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**CHANGES FOR
JUSTICE (C4J)**

TRAINING NEEDS ASSESSMENT FOR JUDGES IN TWELVE DISTRICT COURTS

**AN ASSESSMENT UNDERTAKEN BY THE USAID CHANGES
FOR JUSTICE PROJECT, JUNE 23 – OCTOBER 31, 2010**

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GLOSSARY

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| AGO | Attorney General's Office (Kantor Kejaksaan Agung/Kejagung) |
| AusAid | Australian Government Overseas Aid Program (Program Bantuan Luar Negeri Pemerintah Australia) |
| Bappenas | National Development Planning Agency (Badan Perencanaan Pembangunan Nasional) |
| BUA | Administrative Affairs Body, Indonesian Supreme Court (Badan Urusan Administrasi Mahkamah Agung RI) |
| C4J | Changes for Justice Project |
| Cakim | Candidate Judge (Calon Hakim) |
| CJE | Continuing Judicial Education (Pendidikan Peradilan Lanjutan) |
| CJDC | Central Jakarta District Court (Pengadilan Negeri Jakarta Pusat) |
| CMS | Case Management System (Sistem Manajemen Perkara) |
| COP | Chief-of-Party (Pimpinan Proyek) |
| CPE | Continuing Prosecutors Education (Pendidikan Jaksa Lanjutan) |
| Diklat | Training and Education (Pendidikan dan Pelatihan) |
| DoJ/OPDAT | U.S. Department of Justice/Overseas Prosecutorial Development and Training (Pelatihan dan Pengembangan Kejaksaan Luar Negeri/Kementerian Hukum AS) |
| EC | European Commission (Komisis Eropa) |
| ENGAGE IQC | Encouraging Global Anticorruption and Good Governance Efforts Indefinite Quantity Contract (Mendorong Kontrak Kuantitas Tidak Tertentu Upaya-Upaya Tata Pemerintahan yang Baik dan Antikorupsi Global) |
| In-ACCE | USAID Indonesia Anticorruption and Commercial Court Enhancement Project (Proyek Peningkatan Pengadilan Tipikor dan Pengadilan Niaga Indonesia) |
| IMF | International Monetary Fund (Dana Moneter Internasional) |
| IT | Information Technology (Teknologi Informasi) |
| Humas | <i>Hukum dan Humas</i> Legal and Public Affairs Bureau of the Supreme Court |
| JRSP | USAID Judicial Reform Support Project (Proyek Dukungan Pembaharuan Peradilan) |
| JRTO | Judicial Reform Team Office (Supreme Court Legal Reform Team) |
| KPK | Corruption Eradication Commission (Komisi Pemberantas Korupsi) |
| KRA | Key Result Area (Bidang Pencapaian) |
| KUHAP | Kitab Undang-Undang Hukum Acara Pidana (Indonesian Code of Criminal Procedure) |
| M&E | Monitoring and Evaluation (Pemantauan dan Evaluasi) |
| MCC | Millennium Challenge Corporation |
| NRLP | National Legal Reform Project in Indonesia (IMF) |

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|------------------|---|
| ICCP | USAID Indonesia Control of Corruption Project |
| NGO | Non-Governmental Organization (Organisasi Non-Pemerintah) |
| PMP | Performance Monitoring Plan (Rencana Pemantauan Kinerja) |
| PNS | Pegawai Negeri Sipil (Civil Servants) |
| <i>Pusdiklat</i> | Pusat Pendidikan dan Pelatihan (berlaku baik untuk Mahkamah Agung dan Kejaksaan) |
| RFP | Request for Proposal (Permohonan untuk Proposal) |
| <i>RKAKL</i> | Rencana Kerja Anggaran Kementrian & Lembaga (Budget Working Planning for Ministries and Institutions) |
| SC | Supreme Court (Mahkamah Agung) |
| SLC | Strategic Leadership Council (Majelis Pimpinan Strategis) |
| SOP | Standard Operating Procedures (Tata Laksana) |
| SOW | Scope of Work (Ruang Lingkup Pekerjaan) |
| STTA | Short-term Technical Assistance (Bantuan Teknis Jangka Pendek) |
| TCP | Threshold Country Plan (Rencana Permulaan Negara) |
| UNODC | United Nations Office on Drugs and Crime (Kantor PBB untuk Tindak Pidana Narkotika dan Kejahatan) |
| UI | University of Indonesia |

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EXECUTIVE SUMMARY

The Changes for Justice (C4J) Project

The goal of the USAID Changes for Justice (C4J) Project is to improve the performance of Indonesia's justice system, a prerequisite for good governance and sustained economic growth through support to the bureaucratic reform process in the Supreme Court and in the Attorney General's Office. To reach this goal, the project will undertake activities that support, sustain and deepen reforms already undertaken or that are underway by other projects in the justice sector to produce a less corrupt, more accountable and higher performing justice system.

Objectives of the Training Needs Assessment

The objective of this assessment is to determine the training needs and priorities for trainings among judges as well as for most court staff. The assessment was conducted by surveys and discussion sessions with most judges and court staff in 12 district courts in several regions of Indonesia. The 12 courts included:

- Five courts that had received assistance from the former USAID Indonesia Anticorruption and Commercial Court Enhancement (In-ACCE) project: Central Jakarta, Medan, Makassar, Surabaya, Semarang.
- Three courts being considered for C4J activities: Bandung, Samarinda, and Serang. These courts are identified by the Supreme Court as future anticorruption courts, and therefore as priorities for assistance.
- Four courts with judges primarily in the range of 6 to 15 years of experience: Gresik, Sleman, Klaten, Depok.

This report contains important information that can be useful in discussions with the Supreme Court regarding the initial steps for the C4J judicial training program.

The information obtained from this assessment is intended to inform the Supreme Court Education and Training Center (*Pusdiklat*) and the C4J Project on designing appropriate learning interventions. These efforts are to enhance the performance of judges in preparing cases, conducting hearings, ruling and writing decisions, and of court staff in supporting the operation of the court and the judges' adjudicatory role. Recommendations for designing and delivering training to judges will be discussed with the Supreme Court will inform the C4J project scope of work, and the Supreme Court's long term goals as described in its new Blue Print (launched in October 2010).

Methodology

This Training Needs Assessment (TNA) sought information on training needs using three key methodologies:

- Review of current and previous projects providing assistance to the Supreme Court's *Pusdiklat*.

- Written survey using a questionnaire.
- Discussions with judges and court staff.

The charts and table showing the breakdown of data and main findings of the judges and court staff surveyed are set out in Annex A. Of the 176 judges surveyed, 148 were male and 28 were female, and of 586 court administrative staff 341 were male and 245 were female.

