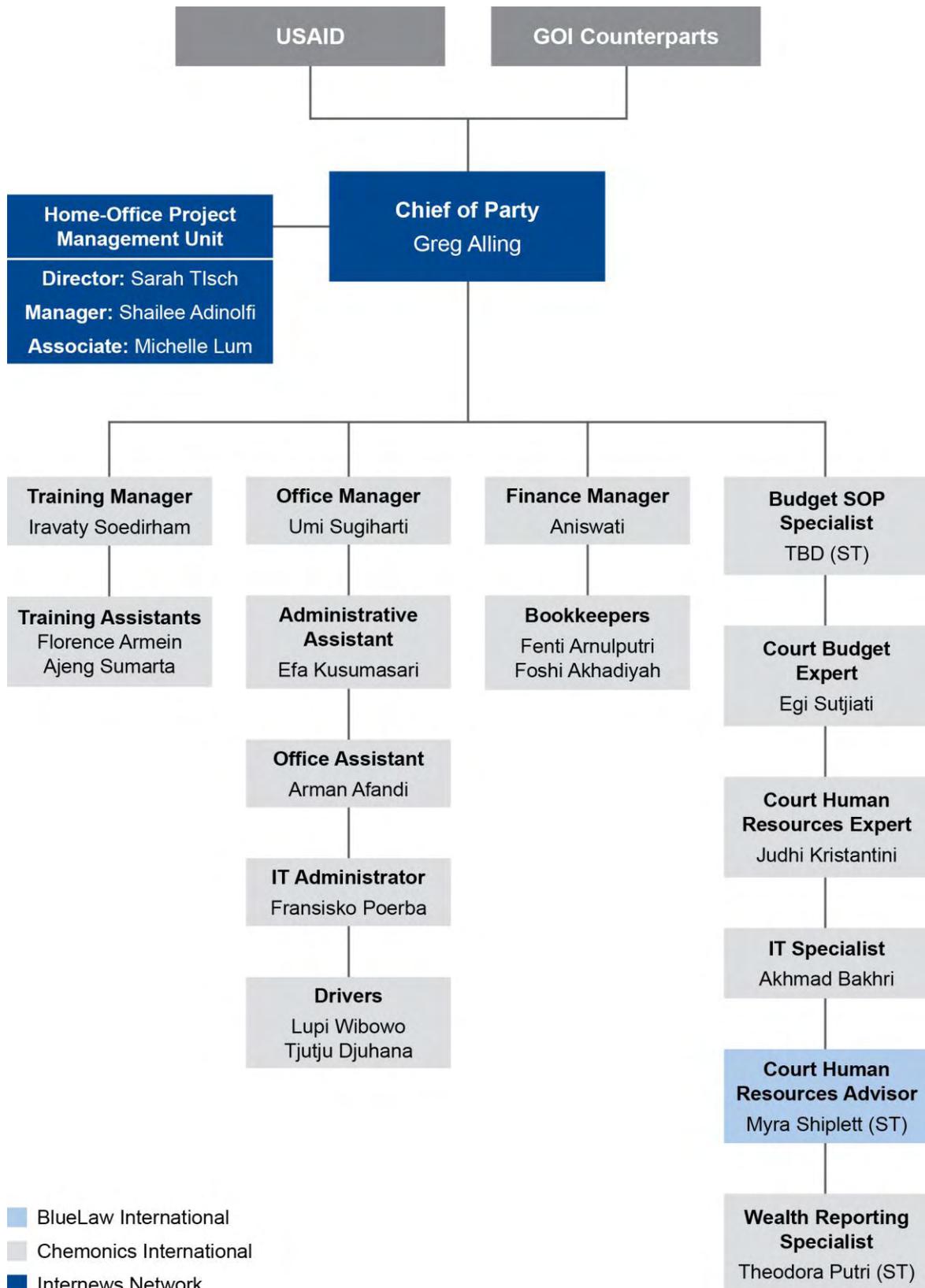
<sup>7</sup> The final public complaints SOP issued by the Supreme Court requires an initial response within three days of complaint filing. Subsequent responses and resolution of a complaint depends on the nature of the complaint and the length and level of investigation required by the type and seriousness of the complaint. The ICCP public complaint database was not fully implemented at the time of reporting. However, it is designed to be able to track response times, and the Supreme Court will soon be able to track them.

<sup>8</sup> For this to be determined, a more clearly detailed definition of "implementing the public complaint system" must be specified in line with the public complaints SOP issued in June 2009.

<sup>9</sup> Formal meetings to be supported by ICCP were cancelled by the Supreme Court. ICCP supported Supreme Court leaders in three informal Supreme Court-DPR meetings and numerous other preparatory meetings.

<sup>10</sup> This includes 11 Finance Bureau SOPs, 9 Equipment Bureau SOPs, and 6 Planning Bureau SOPs.

## ANNEX B. ICCP EXTENSION PROJECT ORGANIZATION



## **ANNEX C. DOCUMENTS AVAILABLE UPON REQUEST**

### **General**

*Inception Plan for SC-ICCP Extension Final May 4 English.xls*. ICCP Extension Inception Plan submitted to the Supreme Court, English version.

*Inception Plan for SC-ICCP Extension Final May 4 Indonesian.xls*. ICCP Extension Inception Plan submitted to the Supreme Court, Indonesian version.

*Letter to VCJ ICCP Extension Inception Plan May 4\_Indonesian.pdf*. May 4 letter that was sent to the Supreme Court Vice Chief Justice accompanying the Inception Plan, in Indonesian.

*Work\_Plan\_ICCP Extension\_Revised June 2009.pdf*. USAID-approved revised work plan for the ICCP Extension.

*USAID ICCP calendar Final September 24.doc*. ICCP Events Calendar.

### **Activity 1b. Integrate Job Descriptions and Performance Standards into the Recruitment and Career Path System**

*MTI Deliverable 1 Job Descriptions Champion Training English*. This is the full training report and agenda for the job descriptions champion training of selected Supreme Court staff in English.

*MTI Deliverable 1 Job Descriptions Champion Training Indonesian*. This is the full training report and agenda for the job descriptions champion training of selected Supreme Court staff in Indonesian.

*MTI Deliverable 3 and 4 recruitment process career path review English*. This is the review of the Supreme Court recruitment process and career path development in English.

*MTI Deliverable 3 and 4 recruitment process career path review Indonesian*. This is the review of the Supreme Court recruitment process and career path development in Indonesian.

### **Activity 1c. Implementation of Staffing Assessment**

*Draft Action Plans for MGMT HR Programs Shiplett English* This is the draft action plan submitted to the Supreme Court in English.

*Draft Action Plans for MGMT HR Programs Shiplett Indonesian*. This is the draft action plan submitted to the Supreme Court in Indonesian.