

**Independent Progress Review of DFAT Law and Justice
Assistance in Indonesia**

Final report June 2014

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Executive summary

An independent progress review was undertaken to assess the performance of the Australian Indonesia Partnership for Justice (AIPJ) and the Asia Foundation's Prison Reform Program. The primary purpose of the review was to provide information to inform strategic decisions regarding the direction of the current program and possible future programming in law and justice.

The methodology for the IPR rested heavily on two processes. AIPJ has considerable program documentation which identifies both qualitative and quantitative program achievements. The review team sought to validate these outcomes through consultation with a wide range of stakeholders (157 individuals and groups of people were consulted across a three week period). But more significantly, the review team sought to understand the specific contribution of AIPJ activities to these achievements. Therefore, considerable time was spent understanding the context and issues that contributed to change in any given situation and exploring the place of AIPJ activities within these. Underpinning these processes of validation and analysis of contribution was a strong emphasis upon triangulation.

Australia's support to law and justice in Indonesia is relevant to both the Government of Indonesia and the Government of Australia. In particular it is noted that access to justice promotes stability within Indonesia, provides certainty for domestic and international investors, and increases access to services for ordinary Indonesians.

The Indonesian law and justice sector can be understood from a systemic perspective with a range of actors and institutions, each with their own history, reform processes and interests. Largely AIPJ has operated effectively within this context although this has been difficult to communicate in simple ways to external stakeholders.

The key findings from the review indicate that AIPJ is an effective program, making a considerable contribution to access to justice in Indonesia. Likewise the prison reform program is considered an effective program with demonstrable results. There are considerable opportunities for synergies between these two programs and the work supported by Australia through the World Bank Justice for the Poor program. Key activity areas for AIPJ include:

- *Court reform*. Working through court to court partnerships between the Family and Federal Courts of Australia and the Supreme Court of Indonesia, and with civil society, AIPJ has contributed to a range of important reforms in Indonesian courts. This includes increased transparency of judgements, more consistent and high quality verdicts and recent developments such as introduction of mediation, class action and small claims mechanisms. The outcomes of these reforms have included an increased enabling environment for international business in Indonesia, increased access to justice for people and ongoing quality policy dialogue between Australia and Indonesia.
- *Legal identity*. The work in legal identity focuses around improving the access of women and children to birth, marriage and divorce certificates in order that they can better access basic services. The work is beginning to lead to results for people but more importantly is increasing awareness around the needs of women and children throughout the court system. This activity is making an important contribution to basic services. It contributes to access to justice but also

overlaps with other programs such as social protection and health and education services. There may be some merit in exploring increased synergy of this program with these areas.

- *Anticorruption*. Corruption is a significant barrier to development in Indonesia, and AIPJ work has focused on both corruption prevention and corruption response. Corruption prevention work through the Attorney General's Office is currently small-scale and focused on community education and awareness raising to create demand for better services. AIPJ support is also directed to anticorruption measures at provincial level where there appears to be some potential for further strategy development. There may be some merit in strategic review of aspects of this work.
- *Legal aid*. The introduction of legal aid is a significant achievement in providing better access to justice for ordinary people in Indonesia. AIPJ facilitation of this new system has seen the accreditation of 310 legal providers across the country. There is potential for this work to be significant both as a frontline service and through influencing change in the wider system. There is further work to be done to institutionalise and strengthen the legal aid system and various areas of potential expansion. This is likely to be an important element of future phases of AIPJ.
- *Partnerships with civil society*. Civil society has been an active player in justice sector reform. AIPJ works with a range of CSO and DPO including through a program of CSO support managed by the Asia Foundation. This program is well constructed and directed and likely to lead to effective development of a sustainable CSO sector. However, there are some risks and a need to carefully manage and assess progress in this activity.
- *Provincial work*. AIPJ has established three provincial offices. The intention of this work is to take the program from national to provincial level and to selected districts. The work is impressive, particularly in the connections that have been developed and the facilitation of wider action already enabled through those connections. There is potential for the work at provincial and district level to extend to village level through cooperation with CSO paralegal work. There is also potential for this work to create a link between local level implementation and experience and centralised reform and policy development in the justice sector. This is an important area of work for further program development.
- *Disability inclusion*. AIPJ has effectively worked to include people with disability in the program. This is leading to increased services for people with disability. There is potential to utilise this strategy to get better attention to the other target groups of AIPJ — women and children.

The Prison Reform Program, managed by the Asia Foundation, focuses on information and conditions in prisons in Indonesia. The program is effective and there is considerable opportunity to integrate this program with wider justice sector reform activities. Likewise, the Justice for the Poor program, focused on paralegal work at a village level, provides a good opportunity to expand the bottom-up demand for legal aid and formal legal redress.

AIPJ appears to be well managed and consistent feedback from respondents suggests that relationships and implementation processes are considerably improved since the previous review. There are some areas for improvement. These include improved program communication, attention to monitoring and evaluation processes and analysis, and some increased resourcing for key program areas.

The results from the review suggests that AIPJ and other programs are demonstrating results for people as well as contributing to wider systems of reform. End of program outcomes are modest and likely to be achieved. The program addresses Australian Government priorities and those of the Government of Indonesia. The program is highly relevant to the target groups of people with disability, women and children. However more work needs to be done to ensure the latter two groups are well served by all program activities.

There is considerable synergy between this program and other areas of the Australian aid program. This is largely underutilised at present, although some of synergies have been obtained in the provincial work between AIPJ and the DFAT decentralisation programs. Much more can be done to increase efficiency and results from the aid program if attention was given to this range of possible synergies.

For the future, it is recommended that the program gives more attention to children and women and consider some attention to legal education. Inclusion of the Prison Reform Program and the Justice for the Poor program would be of value, provided the strategic intent of both components is well understood. The process of program decentralisation to the provinces is strongly supported and should form part of further program development.

The IPR specifically recommends that:

- A review of the AIPJ strategy to support anti-corruption be undertaken prior to further development of activities and strategies in this area.
- Consideration be given to the best location for the work on legal identity and/or some work undertaken to explore the synergies between this work and other frontline service delivery.
- The work on prison reform should be continued but with further attention to the strategic impact and potential wider value of this work in justice reform, e.g.in relation to juvenile justice.
- Further work is undertaken to clearly articulate the program meta-narrative and strategy and the relevance of this to the Indonesian law and justice sector and Australian Government priorities.
- Consideration is given to institutions and actors in the justice sector which are currently not focused on reform and increased access to justice, and how this program, or other interventions, could influence or leverage the change required in these institutions.
- Further attention is given to program monitoring and evaluation, expanding performance reporting to make full use of the current PAF.
- Work with people with disability is extended to all program activity areas
- Program communication is further developed utilising concise explanations of the program metanarrative and clearly articulated program logic for each of the activity areas.
- AIPJ is extended to a second phase, with an ongoing focus on current activity areas, in particular legal aid implementation (extending this to the paralegal work), ongoing court reform, and development of civil society.
- There should be increased expertise and focus on children to enable effective contribution to the implementation of the new Law for Juvenile Justice.
- There should be increased expertise and focus on women, alongside the current focus on people with disability, and the experience of women in access to justice.

- The future program should look to draw lessons, particularly from the current provincial work, work with people with disability and civil society support, to shape and inform those future developments.
- The program should consider a modest expansion to support improvements in legal education which are relevant to legal reform and access to justice.
- DFAT take the opportunity presented by this program to manage for increased synergy within the aid program, particularly on programs working at the decentralised level, those focused on service delivery and those supporting CSO.

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Acronyms

ACCESS	Australian Community Development and Civil Society Strengthening Scheme
ADR	Alternative dispute resolution
AGO	Attorney General Office (<i>Kejaksaan RI</i>)
AHRC	Australian Human Rights Commission
AIPD	Australia Indonesia Partnerships for Decentralisation
AIPJ	Australia Indonesia Partnerships for Justice
AusAID	Australian Agency for International Development (now incorporated into DFAT)
BAPPENAS	<i>Badan Perencanaan Pembangunan Nasional</i> (National Development Planning Board)
BPHN	<i>Badan Pembinaan Hukum Nasional</i> (National Law Development Board)
C4J	Changes for Justice Program (funded by USAID)
CSO	Civil Society Organisation
DFAT	Department of Foreign Affairs and Trade
DPO	Disabled Persons Organisation
EOPO	End of Program Outcome
Gol	Government of Indonesia
IALDF	Indonesia Australia Legal Development Facility
ISP	Implementation Service Provider
IPR	Independent Progress Review
J4P	Justice for the Poor Program
JKP3	<i>Jaringan Kerja Prolegnas Pro-Perempuan</i> (Network for Laws related to women issues)
JPI	Indonesian Paralegal Network
JRTO	Tim Asistensi Pembaruan (Judicial Reform Team Office)
KK	Komisi Kejaksaan (Prosecution Oversight Commission)
KPK	Komisi Pemberantasan Korupsi (Corruption Eradication Commission)
KY	Komisi Yudisial (Judicial Commission)
LBH	Lembaga Bantuan Hukum (Legal Aid CSO)
LeIP	Lembaga Independensi Peradilan (Justice CSO)
M&E	Monitoring and Evaluation

MA	<i>Mahkamah Agung</i> (Supreme Court)
MAMPU	<i>Maju Perempuan Indonesia untuk Penanggulangan Kemiskinan</i> (Empowering Indonesian women for prosperity and justice)
MaPPI	<i>Masyarakat Pemantau Peradilan Indonesia</i> (CSO)
MLHR	Ministry of Law and Human Rights
MoHA	Ministry of Home Affairs
MoRA	Ministry of Religion
MoU	Memorandum of Understanding
NTB	Nusa Tenggara Barat Province
NTT	Nusa Tenggara Timur Province
OECD	Organisation for Economic Co-operation and Development
OSJI-TIFA	Open Society Justice Initiative – TIFA Foundation Indonesia
OSI	Open Society Initiative
PEKKA	Women Headed Households Program
PNPM	<i>Program Nasional Pemberdayaan Masyarakat</i> (National Program for Community Empowerment)
PRPO	<i>Tim Asistensi Birokrasi Pembaruan Kejaksaan</i> (Prosecution Reform Project Office)
PSHK	<i>Pusat Studi Hukum dan Kebijakan Indonesia</i> (Indonesia Centre for Policy and Law Study)
PUSKAPA	<i>Pusat Kajian Perlindungan Anak</i> (Centre on Child Protection)
SIGAB	<i>Sasana Integrasi dan Advokasi Difabel</i> (DPO)
TAF	The Asia Foundation
UNDP	United Nations Development Program
UNDOC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
YLBHI	<i>Yayasan Lembaga Bantuan Hukum Indonesia</i> (Indonesia Legal Aid Foundation)

Introduction

The Australian Government supports law and justice development in Indonesia through the Australia Indonesia Partnership for Justice (AIPJ), a \$50 million investment operating from 2011 to 2015 in cooperation with the Government of Indonesia. In addition, the Australian Government provides funding for the Asia Foundation's Prison Reform in Indonesia Phase 3 Initiative, a \$3.7 million investment operating from 2012 to 2015. Finally, Australia also funds law and justice activities in Indonesia through contributions to the World Bank's East Asia and the Pacific Justice for the Poor (J4P) program.