INTRODUCTION

The C4J project supports the Supreme Court’s mission and values, especially its commitment to judicial independence and impartiality, excellence in adjudication, and openness. C4J builds on the experience of two previous USAID efforts, the Millennium Challenge Corporation Indonesia Control of Corruption Project (MCC ICCP) and the In-ACCE project, the current efforts by the *Pusdiklat* to train over 300 district court registrars and acting registrars and the *Pusdiklat* continuing education program directed at nearly 200 acting bailiffs.

To assist with these training efforts, an assessment of training needs was completed in twelve courts during July, August and October 2010 by the C4J Project. This report describes the main findings of the TNA to better understand the continuing education needs of judges with 6-15 years of experience, as well as of the court staff, and to share these results with the *Pusdiklat* to assist on the design and delivery of training for judges and court staff. Education and training programs for judges and court staff are very important because they support judicial capacity to handle cases. Curricula and materials should be geared to help judges carry out all judicial duties fairly, competently and timely, and to help court staff support the judges in the exercise of their responsibilities.

Judges in Indonesia should be of high-integrity, knowledgeable, skilled, and willing to be proactive to transform and reform the judiciary. Judges are also expected to have concern for Indonesian values and the highest standards of justice. The Supreme Court describes an “ideal judge” as follows:

An ideal judge is a judge who is fair, firm and able to control himself. He is wise and knowledgeable, having high morality, and the ability to organize and manage work processes and equipment. He is able to communicate, to work independently, to lead and to follow instructions, and also able to carry their duties optimally¹.

¹ *Laporan Analisa Kebutuhan Pendidikan Bagi Calon Hakim Mahkamah Agung Republik Indonesia*, Supreme Court RI incorporated with the Government of the Netherlands and IMF-funded National Legal Reform Project (NLRP) and the Faculty of Psychology, University of Indonesia, p.68: “*Hakim yang ideal adalah hakim yang adil, teguh, mampu mengendalikan diri, bijaksana dan berpengetahuan luas, berakhlak mulia, mampu menata dan mengelola proses kerja dan perlengkapannya, komunikatif, mampu memimpin dan dipimpin, serta menjalankan tugas-tugasnya secara optimal.*”

In practice, the status of an ideal judge is a challenge all over the world. In Indonesia, the public believes that many judges fall below the mark of the ideal judge. Without a rigorous continuing education program, it is hard to rate the performance of judges. The judges who were involved in group discussions for the TNA describe an ideal judge as one who is at the center of enforcement of the laws of the land and the delivery of justice. The primary question is how education and training can be used to meet the public's expectation that Indonesian judges will and should possess the characteristics of the ideal judge. Fostering the qualities of ideal judges requires time and effort. It is a life-long learning pursuit. This effort requires the formulation of a clear understanding of the judge's role and responsibilities, which should inform the Supreme Court in designing an education and training program that produces judges who demonstrate the highest standards in their work.

The Supreme Court, in cooperation with NLRP and the Faculty of Psychology of the University of Indonesia, conducted a separate training needs assessment for junior or beginning judges. In their analysis, they stated that judges should be competent on the substantive law of Indonesia and those countries whose laws may be the subject of cases in their courts. As a practical matter, however, learning about laws, whether domestic or foreign, is most effectively done through the study of cases. A frequent suggestion for change from legal scholars is that training programs for judges should be focused on legal practice. Work in the courts is more than just on the substance of law alone. Training materials should utilize real cases, which have been decided by other judges and that are accepted as legal jurisprudence. Such training programs help judges and court staff master procedural law and substantive law in their real, daily practice if provided on a regular basis.

Judges and court staff also have to be expected to be self-driven to apply the jurisprudence intensively and continuously, and there should be clear benchmarks and rewards, in terms of career development and advancement, from the Supreme Court. In our view, trainings for judges and court staff should be evaluated regularly in an accurate, honest, and fair manner. They should be implemented in a sustainable and comprehensive manner, particularly if judges and staff continue to be transferred frequently. Successful completion of training courses should be rewarded with certificates that are given weight in decisions about career advancement. For judges, tying promotions to Continuing Judicial Education (CJE) will encourage judges to develop their knowledge in material law and practice. If these does not occur, then there is a less of an incentive for judges and court staff to commit to a program of continuing education along with their regular duties.

Part of an effective supervisory and rewards system is development of good leadership locally. The judges surveyed indicated that those judges and court staff who display the greatest skills and leadership should be recognized and promoted to the positions of leadership.

There are many factors that contribute to effective judicial performance. During the C4J assessment, judges were asked to rate the importance of various kinds of factors in

improving their own personal judicial performance. Judges believed that access to information, increased resources, and financial incentives were important. However, they rated training as the most significant factor in improving their performance. Training is considered the greatest immediate priority.

TRAINING NEEDS ASSESSMENT FINDINGS FOR 12 DISTRICT COURTS

The findings gained by the C4J assessment team from discussion sessions in the 12 district courts are presented below. Out of a total of 6,300 judges in the district court system in Indonesia, 176 judges were surveyed and participated in focus group discussions at the twelve district courts, in addition to 586 court staff.

Findings From Discussions with Judges

Most of the questions in the survey questionnaire were answered by conducting a discussion with each respondent. Judges made clear that the selection process for attending trainings should be clear and transparent. For example, for anticorruption training there is a transparent selection and a series of criteria, but for other trainings the selection process is not clear enough, at least in the perspective of judges interviewed.



Judicial Training Expert discusses the Training Needs Assessment with judges at Sleman District Court

Many findings emerged from the questionnaires that were supported and illuminated during the discussion sessions, the highlights of which are listed below.

- *Judges reported that the mode of training that held the most appeal are interactive discussion groups (75 percent). This was by far the highest response, lectures and presentations only being favored by 50 percent.*
- *Trainings would be beneficial on regulating the courtroom, court demeanor and public access in the courts.* These trainings should include provisions for levying contempt of court charges or sanctions. This is the greatest threat or barrier for judges to perform their judicial duties. Judges in all courts were concerned about security and safety while doing their job. An observation during the (separate) public information assessment was the ease of access that the public has to the judges' offices and the entire courtroom. This ease of access does not add to judicial transparency; rather, it can substantially hinder it. The judges feel it is

important that they are confident in doing their job without any threat to their safety, especially when they have to preside over cases that attract the attention of the community and media. Therefore, training should be developed for judges and court staff on media relations at the court and in the courtroom.

