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REDUCING DELAY & CASE MANAGEMENT REFORM

Supreme Court of the Republic of Indonesia
January 2009

The problem of Case Backlog and Case Delay

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- Is one of unsolved recurring problems since 30 years ago
- The Supreme Court of the Republic of Indonesia had repeatedly try to eradicate backlog and reducing delay

About This Presentation

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- Will briefly describe problems which become the source of backlog and delay in Indonesian Court
- Describe briefly on current strategy taken by the Supreme Court as well as its problems faced
- Describe present achievements
- Offer lesson learned

The problem of Backlog of Cases

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- Backlog and delay is generally occur only at the Supreme Court level as the final court of appeal in land
- For a civil case, time required to obtain a final and binding decision can reach 8 years, with 2/3 of the time spent in the Supreme Court for Cassation and Special Review
- Case backlog at the Supreme Court hit its peak in 1982-1992 and 2004 where number of pending case at the Supreme Court exceeds 20,000 files

Some Identified Sources of Backlog

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- Absence of effective appeal limitation system
 - There are total of 791 courts (consist of 717 court of first instance and 69 court of appeal) from four court jurisdictions, and all appeal to one Supreme Court.
- Innefective Supreme Court's internal mechanism in examining and deciding cases
- Compulsory format to produce very long decision, which mostly contain information that has been mentioned in lower court decision.
- Poor productivity and professionalism in the level of supporting staff

Backlog is Not a Problem in The Lower Court

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- A sufficiently well distributed court location (located in most of each regency).
- Strict 6 month timeline for finalization of cases (Supreme Court Circular No. 3/1998 on Finalisation of Case)
- Strict and regular monitoring from superior court

Brief on Case Backlog Reduction Program

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- Backlog Reduction Program has been carried out by the Supreme Court several times, in 1982-1992 with measures mostly focused to reduce backlog through additional resources
- The Supreme Court Blue Print 2003 calls for a more planned, systematic and participative approach.

Several Important Reform Elements Post 2003 Blue Print

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- Establishment of Working Group of Case Management consists of internal and external element (donor, civil society) as part of Judicial Reform Team
- Physical audit of all cases under circulation at the Supreme Court
- Post Audit Agenda consist of :
 - Improvement of case recording mechanism
 - Decide upon concrete objective on finalization of case handling at the Supreme Court
 - Regular presentation on case circulation status to the Justices
 - Increase staffs capacity and professionalism

Agenda 1 : Audit of Cases Under Circulation at the Supreme Court

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- Conduct physical audit to all cases under circulation at the Supreme Court
- In cooperation with partners such as donors, Federal Court of Australia and civil society .
- Enable the Supreme Court to be informed on :
 - Distribution of cases among 46 justices
 - Status of each cases
 - Ages of each casesImportantly, enable the Supreme Court to
 - Devise a systemic strategy to gradually eradicate backlog, by accurately identify the root of the problem, hence able to set priorities, work distribution and expertise required .

Agenda 2 : Improvement of Case recording Mechanism

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- Changing the reporting perspective, to also include number of cases returned to originating court .
- Introducing a MS Excel based-simple application to record circulation of cases in a more effective, efficient and accurate manner in addition to existing manual registry

Agenda 2 :

Establish Concrete Objective of Finalization of Cases

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- Define case backlog as :
Cases that has not been returned to originating court 2 years after the date of registration

Agenda 3 :

Regular Presentation Circulation of Cases

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Regular presentation before the Justices to

- Inform current status
- Raise awareness againsts agreed objectives
- Increase transparency and accountability
- Increase healthy competitive climate
- Provide early warning for any identified problem

Agenda 4 :

Increase the Staffs Capacity and Professionalism

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- Technical training for the Court's Supporting Unit
- Strict supervision to staffs performance and professionalism