In January to March 2014 an Independent Progress Review (IPR) was undertaken to assess the performance of these investments. The primary purpose of the review was to provide both the Australian and Indonesian Governments with information to enable them to make strategic decisions regarding the direction of the current program and possible future programming in law and justice.

The IPR was undertaken through fieldwork and discussion with partners in Australia and Indonesia as well as extensive review of documentation and previous reporting. The review was undertaken by a two person team with support from staff from the Department of Foreign Affairs and Trade (DFAT).

The review primarily focused on AIPJ, with additional attention to the synergies between this program and that of the Prison Reform Program and the work undertaken by the World Bank. The primary audience for the review was DFAT, for the Australian Government and BAPPENAS, for the Indonesian Government. Other stakeholders include the Asia Foundation (TAF), the World Bank, the organisations and partners involved in the implementation of Australian assistance to the Indonesia law and justice sector and the AIPJ Implementing Service Provider (ISP).

This document reports the IPR methodology, findings and discussion, and recommendations.

Methodology

The terms of reference for the IPR identified two tasks:

- Provide clear and concrete evidence and analysis on the current performance of AIPJ in relation to the stated End of Program Outcomes and recommendations (if any) for improving the performance of the program during the final 18 months of implementation; and
- Identify key current and emerging issues in Indonesia's law and justice sector and provide recommendations for possible future Australian support to address these issues (including the scope, implementation arrangements, time-frame, cost, and potential impact of such support).

In addition, the terms of reference outlined several key questions; (the full terms of reference for the IPR are attached at Annex One).

Significantly, this review builds upon a previous IPR completed in November 2012. The 2012 IPR findings resulted in significant changes, leading to repositioning and further development of AIPJ activities and focus. A key intent of the 2014 IPR was to ascertain how well AIPJ is performing following this redevelopment. This particularly included AIPJ's increased ability to serve its target

population (in particular women, vulnerable children and people with disability), its likely achievement of objectives, the program relationships with Indonesian and Australian stakeholders and the program synergy with other Australian Government investments in the sector.

In response to the Terms of Reference, a detailed Review Plan was developed that identified a critical approach to data collection and analysis, relying on triangulation of various data sources. It also identified key limitations of the IPR, particular those related to undertaking a short review limited largely to use of secondary data and selected stakeholder consultation. (The Review Plan is included at Annex Two).

In practice the methodology for the IPR rested heavily on two processes. AIPJ has considerable program documentation which identifies both qualitative and quantitative program achievements. Rather than seek, in a very limited time period, to independently assess what the program had achieved, the review team sought to validate these outcomes through consultation with a wide range of stakeholders (in total 157 individuals and groups were consulted over a three week period). But more significantly, the review team sought to understand the specific contribution of AIPJ activities to these achievements. Therefore, considerable time was spent understanding the context and issues that contributed to change in any given situation and exploring the place of AIPJ activities within these.

Underpinning these processes of validation and analysis of contribution was a strong emphasis upon triangulation. The IPR team sought for both consistency and difference in respondents' views and analysis about changes. The questions outlined in the Review Plan indicate the way in which the review team systematically applied the same areas of enquiry across multiple stakeholder groups.

Once all the respondent data was collected this, together with information from relevant documents, was grouped under the major program activity areas. The analysis separated information into three areas: program or activity description where information about the factors and influences that contributed to change were identified; qualitative and quantitative information about outcomes; and issues or discussion points raised by respondents, particularly where they related to further program or activity improvement.

The analysis was then utilised as the basis for the summary and discussion of the key findings contained within this report. The analysis was an important process to support accurate triangulation of the wide-ranging data collected by the IPR team. It enabled identification of areas where there was unequivocal stakeholder agreement and support as well as areas where there were differences in the assessment of performance and/or in analysis of the key contributing factors. This is reflected in the reference to respondent views outlined in the findings below¹.

The following summary of findings does not seek to repeat the considerable amount of activity and output information already available from program documentation and reporting². It focuses instead

¹ It is important to note that respondents to the IPR were assured of individual confidentiality and invited to speak frankly about their assessments and suggestions for improvement. For this reason no individual response is identified within this report except where use is made of information already on public record.

² While there is brief explanation of major activity areas this is solely for the purpose of locating the nature of the work for the reader. Detailed information on activities and program contribution to each of these can be obtained from existing program documentation.

on the key findings from triangulation of the data and identifies significant issues or questions raised by respondents which have relevance for future program development.

Findings

Summary

Overall, the IPR team found that AIPJ is an effective program which is making a contribution to access to justice in Indonesia. This is being achieved through a variety of strategies (appropriate in this complex context) and in partnership with Government of Indonesia, Australian partners and civil society in Indonesia. The program is resulting in change for people. Many of the changes and reforms can be expected to be sustained.

Likewise, the TAF Prison Reform Program is an effective program with demonstrable results. There are considerable opportunities for synergies between this program, the work being undertaken by the World Bank and AIPJ.

On the other hand, AIPJ is consistently not well understood by many stakeholders. This may be due to a combination of factors. These include the lack of an overall meta-narrative in the program, a failure to explain program activities within a wider context, the addition of some program elements which are perhaps tangential to the program purpose, and poor reporting and communication systems.

There are also some program areas for further improvement and some new issues which should be considered in future development of the program.

These findings are outlined in more detail below.

The context of law and justice in Indonesia

Policy context

Australia's support to law and justice in Indonesia addresses policy imperatives for both the Governments of Indonesia and Australia.

The original AIPJ design document³ gives good attention to the relationship between law and justice and development in Indonesia. Drawing from analysis of the sector⁴, the design document identifies the need for a well-functioning law and justice sector that would create the enabling environment for poverty alleviation and sustainable development in Indonesia. This is in line with Indonesia's Medium-Term Development priorities and consistent with the Indonesia National Access to Justice Strategy.

The IPR team notes that such reform is also directly in line with Australian Government policy. Improved access to justice promotes stability within Indonesia by negating the need for ordinary people to go outside formal structures to have disputes resolved. As a by-product it also improves the experience of Australians who encounter the Indonesian justice system⁵.

³ Australia Indonesian Partnership for Justice, Design Document, July 2010.

⁴ Pompe, S. & Rosita, D. (2008), 'Indonesian Legal Sector Analysis', final report to AusAID, July.

⁵ Reforming Indonesia's criminal justice system, including through improvement to prison conditions and the introduction of alternatives to imprisonment for small crimes (such as the recent advocacy by AIPJ supported

In addition, through active attention to corruption and extending the rule of law, there is more certainty for domestic and international investors in Indonesia, increasing the likelihood of further economic development⁶. Significantly, addressing corruption at the local level also increases access to services for ordinary Indonesians, particularly the poor and marginalised. People are more likely to make use of services when there are no additional payments or preconditions for use of service.

Finally, the partnership strategy utilised by AIPJ promotes strategic policy dialogue between various levels and departments of both Governments, enabling Australia to continue and expand its relationship with Indonesia.

While this coherence between policies of both Governments and AIPJ focus and intent is well known to people closely connected to the program, it appears to be less well understood by others. It may be wise for the program to regularly articulate and identify these important connections.

Structural context

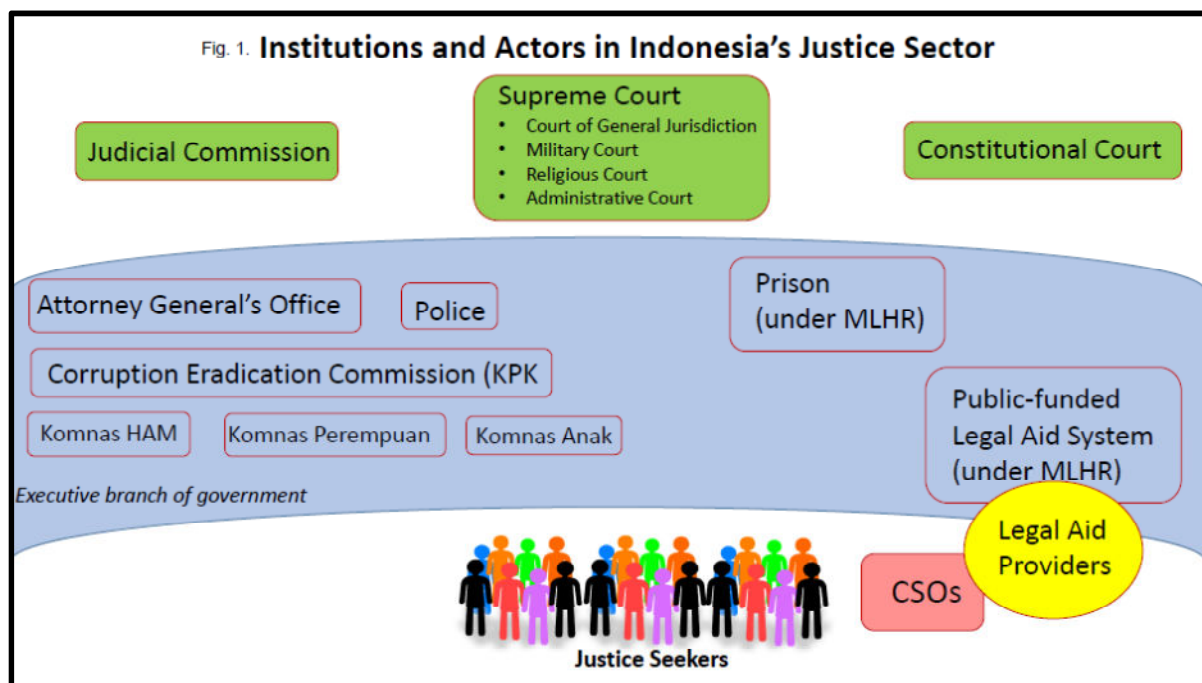
It is useful to understand the structural and historical context of law and justice reform in Indonesia in order to appreciate the relevance and focus of Australian Government support through AIPJ and other programs. That is, to make sense of this program it is important to have some understanding of the change over time, the actors involved and the different locations or levels where change is experienced.

Justice reform in Indonesia started as part of the larger context of political reform in 1998. However, it has proceeded at a different pace to other areas, with several phases of reform. Significantly, Australia has provided support throughout much of this reform period, gaining respect for its consistency and long-term investment in the change process. AIPJ needs to be understood as the most recent in a series of investments by Australia. It builds upon relationships and progress from those previous investments.

