

Annual Report

2019-2023

Peer 2 Peer 4 Justice Indonesia - Netherlands Legal Network

Annual report 2022

CILC
Center for International
Legal Cooperation

Table of Contents

1. Introduction.....	3
2. Main project achievements	4
Outcome 1 Indonesia-Netherlands Rule of Law network continues to operate and remains relevant	4
Outcome 2 Sustained and institutionalised relations of NL/IND justice sector institutions have furthered concrete reform processes	4
Outcome 3 New bilateral relations between justice sector institutions established in support of concrete reform goals	5
3. Progress in implementation.....	6
Outcome 1 Indonesia-Netherlands Rule of Law network continues to operate and remains relevant	6
Working Group Indonesia.....	6
.....	8
Thematic events.....	8
Gender.....	9
Baseline 2021	9
Outcome 2 Sustained and institutionalised relations of NL/IND justice sector institutions have furthered concrete reform processes.....	10
Mahkamah Agung (MA) – Hoge Raad (HR).....	10
Mahkamah Agung (MA) – Netherlands Council for the Judiciary (Raad voor de Rechtspraak; RvdR).....	14
Ombudsman of Indonesia (ORI) – National Ombudsman of the Netherlands (NO)	17
Gender.....	19
Baseline 2021	19
Outcome 3 New bilateral relations between justice sector institutions established in support of concrete reform goals	21
Indonesian Probation Service (Ditjen Pas) – Netherlands Probation Service (Reclassering Nederland)	21
Outcome 0 Project management and reporting	30
4. Concluding remarks.....	31
Annex I Results Framework	33
Annexe 2 – Financial Report 2022.....	38

1. Introduction



This progress report provides a detailed account of the implementation results from 1 January 2022, until 31 December 2022, in the framework of the project entitled: “Peer 2 Peer 4 Justice Indonesia – Netherlands Legal Network 2019 – 2023” (hereinafter referred to as the P2P project).

The project’s focus in 2022 was to reignite energy into the judicial, institutional and peer relationships. We waved goodbye to Covid 19 travel restrictions and built momentum to realise the project’s ambitions.

2022 was a fruitful year. Thanks to exchange visits and frequent meetings (both face-to-face and hybrid), we boosted core relationships, revitalised the cooperation and ensured new leadership became acquainted. The Hoge Raad (HR) leadership met with the Mahkamah Agung (MA) leadership for the first time since they had both been elected.

Remarkably, in 2022 the project also celebrated the fourth Indonesian Netherlands Legal Update (INLU). This successful exchange, spanning two weeks in September, upscaled legal networks, showcased the results of preexisting cooperation and established the need to sustain bilateral ties.

Restorative justice, alternative sanctions, propartif, and case selection at the supreme court were the main themes featured in our discussions and exchanges during the working group meetings, exchange visits and INLU. Momentum has been built, and legal institutions are eager to learn further from the Netherlands through exchange visits. Change is happening, and the support of the WG Indonesia, the peer-to-peer relations with the Mahkamah Agung and Hoge Raad, the ORI and NL Ombudsman and Ditjen Pas and Reclassering Nederland have been crucial to contribute to legal reforms.

“I see this P2P for Justice project as unique. This project has provided ample space for stakeholders to interact and determine their own work agenda priorities. As a project designed to support bilateral judicial cooperation between Indonesia and the Netherlands, P2P Justice has successfully carried out its mandate properly. Despite the constraints that more than half of the program’s implementation period took place during the pandemic era, P2P Justice has managed to make adjustments and continue to carry out its work agenda very well.”- Pak Sunarto, Vice Chief Justice of MA.

The Working Group (WG) has been vital in establishing the platform for exchange among different legal (academic) institutions bringing people and organisations closer. Members of the WG have remained consistent. With 117 members in 2022 and 119 in 2023, the dedication and commitment to continue working together even after ten years of establishment.

In 2022 many new opportunities were created for cooperation. For instance, in consultation with the WG, CILC supported the organisation of webinars on impunity in Indonesia hosted by Jentera University and Amnesty International, with support from Leiden University. The discussions have increased political appetite to investigate the matter. President Joko Widodo’s speech of 11 January 2023 which recognised the mass killings of more than 500.000 people in 1965 and 1966, was a significant step in rectifying the long grievance of the victims and their families. This is a testament that our intervention is stimulating change.

Another topic featured in our cooperation is Access to remedy in the case of loss of housing. The research and discussions on this topic united more stakeholders and gave a clear picture of the current state of affairs and the opportunities on this topic.

The accomplishments in 2022 are attributed to the cooperation and dedication of our partners (LeIP, the WG and institutional partners), who have contributed to each project milestone *for the past four years*. In addition, we are thankful for the continuing assistance from the EKN team in supporting the project activities and strengthening the cooperation between the Dutch and Indonesian judiciary. Their insight and expertise provide added value to peer relations.

2. Main project achievements



This chapter summarises the main achievements resulting from the activities implemented from 1 January 2022 until 31 December 2022.

Outcome 1 Indonesia-Netherlands Rule of Law network continues to operate and remains relevant

Output 1.1. Indonesia Working Group continues to function throughout 2019-2023 // Main achievements

- ✓ 3 general Working Group Indonesia meetings were held online with a relatively high number of participants. Other WG meetings were organised to shape the organisation of the INLU further
- ✓ WG Annual Plan 2023 developed and adopted
- ✓ WG Annual Plan 2022 implemented
- ✓ WG Online Platform is active with 125 member registrations so far
- ✓ 50 member organisations in the Netherlands and Indonesia engaged through the Working Group

Output 1.2. Thematic events organised with existing and new partners have contributed to deepening the dialogue on specific reform areas // Main achievements

- ✓ 1 Thematic event on the effectiveness of Propartif with the Indonesian and Dutch Ombudsman
- ✓ 1 Indonesian Netherlands Legal Update (INLU 2022) organised in cooperation with 25 partner institutions in Indonesia and the Netherlands
- ✓ More than 100 institutions came together to INLU, and over 3700 people participated online, and 1200 people participated onsite in Jakarta in various locations for the INLU 2022

Outcome 2 Sustained and institutionalised relations of NL/IND justice sector institutions have furthered concrete reform processes

Output 2.1. Existing long-term peer-to-peer relations between justice sector institutions in the Netherlands and Indonesia are maintained and managed // Main achievements

- ✓ 1 Courtesy call MA - HR conducted to strengthen the relationship
- ✓ 1 working visit of MA to HR conducted to strengthen the relationship and first meeting leadership

- ✓ Working visit of HR to MA conducted during INLU 2022
- ✓ Online capacity building program implemented MA - HR on case selection, regular meetings and improved use of a database (3 reform goals)
- ✓ Assessment of the status quo on the implementation of Performance Based Budgeting (PBB) at MA and lower courts
- ✓ Webinar with the Secretary of MA, MA Planning Bureau, judges of lower courts, Bappenas and other stakeholders to present the findings of the assessment on PBB and discuss the way forward
- ✓ Establishment of a working group at MA to oversee the implementation of PBB at MA and lower courts
- ✓ 1 Courtesy call ORI – NO conducted to strengthen the relationship
- ✓ 1 working visit of NO to ORI conducted during INLU2022
- ✓ ORI institutionalisation on Propartif established and analysed
- ✓ Online consultations ORI – NO conducted on how to institutionalise Propartif conducted (1 reform goal)
- ✓ Online consultation program ORI – NO developed, on institutionalisation Propartif (1 reform goal)
- ✓ Measurement tool designed to measure the implementation of Propartif
- ✓ Online capacity program ORI – NO created to carry out activities to promote ORI as a knowledge centre on Propartif developed (1 reform goal)
- ✓ 1 Thematic event held on the effectiveness of Propartif

Outcome 3 New bilateral relations between justice sector institutions established in support of concrete reform goals

Result/output 3.1. New peer-to-peer relation(s) between the Netherlands and Indonesian probation service is established to increase awareness of Indonesian criminal justice actors about the benefits and opportunities of probation and alternative sanction // Main achievements

- ✓ 2 courtesy meetings between the leadership of Ditjen pas and Reclassering Nederland
- ✓ 1 Working visit of Ditjen Pas leadership to the Netherlands – May 2022
- ✓ 1 Working visit of Reclassering Nederland to Indonesia in September 2022
- ✓ 2 Panels facilitated during the INLU to reinforce cooperation between Ditjen Pas and Reclassering Nederland, the Public Prosecution and other stakeholders to promote probation and adoption of alternative sanctions

Result/output 3.2. New peer-to-peer relation(s) established and managed in support of judicial reform in line with RPJMN 2020-2024 // Main achievements

- ✓ 5 webinars on impunity held from Jan – May 2022
- ✓ Webinar held on Access to Remedy
- ✓ Stakeholder and expert meetings held on Access to Remedy
- ✓ A report developed on Access to Remedy
- ✓ Dissemination of the report and results on Access to Remedy during INLU

3. Progress in implementation

This chapter details the activities implemented and progress achieved regarding realised outputs.

