

Keadilan bagi Semua | People-centered Justice in Indonesia

Report of the launch of the translation of the Justice for All report | 8 July 2021

On 8 July 2021, over 60 representatives from government institutions and civil society in Indonesia as well as international organizations participated in the virtual launch of the translation of the [Justice for All report](#) in Bahasa Indonesia. The event was organized by the Peer2Peer 4 Justice Working Group Indonesia-Netherlands, hosted by *Center for International Legal Cooperation (CILC)* and the *Pathfinders for Peaceful, Just and Inclusive Societies*.

The virtual launch aimed to 1) discuss people-centered justice experiences in Indonesia, 2) explore what legal institutions can do to foster people-centered justice, 3) identify opportunities for building a justice data culture, strengthening legal empowerment, and supporting transformative shifts in institutions, and 4) align justice partnerships in Indonesia with the global SDG agenda.

Outcomes

By showcasing national good practices and discussing key challenges in achieving justice for all, the event emphasized the importance of a paradigm shift towards putting people at the center of justice systems. Speakers and participants identified several next steps to promote people-centered justice:

- Accelerate implementation of commitments related to access to justice under the [Open Government Indonesia National Action Plan](#).
- Include people's needs into policies to ensure responsive laws, regulations, and amendments.
- Continue to empower people and communities and increase legal empowerment efforts to reach those furthest behind and people with limited mobility.
- Continue to increase efforts on data collection to understand people's justice journeys and specific justice needs.
- Continue to improve access to people-centered services, which actually meet the needs of people. With a focus on accountability, transparency, and fair outcomes of informal and formal justice systems.

Report

The meeting started with a **key note speech** by **Mr. Dewobroto Joko Putranto**, *Director of Law and Regulation of the Ministry of National Development Planning (Bappenas) of Indonesia*. The Director explained that 'Justice for All' should not be a mere jargon, but must be implemented and incorporated in national policies and plans. It is further regulated under the Presidential plans in Indonesia. Under the Open Government Indonesia National Action Plan, Bappenas aims to synergize all efforts by government institutions to protect and fulfill human rights. Many of the commitments relate to strengthening access to justice, providing (affordable) legal aid, inclusion of the most vulnerable in justice systems, and strengthening legal institutions. He highlighted the importance of engaging civil society in passing these regulations and new/updated legislation. With these priority

programs, Bappenas gives particular attention to the poor and vulnerable including women, children, and people with disabilities.

Program Lead, Justice for All Ms. Maaïke de Langen, of the *Pathfinders for Peaceful, Just and Inclusive Societies* provided a short background on the Task Force on Justice, which produced the Justice for All report. She then **presented its key highlights and recommendations**. The first key message is putting justice at the heart of sustainable development. If justice systems do not work for people, you cannot end poverty or reduce inequality and you cannot reach those furthest behind. Second, we should put people at the center of justice systems. We need to go beyond seeing justice as only courts, prisons, and lawyers, but understand how men, women, and children experience justice and injustice. For this, we need to use evidence on what works to meet people's justice needs. Third, we should go from justice for a few to justice for all. The report found that while 253 million people live in extreme conditions of injustice, 1.5 billion people have criminal, civil, or administrative justice problems they cannot resolve, and 4.5 billion people are excluded from social, economic, and political opportunities. Recognizing that many people face multiple justice problems, the report concludes that 5.1 billion people do not have meaningful access to justice.

Mr. Donny Ardyanto, *Program Officer from the Kurawal Foundation and former member of the Task Force on Justice*, **reflected on the Indonesian context of the report** and gave some concrete examples. According to data from IOM Indonesia, for instance, there are at least 360,000 Indonesians who live in extreme conditions of injustice and are victims of modern slavery. Many of them living abroad have problems with their identity documents. Another striking example is that in Indonesia, 14% of the children have no birth certificate, excluding them from social, economic, and political opportunities the law should provide. Mr. Ardyanto underlined the importance of data to get complete information and know more about the costs of (in)justice. He drew examples from a research of randomly chosen provinces of Lampung and South Sulawesi. This research showed that 44.5% people have legal problems and 84% of them do not seek legal recourse for solving their problems. Rather, they try to resolve their legal problems with help of their families or social network.

The panel members reinforced the recommendations and key findings of the Justice for All report. The panel discussion focused on how people centered justice is a paradigm shift. Justice systems must put people at the center, not only by ensuring that justice institutions address their needs but also through their involvement in the planning, formulation, and implementation of justice system processes and initiatives.