There are different institutions in the law and justice context. These include those located in the judiciary (the Supreme Court) and the executive (the Attorney General's Office (AGO)), the police, the Ministry of Law and Human Rights (MLHR) and the Corruption Eradication Commission (KPK)). These different institutions (see Fig 1.) have had different reform experiences throughout the reform phases mentioned above.

NGOs to encourage the Indonesian Supreme Court to raise the serious crime threshold from 2.5 cents to \$250, which, if adopted, will result in many petty criminals being spared from prison terms), will support consular assistance for Australians, including minors, charged with offences in Indonesia.

⁶ The legal system in Indonesia plays a critical role in resolving disputes affecting businesses, particularly in relation to inconsistencies between national and subnational legislation, property rights and enforcement of contracts. As bilateral trade and investment intensify, Australian businesses will also begin to rely more on Indonesia's legal system to resolve the more complex barriers to doing business in Indonesia. Such issues have already been identified, for example, as constraining the realisation of the full benefits for Indonesia and Australia under the ASEAN-Australian-New Zealand free trade agreement.



For example, the Supreme Court started reform in 1999 with the 'one roof system', allowing for a separation between the executive and the judiciary, followed by the push for 'non-career' justices who in turn provided important leadership in ongoing reform. In 2003, together with civil society actors, the Supreme Court released the Blueprint for Court Reform and in 2004 the Judicial Reform Team Office (JRTO) was established. While this team took some time to gain internal trust, from 2006 onwards it has contributed towards an effective and ongoing reform process in the Supreme Court. This reform process has seen support from various donors including Australia. As discussed below the process is now maturing and positive results are emerging with potential for further developments.

This contrasts to the experience in the AGO where reform only started in 2005. The Prosecution Reform Project Office (PRPO) was established at that time, to support reform in this institution. However, the structure and culture of that organisation has made reform more difficult to advocate and implement. Similarly, the historical and political context of the police has made it more difficult to achieve significant reform in this institution.

The KPK, established in 2003, has had a very different trajectory of change, moving quickly to be seen as one of the champions of anticorruption in the country. MLHR likewise has its own distinct narratives of change. A major breakthrough for this organisation has been the establishment of the public funded legal aid system in 2013.

Finally, the corrections system experienced limited reform until 2008. Its work since that time, particularly in prison reform, has seen some significant movement towards more effective systems.

Alongside these various institutions, a consistent factor has been the involvement of civil society in the change processes. NGO activists and academics have played important roles both as partners for change with various institutions and as external advocates. It is not possible to understand or appreciate the reform process in the justice sector without an appreciation of the contribution and strong engagement by civil society.

As will be discussed in the sections below, AIPJ and other programs have engaged with these various institutions and their different trajectories of change, using different strategies and relationships within those varying contexts. This ability, to operate systemically, understanding the various actors and their interaction and contribution to change, is a key strength of AIPJ. It ensures relevance and contributes to effectiveness across the whole sector. On the other hand, it makes AIPJ difficult to communicate in simple terms, and can lead to the program being understood as a fragmented or disconnected set of activities.

Finally, the context for justice reform is very influenced by the centralised system of the law and justice sector in Indonesia. Reform has to be either pushed from the top structure of institutions, or at least formalised by this top structure, to then flow to lower and more operational levels. With the decentralisation of other institutions and functions in Indonesia and the regular movement of judges and prosecutors, this has created particular challenges in ensuring reforms are institutionalised at provincial and district levels. AIPJ has begun to respond to this challenge, continuing support for reform at the national level but also moving to work at provincial level to support increased access to justice for people in provinces and districts. This strategy, albeit limited to a handful of districts and provinces at this time, is an important response to the limitations of the centralised justice sector. Further discussion of the outcomes from this approach will be discussed below.

AIPJ activities

AIPJ functions as the major conduit for Australian Government assistance to the law and justice sector in Indonesia, alongside Australian support to the TAF Prison Reform Program and the World Bank J4P program. There are also other elements of Australian Government support which were outside the Terms of Reference for this review⁷.

The program has a strong focus on working through partnerships including those between Australian courts, Indonesian courts and institutions and Indonesian civil society. The Working Committee for the program includes DFAT and BAPPENAS. Primary counterparts also include the Ministry of Home Affairs, the Judicial Commission (KY) and the Prosecution Oversight Commission (KK). Recent innovations include a Partnership Group, bringing together key Australian and Indonesian organisations, which has met twice at an Annual Partners Conference.

AIPJ is a five year program with an overarching goal of 'Realising Rights' through attention to legal identity, fair and accessible justice services, and legal information. In practice it has seven major activity areas. These include work on legal identity, court reform, legal aid, anticorruption, and three crosscutting areas of disability inclusion, provincial based work and CSO strengthening. It has 10

⁷ These include support provided through the Australian Federal Police to the Indonesian National Police, support provided by NSW Department of Corrective Services to the Directorate General for Corrections in Indonesia's Ministry for Law and Human Rights, AUSTRAC funding to the Financial Intelligence Unit of the Ministry of Finance, investment by Australia's Office of Transport Security in law-enforcement around the Bali airport and Australian Government regional programs.

specified end of program outcomes (EOPO) (included at Annex Four). In analysing and reporting on AIPJ work the IPR team found it helpful to start with specific activity areas to understand **where** the program has intervened in the law and justice system, and the **results** it has contributed to through those interventions.

Court reform⁸

The Federal Court and Family Court of Australia, together with other actors including civil society, have contributed to an ongoing range of reforms in the Supreme Court of Indonesia. These include increased transparency of judgements⁹, building the chamber system in the Supreme Court in order to have more consistent verdicts and high quality verdicts¹⁰ and recent development of an increased range of judicial mechanisms including mediation, class action and a small claims mechanism¹¹. Most

⁸ Consultation for this activity area included consultation with the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), DFAT Jakarta Social Development Adviser, DFAT Jakarta Chief Economist, Indonesia Supreme Court administrators, Directorate General for Religious Court, Directorate General for General Court, Supreme Court's Judicial Reform Team Office, Institute for Judicial Independence, Centre for Law and Policy Studies, Indonesian Justice Monitors Society, Indonesian Corruption Watch, Centre for Detention Studies, Association of Indonesian Legal Aid Foundations, President of Development Chambers/Head of Judicial Reform Team Office, Secretary of Judicial Reform Team, BAPPENAS: Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff, Family Court of Australia, Prof Tim Lindsey, Australian Federal Court, AIPJ Justice and Development Adviser, DFAT Political Section, Australian Attorney-General's Department (Jakarta), AIPJ provincial staff, Chief Justices of the Mataram High Court, Chief Justices of the NTB High Court, NTB High Religious Court, NTB Religious Court, Other donors including: USAID, OSI/TIFA, UNDP, UNICEF, UNODC.

⁹ There is now a standard in place for judgements to be uploaded to a public database within 24 hours of the judgement being delivered (making use of a judgement template adapted from those utilised in Australian courts). The Annual Report of the 2013 Supreme Court reports that 306,588 judgements have been uploaded since this system was introduced in 2007; prior to the introduction of the system no court decisions were available online. As a result, judgements are now available to be included in briefs for appeals, people have certainty about judgements and can immediately act on the outcomes, and there is less likelihood of corruption.

¹⁰ Having the chamber system makes judges focus their work on specialised areas of law, so judges now come together to discuss decisions and write the judgement. (100% of Supreme Court Judges heard cases in specialist Chambers in 2013, up from zero in 2012). This helps to address the length of time taken to receive judgements (with reports that this is fallen from 6 to 3 months) but also lessens the likelihood of corruption in decisions. As a result of this and other reforms, the Supreme Court has also improved the efficiency of decision-making; it now reports that in 2013 the number of cases returned to the originating court was 12,360 while incoming cases numbered 12,337. This contributed to a clearance rate of more than 100%, an increase of 6.77% from the clearance rate of 2012.

¹¹ These are all important mechanisms that will increase the opportunity for people at community level including poor and marginalised people, to access justice systems. The mediation mechanism is particularly important and is currently being trialled in Cibinong (West Java) and Lombok. It was reported to the IPR team that the government in Lombok was keen to see mediation trialled and extended as an alternative to the formal courts to resolve disputes, because it understood mediation to be appropriate in the local cultural context and therefore more likely to be taken up in local dispute resolution. A small claims jurisdiction that can dispose of low value litigation cheaply, quickly and without a complex process, has immediate benefit for the poor. The Federal Court is well-positioned to draw on Australia's considerable experience in this field, including with state-level small claims tribunals and is currently helping to develop new proposals for this area.

recently work is being done to improve the business systems underpinning the operations of the courts¹².

All of the respondents to the IPR saw considerable value in the outcomes that have been achieved and those likely to be achieved through current reform efforts. Australian Federal Court respondents were able to list in some detail the specific contributions by officials of that court to the change process¹³ which in turn was validated through discussions with Indonesian Supreme Court judges and executive. The judicial cooperation between the courts in a bid to improve business process¹⁴, was identified by the JRTO as a major contributor to several critical reforms in 2013, which in turn have changed processes at the Supreme Court (and potentially the lower courts as well). Australian Government respondents identified that this area of work has established good quality personal relationships between Australia and Indonesia which supports broader policy dialogue. They also identified that the reforms have potential to directly benefit Australians who may come into contact with the Indonesian court system.

From the perspective of Indonesia, the results have several implications. Significantly, they provide an increased enabling environment for international business in Indonesia. For example, the proposed small claims process is expected to directly contribute to the Indonesian ranking on the World Bank assessment of *Ease of Doing Business in a Country*.

Further, Indonesian respondents identified that these reforms will increase access to justice for people. For example, the introduction of mediation as an alternative to the legal process is considered to be an effective way in which poor and marginalised people will be able to access the formal legal system. The Family Court of Australia has already worked extensively with Religious Courts under Supreme Court to introduce mediation of family disputes and has contributed to tripling the number of family cases brought to the religious court. Similarly, the introduction of class action is targeted at empowering groups of poor and marginalised people to come together to achieve redress, particularly against more powerful groups and interests.

Alongside these reforms work is underway to increase accessibility to court systems, particularly for poor people living in remote areas. This work, supported by court to court relationships and in cooperation with civil society, has seen a steady increase in access for poor people¹⁵.

AIPJ has made significant contribution to the court reform work through facilitation and logistical support for the Court to Court relationships, as well as direct funding for the JRTO and through small-scale funding of activities and opportunities. This area of program work utilises 18% of the

¹² This includes attention to improving the public service provided by the courts in order to increase public access. With the support of the Family Court of Australia, the religious courts have made considerable improvements in this area. The Supreme Court is now committed to service standards across all provincial and district courts. There is also includes work being undertaken on a code of ethics for judges.