Outcome 1 Indonesia-Netherlands Rule of Law network continues to operate and remains relevant

- ✓ Output 1.1: Indonesia Working Group continues to function throughout 2019-2023.
- ✓ Output 1.2: Thematic events organised with existing and new partners have contributed to deepening the dialogue on specific reform areas.

Working Group Indonesia

The Working Group Indonesia has continued to prosper in 2022. With 35 members and twelve new members enrolled, the discussions have been vibrant, and members have remained committed to working together under this flagship project. In 2022, meetings continued to convene online and occasionally in a hybrid format.

In 2022, three general working meetings were held in March, August and October, bringing together members from different parts of Indonesia and the Netherlands through a Zoom platform. These meetings were jointly facilitated by CILC and the Indonesian Institute for Independent Judiciary (hereinafter referred to as LeIP).

As the travel ban was lifted, we saw the opportunity to conduct the Indonesia and Netherlands Legal Update (INLU) face-to-face. The working group's focus in 2022 was establishing a committee, developing a plan, and convening meetings to set the organisation in motion for the INLU.

During the three working group meetings, members shared regular updates on cooperation with various institutions and discussed the INLU. They explored how the INLU should be set up, potential venues, and which panels would be most valuable. It was agreed that an INLU committee would be established to oversee the organisation and implementation. The Embassy of the Netherlands would be part of this INLU committee due to their prominence in the opening and closing ceremonies. The INLU committee would also include institutions in which P2P is directly involved, such as the MA - HR, ORI – NO and Ditjen Pas – RN and supporting institutions such as LeIP, CILC and other NGOs. The working group in March 2022 also suggested the topics for the panels, which have been the basis for the setup of the INLU agenda.

INLU 2022

The INLU conference was organised in Jakarta from 19 to 29 September 2022. It took place in a hybrid format through physical presence in various locations in Jakarta and on Zoom. The theme of the INLU was “Digitalisation, Innovation and Sustaining Legal Relations”. The INLU was hosted by the Embassy of the Kingdom of the Netherlands (EKN) for the opening and closing ceremonies. Various institutions hosted the panel discussions in different locations in Jakarta.

INLU united 25 partner institutions to organise and host 15 panels on topics the working group and INLU committee identified. The topic selection was based on the areas of cooperation of the P2P and

current developments in the legal sector. Consequently, the INLU agenda had a broad spectrum, including the following topics:

- Restorative justice
- Probation service
- Environmental law and climate change
- Business law and human rights
- Economic reform, private equity, and debt enforcement
- Access to remedy
- The Ombudsman and Access to Justice
- Effective judicial argumentation
- New legal mechanisms at the Supreme Court to protect legal unity

Altogether the INLU attracted 1.229 onsite participants and 3.730 participants online. It provided the ideal space for dialogue and learning. The INLU 2022 was viewed as successful and unique by many in attendance. The following factors attributed to such success:

- The engagement of the working group in establishing the INLU committee and panel topics. This shaped a common goal and commitment to success from the onset.
- The organisation and hosting of the INLU by various partner institutions established ownership of the conference and commitment to legal cooperation.
- Attendance and participation of high-level speakers boosted the popularity and impact of the INLU.



"Let's celebrate our successes and inspire each other to continue to uphold the rule of law. The world needs this now more than ever."

His Excellency Ambassador Grijns of EKN opened the INLU with Minister and Vice Minister Laoly of Law and Human Rights. Other high-level officials engaged included the presidents of the Supreme Court of the Netherlands and Indonesia and the National Ombudsman of both countries.

The INLU strengthened cooperation among partner institutions during and after the conference. INLU revived relations between the Indonesian and Netherlands legal institutions, which have grown tremendously since the event. It was the first time for the presidents of the Supreme Courts to meet in person, who worked harmoniously to facilitate the panel discussions of the INLU at MA and the closing ceremony.

INLU 2022 received broad media attention in Indonesia. A sample of coverage can be found [here](#). Video footage of the INLU can be found [here](#). A full INLU report is being finalised and shared in one month.



Thematic events

In 2022, we hosted a thematic event on **Propartif**. The thematic event took place online in the form of a webinar.

This event was organised on 6 December 2022 and was the second event under P2P, focusing on Propartif. The first thematic event focused on how effective the staff thought the Propartif method was in their daily work. The second event, a webinar, followed after a year and a half of gathering data through surveys. The webinar was organised to present the second survey results and to help

recently onboarded ORI Commissioners familiarise themselves with the Propartif method and further embed it into ORI’s internal staff. The survey results showed that Propartif had decreased the time ORI takes to handle complaints and improved the process's quality.

The second thematic event presented how effective the complainants thought the method was. With the attendance of staff from other governmental agencies, it was also expected that Propartif could be disseminated and integrated beyond ORI, thus promoting a sound and decisive public administration process across the government. The webinar saw about 100 participants, with the ORI commissioner Johannes Widijantoro (ORI Commissioner) and, Stephan Sjouke (Head of International Affairs at NO), Vidia Darmawi (M&E consultant) as speakers. Further information on the data-gathering process can be found on page 17 under Outcome 2 ORI-NO.



Gender

In 2022 equality has also been central to the implementation of our activities. We supported equal participation of women and men in the WG and during the training sessions and workshops. The working group is composed of more female participants than male. In 2022, our target was to increase the number of female representatives by 20%, and this has been achieved by encouraging female participation and female panellists during INLU 2022.

During all activities we remained alert to balance gender; we considered the ratio of female and male representation and their engagement in activities. In the WG meetings we have conducted, female participants averaged representing 65% of participants, similar to 2021.

Baseline 2021

	Baseline – 30 April 2020	Target	Status – 31 December 2022
Appreciation of the functioning of the Working Group	3.4 out of 5	4.1 out of 5	See results of September 2021. A new survey will be done in 2023
Appreciation of the added value of the Working Group	3.7 out of 5	4.4 out of 5	See results of September 2021. A new survey will be done in 2023

<i>Original activity</i>	<i>Original planning</i>	<i>Realised</i>
WG meeting 1 IND	Q1, 2022	Realised, 2 March 2021, online
WG meeting 1 NL	Q1, 2022	Realised, 8 March 2022, online
WG meeting 2 NL & IND	Q2, 2022	Realised, 8 June 2022, onsite in Jakarta
WG meeting 3 NL & IND	Q4, 2022	Realised, 27 October 2021, online
Adopt WG annual plan 2023	Q4 2022	Realised, 27 October 2022, online
Thematic event the benefit of Propartif	Q4, 2022	Realised, 15 December 2021, online

Outcome 2 Sustained and institutionalised relations of NL/IND justice sector institutions have furthered concrete reform processes.

✓ Output 2.1: Existing long-term peer-to-peer relations between justice sector institutions in the Netherlands and Indonesia are maintained and managed.

Mahkamah Agung (MA) – Hoge Raad (HR)

Introduction

Both the MA and HR intensified their bilateral relationship in 2022. The long-term efforts and contribution to appointing the case selection team have reaped benefits. The case selection training program concluded with the last three sessions implemented in Spring 2022. A working visit of the MA to HR was organised in May, allowing the leadership to meet in person for the first time. The visit also established an opportunity to share MA reform progress and prepare for the counter visit in September and the INLU. The working visit of HR in September was the first visit of the leadership of HR to Indonesia. President de Groot and her team held sessions around implementing the case selection team, participated in panels on ensuring legal unity and restorative justice, and addressed the new class of judges at the Judicial Training Centre.



The MoU between the HR and MA providing the framework for cooperation was due to end on 19 January 2023. Therefore consultations were conducted starting in May to ensure the relationship continued. A courtesy call was organised on 15 December 2022, where the leadership affirmed their commitment to extend the MoU to December 2023. The extension of the MoU was signed on 19 January 2023.

Online capacity training MA case selection team



In 2022, we completed the series of online capacity training for the new MA case selection team. In total, we have organised six sessions of online capacity training since 2021, with the last two sessions in 2022. The final training sessions were session 5, “Question of Law and Question of Fact,” and session 6 “, case handling flow in Hoge Raad”. Justice Marjan Boerlage facilitated the fifth session, and the last session (session 6) was facilitated by Sander Lugtenburg (member of the case selection team). Next to the online sessions, further exchange on the topics was facilitated during the visit of two case selection team members to the HR during the MA leadership visit in May 2022.