- *Trainings are needed on legal research and writing.* Along with the need for follow-on trainings, judges and court staff stated that there are few facilities they can use when looking for reference materials. Having no library in the court and no internet access make it difficult for judges when they need to do the research in preparing a decision. They suggested that the court should provide the judges and court staff with a library with sufficient books and reference materials, and provide computers and internet access for every judge. As well, new regulations or laws should be readily accessible by the judges.
- *Training is needed on hearing and examining expert witnesses.* This training involves developing skills in two subject areas and the knowledge of certain and particular areas of law. Judges also question the lack of criteria for the selection of expert witnesses. They suggest there should be a clear set of criteria, and it should be socialized.
- *Training is needed on sentencing practices and philosophy,* especially in domestic violence cases, child cases and drug cases.

As well, judges pointed out the following additional ideas:

- There is inconsistent material in training opportunities and on the routine duties of judges and court staff.
- The Court Calendar and Schedule should be precise and without delays.
- Judges would prefer not to be contacted personally by judges from higher courts or the Judicial Commission about their decisions. They believe it may compromise their independence.
- Judges should not be required to perform the public relations function.
- There should be more fairness and consideration in the assignment of judges, especially to places remote from their homes.
- Judges should be treated in accordance with their status as important officials and should be able to concentrate on deciding cases without having to worry about basic needs. Judges should receive full remuneration, not the current 70 percent.

Types of Continuing Judicial Education Requested

Most judges requested support for higher education, such as a master of law degree. Most of the judges and court staff said it would be best if a standardized training program conducted by the Supreme Court or *Pusdiklat* included judicial skills substance, practical skills training, and court management issues. The need for a refresher course on judicial skills was noted. They perceived this refresher course as related to the previous certification and training.

Most of the judges demanded “leveling” education, especially for the certification and specialization in order to support their judicial performance to provide a common basis of knowledge. All judges stated that transfers should be based on seniority and skill. For example, a judge trained with certain specialization on fisheries should not be transferred to a court which does not have illegal fishing cases.

The individual training subjects requested are as follows:

- Information Technology and English because many resources on the internet are in English.
- Court control and decorum.
- Management of hearings.
- Economic issues, including capital markets and bankruptcy.
- Methods of evaluating evidence and analyzing cases.
- Cross border cases especially those concerning environmental issues.
- Code of Conduct training should be ongoing for judges and court staff.

Many judges also requested a sharing session between senior judges and junior judges. This type of sharing can improve the skill and knowledge of junior judges who have a more limited opportunity to attend training. The judges interviewed stated that junior judges should have the same opportunity to attend the training as the senior judges.

Findings from Discussions with Court Staff

The Training Needs Assessment survey – with a separate questionnaire – was extended to court staff in twelve courts. In total, 586 respondents, including 258 acting registrars (141 men and 117 women), participated in the survey and face-to-face interviews. The results were quite uniform across the courts and across staff roles and they are congruent with the comments of the experienced judges.

The importance of a competent court staff is amplified as court administration activities support the judges’ role as finders of fact, appliers of law and guarantors of rights. In the Indonesian district courts, court staff manage cases, records, resources and facilities, and the public’s interface with the judiciary. As well, court staff play a key role in the adjudication of individual cases, among other functions; they ensure that, for every case that:



Judicial Training Expert discusses the Training Needs Assessment with court staff at Klaten District Court

- Key information is recorded and updated during the pendency of the case.
- All necessary evidence is entered into the case record.
- Hearing records are prepared in compliance with procedural time lines.
- The case record is complete to protect appeal rights.

Court staff also have responsibilities for the whole of the court's caseload, managing records, resources and access to support the doing of justice. For example:

- Court performance statistics are accurate and prepared on time.
- Hearing schedules and case information are accessible and comprehensible.
- Parties, witnesses and the public are clearly directed to the appropriate courtroom and aware of their responsibilities.
- Judges are protected from inappropriate contact with litigants and attorneys.
- Case scheduling practices utilize courtroom resources efficiently.
- Closed cases are preserved and searchable.
- Decisions from closed cases are available to the public.

Based on the survey and interview information, there is agreement among staff as to their need for guidance from the Supreme Court, including guidelines and standard procedures that relate to each court administrative position. Where detailed procedures are in place, all of the affected staff need training.

Court staff believe that a necessary foundation to a well-trained and highly functioning staff is the standardization of court documents by the Supreme Court. Acting registrars made a special point of mentioning the critical need for training on how to make an official record based on substance. Their specific recommendations are as follows:

- All court staff should receive the training they need and selection criteria for special trainings should be transparent. Currently, as one respondent noted, "We just learn by doing it."
- Court staff need and want orientation training as they enter the judiciary.
- Court staff need and want continuing education in substantive matters, management, and information technology.
- Since some training are limited to a few staff members, procedures for sharing the new information should be developed and implemented.
- New and experienced managers need training in management techniques.
- Court staff in all positions would benefit from training on how to deal with parties, litigants and the public.
- Bailiffs need training in how to appraise goods seized for auction.
- Procedures for insuring that summonses and executions are served should be set out by the Supreme Court and standardized.
- IT and Case Management System training should be interactive and continuing.

Special Findings From Discussions with Judges in Four Class 1B District Courts Gresik, Sleman, Klaten, and Depok

The profile of the mid-level judges in the four Class 1B District Courts are to some extent considered to be unique.

First in the adjudicative function, they are quantitatively and qualitatively more experienced than junior judges with only 1-5 years experience. The cases they have handled in their careers are more diverse. As a result, they have more sharpness (*ketajaman*) and sensitivity (*kepekaan*) in most matters. There is more of an expectation for them to think creatively when examining cases.

Secondly, this level of judges, especially those with 10-15 years experience, usually have leadership and managerial responsibilities. They are often appointed as public relations spokespersons (*Humas*), and they may be appointed as a leader of the court, such as Deputy of Chief Judges (*Wakil Ketua Pengadilan Negeri*) or Chief Judges (*Ketua Pengadilan Negeri*).

Because of these more advanced roles and responsibilities, there are several specific findings in the four district courts that were not expressed in our assessment in other eight District Courts: Makassar, Surabaya, Central Jakarta, Semarang, Medan, Samarinda, Bandung and Serang. The specific findings are as follows:

1. To be proficient, mid-level judges should master procedures and their impact on the decision and they should also understand the range of the crucial factors that will affect for the validity of the result. They have to be aware of the consequence of every single action because of the possibility of a determination of null and void for the entire process and the decision. For instance, if the presiding judge forgets to announce that a witness may not be in court during testimony, it would be a violation of the Law of Criminal Procedure prohibiting witness from interaction with other witnesses or from listening to other witness's testimony.
2. The judges questioned the new Law and Regulations establishing minimum sentences as being too harsh, such as the minimum sentence of four years for narcotics cases. On the other hand, they realize that laws are based upon legal considerations and also on political reality as well. It reflects – and to some extent depends upon – public expectations and public policy. When a judge examines a case, he or she should be aware the sentencing objectives and the public policy behind the law.
3. Sensitivity to gender and children issues is another area that emerged during the discussions. The judges agree that human trafficking is a very dangerous threat for women and children. This sensitivity also comes into their mind when they examine these types of cases and when they are expected to support their decisions with judicial reasoning. For example, if a woman kills her husband because she suffered from “domestic violence” almost every day, can it fall into

necessary self defense (*bela paksa*) and the decision be “discharged from all indictment”? Can “physical and mental violence” be interpreted into unlawful sudden assault (*serangan yang seketika dan melawan hokum*) as required by *bela paksa*?