Problems Faced

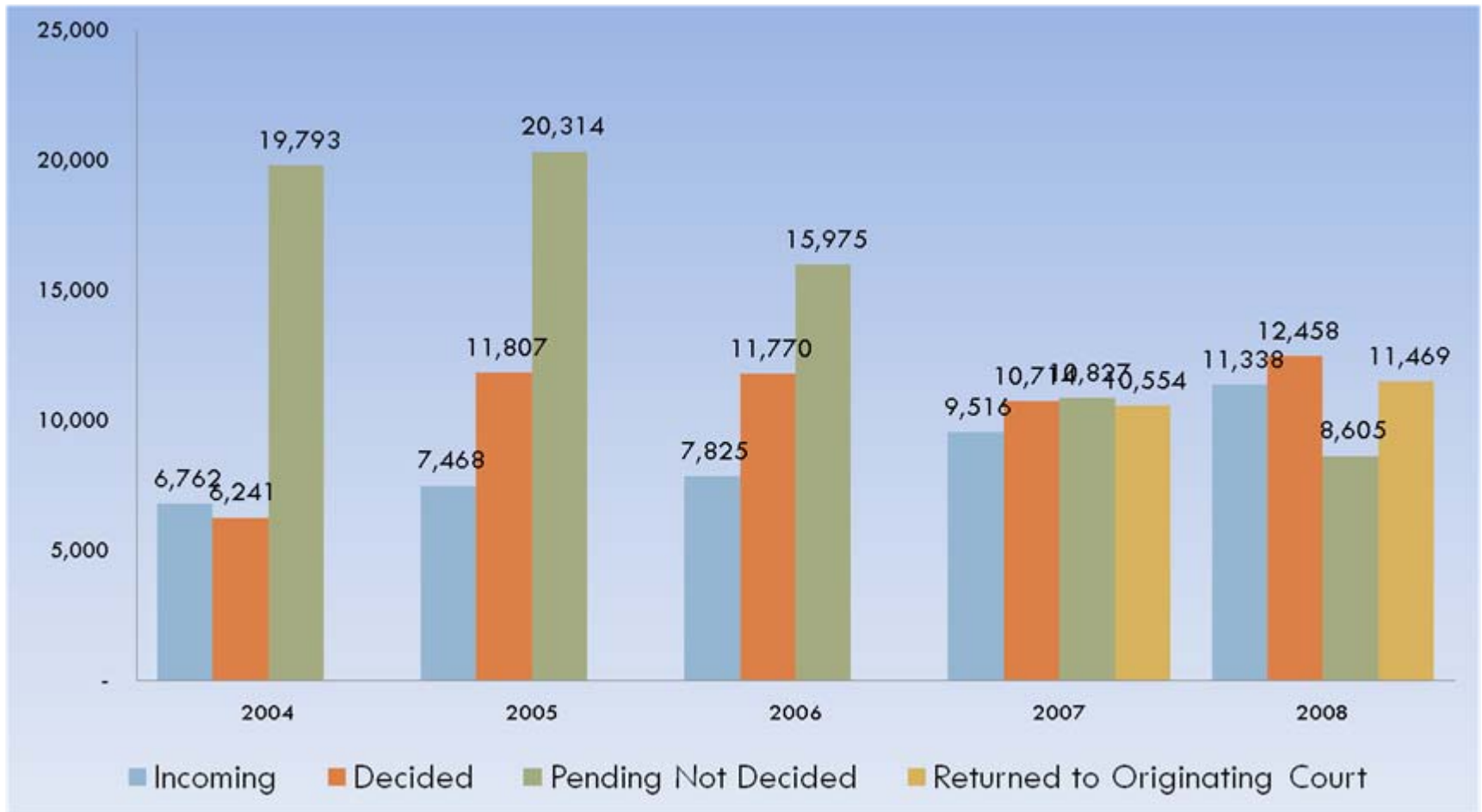
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- Cultural Barrier
- Limited resources
- Lack of Qualified Human Resources
- Difficulties to amend Legal Regime Required
- In 2008, Massive Justice Retirement, Slow Recruitment