The working visit to HR convened in two days. The first day (12 May 2022) focused mainly on the selection process. MA case selection team representatives, namely Titik Tejaningsih and Ferry Agustina Budi Utami, presented progress that the MA had made since the training had started and the team had been implemented. They entered dialogue with Sander Lugtenburg, Fanny de Graaf and Aafke Woller van Welie from Wetenschappelijk Bureau. This discussion focused on the case handling process at the HR, the implementation of Articles 80A and 81 Rechterlijke Organisatie (RO), and the role of Wetenschappelijk Bureau as the case selection team at HR. The HR also showed the online workspace as a tool for the HR case selection team in selecting cases.

During this visit, the MA case selection team presented the state of play in implementing the case selection process. The following changes and achievements were noted:

- ❖ A better understanding of the case selection process
- ❖ The need to reduce the case flow/influx.
- ❖ The need to invest in IT systems as a tool to help manage cases.

Days before the official working visit in May 2022, two MA case selection judges arrived for face-to-face training with three case selection members of the HR. The case selection justices received a two-day face-to-face training by two resource persons from the online program and a new resource person from HR.

Working visit MA- HR leadership, The Hague, May 2022



In May 2022, the MA's leadership and 2 case selection judges visited the Hoge Raad. The President of the Hoge Raad received the MA delegation accompanied by the Indonesian Ambassador of Indonesia.

The short visit was the first chance for the 'newly' elected leaders to meet in person. Throughout the working visit, many topics were discussed, such as the case selection system at HR, the digital file system, and the future of the cooperation.

The dialogue took place in three sessions, covering namely:

1. Progress of the chamber system implementation
2. Case management modernisation for the case selection process
3. Evaluation of the MoU between MA-HR.

CJ Syarifuddin reflected on the project's success in 2022- from recovering from the pandemic to the boost of relations through the signing of the MoU. He also appreciated the series of online capacity trainings for the MA case selection team, which has proven "incredibly effective to install the case selection team and the future of judicial cooperation", CJ Syarifuddin remarked.

On the cooperation between MA and HR, the discussion was focused on how future collaboration between the two institutions would take shape. Both Chief Justices expressed that the current cooperation should be continued without depending on whether or not there was support or funding.

Several follow-up plans on the judicial cooperation between MA-HR were discussed:

1. Discussion on issues of critical legal substance, including restorative justice, sentencing guidelines, land disputes, the environment, and other vital issues related to strengthening the consistency of decisions and legal unity;
2. Evaluation of the implementation of the chamber system at MA;
3. Activities to enhance the chamber system, especially the regular chamber plenary (once every 2-3 months) to discuss legal issues;
4. Exercises to strengthen technology and information support for the case-handling process through knowledge sharing.

As final remarks, President de Groot expressed appreciation for the visit of MA and how essential it is to preserve the friendship between the two institutions even beyond P2P. She extended support for preparing the knowledge exchange activities to be facilitated by the HR's visit to Indonesia in September and the joint engagement in the INLU 2022. Chief Justice Syarifuddin affirmed their position/commitment to continue building on reforms at MA and work together towards realising the MoU activities of the project.

The relationship between the Hoge Raad and the Supreme Court is both historical and strategic. As countries that share the same legal system, bilateral judicial cooperation is a very important opportunity to be able to learn from each other's experiences which in turn can be used as advice for improvement in the respective judiciary.- Vice Chief Justice Pak Sunarto

Working visit HR-MA leadership, Jakarta, September 2022

In September 2022, President Dineke de Groot led a majority female leadership delegation to the MA. The weeklong visit included several activities, but most noteworthy was the openness and collaboration of the leadership after only meeting once in The Hague. The working visit included the following activities:

- A Courtesy meeting between President Dineke de Groot and Chief Justice Syarifuddin. The focus was on strengthening relations with the leadership of MA and HR.
- Reflection on the MoU MA-HR 2018-2023 implementation and discussion on future cooperation.
- Progress on the legal cooperation between Hoge Raad and Mahkamah Agung under the P2P project, display of project results.
- Presentation of the status of the case selection team and the case selection team's position within the MA.
- Participation in the INLU 2022 through co-hosting of an INLU panel and participation in the closing ceremony.
- Discussion on restorative justice in criminal proceedings.

The working visit started with a courtesy meeting between Chief Justice Syarifuddin, President de Groot, and their respective registers, followed by a plenary session with SC Leadership, Justices, Case Selection Team Members, and SC Acting Registrars (60 online and 60 offline) participants. Chief Justice Syarifuddin & President de Groot welcomed the delegation with a Keynote speech. He mentioned the importance of further improving the case-selection process at the MA and the need to expand the justice team for the case-selection team. The CJ also expressed the need to convene more frequent meetings between the justices and the case-selection team to ensure everyone has clarity about their roles and expectations.

Mrs Dineke de Groot touched upon the importance of the case-selection process and the need to pay attention to the procedures and substantive case handling. The goal of the case-handling process should be to enable the justices to make a well-reasoned judgement. Both justices expressed their appreciation for the continued cooperation and the importance of collaborating between both judicial institutes in the future.

Following the keynote speeches, an update on the Case Selection Mechanisms was provided by Titik Tedjaningsih, a case selection team member and Nurul Elmiyah, a justice from the Civil Chamber. They highlighted the contributions of the online programs to the MA case selection team and the persisting challenges of implementing the case selection mechanism in Mahkamah Agung.

On the second and third days of the visit, the MA and HR delegations hosted INLU panels. The first panel at BINUS University focused on “Ensuring Legal Unity”. Vice Chief Justice Makamah Agung and Justice Annelies Röttgering, Head of the Supreme Court, opened this panel. A full report on the session can be read [here](#). The second panel was hosted by the MA and HR on “Implementation of Restorative Justice by the Courts in Indonesia and Netherlands.” This panel was exclusive for the delegation of the HR and facilitators and was attended by over 600 online participants from lower and higher courts in Indonesia. Opening remarks were given by the Chief Justice and President Dineke de Groot, and speakers were Justices from the MA and HR Criminal Chamber. More information can be found in the INLU report that will be presented in May.

The working visit also included cultural elements such as a traditional dinner at the Kunstkring hosted by MA, a visit to the Botanical Gardens in Bogor and a city tour of Jakarta with a Tuk Tuk ride and boat ride through the harbour. As the HR delegation primarily consisted of members who came to Indonesia first time, the cultural visits were essential elements in building friendships among the leadership.

As in previous years, President de Groot visited the Judicial Training Center on the final day to lecture on “The Role of Judiciary in Protecting Human Rights and Rule of Law”. The focus was on the predictability of the law as a basis for Human Rights and the question: how to ensure equal access to the judiciary for all citizens? The lecture was well received, and the President received many questions from the audience, including new judges. After the lecture, Chief Justice and the President planted a tree in the garden of the Judicial Training Center.

Conclusion

2022 was an exciting year for the relationship between MA-HR. With the instalment of the new case selection team and the finalising of the case selection training, the MA saw a new form of legal support to the justices- lessening their workload. Both institutions compared topics such as legal certainty, jurisprudence and restorative justice, leading to academic debates. And finally, the leadership of both institutions met and consolidated their relationship for the upcoming year with the MoU discussions.

Mahkamah Agung (MA) – Netherlands Council for the Judiciary (Raad voor de Rechtspraak; RvdR)

Introduction

In 2022 the Raad voor de Rechtspraak (RvdR) and Mahkamah Agung (MA), with the support of CILC, continued to work on judicial administration. The partners aimed to enhance the implementation of performance-based budgeting (PBB) in Indonesia, which was introduced in 2014 and formalised in 2017 through the Ministerial Regulation and Decree of the MA. For many years the implementation of PBB has been applied only to direct costs incurred by the judiciary. This concept has been helpful for planning and budgeting purposes and supported the MA Planning Bureau in managing the funding for the judiciary. Despite this, MA has not made much progress in implementing PBB in recent years.

Based on an evaluation conducted in 2018 -2019 in 350 courts, it appeared that the lower courts do not apply similar approaches for PBB. The courts planned budgets and reporting on depletion based on case settlements notably varied, showing a misalignment in how lower courts reported their deficit and performance. This indicated that courts do not have a shared vision of the planning and budgeting process and need to monitor and evaluate courts.

To formulate concrete steps for improvement, RvdR, MA Planning Bureau and CILC came together online to discuss the best way forward. A consultant was hired to assess the implementation of PBB and determine the current conditions and challenges for the performance so that informed advice based on good practices could be delivered.

The assessment was conducted between January and March 2022, in which the MA, lower courts, the RvdR and SSR experts, Bappenas and CILC were consulted to share their views and advice. Below is a summary of the findings of the assessment.