4. The presence of the media is another issue that troubled the judges, more than just from the perspective of court security and court decorum. For instance, does media presence unduly influence the handling of the case? Does it violate the notion of fair process in the conduct of the hearing? When the media broadcasts live, in any form, testimony and examinations of a hearing, is the Indonesian Code of Criminal Procedure (*KUHAP*) violated? The Criminal Procedure Code provides that the witnesses cannot communicate with each other so they will not be influenced by each other. But, if one witness who has not been examined sees the testimony of other witnesses on a live show in TV, he/she can be influenced by their testimony. Thus, the “content” of the testimony may be considered not valid.

During the discussion, judges expressed the difficulty of examining witnesses, especially eyewitnesses if they might have been influenced by the media. They were worried that media reports might result in the “content” of the testimony being altered.

5. Judges frequently expressed the importance of the administrative, managerial and leadership skills necessary for their jobs. They raised the issue that for civil servants (*PNS*) there is a training called *adum*. This training is specifically for preparing to be a leader, as *adum* teaches not only administrative skills but also managerial and leadership skills. Judges also want this kind of training because, once they become a Chief Judges (*KPN*) they are responsible for supervising all the administrative and finance work of the court. Judges also think it is important to attend procurement training because, as a *KPN*, they are responsible if something goes wrong in the procurement process.
6. Judges are firm in their belief that they should be trained on all material related to finance and administration (*supaya tidak dibohongi bawahan*). They mentioned that leadership and management skills are very important when they are appointed as *KPN*.

RECOMMENDATIONS

Our recommendations take into account first the size of the judiciary, i.e., 6,300 judges in the district court system in Indonesia, and the geographic range that the Supreme Court must cover with all of its lower courts. As such, we believe that given these realities, there are opportunities to incorporate more diverse methodologies into current and future programs, especially to reach larger target groups across the entire country.

The male and female district court judges in their surveys and in-group discussions expressed universal interest in additional training in some sort of continuing education program. This interest seemed to apply over all age groups, gender, and levels of experience. It should be noted that while there is no equality of numbers between males and females among judges or court staff within the court system, among the female staff surveyed we found their responses corresponded to their male colleagues.

The district court judges in their surveys and in group discussions expressed universal interest in additional training in some sort of continuing education program. This interest seemed to apply over all age groups and levels of experience. The areas of most interest were related to case management, courtroom control, and the Code of Conduct. As there are many facets of handling cases, from interpreting the law to using legal reasoning to writing decisions, they felt that all training programs should focus on the role of the judge, inside and outside the courtroom, on deciding and managing cases.

Based on this assessment, at this stage in the project, our primary recommendation for the C4J project is to work with *Pusdiklat* to:

1. *Identify opportunities to pilot blended learning solutions for judicial and court staff continuing education training opportunities.*

Blended learning programs are proven to be more effective than just pure classroom or distance learning delivery. They are defined as complete programs that deliver knowledge and skills through a mix of media and methodologies. For example, literature can be sent out to all the district courts on a given topic. The judges could be given a timeframe in which to read it. Then discussion guidelines could be distributed and groups could form locally within the courts to discuss what they read and how the topic applies to their work. As a final piece to this idea, a video could be sent to each court and they watch how other judges debate the topic or hear cases related to the topic. They may even then come together in smaller groupings to receive classroom training at the *Pusdiklat*. A comparative study or study tour could also be components of blended learning programs.

2. *Consider a training program of 3-5 days on judicial skills from possible subject, set out in paragraph 5 below, supplemented by a specialized training for selected judges in substantive law areas.*

For an initial trial program, we recommend 27 male and female judges be selected from the 6-10 year experience group. This way each judge will have about the same level of experience. Some of these judges may later become trainers for the judges with less experience. It would be best if the 27 district court judges were selected at random from a representative group of judges in the 6-10 year category. It is very important that judges be given at least one month's notice of their selection to attend training and the dates so that their court schedules and other commitments can be adjusted to avoid inconvenience to the public, staff, litigants, attorneys, witnesses, law enforcement and media.

3. *The Supreme Court might consider adopting guidelines similar to Contempt of Court powers to assist judges in their control of the courtroom.*
4. *The Supreme Court could examine the possibility of creating Supreme Court and regional court public information officers to manage media contact and public outreach activities.*
5. *The Pusdiklat might consult with stakeholders, along with group or individual interviews by C4J staff with Supreme Court justices' staff to identify areas of greatest need.*

While the judges themselves indicated areas of interest, it is still important to identify problems or inadequacies in their handling of cases. The Supreme Court justices are in an excellent position to comment on those deficiencies because they are regularly examining the work of the district court judges during the appellate process.

The *Pusdiklat* is also in a position to identify problems because of its regular training responsibilities and contact with judges at all levels. Here again, we recommend group or individual interviews by our staff with members of *Pusdiklat* to develop areas of greatest need.

The lawyers who appear regularly in criminal and civil cases at the district courts would also be a useful source of information about the problems in handling cases. We recommend surveys and interviews with these attorneys to add to our knowledge of the problems which can be addressed by training.