¹³ See for example, Soden, W (2012) 'Court to Court cooperation between the Federal Court of Australia and the Supreme Court of Indonesia', paper presented by the Register and Chief Executive Officer of the Federal Court of Australia, Federal Court, Brisbane.

¹⁴ A business process re-engineering working group has been established. An early change has been the decision to have a shared calendar system for case deliberation.

¹⁵ For example, the number of circuit court hearings in remote areas in 2013 was 19,383 cases, up from 3,738 cases in 2007. Further, the number of court fee waivers granted to poor litigants in 2013 was 10,252, up from 325 in 2007.

total program budget. It is significant that this contribution utilises the specialist expertise and experience of Australian courts at no cost¹⁶. It is also significant that the contribution builds upon many years of earlier Australian Government support. Both these factors contribute to the overall cost effectiveness of this ongoing reform work.

Working through the Supreme Court Blueprint for reform and through internal mechanisms such as the JRTO contributes to likely sustainability of the reforms that have been achieved. The JRTO coordinates a wider set of donors involved in the court reform and have developed a plan for long term sustainability of all reforms. New mechanisms and reforms are now being budgeted by the courts themselves.

The challenges involved in this work are beyond the current timeframe and influence of AIPJ. The court reform work is slow, and impacts and outcomes for people take time to be realised. The likely outcomes from reforms around mediation, class action and small claims processes will probably not be evident at scale for some years. Further, the centralised nature of the courts creates some challenges in operationalising reforms, especially at provincial and district level. There is considerable further work to be done to ensure these reforms support increased use of the formal legal system (respondents noted that while the court systems may be improving, most poor people still used local and informal systems of dispute resolution). Finally, the reform work in the courts is not necessarily matched by similar reform in the prosecutors or police, both of whom are able to create significant barriers to ordinary people having their situation considered by courts in a timely and comprehensive manner.

*Legal identity*¹⁷

The work in legal identity is focused on the significance of birth, marriage and divorce certificates in enabling people, particularly women and children, to access basic services. These include education and health but also services provided for the poor through social protection and other mechanisms. It is an important process to support citizens receiving identification cards, which in turn are required to vote in elections. Record of births is also essential for government planning and adequate service delivery.

There is considerable international evidence and experience to suggest that access to identity documents, in particular birth certificates, are a necessary condition for people to participate in social and economic life and development of a country¹⁸. Recent research supported by AIPJ¹⁹

¹⁶ Apart from logistical and travel costs

¹⁷ Consultation for this activity area included the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), PUSKAPA, PEKKA, LBH APIK Jakarta & beneficiaries, Supreme Court's Judicial Reform Team Office, President of Development Chambers/Head of Judicial Reform Team Office, Secretary of Judicial Reform Team, BAPPENAS: Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff; The Family Court of Australia, Prof Tim Lindsey, Australian Federal Court, AIPJ Justice and Development Adviser, DFAT Political Section, Australian Attorney-General's Department (Jakarta), DFAT Jakarta Social Development Adviser, DFAT Chief Economist, AIPJ provincial staff, Chief Justices of the NTB High Court, NTB High Religious Court, NTB Religious Court, SIGAB Makassar and beneficiaries, Other donors including: USAID, OSI/TIFA, UNDP, UNICEF, UNODC.

¹⁸ United Nations (2013), 'A New Global Partnership: Report of the High Level Panel of Eminent Persons on the Post-2015 Development Agenda', United Nations.

indicates that it is more likely for children from poor households to not have a birth certificate²⁰. As the research notes, this has important implications for access by those children to health and education services.

For women, the ability to obtain marriage certificates is a necessary precondition to enable them to register the birth of their children. Marriage and divorce certificates enable them to protect their rights and facilitate their participation in economic and cultural life.

The program has supported an ongoing package of assistance working through Indonesian courts, the Ministry of Home Affairs (MoHA), Ministry of Religion (MoRA) and civil society, together with Australian partners from the Family Court of Australia, to improve access to certificates, particularly for poor women and their children. This program activity utilises 16% of the total program budget. The work is focused in 20 districts enabling careful assessment of progress and identification of factors contributing to success. The partnerships with MOHA and MoRA are important strategy to promote take-up of similar activities across a wider area.

Work to date has resulted in an increase in fee waivers for poor people trying to access certificates²¹, together with a program of circuit courts and one-stop shops to make certificate registration more accessible to poor people. Religious court officials were able to identify quantitative changes as a result of these developments²². A number of these changes are now being institutionalised in local courts²³. Work is also being done through civil society to educate women and their families about the importance of birth and marriage registration and associated certificates.

The program records indicate that this has resulted in more people obtaining certificates and is likely to contribute to people being able to access services (although this link requires further research). However, the most significant result from this work is the considerable awareness that has been created at national and provincial levels about the significant numbers of children who do not receive birth certificates and the implications this has for government planning. The IPR team spoke

¹⁹ Sumner, C. & Kusumaningrum, S. (2014), 'AIPJ Baseline Study on Legal Identity. Indonesia's Missing Millions', DFAT, Australia.

This research was undertaken in collaboration with The Supreme Court of Indonesia, including District and High Courts; MoHA, including district and provincial offices; MoRA, including district and provincial offices; The Ministry of Development Planning (BAPPENAS) and local planning bodies (BAPPEDAs); The University of Indonesia Centre on Child Protection (PUSKAPA); The Empowerment of Female Heads of Household NGO (PEKKA) as well as the Family Court of Australia

²⁰ For example in the research shows that 57% of all children under one year of age did not have a birth certificate, but in the poorest 30% of households the figure climbed to 71% of all children under one year of age.

²¹ In 2013, the Supreme Court allocated IDR1,984,423,000 to have circuit courts for birth certificate in 105 locations, according to the Supreme Court Circular Letter No. 6 of 2012. Although not all of the allocated budget is used to waive fees, the Supreme Court had acknowledged the challenge and opportunity and had drafted a Draft Supreme Court Regulation (Rancangan Peraturan Mahkamah Agung) on the Provision of Legal Services by the Court, which includes fee waiver. See Supreme Court Annual Report 2013, at 81.

²² For example, religious court records indicate that the number of marriage legalisation hearings in 2013 was 35,060 cases up from 11,540 cases in 2009. The number of divorce applications processed in 2013 was 348,116, up from 175,713 in 2007.

²³ For example in Lombok in NTB province the IPR team was shown the budget allocated for Prodeo or fee waiver. In 2010 the court received funding for 81 Prodeo cases, this increased steadily and in 2013 1037 Prodeo cases were funded. The court officials report that they expect this to continue increasing and to continue to receive increased government funding to match the need.

to provincial Court officials and judges who were able to identify their participation in the activity areas and who understood that the intention of the work to increase access for poor people, especially women. In discussion with these officials, they demonstrated a heightened awareness around the particular needs of women and the challenges they face in access to courts and other services. This is particularly significant given women have not been well served by the formal justice system to date²⁴.

This has been a valuable contribution by AIPJ and one recognised by the Indonesian Government²⁵. This activity clearly addresses a precondition that would assist people's access to services as well as their right as citizens to participate in their democracy and be counted. It makes a clear and significant contribution to preconditions for economic development and stability in Indonesia. However, the activity, as it is presently managed, still requires further work to be taken up in a sustained way by government systems. (There have been some recent positive moves in this direction with a new Civil Administration Law recently passed requiring district governments to proactively register citizens and prohibiting authorities from charging people to obtain certificates.) The momentum for the activity currently still seems to rest with civil society and AIPJ advisers as well as some individual champions within the Indonesian legal system. Ongoing work will be required to move from demonstration areas to widespread system change.

The activity contributes to access to justice but also to other programs supported by the Australian government. While this presents some challenges both for Australia²⁶ and Indonesia²⁷, it is a strength of the work, with recent discussions in DFAT pointing to the intersection of this work with frontline service delivery for the poor. Notwithstanding the need for ongoing engagement with the courts, it may be that the logical location for the management of this program of work would be with the Australian support for social protection or more closely integrated with direct service delivery in areas such as health and education. This would likely broaden its basis of support and ensure greater likelihood of sustainability

²⁴ World Bank, (2008), 'Forging the Middle Ground: Engaging Non-state Justice in Indonesia', World Bank Indonesia, Social Development Unit, Justice for the Poor Program, May.

²⁵ See for example the Supreme Court Annual Report of 2013, at 84- 85, which notes that the baseline data released by AIPJ and PUSKAPA UI has been useful for the Supreme Court to encourage the implementation of the integrated services on legal identity

²⁶ In some ways this overlap adds to the lack of coherence around the meta-narrative of AIPJ, because this area of work overlaps with the law and justice 'system' but also with other administrative and service areas. Indeed, some Indonesian Government respondents to the IPR raised questions about the location of this activity in a package of support for law and justice

²⁷ For example, the budget allocation to have circuit courts for birth certificate will not be continued for 2014 because there was a Constitutional Court Decision (April 2013) stating that statement of birth for children aged one year or more will not done by the Court anymore. Statements on marriage, on the other hand, are still under the authority of the religious court. (See Supreme Court Annual Report 2013, page 86)

*Anti-corruption*²⁸

Corruption has been identified as a significant barrier to development in Indonesia²⁹. It has also been identified as a key reason for the lack of public trust in law and justice institutions³⁰. In its support for anti-corruption, AIPJ works nationally with both the AGO and the KPK and has started some support at provincial level. In line with the National Strategy on Combating Corruption, program activities include corruption response and corruption prevention. This area of program activity is still at an early stage of development and there are less clear-cut results and less obvious coherence around program activities to date.

The Australian Attorney General's Department has a relationship with KPK that focuses on assistance with recovery of proceeds of corruption. This partnership complements the wider work of both organisations which includes other collaborations beyond those funded by AIPJ. Both see it as a significant and useful collaboration³¹. According to the Australian Attorney General's Department, given the centralised nature of the law and justice sector in Indonesia, increasing the dialogue between Australian agencies and Indonesian agencies such as the KPK on asset recovery contributes to the recovery of proceeds of corruption. Targeting the profits of financial crimes such as corruption is an effective way to combat such crimes.

The Australian Commission for Law Enforcement Integrity has also engaged with the KPK on the sharing of corruption investigation and intervention techniques and the development of corruption prevention systems.

While it was difficult for the IPR team to obtain detailed information about the work undertaken through this partnership³², there are emerging results that suggest the support is well-placed³³ and that change is moving in the right direction³⁴.