- a) **Awareness and understanding of PBB need to be enhanced.** Although courts have implemented PBB, the essence and purpose of PBB, particularly for budget efficiency, have not been fully understood by court leadership. This is also relevant for government administrative bodies. The budget absorption has been minimal, thus affecting the budget allocation of subsequent years.
- b) **The need for routine and unified tools for evaluating and monitoring PBB in Indonesia.** MA has not been using uniform tools to assess performance since the Directorate of General Courts has conducted an evaluation rather than the Planning Bureau.
- c) **The need for re-formulation of unit costs for measuring PBB at a unified level in lower courts.** These should be aligned with the updated online court system for e-courts and case tracking systems.
- d) **The urgent need for capacity building on court planning and budgeting.** Training should be geared to the leadership of the MA to make informed decisions, followed by the movement of court staff on PBB.

“Peer to Peer for Justice succeeded in bringing the judicial cooperation of the Supreme Court and the Hoge Raad to a more mature level, where the exchange of knowledge in the implementation of the chamber system became more intense and open. Preparations for implementing the newly established mechanism in the Supreme Court, the case selection mechanism, and the enhancement of the capacity of case-selection judges at the Supreme Court have greatly benefitted from the collaboration with the Hoge Raad. In short, the collaboration has contributed significantly to the efforts to build the consistency of court decisions in Indonesia.”

Vice-Chief Justice Pak Sunarto

The report and feedback of this evaluation have shaped the implementation approach of this part of cooperation.

Implementation of RENSTRA

MA adopted a RENSTRA (a strategy) in 2020, valid until 2024. Since the realisation of the RENSTRA, there has not been any direct request from MA to review the strategic document. Hence, no further work has been pursued in this aspect.

Online consultation with MA planning bureau on monitoring of PBB

Following the assessment of the PBB performance, a webinar was conducted in April 2022 with 382 representatives from different courts to discuss the outcomes and way forward. The webinar's main

takeaway was the MA's need to enhance efficiency in court budget depletion by strengthening internal control mechanisms. This way, MA can detect court discrepancies and advise on how to rectify the shortcomings. MA was further instructed to conduct routine evaluation, more data mapping on each court's budget needs, and further align the information to determine the trends in budget allocation and depletion.

After the webinar, the MA Planning Bureau, RvdR, SSR and CILC met with the consultant to discuss the recommendations and next steps.

In August 2022, MA established a working group to oversee the implementation of PBB and to ensure sustainability and systematic performance. In October 2022, a kickoff meeting was held to introduce the working group to the RvdR, SSR expert and CILC. The Secretary of MA chaired this meeting. During this meeting, the working group members discussed ambitions for implementing PBB. Members emphasised the importance of increasing the understanding of the leadership of the Supreme Court and Directorates about PBB. They also saw the need for more qualified and competent staff in the headquarters and courts to enhance the implementation of PBB. In addition, they called for more analytical skills for staff in evidence-based planning and budgeting using data available in the various electronic applications in the judiciary. A study visit for the working group members was planned in December 2022 to update the work on PBB and provide them with the tools needed to monitor and disseminate PBB in Indonesia.

The working group's study visit planned for December 2022 was cancelled until further notification. This was done upon request of MA due to other urgent matters that required immediate attention. MA promised to get back early 2023 with a new proposal for a visit.

Aside from the cooperation with the MA Planning Bureau, the RvdR hosted a study visit of the Judicial Commission (KY) to the Netherlands in October 2022. KY visited the RvdR during its Europe working visit to establish opportunities for KY to join the European networks of Councils for the Judiciary (ECNCJ) as an observer and to exchange on human resource development and supervision of courts.

The visit proved successful. The RvdR shared their work and experience with the MA on PBB and discussed how to continue engaging to learn from each other's practice.

Monitoring mission MA with Jos Puts (RvdR) and Tonnie Hulman (SSR)

In 2022, no working visits of the experts from RvdR and SSR were organised. These visits were postponed as we first wished to install the working group to this cooperation and receive them first in the Netherlands. The visit of Jos Puts and Tonnie Hulman was thus postponed to early 2023, subject to confirmation from MA.

Ombudsman of Indonesia (ORI) – National Ombudsman of the Netherlands (NO)

Introduction

The Indonesian and Dutch Ombudsman institutions have a long history of cooperation, spanning over two decades. Over the last ten years, this continued partnership has culminated in introducing and implementing the Fair Treatment Approach or *progressif dan partisipatif* (Propartif) in Indonesia. Propartif was introduced in 2018, and implementation within ORI began in 2020. In the Netherlands, this was named ‘Prettig Contact met de Overheid’ or proper contact with the government. With support from NO and CILC, ORI staff members and assistants received training in the Propartif method and have gradually implemented it in their internal workings.

However, since 2020, there had yet to be an evaluation of Propartif’s effectiveness. As such, ORI indicated a need to measure Propartif’s application and implementation, focusing on the satisfaction of citizen complainants and more time efficiency in the complaints-handling process. Two surveys were conducted to monitor and evaluate the effectiveness of the implementation of Propartif, led by Monitoring and Evaluation (M&E) experts arranged by CILC. The first survey focused on ORI’s internal staff and their perception of Propartif’s performance. The second survey focused on the complainants’ perception of Propartif. Both surveys were developed in the first half of 2022, with the one for ORI staff being distributed and analysed in August- September and the one for complainants distributed and diagnosed in November and December 2022.

Cooperation

Communication between the operational team and the leadership remains open and straightforward. The highlight of the relationship was the working visit of the Nationale Ombudsman delegation to Jakarta in September 2022. This working visit was rescheduled three times. Although there had been an online courtesy call with the new ORI commissioners (inaugurated in February 2021) in April 2021, they had not met with the Dutch Ombudsman in person yet. This visit was a consolidation of the strong relationship that the two ombudsman institutions had built. Regular consultations were also continued throughout 2022.

Working visit 2022

The working visit, held from 26 – 29 September 2022, focused on consolidating Propartif within the ORI, training the new Ombudsman assistants at the ORI headquarters, and cooperation on implementing a panel during INLU2022 and other activities.

The visit started on Monday, 26 September, with a courtesy call where both offices gave an update on their latest activities, priorities, and possible ideas for future cooperation, including strategic planning, leadership training and capacity building. On Tuesday morning, a session was held with ORI staff to discuss Propartif’s achievements and to present the Propartif Staff Survey. In the afternoon, Reinier van Zutphen and ORI Commissioner Pak Johannes Widijantoro participated in an INLU panel discussion on Access to Justice. The session was witnessed by 56 attendants onsite (42 ORI, 14 external) and 264 participants online (139 ORI, 125 external). Key takeaways included:

- ❖ It is essential to focus on vulnerable groups in terms of Access to justice.
- ❖ The Indonesian and Dutch Ombudsman aspire to prevent maladministration (proactively)
- ❖ More informal complaint dealing (through Propartif) is beneficial in providing justice.

On Wednesday, a working session was held to introduce Propartif to the new staff of the national ORI office and its provincial branches (the latter joining online). Apart from sharing some basic knowledge, one of the goals was to expose the new junior staff to international interaction. A general introduction to the Dutch Ombudsman was provided by Stephan Sjouke together with an ORI trainer, and Ina Samaniri provided a session more specific on complaint handling with an ORI trainer. This was a resounding success, demonstrated by the effort and eagerness of the junior staff to convey their questions in English which they did very well.

Throughout the sessions, ORI commissioners made it a point also to attend, showing their enthusiasm and commitment to the Dutch-Indonesian cooperation. This was further illustrated by the participation of both the Head of the Indonesian Ombudsman and the Dutch Ombudsman in a panel during the INLU closing session on Thursday, where they provided closing remarks. Whereas the organising committee had hoped that at least one ORI representative could attend, ORI sent several commissioners supporting the cooperation with the Dutch Ombudsman.

Activities 2022

The activities in 2022 were a continuation of activities that started in 2021, notably developing and implementing two surveys on Propartif.

Measurement of the effectiveness of the Propartif Method

Propartif (or Fair Treatment Approach) is a way of handling citizens' complaints more informally, based on mediation techniques and focused on empathy for the complainant. It was introduced in Indonesia with the help of the Nationale Ombudsman in 2018 through developing a training program and subsequent training. Actual implementation started in 2020.

At the start of the current project, ORI had conveyed that it aimed to measure the effectiveness of Propartif since its implementation had started in 2020. Measurement would take place through a Propartif survey for ORI's internal staff and one to capture the complainants' (citizens') perception of Propartif. At the end of 2021, a working group of experienced ORI Propartif Trainers was initiated to develop and implement the surveys. CILC arranged for Indonesian technical M&E experts to guide the process. From the Dutch side, the Nationale Ombudsman, the Vrije Universiteit and the Centre for Conflict Resolution (the latter had helped introduce Propartif through an earlier project) provided input.