As the problems are identified and needs prioritized, C4J can focus our efforts on designing specific training programs to help improve the performance of Indonesian judges. The content for a Training Course on Professional Skills will depend upon the number of training hours and prioritizing of training needs by the Supreme Court, but specific ideas are as follows:

List of Training Methods and Materials for the Training Needs Assessment in Twelve Courts (31 October 2010)

| Section | Item |
|-----------------------------------|--|
| A. Teaching methods and activity. | <ul style="list-style-type: none"> • Small group exercises, role–play, video • Scenarios, facilitated discussion • Focusing small groups to develop action plans for ideas identified by participants |
| B. Purpose of training | <ul style="list-style-type: none"> • Be aware of personal attitudes, values, preferences, strengths and weaknesses and personal emotional issues • Be more aware of gender issues and access to justice for the disadvantaged groups • Control emotions and anger • Know the Judicial Code of Conduct • Learn how to use Responsible discretion • Learn how to display courage in making hard decisions • Awareness of personal attitudes, preferences, biases • Cultural issues deserving consideration • The effects of one’s judicial decisions • Define judicial temperament • Identify elements of both verbal and nonverbal communication • Learn the importance of listening • Learn about demeanor and other nonverbal cues • Understand the impact of tone of voice • Learn communication skills that promote the perception of fairness: <ul style="list-style-type: none"> - how to show respect, how to show that you are listening, - how to show that you are trying to be fair, how to explain what is going on, - how to retain control without showing favoritism, how to avoid advocacy) • Learn to set the tone and establish ground rules for decorum for litigants and public • Improve stress management skills • Develop strategies for dealing with stress: walks, exercise, meditation, music, mentor, colleagues • Determine how to recognize signs of fatigue and stress • Understand the power of judicial office, its uses, abuses, and limitations • Identify personal strategies for dealing with challenges to authority • Improve anger management skills • Determine how to recognize signs of anger • Identify the causes of anger, generally and personally • Identify strategies for managing anger • The importance of staff for public perception of the judge and the court • Ways to monitor staff |

| | |
|-------------------------------|--|
| | <ul style="list-style-type: none"> • Ways to deal with difficult defendants |
| <p>C. Educational content</p> | <p><u>C.1. General Competency</u></p> <p><i>Ideal Judicial Skills</i></p> <ul style="list-style-type: none"> • Wisdom • Patience • Perception/self control • Vision • Communication • Compassion • Ability to lead and inspire • Creativity • Problem solving • Knowing personal limits • Case/calendar management • Fairness • Logic in judicial reasoning • Concept of pattern thinking in judicial decision-making • Follow the law” • Follow principle without regard to consequences • Discuss ways to develop confidence in making decisions • Gender sensitive <p><i>Main content</i></p> <ul style="list-style-type: none"> • Verbal and non verbal communication • Courtroom demeanor • Ethical considerations – Code of Conduct • Fact-finding and decision making • Courtroom management • Personal and professional development • Dealing with the media • Case management – IT – understanding use of computers <p><i>Efforts to Enhance Daily Performance</i></p> <ul style="list-style-type: none"> • Identifying those elements that makes judging difficult • Explaining the cognitive process and psychology of fact-finding and decision-making, • Understanding the cognitive process - how information is processed • how decisions are made • Identifying common stereotypes that impact decision making • Fact-Finding • Identifying elements for weighing credibility proper/improper bases for determining credibility of witness • Discussing psychological barriers to objectively • Describing how to fairly evaluate and process evidence • Determining the proper sequence of facts before ruling • Understanding how the following items impact personal decision-making: • Stress, Anger, Time pressure, Boredom/distraction, the style of those before the court, Personal health (physical |

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| | <p>and emotional)</p> <ul style="list-style-type: none"> • Importance of demonstrating objectivity in rulings • How to reflect that judge has considered both sides • Explain why it is important to make a prompt decision • Explain why it is important to be consistent in rulings/sentencing <p><i>Additional content</i></p> <ul style="list-style-type: none"> • Role of the court in society • Level of knowledge about judicial issues in the community • Level of public trust and confidence • How judges are part of a bigger system with many opportunities for involvement • Identification of improvements necessary for courts • Identification of how to work effectively for change • Identification of court and community relationships, committees, associations that can affect the administration of justice. • Identification, discussion, comparison ideas for change and innovation within judicial branch <hr/> <p><u>C.2. Specialized Competencies (can be added for selected judges as part of initial training or after the basic training).</u></p> <ul style="list-style-type: none"> • Criminal procedure • Sentencing – Domestic Violence – Child - Drug • Environmental Law • Commercial and Contract Cases • Intellectual Property Rights • Corruption • Administrative • Property • Logging • Fisheries |
| <p>D. Moral and personal factors of judging</p> | <ul style="list-style-type: none"> • Social cognition • Critical thinking • The public is judging the courts • Courts serve the public • An effective court positively impacts the community • Good community relations will benefit the court system • Ways to balance judicial independence and accountability • Relationship between public outreach and the role of the judge • Difference between a judges' role on the bench and as part court system • Judges represent the entire system • Judges as a symbol of the court's authority • Judging includes some community outreach • Public service includes being part of social and system change • Influence of a judge's philosophy on staff and how staff interact with the public • What part of community outreach should be undertaken by |

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| | <p>judges</p> <ul style="list-style-type: none"> • Code of Conduct and community outreach • Discuss colleague assistance programs • Techniques for educating the public about the courts • Impact of the media on public perception of the courts • Relationship between courts and the public • Judicial philosophy and its impact on community outreach • Communication skills and dealing with diverse groups • Dealing with specific court assignment and communities • Marshalling appropriate resources for effective community outreach • Cultural and fairness considerations • Importance of public trust and confidence to an independent judiciary • Tools to overcome resistance in their own courts • Focus upon ideals and practicalities in process of strategic planning |
| <p>E. Subjects for training of Judicial Supervisory</p> | <ul style="list-style-type: none"> • Courtroom security • Managing staff and court facilities • Managing change • Developing good employee relations • Fiscal responsibility • Fairness and Patience • Problem solving • Organization and Planning • Delegation • Decisiveness • Set tone of courtesy and respect • Maintain appropriate demeanor • Communicate in a way that strengthens public confidence • Explain courtroom procedures clearly • Ask and answer questions effectively • Communicate and explain decisions clearly • Pretrial conferences to establish expected conduct • Developing a plan for outbursts or when anyone is troublesome • What bailiffs should do • Discussing with staff how everyone should be treated when they come into courtroom • Communicating procedures • Importance of being timely • Importance of being prepared • How to: <ul style="list-style-type: none"> - use computers – understand technology - manage and control calendars - manage trials - control courtroom - maintain time schedule - manage staff - manage attorney - manage litigants and witnesses - establish ground rules - identify what problems can be anticipated and list them |

| | |
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| | <ul style="list-style-type: none">• Understanding tasks needed to be done to prepare for a trial• Managing personal time• Use of colleague guidance can help in time management• Methods to prioritize the tasks and issues during a trial• Ways to be predictable in managing trials |
|--|---|

CONCLUSION

The recommendations of this assessment will be discussed thoroughly with the Supreme Court and *Pusdiklat*, as well as with USAID/Indonesia. Every effort will be made to ensure that development of all training programs is done with the participation of the *Pusdiklat*. C4J staff will coordinate closely with the Supreme Court Legal Reform Team, and with USAID and other donor-funded projects also addressing the training needs of judges and court staff, and the capacity of *Pusdiklat* to deliver these. We greatly appreciate the cooperation of the *Pusdiklat* and the reform team in advising and helping arrange this training needs assessment, and to the judges and court staff who willingly gave their time to speak with us.