²⁸ Consultation for this activity area included the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), BAPPENAS: Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff; Attorney Generals Department, Australia, Prof Tim Lindsey, DFAT Political Section, Australian Attorney-General's Department (Jakarta), DFAT Jakarta Social Development Adviser, DFAT Chief Economist, AIPJ provincial staff, SOMASI & beneficiaries, SIGAB Makassar and beneficiaries, Prosecutorial Reform Project Office, Judge's supervision Bureau, Judicial Commission, Prosecutorial Commission Reform Office/ Komisi Jak, Corruption Eradication Commission, Special assistant to the Attorney General, Head of Legal information Centre, Attorney General's Office, Other donors including: USAID, OSI/TIFA, UNDP, UNICEF, UNODC, DFAT Jakarta Anti-corruption.

²⁹ The United Nations Office on Drugs and Crime (UNODC) identifies transnational crime and illicit trafficking and corruption as specific threats to stability and economic development in Indonesia. (UNDOC (2012) 'Country Program. Indonesia. 2012- 2015', January)

³⁰ 'Barometer Korupsi Global 2009'. In this survey Indonesians ranked the judiciary as the second most corrupt institution in the country.

³¹ In addition to support for justice for Indonesian people, efforts to combat corruption in the public and private sectors helps create a level playing field for businesses affected by Australia's international anti-bribery obligations. At present, Australian businesses in Indonesia can be investigated and prosecuted by Australian regulators for corrupt behaviour in Indonesia. In an environment where corruption is rife, this gives an unfair advantage to competitors of Australian businesses which are not subject to such regulation. Proceeds of corruption in Indonesia also occasionally flow to Australia, thereby compromising Australia's capacity to combat illicit financial flows worldwide.

³² In part because of limited opportunity during the review but also because limited information was able to be shared with the IPR for confidentiality reasons.

For corruption prevention, AIPJ has sought to work largely through the AGO. The AGO is a major player in providing or limiting access to the formal justice system and reform here is important. AIPJ provides funding for the Prosecution Reform Project Office (PRPO) and for a small number of specific activities, particularly focused on community education and awareness raising, in part to create demand for better services³⁵. This is in line with that previous research has found that people who are aware of their legal rights are both more likely to utilise the formal system and, indeed, to have trust in that system³⁶.

As noted above, internal reform in this institution has been challenging due to a complicated and long history of corruption and utilisation of AGO by the president for political purposes³⁷. Although institutional reform in AGO started in 2005, the highly centralised decision-making in the institution and the fast transfer system limited the opportunity for champions of reform to be able to work for significant changes.

However the PRPO reports that there have been some recent indications of change. In 2014 the AGO was subject to an assessment of its internal reform process³⁸. The result of the assessment gave the AGO scores indicating either a trend towards improvement or substantial improvement.

In addition, drawing from the wider lessons of successful reform elsewhere in the justice sector, the IPR team suggests that the small-scale support provided by the program to this institution, in order to maintain relationships and continue to assess strategic opportunities for change, is a sensible and appropriate strategy. This is likely to be best achieved through continued support for the PRPO, albeit with ongoing attention to the strategic intent of that support.

AIPJ is beginning to experiment with other ways to support anticorruption measures, utilising its provincial focus. In NTB province the Governor has formulated a local regulation for prevention and eradication of corruption in the NTB provincial government. KPK staff informed the IPR Team, that while there are other provinces with similar regulations, NTB is the first to have an action plan with a monitoring mechanism in part due to AIPJ support³⁹.

³³ The anticorruption behaviour index in 2013 was 3.63 up from 3.55 in 2012, indicating that more Indonesian people are opposing corrupt behaviour.

³⁴ For example the number of highest court judges (that is judges from the Supreme Court and the Constitutional Court) dishonourably discharged in 2014 is 2 up from zero in 2011. Finally, the AGO has made annual reports available for the first time to the public in 2012 and 2013.

³⁵ For example, the PRPO assisted the AGO in implementing the Freedom of Information Act, to provide the public with information about the AGO, including information on how cases are handled, the number of indictments, internal regulations, etc. Currently there is information about 146,231 general crimes and 3,456 corruption cases now accessible through the website. The website also allows people to submit complaints.

³⁶ World Bank (2008), *op cit*

³⁷ See Pompe, S. (2005), *The Indonesian Supreme Court: A Study of Institutional Collapse*, esp. Chapter 2.

³⁸ This self-assessment of the implementation of bureaucracy reforms is being undertaken by all Indonesian government agencies under guidelines issued by the Minister for Apparatus Reform. The process looks at eight areas of change which include business process restructuring, strengthening accountability and public service improvement. These are areas where the PRPO has been particularly focusing its support. The assessment process is compiled through documentation by the AGO as well as several external surveys to measure public satisfaction with the services of the AGO and the public perception of the outcomes being achieved.

³⁹ AIPJ support included technical advice on drafting, and facilitating KPK to review and provide comments on the draft. KPK plays a consulting role in this situation encouraging the working groups to monitor the plan and envisions that the scheme will work by itself in 2 to 3 years.

Given the importance of anticorruption measures at this local level, the IPR team explored the opportunity for similar local level initiatives in other locations. There appears to be some potential for this, and it was suggested that in some provinces this could include work with the provincial ombudsman. This is both an area for further development of the program and an area where Australia could encourage other donors or civil society to take up similar approaches.

Overall, the work on anti-corruption is clearly a significant area for ensuring access to justice, and one where some positive outcomes appear to be emerging⁴⁰. AIPJ can demonstrate potentially valuable engagement. However, this activity area utilises 15% of the total program budget and the overall intent and clarity of direction is not as strong in this work area as in other AIPJ activities. Some further review of this work area, in particular to ensure that AIPJ support is directed as strategically as possible, may be valuable prior to further phases of the program

*Legal aid*⁴¹

While there has been legal aid available in various projects in Indonesia, mainly supported by donors, there has been no formal legal aid system until recently. As a result there has been considerable discrimination in the formal legal system, particularly against poor people. Previous research shows that few people living in villages are able to access the formal legal system⁴². When people do come in contact with the system, they struggle to negotiate the system and most often are denied justice. The IPR team received considerable information about the impact this has on the lives of ordinary Indonesian people. Therefore the establishment in 2013 of a legal aid system funded by the Government (under the Ministry of Law and Human Rights (MLHR)) following a law passed in 2011, was identified by several respondents as a major turning point in access to justice and redress for people. Brought about through long-term advocacy by civil society and other stakeholders, the system will allow for poor people to have free legal representation during their dealings with police, prosecutors and the courts.

The system will function through accredited legal aid providers. Significantly, AIPJ facilitated this new Government funded system through assistance to the National Law Development Board (BPHN) as

⁴⁰ Indonesia's rank in the World Justice Project's Rule of Law Index on the absence of corruption, for instance, has climbed up from 86 to 80 (See World Justice Project (2014), WJP Rule of Law Index.) Similarly, Transparency International's Corruption Perception Index for Indonesia in 2013 shows an increase in rank from 118 to 114, although the score did not increase (32)

⁴¹ Consultation for this activity area included the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), PUSKAPA, PEKKA, LBH APIK Jakarta & beneficiaries, Supreme Court's Judicial Reform Team Office, President of Development Chambers/Head of Judicial Reform Team Office, Secretary of Judicial Reform Team, BAPPENAS: Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff; NSW Legal Aid, Prof Tim Lindsey, Federal Court of Australia, AIPJ Justice and Development Adviser, Institute for Judicial Independence, Centre for Law and Policy Studies, Indonesian Justice Monitors Society, Indonesian Corruption Watch, Centre for Detention Studies, Association of Indonesian Legal Aid Foundations, DisCo Team, SAPDA, Jakarta Legal Aid Foundation and beneficiaries, DFAT Jakarta Social Development Adviser, DFAT Chief Economist, Ministry of Law and Human Rights' National Legal Development Agency, AIPJ provincial staff, Chief Justices of the Mataram High Court, LPA Anak NTB & beneficiaries, GRAVITASI & beneficiaries, SOMASI & beneficiaries, Chief Justices of the NTB High Court, NTB High Religious Court, NTB Religious Court Giri Menang, SIGAB Makassar and beneficiaries, LBH Makassar and beneficiaries, LBH APIK Makassar and beneficiaries, Other donors including: USAID, OSI/TIFA, UNDP, UNICEF, UNODC.

⁴² World Bank (2008), *op cit*

well as contributing to funding for the accreditation of the first group of legal aid providers (310 were accredited across the country in this initial process). The program continues to provide core funding to some of these legal aid providers, assisting with the development of their service as well as providing opportunity for ongoing engagement and monitoring of the new system.

The introduction of legal aid is an important change to the whole system of justice in Indonesia⁴³. Indications are that access to legal representation for ordinary people is increasing and that demand is strong⁴⁴. However, while there is a growing number of stories about the difference legal aid can make to individual people's access to justice, respondents emphasised the way in which it will challenge and reform the justice system more generally. Respondents suggested that while direct support for institutional reform in the police and prosecutors office has been challenging, having legal aid lawyers present will bring to scrutiny to those offices and likely change the ways in which investigations and prosecution processes are undertaken.

Further, legal aid, particularly as it extends through the paralegal work into communities, potentially connects the court reform work of increased transparency and accountability with the work of other social programs at community level that are seeking to raise awareness around anticorruption and the rights of ordinary citizens to fair-dealing and good public services. Legal empowerment for people in the villages not only enables people to be able to receive fair representation, but provides some protection for them to play a role as the watchdog for public services⁴⁵.

There are considerable fragilities in the system⁴⁶, but also plans for improvement. BPHN has plans to have monitoring and evaluation for the first year of the implementation of the Legal Aid Law⁴⁷. There are expectations that AIPJ will continue to partner with government and civil society in this development, perhaps through technical assistance with the monitoring and evaluation process. Currently AIPJ directs 16% of the total program budget to this area.

Once the challenges of the initial years of implementation have been tackled, the IPR team see considerable opportunity for further development of this public-funded legal aid system. There is a strategic opportunity to connect the legal aid support with the support to AIPJ target populations. Women who are poor, children, and people with disabilities need to be further acknowledged in the public-funded legal aid by developing special measures to manage cases involving these three groups. (There is some work already being undertaken by legal providers supported by AIPJ to provide specialist legal aid for people with disabilities.) Furthermore, specialised treatments for cases where women and children are victims, such as in the cases of domestic violence and sexual

⁴³ Senior Indonesian Government officials described this as one of the most important areas of recent change in the legal system. They identified that the provision of Government funding and the participatory process of developing the new system were both signs of the serious government commitment to sustained legal aid.

⁴⁴ The figures from BPHN show that 1000 people received publicly funded legal aid in 2013, compared with zero in 2012. AIPJ reports that in 2013 34,956 people receive legal aid from AIPJ legal aid partners.