By early 2022 draft surveys were developed by the Indonesian working group, which would be distributed through Survey Monkey. Through online Zoom meetings (such as on 22 February) 2022, Dutch input was provided, including the note to capture whether Propartif skills were used in combination with each other and that skills development should not be a goal in itself but a means to change a mindset; open and curious. Another Dutch input was to measure whether, apart from measuring effectiveness, it would be interesting to capture ORI staff started experiencing their jobs differently by using Propartif. With the information, the working group eventually finalised the surveys in July.

Survey for complainants (citizens)

The survey for complainants (citizens) was distributed later than the one for ORI staff. Logistically, it was more challenging to identify and send the survey out to 3000 complainants. Eventually, this was conducted through an extensive WhatsApp dissemination on 1 November 2022. By 20 November, the survey had been filled out and returned by 280 respondents. The M&E experts deemed this a good

base on which to make an analysis. The findings were presented during an online thematic event on 6 December 2023.

Survey for ORI staff (internal)

In August, the survey for internal staff was distributed, resulting in responses from 130 ORI staff, based on which analyses were made. The results were presented during the visit of the Dutch Ombudsman from 26 – 29 September 2023.

Thematic event on effectiveness Propartif

Information can be found on the thematic event on page 9.

Streamlining with the TMT+

The project team of the TMT+ was included in the preparation and involvement of the INLU 2022 panel. There they presented their project’s results, and we organised a roundtable on Propartif and all the various project activities.

Conclusion

We measured the effectiveness of the Propartif (which also measures cooperation as this was a concept that the NO had introduced and trained the ORI staff on) with positive results for both ORI staff and complainants. At the end of the year, we concluded that the ORI had institutionalised Propartif and has become a knowledge centre for Propartif for other government institutions. Therefore, the project team decided to go into the new year to consolidate the relationship between ORI-NO further and focus on other relevant topics.

Gender

With the appointment of Dinieke de Groot as President of the Hoge Raad, there has been more engagement of female leadership from the Hoge Raad, which is already influencing the composition of leadership from MA in exchange visits. Upon encouragement of the project team, the MA also included female justices on the working visit delegation of MA to HR in May 2022 and during the meetings in September 2023. We will continue to strive and steer towards equal representation in 2023. However, it is worth noting that most of the institutions we work with (MA, ORI, Ditjen Pas and the Ministries) are dominated by male leadership.

Baseline 2021

	Baseline-	Target	Status
At least three concrete reform goals supported through the sustained bilateral relations	0	4	5

Activity	Objectives	Original planning	Realised
Working visit MA to HR	Introduce the new leadership of MA and HR, and receive training on case selection.	Spring 2022	Realised from 12-15 May in The Hague.
Working visits HR to MA.	Strengthening the relationship of leadership MA and HR, facilitating discussion on case selection	Fall 2022	Realised from 24-29 September in Jakarta.

Online Case selection program	Online program on Case Selection with 1. Marjan Bourlage (2) 2. Sander Lugtenburg	Q1-Q2 2022	Realised by 2 online sessions on case selection. + Thematic day during a working visit organised
Online consultations Jos Puts (RvdR), Tonnie Hulman (SSR) and MA planning bureau (2 workshops with military courts)	Provision of input, elaboration and technical support during the webinar(s) and stakeholders' consultation on performance-based budgeting	Q4 2021 – Q3 2022	Realised
Pilot PBB with military courts	Consultation and advisory support on the implementation of PBB at three military courts	Q1 2022 – Q3 2022	Not realised; instead, it was deemed essential to conduct the assessment on implementing PBB in Indonesia. MA established a working group to oversee the implementation and determine priorities.
Monitoring mission MA with Jos Puts (RvdR) and Tonnie Hulman (SSR) (in combination with INLU)	Monitor progress on RENSTRA implementation	Q3 – Q4 2022	Not realised: the visit was postponed in order to host MA first in the Netherlands at the RvdR.
Working visit, NO – ORI	Institutionalisation of FTA at ORI	October 2022	Realised by one courtesy call held on 24 April 2021
Measurement tool Propartif	From the operational calls and courtesy call focus developed to have a measure Propartif.	Q1-Q4 2022	Realised by the development and surveying of two surveys. One for ORI staff One for complainants
Thematic event on the effectiveness of Propartif at ORI	Webinar to showcase the survey results.	Q4, 2022	Realised, 6 December 2022, online
Working visit, NO – ORI	Institutionalisation of FTA at ORI and participation at INLU2022	Fall 2022	Realised from 24-28 September in Jakarta
Operational calls	Develop an online program on the institutionalisation of FTA at ORI	Q1-Q2 2021	Realised online
Online consultation	Online consultation between operational teams at ORI-NO.	Q1-Q4 2021	Realised
Measurement tool Propartif	From the operational calls and courtesy call focus developed to have a measure Propartif.	Q1-Q4 2022	Realised

Outcome 3 New bilateral relations between justice sector institutions established in support of concrete reform goals

- ✓ Output 3.1: New peer-to-peer relation(s) between the Netherlands and Indonesian probation service is established to increase awareness of Indonesian criminal justice actors about the benefits and opportunities of probation and alternative sanctions
- ✓ Output 3.2: New peer-to-peer relation(s) established and managed in support of judicial reform in line with RPJMN 2020-2024

Indonesian Probation Service (Ditjen Pas) – Netherlands Probation Service (Reclassering Nederland)

Introduction

Ditjen Pas and Reclassering Nederland have continued to build their relationship in 2022. Through various activities conducted during the year, such as courtesy calls/visits, bi-monthly meetings, exchange visits and the INLU, their partnership grew much stronger to share and learn from each others' experiences in an open manner.

Early 2022 Covid 19 restrictions were lifted, bringing a new vibrant way of working, as both partners were eager to meet each other in person. We quickly looked for possibilities for Ditjen Pas to visit the Netherlands and Reclassering Nederland to go to Indonesia to learn from each system and build further on reforms in correction.

In January 2022, we conducted the first online consultation meeting on the 'Value of Probation', pivotal for the subsequent discussions during the study visit in May 2022 and INLU in September 2022. This event connected the TMT+ training on New Narratives in Correction led by Saxion UAS and P2P projects.

The study visit of the Ditjen Pas delegation to the Netherlands was an eye-opener and a crucial step for introducing new ways of working in corrections. The visit showed how Netherlands partners in the criminal justice chain work together to combat crime and prevent recidivism. The visit also showed how the Netherlands implement community service as an alternative to custodial measures.

The INLU presented a wealth of information and opportunities to deepen the discussions on the Value of Probation and Cooperation in the criminal justice chain. The INLU 2022 also marked a crucial milestone in strengthening the cooperation between the Ditjen Pas and Reclassering Nederland. Further information on the study (exchange) visits and INLU is provided below.

Thus, the uplifting of Covid 19 restrictions marked a new start for the cooperation with Ditjen Pas and Reclassering Nederland, as partners could vividly share the experience by visiting each other and learning by seeing and doing. A lot of appreciation went to the hospitality of both partners to host the visits, to show openly how they work and how they could support each other.

Online courtesy call Ditjen Pas – Reclassering Nederland

In 2022 no courtesy calls were organised online as most of the efforts were geared towards organising exchange visits in the Netherlands and Indonesia. The leadership of Ditjen Pas and Reclassering Nederland met in person. This was during the exchange (study) visit in the Netherlands in May 2022 and in September 2022 during the counter visit of Ditjen Pas to Indonesia. In May the Ditjen Pas Secretary General Mr. Heni Yuwono met with the General Director of Reclassering Nederland Mr.

Johan Bac. At the director level, the Director of Social Guidance and Probation, Mr Pujo Harinto, met with the Director of the International Department of Reclassing Nederland, Mr Jochum Wildeman, both in May and September.

Courtesy meeting on 16 May in the Hague



During the courtesy meeting on 16 May, Johan Bac informed Ditjen Pas about 200 years anniversary of Reclassing Nederland. Notwithstanding this remarkable achievement, Reclassing Nederland remains close to its mission, i.e. to reintegration of criminals back into society in the safest way possible and to avoid recidivism. They work closely with stakeholders in the criminal justice chain to forge a partnership, form a common goal, and promote alternative sanctions to supervise offenders well. Reclassing Nederland sees the opportunities to promote probation service in Indonesia and are willing to support Ditjen Pas to strengthen cooperation with partners and engage more with the public to foster reform in correctional service.

Courtesy meeting on 19 September in Jakarta

During this courtesy meeting between the leadership of Ditjen Pas and Reclassing Nederland, updates and developments in the criminal justice sector were shared. Ditjen Pas presented the results made in forging cooperation with the criminal justice chain in 6 pilot regions where they promote restorative justice. Progress has been made; however, Ditjen Pas did not successfully sign MoUs with partners (Police, Public Prosecution and Courts) in the regions to support swift implementation. This will be followed up in 2023.