Annex A describes the methodology used for the survey and Annex B provides a map of different donor-funded projects in support of judge and court staff training.

ANNEX A METHODOLOGY

This training needs assessment is a systematic study to describe gaps or discrepancies in performance that exist between what Supreme Court and District Court judges, and court staff are capable of doing now, what they should be capable of doing, and what they will be required to do in the future to support the goals and objectives of the Indonesian judicial system. The prioritized needs for performance improvement were obtained through consultations with training recipients and other stakeholders.

In any training needs assessment, a variety of data collection methods need to be used to gather as all-inclusive information as possible, maintain objectivity, verify, and provide more detail if needed. Each method of data collection comes with its own set of advantages and disadvantages. The data is then analyzed to make the best decisions possible about training solutions to help close performance gaps. In order to complete the most thorough needs assessment within the time and resource constraints, a combination of survey, interviews, and focus groups were planned and conducted.

The C4J project team began work on the assessment by defining its purpose and gathering preliminary data from related project reports shortly after the time of project award and resource availability. The team developed a training needs assessment plan, including target audiences and methods, beginning with an anonymous survey that was distributed at 12 different District Court visits. Throughout the data collection process, the chief judges and all judges were cooperative and patient, offering their time. Members from the Supreme Court Legal Reform Team (JRTO) also added value by contributing to discussions.

Early in the process, the C4J training needs assessment team met with the Supreme Court representatives and the JRTO. The purpose of these meetings was to gain consensus around the objectives of the needs assessment and to ensure institutional cooperation in the assessment process, transparency, as well as to get suggestions on which other project partners to liaise with and learn from, e.g. NLRP and former EU Good Governance in the Judiciary (GGIJ) project.

Written Surveys

The team distributed written survey questions to groups of employees at each of the 12 District Courts.

Focus Groups

The team held focus groups with each group of employees at each court after they filled out the survey. The purpose was to further understand perceived needs and ways to address them. This methodology also allowed staff members to openly discuss issues with one other, which has the added benefit of allowing peers to better understand one another's challenges and consider solutions.

Document Survey

We reviewed documents from the similar and previous projects. We conducted the survey with the awareness that there are already some projects that do or did the similar activities regarding the training and education for Judges. Therefore the C4J assessment started by reviewing and studying the document from the previous projects that worked with or are currently working with the Supreme Court *Pusdiklat*. The aims of this review were to

- To avoid overlapping with other donors activities.
- To identify gaps.

Therefore, any activity C4J undertakes regarding continuing judicial and court administrative staff education is not only creating something new but also builds on the activities of other projects. The training and education efforts supported by C4J will also be in compliance with the Manual for Training as mandated by Decree of Chief Justice No. 140 of 2008. If it seems an article in the decree presents a need for an adjustment for better implementation and application, C4J will raise the issue so it can be discussed thoroughly and intensively between the project, *Pusdiklat*, and Supreme Court Legal Reform team to determine the best solution.

We also read other documents to map the training that already exists in *Pusdiklat*, the training as mandated by Decree No. 140 of 2008. And also the document related to future Blueprint of Supreme Court, “Implementation of Blueprint For Reform of The Supreme Court & Three Working Papers on Reform of The Judiciary”.

Sample of Data from Questionnaire

Table 1. Judges Survey Data and Charts
(8 Courts Survey: Makassar, Surabaya, Central Jakarta, Samarinda, Semarang, Medan, Serang, Bandung)

| Age | | Gender | | Years of Experience | |
|-----------|--------------|--------|--------------|---------------------|--------------|
| Age | No of Judges | Gender | No of Judges | YoE | No of Judges |
| 25 – 30 | 5 | Male | 117 | < 5 | 1 |
| 31 – 40 | 0 | | | 6 – 10 | 1 |
| 41 – 50 | 59 | Female | 22 | 11 – 15 | 9 |
| 51 – over | 75 | | | > 16 | 124 |

Table 2. Judges Survey Data and Charts
(Four Courts Survey: Gresik, Sleman, Klaten, Depok)

| Age | | Gender | | Years of Experience (YoE) | |
|-------------|--------------|--------|--------------|---------------------------|--------------|
| Age | No of Judges | Gender | No of Judges | YoE | No of Judges |
| 25 – 30 | 0 | Male | 31 | < 5 years | 0 |
| 31 – 40 | 5 | | | 3 – 8 years | 6 |
| 41 – 50 | 25 | Female | 6 | 9 – 15 years | 22 |
| 51 and over | 7 | | | > 16 years | 9 |

Figure 1. Effective Training Methodology (Four Courts)

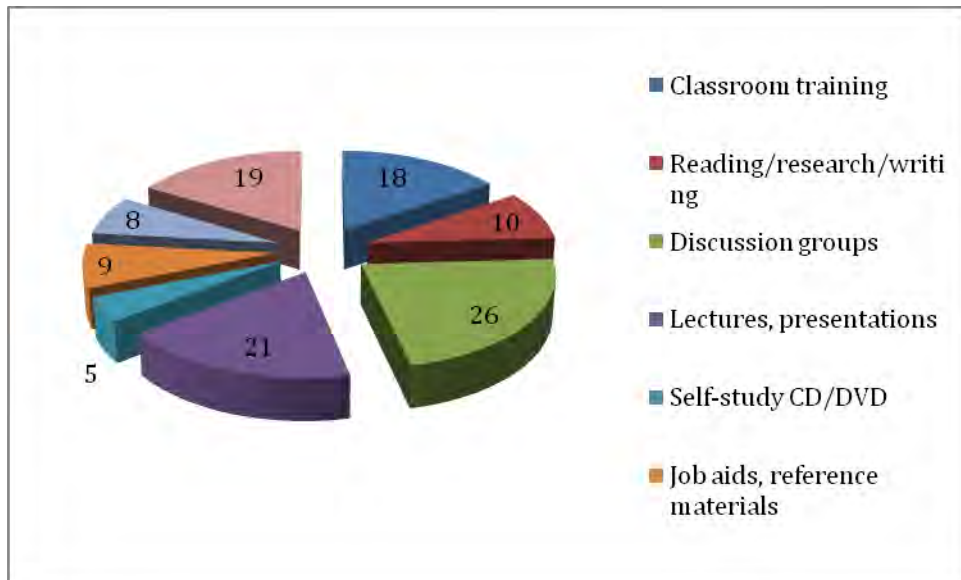


Figure 2. Training Needs and Priorities (Four Courts)