⁴⁵ World Bank (2008) op. cit.

⁴⁶ The IPR interviewed 6 different Legal Aid Providers in Jakarta, Lombok, and Makassar and their beneficiaries. (See the list of interviewees attached). Both BPHN and the legal aid providers identified similar technical issues related to the reimbursement process, and the slow processing time of the Directorate General of Legal Administration in obtaining legal entity status for the Legal Aid Organizations

⁴⁷ Interview with the Head of BPHN Wicipto Setiadi, February 21, 2014

abuse, need to be institutionalized. These specialisations could then be included as part of the minimum service standards for legal aid.

Replication of the public-funded legal aid system by local governments would be an important further development. This includes the development of local by-laws (*Peraturan Daerah* or *Perda*) for legal aid, and replication of the system of verification and funding, as well as monitoring and evaluation of legal aid providers. Lessons learned from the experience of the national system should be the basis of such development. This would extend the benefits of legal aid to the community level and could be an important element of future phases of AIPJ.

Concurrent with such development is the link to the paralegal work undertaken by some of the legal aid providers and other CSO, which could be extended through AIPJ engagement with the World Bank justice for the Poor program. As discussed below, this would also likely extend the impact and the access of the legal aid provision.

*Prison Reform Program*⁴⁸

The Prison Reform Program is currently supported by the Australian Government through funding to TAF⁴⁹. Notably the program has a well-developed strategy or theory of change and is able to clearly articulate the connection between its strategy, activities and results to date.

The TAF program started with a focus on development of a prison database at the request of the Director General of Corrections, and has developed the program in a way that now supports increased transparency and information about each of the 459 prisons in Indonesia⁵⁰. This in turn addresses issues of conditions in prison, particularly overcrowding⁵¹, as well as corruption in prison management. The work ensures more certainty in individual prisoner identity and therefore contributes to fairer sentencing as well as contributing to antiterrorism (through identification of specific prisoners and their contacts within and outside the prison).

The program has given good attention to sustainability from the outset, building an external constituency to support the reform, facilitating the development of a blueprint for corrections reform and utilising internal systems, so that the program is managed and implemented by Corrections staff. The Government of Indonesia now support the database system and its associated components through budget allocation.

The TAF program brings with it good lessons about effective institutional reform and managing for sustainable outcomes. The approach and learning from the program would add to the depth of knowledge and experience of AIPJ activities.

⁴⁸ Consultation for this activity area included the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), BAPPENAS: Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff; DFAT Political Section, Australian Attorney-General's Department (Jakarta), DFAT Jakarta Social Development Adviser, DFAT Chief Economist, Directorate General for Corrections, The Asia Foundation, DFAT HIV/AIDS program

⁴⁹ Prison reform started in Indonesia in 2006 and Australia has been one of the few bilateral donors working in the area.

⁵⁰ From 2014 100% of Indonesian's prisons are utilising the electronic prisoner management system.

⁵¹ TAF program records show that the average time to process a parole application in 2013 went down to three weeks, from three months in 2011.

At the same time, it is important to identify the long-term intent of this work and how future interventions should be developed to leverage the most significant changes. For example, there is opportunity for the work of this program to contribute to the wider context of justice sector reform. The current prison database, for example, needs to be complemented by and connected with further reform in the relevant institutions dealing with detention and imprisonment (Police, AGO, and KPK). The work on prison reform can also be utilised to contribute to the reform on the criminal procedural law and on regulations on diversion of punishment. The data being generated from systems instigated by the program could be used to advocate against excessive use of detention (a significant problem because diversionary programs are currently only recognised in the areas of juvenile justice) and for better conditions in facilities.

There are also emerging new areas of work. The new Juvenile justice Law recognizes the needs (and legal requirements) to provide facilities for women, children, and people with disabilities⁵², but more work needs to be done with regard to implementation of the Law. The Law requires that by 30 July 2017 the prison/ correction system will have the facilities and personnel (social counsellors) that are ready to implement the law, but considerable more work will need to be undertaken for this to be realised.

In the next phase AIPJ will need to carefully consider the intent and scope of its work in the corrections system and how this integrates with other program activity areas.

*Justice for the Poor*⁵³

The Australian Government supports the World Bank's Justice for the Poor program, focused on extension of paralegals through grants to legal aid organisations, the establishment of a legal services division within PEKKA, the training of approximately 750 community-based paralegals, and strengthening of the Indonesian Paralegal Network (JPI).

The IPR was not asked to evaluate this initiative and limited information was made available about the initiative outcomes to date. However, discussion suggested that there are synergies between this program and the work around legal aid as well as the CSO supported work with paralegals. There is an opportunity through working with the paralegal network to expand the bottom-up demand for use of legal aid and courts, as well as support increased community awareness around human rights and anticorruption. This will be explored further in the section on future program opportunities.

Crosscutting activity areas

AIPJ has three other activity areas which cut across the whole program. It is the view of the IPR team that these areas offer practical lessons about the way in which the program could be further developed to effectively contribute to and influence the wider system of legal and justice reform in Indonesia.

⁵² Law No. 11 of 2012

⁵³ Consultation for this activity area included the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), BAPPENAS: Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff, DFAT Jakarta Social Development Adviser, DFAT Chief Economist, World Bank Justice for the Poor, DFAT PNPM program.

*CSO partnerships*⁵⁴

As noted in the discussion about the context, the justice sector reform process cannot be understood in isolation from the work of civil society. They have been active players in court reform, development of the legal aid system, advocating for and shaping work on anticorruption and other initiatives. Civil society organisations make a range of contributions to justice reform. There are organisations working directly inside formal institutions, such as the JRTO, those partially inside the reform process such as the legal aid providers and those CSOs operating completely external to the process, advocating for change. This provides for a healthy range of roles for CSO in the reform process.

AIPJ works with various CSO and NGO in the program activity areas, including through a program of CSO support managed by TAF. In the TAF managed program, CSO working in areas of high relevance to AIPJ intentions were selected for core funding and have been supported in the utilisation of that funding by TAF. This core funding is intended to strengthen their internal systems and contribute to their organisational capability, in order to support those organisations pursuing their core mandates.

The IPR team found individual organisations had several examples and stories to demonstrate their immediate effectiveness in providing assistance to people, but were also able to point to the use of core funding to enable them to focus on strategic areas such as research and advocacy. Organisations were very conscious of the limitations of donor funding and in a number of examples were utilising the core funding to strengthen internal systems and better position themselves for more independent operations. This included attention in some organisations to establishing systems for public and other fundraising. This suggests that this activity is making good progress towards supporting a stronger and more sustained civil society will in turn be part of ongoing justice reform.

However, there are risks involved. Not all organisations will survive beyond donor funding. And not all organisations will make effective contributions to reform and sustained change. Furthermore, the strategy is long term. While each of the organisations currently supported provides services which can be assessed and valued in their own right, the importance of the strategy is in its contribution to creating conditions for ongoing change. The challenge is to assess how well organisations are positioning both as institutions, and in their connections and analysis, to be effective change agents for the long-term (both inside and outside the reform process). As noted in discussions with TAF, this is extremely difficult to assess in a time bound program. It has led to some particular difficulties in monitoring and evaluation processes and in communication about the value of the TAF activity and other funding to CSO. Given the activity area accounts for 23% of the total program budget some additional attention to this monitoring ought to be considered.

⁵⁴ Consultation for this activity area included the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), BAPPENAS: Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff; Institute for Judicial Independence, Centre for Law and Policy Studies, Indonesian Justice Monitors Society, Indonesian Corruption Watch, Centre for Detention Studies, Association of Indonesian Legal Aid Foundations, SAPDA, DisCo Team, PUSKAPA, PEKKA, LBH APIK Jakarta & beneficiaries, DFAT Jakarta Social Development Adviser, DFAT Chief Economist, AIPJ provincial staff, LPA Anak NTB & beneficiaries, GRAVITASI & beneficiaries, SOMASI & beneficiaries, Chief Justices of the NTB High Court, NTB High Religious Court, NTB Religious Court Giri Menang, SIGAB Makassar and beneficiaries, LBH Makassar and beneficiaries, LBH APIK Makassar and beneficiaries, The Asia Foundation, DFAT PNPM program, DFAT KSI, DFAT Anti-corruption program.

Finally, there is also a balance to be struck between fully supporting a few institutions and partially funding or supporting a larger number of institutions. Both approaches have risks, and AIPJ does not seem to have transparently explored these risks to date.

However, this model of investing in organisations and networks which will support long-term change is one which the IPR team believe merits ongoing support⁵⁵. The experience of justice reform of the past 15 years in Indonesia strongly suggests that CSO are likely to be significant contributors to future phases of reform and therefore investment in their strengthening is a cost-effective long-term measure. Strengthening the assessment processes to demonstrate the value of this investment, particularly the wider strategic value for the money invested, would be of value.

*Provincial work*⁵⁶

AIPJ has begun to experiment with a decentralised approach. It has established three provincial offices, two of which were able to be visited by the IPR team, Nusa Tenggara Barat Province (NTB) and South Sulawesi Province (Makassar).

The intention of this provincial work is to take the program from national to provincial level and to selected districts. Observations by the IPR team suggest that the significance of the work is also in facilitating local networks and action and providing feedback and reality testing to the national level.

The most impressive aspect of this work was the connections that have been developed quickly by the high quality local staff, and the facilitation of wider action enabled through those networks. As noted above, AIPJ has been able to support implementation of the provincial initiative on anticorruption in NTB. In NTB AIPJ has also supported a process of using local connections to police and government to facilitate reforms in the local courts, support pilots for juvenile diversion programs and support local action on response to domestic violence⁵⁷. In Makassar, AIPJ is developing the networks across government and non-government actors to support extension of program activities in the province. In both locations it is still too early to be able to assess actions for impact⁵⁸ but have all the preconditions of mobilising local networks and opportunities for effective change that could be expected to lead to change for people.

⁵⁵ It is noted that it is in line with the theory of change for other DFAT funded programs and work with civil society such as the Knowledge Sector Initiative.

⁵⁶ Consultation for this activity area included the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), BAPPENAS; Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff; Prof Tim Lindsey, AIPJ Justice and Development Adviser; DFAT Jakarta Social Development Adviser, DFAT Chief Economist, AIPJ provincial staff, Chief Justices of the Mataram High Court, LPA Anak NTB & beneficiaries, GRAVITASI & beneficiaries, SOMASI & beneficiaries, Chief Justices of the NTB High Court, NTB High Religious Court, NTB Religious Court, BAPPEDA, SIGAB Makassar and beneficiaries, LBH Makassar and beneficiaries, LBH APIK Makassar and beneficiaries, DFAT PNPM program, DFAT Decentralisation program, DFAT KSI, DFAT Anti-corruption program, DFAT HIV/AIDS program.