Both courtesy meetings and exchanges have brought the institutions and leadership much closer in the past year to work together to strengthen probation service in Indonesia and promote alternative sanctions for a safer society.

Online consultations Ditjen Pas and Reclassing Nederland

Online consultation (webinar) between Ditjen Pas senior staff and Reclassing Nederland continued in 2022. The webinar was attended by 212 participants. On 31 January, the first online consultation discussed the Social Value of Probation. This was facilitated by Dr Attila Nemeth, who presented research that Saxion has conducted to assess the costs benefit analysis on probation service. In their study, they observed stakeholders' benefits and improvement of societal impact, among other aspects of accountability. For example, they found that for households where parents are engaged in crime or detained, the children may be affected and pulled into criminal activities later. Where alternative sanctions are applied, it has led to positive side effects on family households, children's welfare, and behaviour changes. In the long term, it saves money and improves the community's interest.

This online discussion on the Value of Probation marked the foundation of intensive follow-up discussions held during the study visit on 17 May and the INLU panel on 21 September dedicated to this topic.

Aside from this webinar, several meetings were organised between Ditjen Pas, Reclassering Nederland and CILC on a bimonthly basis to discuss developments in the context, activity planning and progress in the implementation of the project.



Online/physical Multistakeholder meeting

In 2022, we did not organise an online multistakeholder meeting as we had sufficient opportunities for Ditjen Pas, Reclassering Nederland, to meet in person with stakeholders. The following activities were conducted, which brought multistakeholder together.

Study visit Ditjen Pas in May 2022

From 16 to 20 May, a delegation headed by Ditjen Pas visited the Netherlands. The delegation consisted of 10 representatives from four institutions, namely Ditjen Pas, AGO, Ministry of Planning and Development (Bappenas) and Ministry of Law and Human Rights.



They visited several cities in the Netherlands and met with relevant criminal justice chain partners. The focus of the discussion, inter alia, is on cooperation in criminal justice institutions, roles and functions of different institutions, community service as a form of alternative sanction and reintegration of offenders in their communities.

The Reclassering Nederland being the host, the delegation visited their provincial office of Arnhem and spoke with Mr Maarten

Vuysteke, the Director. They learned more about the criminal justice system in the Netherlands and the core tasks of probation service (advice, supervision and community service sanctions). As Reclassering Nederland is engaged at the very early stage when a crime is committed, they must work closely with the Police and Prosecution from the onset.

The delegation visited the Public Prosecution Regional office and met with Monique Vinkesteyn, Deputy Chief Prosecutor. Monique shared about the governance of the public prosecution (structure and organisation) and reiterated the importance of cooperation with other stakeholders in the criminal justice chain. In this regard, she explained triangle cooperation within the Netherlands cities like Arnhem. Mayor, Police and Prosecution form this cooperation to detect and combat crimes. While each has specific responsibilities (the mayor setting regulations for safety, police enforcement and prosecution on leading investigation and trial), the prosecution has the most responsibility in overseeing the study, including instructing and supervising the police.



At the ZSM (ASAP procedure) in Deventer, the delegation experienced how cooperation in the criminal justice chain works in real-time. This visit showed how the Netherlands handles/settles criminal cases out of court and how they come to a decision with all criminal justice chain partners in one room within a day, also considering the victims’ interests in reconciliation. The experience with the ZSM procedure has been remarkable, and Ditjen Pas seems enthusiastic to explore more how this method can be adopted in Indonesia.

The delegation visited the Police district office in Apeldoorn, spoke with Chief District officer and expert on drug investigation, and learned about the drug policy in the Netherlands. The delegation further visited the prison facilities in Arnhem and learned how supervision is carried out to reintegrate offenders into society effectively. Participants saw the Court in Arnhem and discussed how community service/social work is imposed as punishment in court. Aside from this experience, the delegation benefitted from seeing community service workplaces and experiencing how offenders are supervised and what type of work they may pursue instead of a prison sentence.

The study visit gave a remarkable impression of the Netherlands’ criminal justice system. It proved the importance of working together as a team to detect, combat and prevent crime from occurring; it showcased how community service/social work works as leeway to reduce the prison population and to avoid recidivism in society.

After the study visit, the relations between the leadership and staff of Ditjen Pas Reclassering Nederland grew tremendously. When they met, they discussed issues very openly and swiftly compared to the previous online settings. So were the courtesy meetings instrumental in connecting the institutions and strengthening cooperation among the leadership and staff of partner institutions.

At the same time, the courtesy meetings established an ideal space for leadership and staff to discuss the benefits of a well-functioning probation service and how to establish cooperation with partners in the criminal justice chain to sustain criminal justice reform.

There is a remarkable shift of mindset and correction practice, from punitive approach to Restorative Justice approach that is currently being practiced in Indonesia. The trend shows that the society is also ready for implementing alternative sanctions. In communities there is no stigma anymore as they see the importance of bringing positive change to inmates through reintegration measures.

Pujo Harianto – Director of Director of Social Guidance and Probation.

Counter visit of Reclassering Nederland and CILC to Indonesia in September

From 19 September to 1 October, the delegation of the Netherlands, composed of 15 persons from Reclassering Nederland, Saxion UAS, Prosecutor Office in Arnhem, Restorative Justice Nederland, and CILC, visited Indonesia. The primary purpose of the visit was to participate in the INLU, in which Ditjen Pas and the Netherlands partners facilitated two panels. Next to P2P, this visit brought together Saxion UAS on board, who facilitated the INLU panel on the Value of Probation and, after that, the training of probation staff and Reclassering Nederland and CILC. Other aims of the visit were to continue the discussion on reforming correctional services through consultation with Ditjen Pas, the AGO and the Ministry of Law and Human Rights.

The visit started with a courtesy meeting on 19 September at Ditjen Pas (see chapter on courtesy meeting above). Following the courtesy visit, the delegation attended the opening ceremony of the INLU at Erasmushuis in Jakarta and participated in the first panel on restorative justice, in which Annemieke Wolthuis, a senior representative from Restorative Justice Nederland, was a speaker.

Next to their participation in the INLU, the delegation visited the Bapas office in Bogor, prison facilities in Tangerang, the AGO office in Jakarta, the Bappenas office and the Ministry of Law and Human Rights office. They met with Minister Yassona Laoly of Law and Human Rights.

Recognising the urgent capacity needs, Minister Laoly insisted on providing trainings and exchange visits for the staff of Ditjen Pas and other law enforcement agents to reform the disciplinary approaches in Indonesia. The discussions further confirmed the growing need to strengthen probation services, given their essential role after enacting the new Penal Code (KUHP).

In September, two trainings were delivered for the leadership and operational staff of Ditjen Pas. With Saxion UAS, Reclassering Nederland and CILC have been training Ditjen Pas Staff of Probation (Bapas) and Prison (Lapas) since 2019. More information on the training under Nuffic TMT-funded projects is provided below.

Dialogue with NGOs and Bappenas on the Value of Probation and Restorative Justice

On 22 September, a multistakeholder meeting was organised for NGOs and Bappenas to present the research on the *Value of Probation* and explore the opportunities to expand or align this initiative to

current work in Indonesia. The Center of Detention Studies (CDS) and other NGOs in Indonesia have pursued research on the growth of the prison population to follow the government to seek alternative approaches to manage this. It was consequently interesting for the NGOs to share experiences on this topic and relate that to the restorative justice approach now being implemented in Indonesia.

Thematic event cooperation in the criminal justice chain

In 2022, we focused on the INLU as the main thematic event of the year. This was when all stakeholders came together to facilitate two panels depicting the importance of probation and cooperation among themselves. Details can be found in the INLU report, which will be shared in May. Selecting participants from the Netherlands and Indonesia was strategic to deliver essential messages below are a few highlights of the INLU.

INLU panel on the Value of Probation

With 125 physical participants and 162 online, the panel on the Value of Probation brought together stakeholders to explore ways to create an effective service for adult offenders, create immediate and long-term remedies for the overcrowding in prison and restore peace between perpetrators of crime and victims. The panel discussion did not only stop on the challenges facing Indonesia corrections but explored opportunities that could improve the situation, such as optimising the role of probation so that offenders can be managed outside prisons through social work and adopting regulations and guidelines to encourage the application of alternative sanctions.