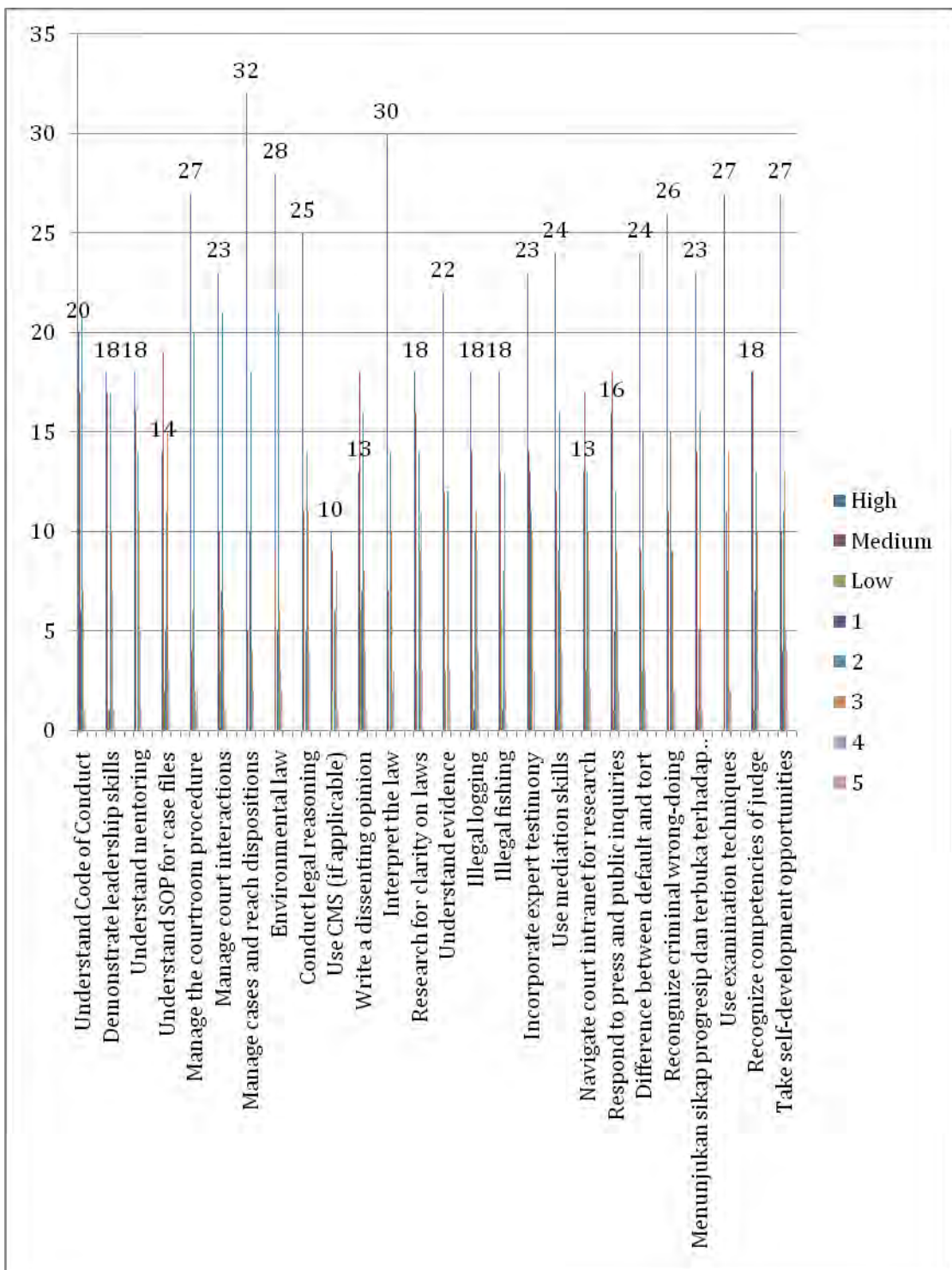


Table 3. Court Staff in Eight Courts

COURT STAFFS IN EIGHT COURTS

| Age | | | | | | | Gender | | | | | | Years of Experience | | | | | | |
|-------|------------------|------------------|---------|---------|----|---------------------|------------------|------------------|------------|------------|-----------|---------------------|---------------------|------------------|------------------|---------|---------|----|---------------------|
| Age | Junior Registrar | Acting Registrar | Bailiff | Finance | HR | Case Registry Staff | Junior Registrar | Acting Registrar | Bailiff | Finance | HR | Case Registry Staff | YoE | Junior Registrar | Acting Registrar | Bailiff | Finance | HR | Case Registry Staff |
| < 25 | 0 | 0 | 1 | 1 | 2 | 1 | Male: 19 | Male: 104 | Male: 64 | Male: 9 | Male: 6 | Male: 9 | < 3 | 3 | 24 | 17 | 4 | 5 | 8 |
| 25-30 | 0 | 5 | 9 | 7 | 4 | 7 | | | | | | | 03-Agust | 17 | 51 | 30 | 11 | 6 | 10 |
| 31-40 | 1 | 32 | 36 | 5 | 3 | 7 | Female: 7 | Female: 92 | Female: 41 | Female: 13 | Female: 9 | Female: 12 | Sep-15 | 6 | 77 | 34 | 5 | 0 | 1 |
| 41-50 | 16 | 114 | 50 | 6 | 4 | 4 | | | | | | | > 16 | 1 | 42 | 25 | 1 | 4 | 1 |
| > 50 | 10 | 45 | 9 | | 2 | 2 | | | | | | | | | | | | | |

Table 4. Court Staff in Four Courts

Court Staff in 4 Court: Gresik, Sleman, Klaten and Depok

| Age | | | | | | | Gender | | | | | | Years of Experience | | | | | | |
|-----------|------------------|------------------|----------|---------|----|---------------------|------------------|------------------|------------|------------|-----------|---------------------|---------------------|------------------|------------------|----------|---------|----|---------------------|
| Age | Junior Registrar | Acting Registrar | Bailiffs | Finance | HR | Case Registry Staff | Junior Registrar | Acting Registrar | Bailiffs | Finance | HR | Case Registry Staff | YoE | Junior Registrar | Acting Registrar | Bailiffs | Finance | HR | Case Registry Staff |
| < 25 | 0 | 0 | 2 | 0 | 1 | 1 | Male: 9 | Male: 37 | Male: 59 | Male: 7 | Male: 8 | Male: 10 | < 3 | 1 | 2 | 6 | 2 | 4 | 9 |
| 25 - 30 | 0 | 0 | 4 | 4 | 3 | 4 | | | | | | | 3 - 8 | 9 | 22 | 4 | 11 | 3 | 8 |
| 31 - 40 | 2 | 7 | 18 | 4 | 2 | 6 | Female: 3 | Female: 26 | Female: 19 | Female: 10 | Female: 4 | Female: 10 | 9 - 15 | 1 | 26 | 40 | 2 | 2 | 1 |
| 41 - 50 | 8 | 38 | 42 | 7 | 5 | 7 | | | | | | | > 16 | 1 | 12 | 18 | 2 | 2 | 2 |
| 51 - over | 2 | 8 | 14 | 2 | 1 | 3 | | | | | | | | | | | | | |