The panel discussion, moderated by **Mr. Febi Yonesta**, *co-chair of the Indonesian Legal Aid Foundation (YLBHI)*, emphasized the role of government and state administrators in ensuring justice for all. The panel also highlighted the importance of coordination and collaboration between government agencies and civil society to meet the high expectations and commitments. An example provided by the Ombudsman is the cooperation for the prevention of torture (KuPP), consisting of the *Human Rights Commission*, the *Anti-VAW Commission*, the *Witness and Victim Protection Institute* and the *Indonesian Child Protection Commission*. KuPP prioritizes constructive dialogue with civil society.

Reflecting upon **people-centered justice**, the panel and discussed the importance of providing legal aid and support to paralegals, including human development in justice systems (i.e. a shift from infrastructure development to a focus on people's experiences in accessing justice), and the collection and use of data. Data, for instance, can show whether people have access to justice, and if not, what barriers exist. **Mr. Dio Ashar**, *Executive Director of the Indonesia Judicial Research Society (IIRS)*, reiterated how most people in Indonesia dealing with the law, decide to not take action because they believe they will find many difficulties and complexities in pursuing a legal process. People prefer

informal processes as they feel formal legal process will not support them. **Chairman Mr. Mokhammad Najih**, *Ombudsman of the Republic of Indonesia*, highlighted the new participative progressive approach of the Ombudsman. The approach aims to be more active and present in the community, seek information from all the parties with problems, apply mediation and reconciliation in resolving justice problems, and legally empower people.

Major challenges caused by the COVID-19 pandemic were an increase of domestic violence, ensuring openness of the public domain to promote human rights and debunk hoaxes, overcrowded prisons, and the assurance of access to fair trials. Due to the pandemic, it is more difficult for the public to monitor trials and online systems do not always function well. **Ms. Asfinawati**, *Chairperson of YLBHI*, reflected on how addressing domestic violence and violence against women has proven to be difficult, as COVID-19 measures led to limited mobility, often forcing women to live in close proximity with the perpetrators without any recourse to justice services and support. On top of that, justice seekers find challenges in filing reports to the police, as reports are often rejected, while justice seekers are subjected to harassment by the police or other justice actors. Ms. Asfinawati also illustrated how legal empowerment can resolve existing problems and those exacerbated by the pandemic, like the loss of access to health or to work. When hospitals collapse due to the pandemic, for example, paralegals can empower people and link them with institutions. Legal aid can also contribute to restorative justice. A participant gave the example of a case solved under supervision of the Witness and Victim Protection institute, using restorative justice. The victim was supported by a civil society organization. For the panel members, a key challenge in ensuring justice for all was linked to the responsiveness of legal institutions. As Mr. Dio Ashar put it, **“if policies do not address people’s real needs, then policies and the justice sector will not avail access to justice for all”**.

The outcomes of this event will serve as input to the next Indonesia-Netherlands Rule of Law Update (INLU), expected to take place in late 2022 and other events, such as future meetings of the Peer2Peer 4 Justice Working Group.

A note to the reader

For participants who are interested to join the Peer2Peer 4 Justice Working Group, hosted by the *Center for International Legal Cooperation (CILC)* please reach out to vanrheenen@cilc.nl. The Working Group is an active network of legal professionals from Indonesia and the Netherlands.

For participants who are interested to join the Pathfinders for Peaceful, Just and Inclusive Societies, please send a mail to justice@sdg16.plus or see the website: <https://www.justice.sdg16.plus/>.

List of speakers

Ms. **Asfinawati**, Chairperson, Indonesia Legal Aid Foundation (YLBHI)

Mr. **Dewobroto Joko Putranto**, Director of Law and Regulation, Ministry of National Development Planning (Bappenas) of Indonesia

Mr. **Dio Ashar**, Executive Director of Indonesia Judicial Research Society (IIRS)

Mr. **Donny Ardyanto**, Program Officer, Kurawal Foundation, former member of the Task Force on Justice

Mr. **Febi Yonesta**, Co-chair, Indonesia Legal Aid Foundation (YLBHI)

Chairman Mr. **Mokhammad Najih**, Ombudsman of the Republic of Indonesia

Ms. **Maaïke de Langen**, Program Lead Justice for All, Pathfinders for Peaceful, Just and Inclusive Societies

Ms. **Manon Tiessink**, Project Manager, Center for International Legal Cooperation