INLU panel Probation Service and Prosecution; Client/Contractor or Equals

This panel focused on the cooperation between public prosecution and corrections. It was attended by 125 participants onsite and 40 participants online. The discussion focused on the video ("Get smart on crime"), nuancing the importance of tailoring sanctions for specific offences and moving away from the traditional incarceration approach, which seems ineffective in combating recidivism and reducing the cost of correction. In this panel, as

in the previous one, alternative methods to incarceration were promoted. Cooperation among criminal justice chain partners was insisted upon to realise this approach.

TMT+ Strengthening Probation Service in Indonesia

The P2P project has been implemented along with other projects and donor initiatives. This includes cooperation with Saxion UAS to align P2P interests and approaches with the tailor-made training (plus) projects funded by Nuffic under the Orange Knowledge Programme (OKP). This seems effective and sustainable as Ditjen Pas, Reclustering Nederland, and CILC work with all other criminal justice partners. It makes sense to complement the activities to boost the support, save costs and maximise impact. It remains unknown whether partners may contact the Australian Aid (AIPJ) project to seek alignment.

New peer-to-peer relations

No new Peer to Peer relations were established under this part of the project in 2022, however the project supported two small but significant (research) projects with legal academic institutions in the field of social legal and human rights. These were the Access to Remedy report and the webinar on

impunity which were initiatives proposed by the WG members and were approved in consultation with the Netherlands Embassy. Both are described below.

Access to Remedy

Access to remedies for the rights of stakeholders remains a salient problem. Improving the mechanism for remedy-seeking and identifying the actors involved is a relevant cause and currently an underdeveloped research area.

In many cases, actors such as sponsors, the operating company, development banks, commercial banks and the government are involved in Access to remedy concerning the loss of housing, but they consist of a scattered landscape. No successful mechanism exists to reach solutions and identify all these actors (including credible escalation mechanisms). After a webinar in February 2021 on the topic of Access to remedy, one Dutch and one Indonesian expert started a project focusing on the following question: What kind of (dispute resolution) mechanism can be implemented or created for inclusive Access to remedy; by considering all interest-holders and the roles of all actors involved in Indonesia?

In 2021 and 2022, the two experts met with organisations such as YLBHI, LeIP, ELSAM, Nuffic NESO and independent experts to better understand the national and international remedy measures available. Following two years of research, the two experts finished their research project and wrote a report on 'Access to Remedy: Loss of Housing for Indonesians'. This report was published and presented during the INLU2022. The next step for the involved parties is to find funding for more in-depth on-the-ground research and start pilot projects.

Webinar Impunity Series

In 2021 a coalition of 8 WG members (a.o Jentera University, Amnesty International, Leiden University) joined to ally with the organisation of a series of webinars on impunity in Indonesia. The P2P project facilitated these webinars. Jentera University was the host and organised webinars to discuss impunity on the following topics.

- Impunity on Legal Systems;
- Strategies to Fight Impunity;
- Understanding Impunity in Indonesia;
- Non-Legal Aspects of Impunity and
- Opportunities to Eradicate Impunity.

The webinars were organised and convened successfully and have contributed to the ongoing public discussion on the issue of impunity. As mentioned in the first report section, in January 2023, President Jokowi Widodo recognised the massacre of 1965 and 1966, where more than 500.000 people were killed. He extended his regrets to the victims and families for their loss. President Jokowi instructed the Coordinating Minister for Political, Legal and Security Affairs, Muhammad Mahfud and members of a group of academics, former military generals and activists to provide non-judicial remedies to relieve the nation from the historical burdens.

Recognising the gross human rights violation could be regarded as the first step to providing relief for the loss. It is meaningful that the P2P project could contribute towards this course.

	Baseline – 30 April 2020	Target	Status – December 2023
At least two concrete reform goals supported through the sustained bilateral relations.	2	2	2

Activity	Objectives	Original planning	Realised
At least 2 online courtesy calls Dirjen Pas – Reclassering Nederland	Build and sustain the relationship between the leadership of Dirjen Pas and Reclassering Nederland	Q4 2021 – Q2 2022 Dec – June	Realised. Two courtesy meetings were organised in May and September 2022
Online consultations Dirjen Pas – Reclassering Nederland	Bi-monthly update and consultation on progress on reforms and project implementation Knowledge and expertise exchange on probation work and to support innovation and efficiency in operational work	Q4 2021 – Q4 2022 Oct - Oct	Realised Webinar conducted in January 2022 on the topic: Value of Probation Frequent consultation with the team on implementation progress
Online multistakeholder meetings (at least 2)	Knowledge and expertise exchange on correctional service to foster collaboration in enforcing restorative justice and alternative sanctions in Indonesia	Q4 2021– Q3 2022 Nov– Sep	Not conducted online due to preparation for the INLU.
Thematic events on strategic topic	Knowledge exchange on strategic topics that have been derived under the collaboration with the working group. A series of webinar will be organised on the topic Access to Remedy and Impunity in Indonesia (see outcome 1, thematic event for further details)	Q4 2021 – Q2 2022 Nov - June	Realised in September 2022, meeting held with NGOs and Bappenas on restorative justice
Working visits / workshop / study / combination with INLU	Explore new peer to peer relations / exchanges / topics in support of	Q3- Q4 2022 Sep - Oct	Realised in May and September 2022

Access to Remedy	<p>Indonesian national legislation and legal reform in line with RPJMN 2020 – 2024</p> <p>Mapping stakeholders' report on Access to Remedy in Indonesia through expert meetings and research. Sharing primary outcomes in thematic event and developing ideas for a pilot series.</p>	<p>Q4 2021-Q2 2022</p> <p>Oct - June</p>	Realised
------------------	---	--	----------

Outcome 0 Project management and reporting

In 2022, we applied different approaches to realise our activities. These were carried out online, hybrid and face-to-face. Although CILC, partners and institutions have become more versed in working virtually, meeting and implementing activities in person was a welcomed change. This combination paired institutions through working visits and connected implementers through an online approach. Especially with the organisation of the INLU 2022, we had to apply a hybrid format. 2022 was the busiest year for the CILC, LeIP and other institutions we worked closely together.

The project team was temporarily increased to allow the implementation of the abovementioned activities. This was done by adding staff at the LeIP and CILC offices. A temporary team was also hired for INLU2022. This addition was instrumental in the conference's success and continued support of our project.

To ensure successful project implementation, the following measures and efforts were taken in 2022:

- ✓ Frequent calls with project partners via different platforms to design, update and implement project activities. These meetings were conducted on an almost bi-weekly basis to maintain momentum. The CILC project team was engaged almost daily to translate the plans into feasible actions.
- ✓ Organise several calls apart from the expected courtesy and knowledge exchanges with partners to maintain the relationships despite the preoccupation with health and security issues as well as with the preliminary work of our institutional partners.
- ✓ Increased guidance and assistance to inform partners about the possibilities and advantages of online meetings and activities and guide them in this transformation. We needed to be present in all sessions to support the conversations and technical Access to the online/virtual platforms.
- ✓ Continuous project activities and meetings are transformed based on both countries' needs, wishes and developments. For instance, we organised hybrid sessions when the situation permitted in Indonesia and brought experts to our offices in The Hague to use our virtual platform. Overall the project team spent a generous amount of time preparing and executing project activities, which proved fruitful as the results have been significant.



Activity	Original planning	Realised
50 Monthly operational calls (internal management purposes)	Weekly basis	Realised
Annual financial progress report	31 March 2023	Realised on 28 April
Annual Plan WG NL & Indonesia	1 October	Realised on 30 October
Annual budget	1 October	Realised on 30 October

4. Concluding remarks



Notwithstanding the drawbacks and uncertainty during 2020 and 2021 due to the Covid 19 Pandemic, 2022 proved remarkably successful. We benefitted from revived contacts and relations realised from the hybrid approach, working visits and multistakeholder engagements such as the INLU. The bridges have been connected, the relations have strengthened, and peer-to-peer cooperation has grown stronger.

As the P2P project is approaching its end, 2022 was a significant year to realise its ambitions. With two years of setbacks due to Covid 19 Pandemic, where all activities had to be conducted online, it was not easy to share good practices and learn from other institutions that have just started working together. Thankfully the lifting of travel bans and consequently the working visits, multistakeholder engagement and the INLU conferences have significantly boosted P2P cooperation. They reignited energy into the judicial institutions, introduced new elements in the criminal law reform agenda and revived the judicial practice.