SEVERAL CONCRETE RESULTS

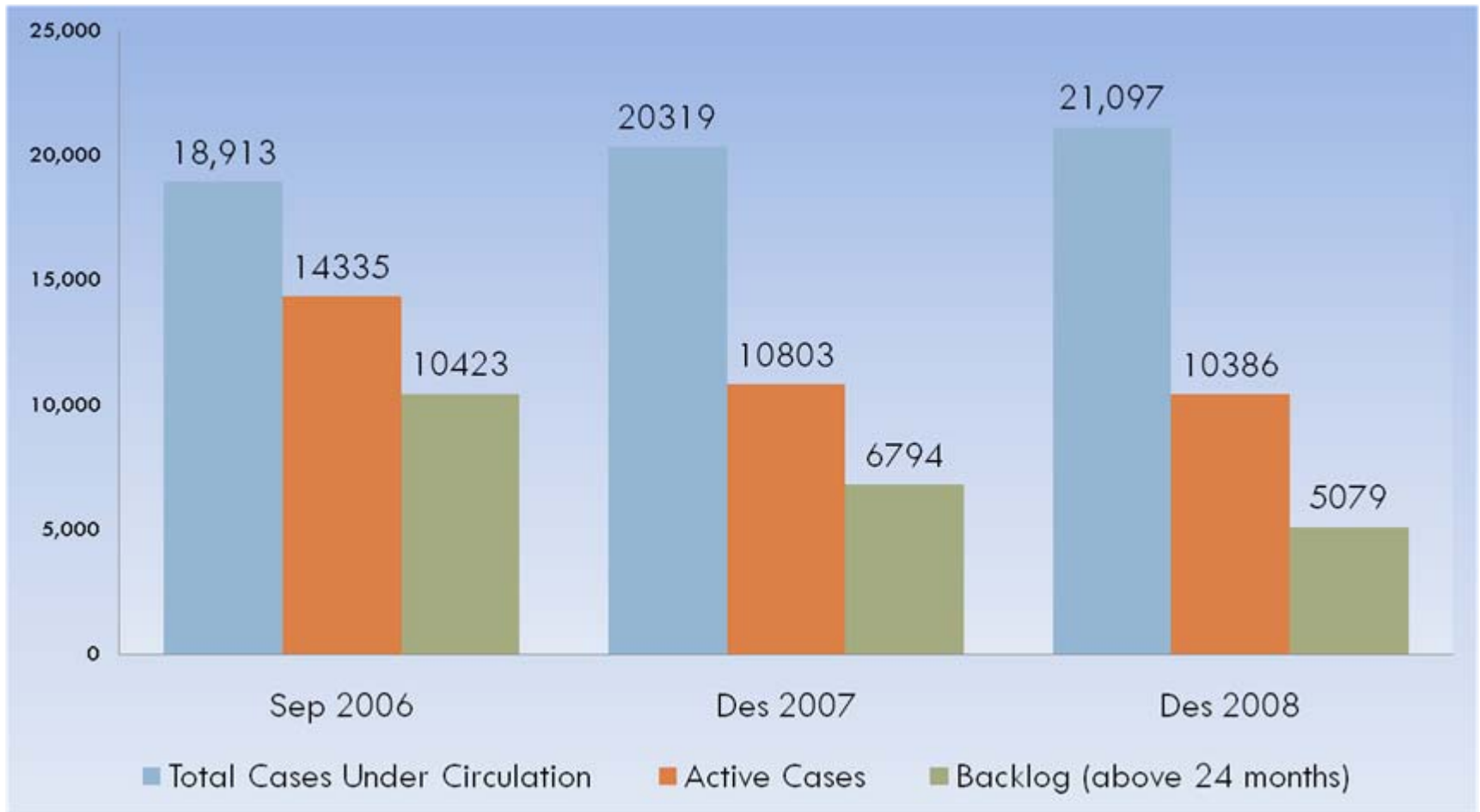
Circulation of Cases at the Supreme Court

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Active Cases (according to age)

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Important Matters in Achievements to Reform Case Management

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- Detailed information on the main source of backlog is essential
- Commitment of leadership and strong operational support is key to success
- Importance to involve stakeholders, the more diverse involvement, the more options available, and better public outreach
- Importance to make sure sustainability
- Technology is essential in case management reform, but most importantly to find sufficiently applicable technology which is not necessarily complex and high cost, particularly in court in transition such as Indonesia

Other Case Management Related- Agenda

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- Establishing the procedure to manage and Upload Supreme Court's Decision to MA's official website (<http://www.putusan.net>)
 - Established in September 2007, by December 2008, total decision uploaded reach 10,000 decisions.
- ▶ Improvement of IT Infrastructure at the Supreme Court Building
- ▶ Improvement of Case Management Application,
 - to Improve existing MS-Excel Base Database
- ▶ Piloting of Delivery of Softcopy of Judgment from Lower Court

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THANK YOU