⁵⁷ The IPR team met with a local CSO (supported by AIPJ) which has convened a local committee of government and non-government actors focused on action in Mataram to support juvenile diversion and local action on domestic violence. It was an excellent example of locally relevant and designed action, seeded and facilitated by small-scale CSO funding.

⁵⁸ There is considerable anecdotal evidence already emerging about the outcomes of activities funded in both provinces. Particularly through the legal aid and paralegal work, people are reporting changed attitudes and

This work at provincial and district level could potentially extend to village level through the paralegal work of J4P and other CSO. (This may be particularly important with the advent of the new village laws which will see considerable funding and control of local laws moved to village heads. It is also in line with World Bank recommendations around how to expand access to justice for poor people in Indonesia⁵⁹).

Furthermore, the model of connecting the program from national to local creates a powerful demonstration effect. It grounds the national level work in local reality, provides a test of the impact of that work and identifies the requirements for ongoing sustainability. As mentioned above, the challenge in the justice sector is centralisation. Therefore, this approach could be highly strategic in bringing issues from the bottom to influence broader policies. Experience from the implementation of legal aid and the new juvenile justice law needs to be taken to national level policy development. Likewise, the experience of women and people with disabilities in trying to access legal services and justice more generally also needs to be monitored and the results utilised at national level review and development⁶⁰.

The IPR team considers that this 'joined up' approach to justice implementation provides a potential model for further program development. There are challenges however. Currently the program operates in a small number of districts in the three provincial locations. DFAT personnel from other program areas were of the opinion that the program would need to extend both the number of districts and the number of provinces in order to have sufficient range of experience and local credibility to be effective in advocating for both provincial and national change. This is likely to add to future program cost.

Furthermore, the program relies heavily on good quality and well-connected local staff in each location, able to utilise their existing networks as well as connection to the existing DFAT decentralised programs, to rapidly scale up program activities. This may be challenging to duplicate in all locations. Finally, it is likely that as these provincial programs develop and respond to local issues and needs they will become more diverse and will develop activities and strategies outside the central focus of the current AIPJ. There will need to be careful management to maintain the balance between this important innovation and flexibility alongside the local implementation of national programs and providing feedback to those national developments.

action, with local people prepared to challenge police action and decisions and seek redress through the paralegal or legal aid systems.

⁵⁹ This research report suggests that rather than rely upon community-based systems to ensure justice for the poor, work should be undertaken at community level to provide awareness and rights, opening up access to the formal system and creating some accountability for those who work to mediate local disputes. (World Bank (2008) *op. cit.*).

⁶⁰ One CSO in NTB, funded through the TAF managed CSO activity, described their strategy of focusing on cases of high public attention and analysing the case as it proceeds through the legal system in order to draw attention to the local experience of the legal system.

*Disability*⁶¹

AIPJ has achieved high quality inclusion of people with disability in the program. The combination of strategies utilised to achieve this inclusion reflects best practice⁶². The results are clear and obvious. People with disability report that they are now being consulted and included in the CSO and legal aid work.

The program has helped us to do activities and get this information to DPOs so that they can strengthen. It enabled us to do advocacy. We've received core funding to increase capacity.

Activities are now more structured and clearer and we're more clear about our rights. We are now able to get more involved in policy debates.

*We are now working with the Ministry of Social Welfare and also with the Women's Commission. AIPJ has opened the opportunity for a learning process especially for new DPO. The program facilitates unity between the voices of DPO*⁶³.

This in turn is making a difference for people with disability in two ways. More services like legal aid are being made available to them. More significantly, they have increased voice to influence national and local policies and legislation that will in turn ensure their rights and needs are mainstreamed into these. People with disability responding to the IPR commended these changes.

AIPJ has effectively worked with DPO to make people with disability visible in the justice sector. The program should be supported to continue and further develop this effective activity. It has been a very modest investment using only 5% of the total program budget. The one criticism has been the failure by some AIPJ activity areas to take advantage of this inclusive approach, for example with less focus on disability in the current court reform work. Program management should more strongly encourage comprehensive disability inclusion in all activity areas.

The success in this area seems to be due to good program strategy and also to effective use of staff resources. The staff team is led by a highly respected and competent Indonesian person. She is supported by a program coordinator and also by an Australian-based technical adviser. It is significant that this expatriate technical adviser identifies the locally based coordinator as the team leader with her role being one of support which will diminish over time. This is a program model which could be more actively adopted throughout future development of AIPJ.

⁶¹ Consultation for this activity area included the following individuals and representatives from the following organisations: DFAT Law and Justice Staff (Canberra & Jakarta), DFAT Indonesia program staff (Canberra and Jakarta), BAPPENAS: Director for Regulatory Analysis, Director for Law and Human Rights, Section Head at Directorate for Law and Human Rights and staff; AIPJ Disability Adviser, AHRC, Institute for Judicial Independence, Centre for Law and Policy Studies, Indonesian Justice Monitors Society, Indonesian Corruption Watch, Centre for Detention Studies, Association of Indonesian Legal Aid Foundations, DisCo Team, SAPDA, PUSKAPA, PEKKA, LBH APIK Jakarta & beneficiaries, DFAT Jakarta Social Development Adviser, DFAT Chief Economist, LPA Anak NTB & beneficiaries, GRAVITASI & beneficiaries, SOMASI & beneficiaries, LBH Makassar and beneficiaries, LBH APIK Makassar and beneficiaries.

⁶² The strategy development for disability inclusive activities in AIPJ draws for a series of assessment reports and situation analysis reports and is based upon a well-developed theory of change. This approach together with its key strategy of consultation and cooperation with Disabled Person's Organisations (DPO) has provided a solid base for strategy selection and implementation.

⁶³ Comments captured in meetings with DPO representatives

The work is far from complete. A recent decision by the Indonesian public universities that people who are blind, deaf, mute, physically impaired or colour-blind are ineligible to apply for selection process into those universities suggests that discrimination and denial of rights continues to be a normal experience for people with disabilities in Indonesia. (One of the AIPJ program partners is currently leading the fight against this decision). Justice for people with disability should therefore continue as a major program focus.

In addition, AIPJ has two other major target groups, women and children, where less has been achieved. While AIPJ does collaborate with CSO working with women and to a lesser extent CSO and others focused on children, it has largely not mainstreamed either group across all activity areas.

With the increased interest in juvenile justice, AIPJ needs to consider how to develop its expertise in this area in order to remain relevant to the reform process. Given the importance of access to justice for women, it is important that the program proactively considers the different experience for women in engaging with formal and informal legal services. There is considerable potential here for AIPJ to learn from the approach utilised for disability inclusion, starting with hearing the voice of children and women and supporting research which would identify their different experiences and needs.

A stronger inclusive approach for the three target groups would provide considerable grounding for AIPJ performance assessment and strengthen the results focus of the program. Results could be more clearly measured through the impact of program activities on the lives of women, children and people with disability.

While the IPR team believe that this process should begin from now, it is likely that it will require attention beyond the end of the current program. Currently AIPJ does not dedicate the same level of staffing or resourcing to either of these target groups as it does to disability. This could be addressed in future developments.

Program relevance

Indonesia

The IPR team received considerable feedback from Indonesian Government officials that AIPJ is in-line with Government of Indonesia priorities for the justice sector. The program activities variously align with the Indonesia Medium Term Development Plan, the National Access to justice Strategy, the National Strategy and Action Plan on Corruption Eradication and the Blueprints for reform in particular institutions.

This close correlation between activities and government-mandated policies and reforms is important for the Government of Indonesia. It is also important for likely program sustainability and for institutionalisation of change.

Australia

The Australian Government priorities were identified to the IPR team as support for Indonesia's economic development and ongoing stability and security. Priorities also included the provision of services for people and opportunities for improved integration and synergy with the wider aid program.

As discussed in the section on policy, there are various existing analyses of Indonesian development, particularly since the introduction of democratic reforms in 1998, that point to the central connection between stability and prosperity in the country and an independent fair and accessible justice system⁶⁴. Further, an extensive analysis of the justice system, commissioned by the Australian Government, identified court reform, development of legal aid and support for anti-corruption (all areas of AIPJ activity) as essential steps in the improving the system⁶⁵. These connections are well articulated in the original AIPJ design document. Indonesian respondents to the IPR consistently reinforced this connection between security, stability and economic development in Indonesia and ongoing justice sector reform. In particular, connections were made between anticorruption and economic and social development in the country. AIPJ was regularly complimented for its well-targeted focus in contributing to essential reforms.

As discussed throughout the section on findings, AIPJ focus on disability, work with CSO, support for legal aid, work on legal identity and provincial level work are all directed towards increased service provision for people. Likewise work on prison reform and paralegal work of J4P provide services directly to poor and marginalised people. Each of these areas have potential for synergy with the wider aid program.

Program management

Given the emphasis in the 2012 IPR on AIPJ program management, this review explored the views of respondents about the impact of changes since that time.

There was consistent feedback from respondents that things are 'better' in terms of relationships and implementation. In these areas it is clear that there has been a substantial response to the recommendations for program management improvement included in the previous review. People reported that the new program management arrangements had significantly improved relationships with partners and with the implementation of activities. Considerable credit was given to the AIPJ program team. Mention was also made by several respondents of the DFAT staff who were understood to be responsive, but more importantly knowledgeable in the law and justice sector.

Respondents were impressed with the high number of Indonesian staff employed by AIPJ and seen to be leading the program. This particularly included employment of people with long term experience and credibility in the Indonesian law and justice sector, including those employed at provincial level.

The program was also commended for its commitment to provision of core and long-term support to key organisations and change agents and for its ongoing support of long-term Australian to Indonesia partnerships.

The other hand there were some major gaps identified in current program management arrangements. These included:

- **Program communication** Program communication continues to be problematic with both external and internal stakeholders struggling to fully understand the significance of activities and

⁶⁴ See for example Cox, M., Duituturaga, E. & Scheye, E. (2011), 'Evaluation of Australian Law and Justice Assistance. Indonesia Case Study', Office of Development Effectiveness, AusAID.

⁶⁵ Pompe, S. & Rosita, D. (2008), 'Indonesian Legal Sector Analysis', final report to AusAID, July

their connection to results and change. At a minimum, there seems to be the need for some concise but consistent explanations about the connections between access to justice and social and economic development in Indonesia and how this in turn serves Australian interests. These connections are understood by those involved in the program but not easily accessible to others. (To this end we strongly recommend some attention to the communication mechanisms utilised by the TAF Prison Reform Program, which seems to have much better encapsulated its links from strategies through to activities and results.) All senior staff, including the technical advisers, need to be familiar with these explanations and able to communicate these, as well as their particular activity area.