ANNEX B. IDENTIFIED AND MET TRAINING NEEDS THROUGH PRIOR AND CURRENT DONOR-FUNDED PROJECTS

| Position | <i>Pusdiklat</i> | GGIJ (closed) | NRLP (current) | IN-ACCE (closed) | MCC ICCP (closed) | ICCP Extension (closed) |
|---------------------|---|---|----------------|---|--|--|
| Mid-level Judge | <ul style="list-style-type: none"> Joint training with Attorney General's Office (for judges with 5 to 10 years of experience) | | | <ul style="list-style-type: none"> Basic computer skills | <ul style="list-style-type: none"> CoC Court's Budget-Based Strategic Planning Courtbudget system and applications | |
| Senior judges | <ul style="list-style-type: none"> Training for the curriculum developing team and materials of technical and education and the trainers team for training center (ToT) Certification for Technical Team from Training and Education Center with more than 10 years experience: Certification for mediators (religious 7 general court judges), certification for commercial courts, certification for Industrial relations judges, certification for fisheries judges, in-depth training on syariah economy for religious court's judges, Training on technical function for military court's judges. | <ul style="list-style-type: none"> Trained as trainers | | <ul style="list-style-type: none"> Basic computer skills | <ul style="list-style-type: none"> CoC Penilaian penyusunan staf pengadilan Court's Budget Based Strategic planning Aplikasi dan sistem anggaran pengadilan Pemrosesan Putusan elektronik dan Putusan online Mahkamah Agung | <ul style="list-style-type: none"> On the job training for Bawas officers and court chief judges and vice chief judges on Public Complaint System SOP's |
| Registrar/Secretary | <ul style="list-style-type: none"> Continuing and leveling judicial education for Registrar | <ul style="list-style-type: none"> | | | <ul style="list-style-type: none"> Court's Budget System and Application | <ul style="list-style-type: none"> Wealth Reporting SOP's for High Court's Registrars/Secretaries |

| | | | | | | |
|---|---|--|--|---|--|--|
| Acting registrars Registry staff Jr. registrars | <ul style="list-style-type: none"> Continuing and leveling judicial education for acting Registrar | <ul style="list-style-type: none"> Recommendations of court staff training; Mentoring CRT (court registrars training) developed and delivered to 400 staff (Role of registrar and basic skills; civil and criminal case admin for registrars (priority: more than 3 yrs experience, less than 45 yrs old) TCMS training | | <ul style="list-style-type: none"> CMS training Basic computer skills Minutes taking process, esp. for commercial / bankruptcy cases | | <ul style="list-style-type: none"> |
| Bailiffs | <ul style="list-style-type: none"> Continuing and leveling judicial education for Bailiffs | | | <ul style="list-style-type: none"> CMS training | | |
| PR/Communications staff | | | | | <ul style="list-style-type: none"> Court Public Relations (Supreme Court Bureau of Legal and Public Affairs staff plus selected district courts Public Affairs Staff) | |
| Finance staff | | | | | <ul style="list-style-type: none"> Court Online uploading of finance and budget data Court budget data communications applications | <ul style="list-style-type: none"> Budget SOP's Training for the Supreme Court Finance Officers |
| HR staff | | | | | <ul style="list-style-type: none"> Court Staffing assessment (SC officials and selected district and high courts from around Indonesia) | <ul style="list-style-type: none"> Human Resources Database ToT for Supreme Court and high court officials Human Resources Database Training for District Court officers Champion |

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|-----------------------------------|--|---|-------------------------|---|--|--|
| | | | | | | training on job description implementation for Supreme Court and other court officials |
| "Court staff" | | | | <ul style="list-style-type: none"> • CMS training • CMS back-up training • Change management • Basic computer skills • Digital audio recording | <ul style="list-style-type: none"> • Court asset inventory management (General Affairs) | |
| Judges (not specified) | | <ul style="list-style-type: none"> • Anticorruption training (100 specialized judges) | | <ul style="list-style-type: none"> • CMS training • Change management training • Basic computer skills • Digital audio recording | | |
| Junior Judges | <ul style="list-style-type: none"> • Junior Judges Centralized Training • Continuing and levelling judicial education • | <ul style="list-style-type: none"> • CJE curriculum development and delivered to 1195 junior judges (Role; criminal proceeding; criminal cases) • Priority for judges with <5 yrs experience | | | | |
| Judge candidates (<i>cakim</i>) | | <ul style="list-style-type: none"> • Recommendations for Cakim training; training determined insufficient | <i>Diklat for Cakim</i> | | | |
| Trainers | | <ul style="list-style-type: none"> • 85 trainers received training/ISD ; held trainers meeting and conventions • Challenge with keeping trainers – | | | | |

| | | | | | | |
|------------------|--|--|--|--|--|--|
| | | promotions, other commitments | | | | |
| Training centers | | <ul style="list-style-type: none"> Created training centers in Jakarta, Makassar, Pandang | | | | |
| Resources | | <ul style="list-style-type: none"> CD Rom database of legislations/ regs Annotated landmark decisions Court performance evaluation system | | <ul style="list-style-type: none"> Public comment procedures Bankruptcy toolkit, creditor meeting guidelines Network Administration Guide Email addresses for judges and acting registrars CMS manuals and user guides Standardized minutes templates Docket sheets CJDC: Centralized vertical filing system Archives storage | | |
| IT training | | <ul style="list-style-type: none"> Training in MS Office, Internet, TCMS (7 pilot courts), training of system administrators; SC IT training; <i>Badilum</i> (general courts) implementation plans IT training for MA's Registry and Administrative Affairs Body | | <ul style="list-style-type: none"> Posting of cases training to staff Basic computer skills and email for judges and acting registrars Help Desk training for IT staff SOPs: CMS; Public Info desk; security; web; electricity | | |

| | | | | | | |
|-----------|--|--|--|---|--|--|
| | | <ul style="list-style-type: none"> • IT procurement process | | | | |
| Other | | <ul style="list-style-type: none"> • Paralegal training • Mediation training | | • | | |
| Pusdiklat | | <ul style="list-style-type: none"> • Training policy development | | | | |