From all three results areas, we celebrated numerous achievements. A few worth noting are:

- ✓ The continued growth and interest of WG Indonesia since its establishment in 2012 have remained constant. The WG has and still provides a good platform for Indonesian and Netherlands legal institutions (including academicians) members to meet, exchange and learn from each other. It also allows for aligning interventions and creating synergies for legal reforms.
- ✓ The organisation and execution of the 4th bi-annual INLU conference with a substantial physical and online turn-up were appreciated. Each host institution's setup and arrangements clearly showed ownership and commitment to legal cooperation.
- ✓ The working visits of the MA and HR were beneficial to get the leadership acquainted, who had met each other for the first time in person after being elected. Both remained committed to strengthening the relationship and have signed an MOU to extend their cooperation until December 2023.
- ✓ After more than ten years of cooperation, 2022 was a remarkable year for the NL Ombudsman, who visited Indonesia for the first time in the framework of the P2P project. His visit was crucial for his engagement in the INLU and for sharing his experience on Propartif (fair treatment approach) with the new ORI staff.
- ✓ The working visit of Ditjen Pas to the Netherlands and the counter visit of Reclassering Nederland to Indonesia have been a catalyst for change at Ditjen Pas and other stakeholders. They have opened doors for advice and support on legal reforms. They have begun to see the benefits of reinforcing the restorative justice approach and alternative sanctions for reducing the prison population and recidivism.
- ✓ Impunity webinars which the WG facilitated with funding from P2P, have created the space for people and institutions to address gross human rights violations amicably. This has established the appetite to further elaborate on how the government can console victims and families, as discussed by President Jokowi Widodo in January 2023.

Approaching the end of the P2P project, building the momentum to realise the remaining part of the project is essential. The various methods that we use, such as the hybrid approach and the working visits we organise continue to bring institutions together and people even closer to share and learn from each other. We are confident that the P2P relations this project aimed to build are going strong.

Indonesia has taken a significant step towards implementing restorative justice and alternative sanctions. With the enactment of the new penal code (KUHP), the legal framework to formalise such change is in place. We are using the momentum to provide tailored support to the institutions that we directly work with (MA, Ditjen Pas). Hopefully, we can introduce change to the AGO/Public Prosecution through capacity building. Cooperation with NGOs remains essential to reach new legal institutions and translate good practices into the Indonesian context.

The P2P financial support has been critical in realising the aforementioned results. In 2022 we depleted more budget than we had projected in October 2022 in the annual plan of 2023. Therefore this will have an implication on the remaining budget for 2023. As this is the final year of P2P project, we would like to review the budget of 2023 to align this with the remaining budget of the project. We expect that this adjustment will not affect the implementation of project and foreseen results.

As mentioned in the introduction of this report, the support received in 2022 from the Dutch Embassy in Jakarta has been highly valuable. While the funding has allowed for ambitious goals to be formulated and reached, the process of reaching these is made possible by the support and guidance of the staff in Jakarta. Whether in the form of progress meetings or support with organising INLU 2022 in the Erasmushuis, the input of EKN in 2022 has been invaluable to the progress listed in this report and the progress still to come.

Annex I Results Framework

THEME	IMPACT / OUTCOME	RESULT AREA	
SRoL	Impact	Sustained long-term partnerships and knowledge exchange between IND and NL legal professionals to support justice reform in Indonesia	
	Outcome	<ol style="list-style-type: none"> 1. The Indonesia-Netherlands Rule of Law network continues to operate and remains relevant 2. Sustained and institutionalised relations of NL/IND justice sector institutions have furthered concrete reform processes. 3. New bilateral relations between justice sector institutions established in support of concrete reform goals 	
	Outcome indicators	<u>20% increase in appreciation of Indonesia Working Group members regarding the functioning and added value of the network</u>	
		• Baseline:	• Target:
		<u>At least three concrete reform goals supported through the sustained bilateral</u>	
		• Baseline:	• Target:
		<u>At least two concrete reform goals supported through new bilateral relations</u>	
• Baseline:	• Target:		
• Status:	• Status:		

Indicator / Result	Results framework indicator/activity-specific indicator	Baseline + year	Targets + year	Source	Status
1.1 Indonesia Working Group continues to function throughout 2019 -2023	Result framework indicator	1, 2019	1/2022	Annual report 2022	Realised
1.2 Thematic events organised with existing and new partners have contributed to deepening the dialogue on specific reform areas	Activity specific indicator	0, 2019	5/2022	2	Partially realised in combination with other activities
2.1 Existing peer-to-peer relations between justice sector institutions are managed and maintained	Result framework indicator	3, 2019	3/2022	Annual report 2022	Realised
3.1 New peer-to-peer relations between the Netherlands and Indonesia probation services were established to increase the benefits of probation and alternative sanctions	Result framework indicator	0, 2019	2/2022	Annual report 2022	Realised

3.2 New peer-to-peer relations established in support of judicial reform in line with RPJMN 2020 -2024	Result framework indicator	0, 2019			
--	----------------------------	---------	--	--	--

THEME	IMPACT / OUTCOME / OUTPUT	RESULT AREA
SRoL	Output	1.1 Indonesia Working Group continues to function throughout 2019-2023

Indicator	Results framework indicator or activity-specific indicator	Baseline + year	Targets + year	Results from reports received between Jan – Dec 2022	Source	Status
Number of annual plans adopted	Activity specific indicator	0, 2019	1,2022	1	Annual plan	Realised
Several working Group meetings were held, including at least one session on gender.	Activity indicator	0, 2019	6,2022	3	Agenda and minutes	Realised, 6 meetings combined into 3 for joint IND and NL workings

THEME	IMPACT / OUTCOME / OUTPUT	RESULT AREA
SRoL	Output	1.2 Thematic events organised with existing and new partners have contributed to deepening the dialogue on specific reform areas 1.2 Increased number of partners engaged in activities of the network, with a specific focus on equal participation of women

Indicator	Results framework indicator or activity-specific indicator	Baseline + year	Targets + year	Results from reports received between Jan – Dec 2022	Source	Status

Number of thematic events held	Activity specific indicator	0, 2019	5, 2022	4	Agenda, report	Other thematic events conducted are Access to Remedy and webinars on Impunity under 3.2.
A number of member organisations in the Netherlands and Indonesia engaged through the Working Group	Activity specific indicator	30, 2019	35/2022	35	WG Google platform	Realised
A number of organisations in Indonesia engaged through these events in reform processes	Activity specific indicator	0, 2019	5/2022	10	WG Google Platform	Realised
Number of participants (m/f) involved in these events (target: % increase of women involvement)	Activity specific indicator	Estimated at 60%, 2019	60%/2022	60%	WG Google Platform	Realised

THEME	IMPACT / OUTCOME / OUTPUT	RESULT AREA
SRoL	Output	2.1 Existing long-term peer-to-peer relations between justice sector institutions in the Netherlands and Indonesia are maintained and managed 2.1 Increase participation of women in working visits

Indicator	Results framework indicator or activity-specific indicator	Baseline + year	Targets + year	Results from reports received between Jan – Dec 2022	Source	Status
A number of exchanges between IND and NL partners have taken place in support of: <ul style="list-style-type: none"> Acceleration of case handling Functioning of the chamber system Improved M&E and strategic planning Institutionalisation of FTA 	Activity specific indicator	0, 2019	18,2022	18	Annual report, working visits agenda and reports	realised
Number of participants (m/f) involved in these events (target: % increase of the involvement of women)	Activity specific indicator	Estimated at 2, 2019	20% increase	20% increase	Meeting notes	realised

THEME	IMPACT / OUTCOME / OUTPUT	RESULT AREA
SRoL	Output	3.1 New peer to peer relationship between the Netherlands and the Indonesian probation service is established to increase awareness of Indonesian criminal justice actors about the benefits and opportunities of probation and alternative sanctions

Indicator	Results framework indicator or activity-specific indicator	Baseline + year	Targets + year	Results from reports received between Jan – Dec 2022	Source	Status
Number of exchanges facilitated between IND probation service and NL partners in support of the adoption of an Indonesian probation roadmap	Activity specific indicator	0, 2019	11/2022	11	Annual report 2022	Realised, most meetings were conducted face to face
Baseline study on legislation and institutional capacity (including opportunities for pre-trial phase involvement) produced between November 2019 and March 2020	Activity specific indicator	0, 2019	0/2022		Annual report 2020	Realised already in 2020

THEME	IMPACT / OUTCOME / OUTPUT	RESULT AREA
SRoL	Output	3.2 New peer-to-peer relation(s) established and managed in support of judicial reform in line with RPJMN 2020-2024

Indicator	Results framework indicator or activity-specific indicator	Baseline + year	Targets + year	Results from reports received between Jan – Dec 2022	Source	Status

Number of exchanges facilitated between new IND and NL partners to provide Dutch input in support of law-making and/or legal reform processes	Activity specific indicator	0, 2019	2/2022	7	Annual report 2022, webinar agendas	Realised
Number of participants (m/f) involved in these events (target: % increase of the involvement of women)	Activity specific indicator	To be determined once activities are being implemented, 2019	20% increase/2022	30% increase	Annual report 2022	Realised

Annexe 2 – Financial Report 2022

Please see the separately attached to this report.