Beyond this, further work on the program logic of individual activity areas would assist the communications team in identifying the elements of the program that need to be more widely communicated.

- **Monitoring and evaluation** The current monitoring and evaluation for AIPJ has been assessed as meeting DFAT standards. In practice however, it does not appear to meet most stakeholders' interests. For the sake of simplicity and focus, a number of simple indicators have been developed to assess and report on progress in what is a complex and richly diverse program. These are important and meet the needs of high-level stakeholders such as Government of Indonesia and Government of Australia. However, despite the performance assessment framework (PAF) including evaluation questions and a range of data collection and analysis methods such as case studies, outcome mapping and utilisation of research findings, the focus of the *reported* performance assessment seems to largely remain on assessing progress against these few indicators. As acknowledged in the PAF, each activity area has its own story to tell across different timelines and with different actors and strategies. The PAF, as it is currently applied, seeks to standardise and aggregate that diversity into a simple format. Understandably no one is happy.

It is recommended that some attention be directed back to the evaluation questions identified in the current PAF and that work be focused on the gathering of evidence to address those evaluation questions using all of the methods identified in the PAF. In addition, some more work around the program logic of each activity area⁶⁶ would expand the evaluation questions to be addressed and provide a better basis for the process of reporting on program progress.

The existing indicators could still be utilised, they offer some broad sense of change, but need to be supplemented by these additional processes.

- **Program staffing.** A good operational model has been developed for the technical work areas. In most situations the lead person/people is Indonesian, with skills and credibility in the particular technical area. This assists in building relationships and legitimacy. Technical assistance from Australian staff and partners is generally provided to support this operational arrangement. The IPR team would recommend that this model is maintained for all technical work areas.

There does seem to be some under-resourcing of program operational staff, with some concern that operational staff capacity has not been increased in line with other program changes (this concern was also identified in the previous review). Certainly, the areas of monitoring and

⁶⁶ Currently the PAF provides a simple proposed logic for some activity areas. However, it fails to address the theory about the change process and differentiate this from the program strategy. Identifying both program strategy, as well as theory of change, is a useful way to identify the assumptions being made in a particular context.

evaluation and gender appear to be particularly under-resourced for a program of this size and complexity. There is some suggestion that other areas of logistics and operational support are also stretched. This may be an area which requires further exploration and discussion with the ISP.

Discussion of findings

Results

The detailed findings suggest that AIPJ can demonstrate results in immediate outcomes for people, in areas such as provision of legal aid and access to improved court services as well as increased numbers of people accessing identity and other documentation. It is also producing results that are influencing systems, the systems of reform in courts and prisons and more recently at provincial, district and community level. Finally, there are results being achieved in strengthening the structures and institutions that will be required for ongoing reform in the justice sector. These include strengthening of the civil society sector to continue as advocates and actors for change as well as strengthening the technology and human resource systems in key justice sector institutions.

The larger question to be addressed is whether these results are **sufficient** to contribute to a reformed justice sector that ensures access to justice for people and addresses issues of corruption in order to support the economic development, stability and security of Indonesia. This, ultimately, is the interest of both the Governments of Australia and Indonesia.

The IPR team considers that the program is on track to make this contribution, but that it will require work beyond the current program. Significantly, AIPJ reflects many of the recommended strategies for effective law and justice programming identified in recent DFAT research⁶⁷. At the same time it is clear that the program could be further strengthened, taking up some of the additional recommendations from this research, including the need to work in a more integrated way with other DFAT and Australian whole of government programs, and provide more attention to program monitoring and evaluation.

Further, more strategic intent and program management needs to be directed to some activity areas, in particular those of anticorruption as well as crosscutting areas such as women and children. The program also needs to give attention to the actors and institutions which are not currently focused on reform and consider how change might be leveraged through other influences. This needs to be accompanied by dedicated performance assessment to regularly assess the value of such approaches⁶⁸.

⁶⁷ These include a multidimensional implementation strategy utilising multiple entry points for change; collaborative work with different actors on substantive issues; scaling up processes by building on proven successes; having modest and specific objectives; and focusing on the needs of people with disability and other disadvantaged groups. To this extent AIPJ appears to be well positioned. (Cox, M., Duituturaga, E. & Scheye, E. (2012) 'Evaluation of Australian Law and Justice Assistance. Synthesis Report', Office of Development Effectiveness, AusAID.)

⁶⁸ For example, exploration over time about the way in which reforms in legal aid are increasing access to justice for people through both direct service delivery but also influencing change in the work of police and prosecutors, would be a very valuable piece of research. It would test the current hypotheses around existing barriers to justice for poor people, and how well AIPJ has positioned to address those barriers. Potentially it would demonstrate the contribution of program results to long-term systemic change.

Finally, AIPJ and its successor programs need to provide clearer communication about the system of law and justice into which it contributes, and how results can be understood within that whole system. To this end it should continue to identify synergies between activity areas and identify the significance of results in any one activity for change in the larger system.

End of program outcomes

The IPR team was told that the EOPO were developed in consultation with a wide range of stakeholders. There was strong support for these outcome statements from DFAT and BAPPENAS. They were felt by both parties to be clear, modest and achievable statements about the change the program seeks (The EOPO are summarised for reference in Annex Four).

The EOPO are relatively modest and largely describe the activity areas which are being undertaken. This is important given recommendations from previous Australian Government research about the need for realistic objectives for the law and governance programs⁶⁹. There are no specific targets identified in the outcomes themselves (this is specified more clearly in the monitoring and evaluation indicators), and so at this broad level, given the findings described earlier in this report, it is possible to be confident that AIPJ will achieve results that match each of these outcome areas.

Looking to the indicators identified in the PAF for clarification of the outcomes, it is noted that there has been some difficulty in assessing progress in the latest program report utilising these targets; however, this may be a minor problem related to limitations of the performance assessment approach as discussed earlier⁷⁰.

For future program development is worth noting that EOPO ought to do more than describe the work being undertaken. They should provide a much stronger sense of the change that will be experienced by the end of the program, who will experience that change and how it will be evidenced. To this end, it is worth considering the program target groups of people with disability, women and children. One way to more clearly articulate the EOPO would be to specify the changes that will be experienced by these people in the respective activity areas by the end of the program. Performance assessment should then include asking people whether they are beginning to experience such change.

Australian Government priorities

As discussed in the section on relevance, there seems to be clear evidence and strong support for the program being in line with the Australian Government priorities for its aid contribution in Indonesia. Notwithstanding this evidence, the IPR team believes, there is still insufficient understanding within the aid program of the significant relationship between access to justice and

⁶⁹ Cox, M., Duituturaga, E. & Scheye, E. (2012) 'Evaluation of Australian Law and Justice Assistance. Synthesis Report', Office of Development Effectiveness, AusAID.

⁷⁰ While, to be fair, the program has been through a period of considerable change in the past 18 months, it is concerning when less than two years from the end of program the majority of the EOPO indicators are reported as unable to be assessed at this time. Either the indicators are too ambitious interpretations of the EOPO, or they are inadequate indicators to assess ongoing progress. The IPR team suggests the problem may be the latter.

anticorruption and social and economic development in Indonesia⁷¹. A concise explanation of this link to accompany all program communications, would be very useful.

In part it also appears to be due to the failure to develop a program meta-narrative which is able to be communicated to different stakeholders⁷². A clearer meta-narrative would explain the obvious synergy between justice sector reform and Australia's national interests for the whole program and specific activity areas.

Work on the program meta-narrative should probably be directed towards design work post-2015⁷³, but could start with some immediate clarification of the project logic of activity areas⁷⁴.

Government of Indonesia priorities

As discussed, AIPJ and other programs supported by the Australian Government appear to be well in line with Indonesia Government priorities. Comment was received, however, on program reporting and the need for more detailed understanding of progress than is currently available through reporting focused only on long-term outcome indicators.

In addition, an emerging area identified by the Indonesian Government respondents was that of juvenile justice. The IPR team received considerable comment about the need for increased program focus in this area.

Target beneficiaries

The program intent — to increase access to justice and assist people to realise their rights — is very relevant to the target groups of people with disability, women and children. However, as discussed in the findings, it appears that sufficient human and other resources have not been made available to ensure attention to women and children in all program activities. While in practice all three target groups are being served by the program, it is not clear that the needs and different experiences of women and children are fully understood and addressed in all program activities.

The IPR team received considerable feedback about the need to strengthen the focus on women and girls in program activities. There was a suggestion from Australian respondents that there should be a stronger strategic focus on violence against girls and women. Local NGOs suggested that while they appreciated the overall work of AIPJ, they would like a more direct focus on the link between

⁷¹ The IPR team was advised by a senior DFAT adviser that the rationale for support for law and justice was not sufficiently transparent.

⁷² While the new 'realising rights' focus has led to a better focus on outcomes for people, the overarching program logic is very under developed. In addition, the program logic within each activity area is not well developed, contributing to the consistent complaints to the IPR team by activity implementers that the work in their area is not valued and understood by the program as a whole.

⁷³ There is some considerable work required here and given the program has less than two years to run it would be more efficient to undertake this work in consultation with stakeholders as part of the new design process.

⁷⁴ If activity areas were clearer about their particular strategy for change, how these operated within current context and the assumptions and limitations about those strategies, this would contribute to wider understanding about the relevance of the work and its potential connection to other elements of the aid program. For example, a very short conversation with the decentralisation program, the PNPM support program and the knowledge sector program identified considerable synergies and overlap in strategy and intention with AIPJ provincial work and work with CSO as well as support for legal aid. Articulation of these links would strengthen both program logic and identify the way in which access to justice provides synergy with several other areas of Australian aid.

institutional reform and changes in women’s lives. This would include more detailed examination of the connections between legal issues and the status and outcomes for women. There was a view that beyond the work undertaken on legal identity, the program has not provided the same degree of attention to gender as it had to the area of disability.

There is a gender strategy for the program and this could be further developed and operationalised. A strategy for working with children and for addressing issues of juvenile justice should also be developed.

As suggested, the program could orientate its monitoring and evaluation to more clearly identify outcomes for the target groups including reference to the views and experiences of those groups.

Value for money

Assessing value for money in a complex program such as this is difficult. Previous DFAT assessment of law and justice programs points to three criteria which should be taken into consideration:

- The expected development returns, including both positive returns and the avoidance of negative outcomes such as conflict;
- The level of financial investment;
- The level of risk/likelihood of achievement of the intended outcomes.

Currently the program is achieving development returns in immediate outcomes for people, in particular in the areas of legal identity and legal aid, as well in the work for people with disability. More importantly, it is starting to achieve some returns through changing structures, institutions and systems, particularly in the area of court reform, reforming the correction system and work on anticorruption. It is clear, however, that this reform process is an ongoing and long-term investment.

It is easier to identify the financial investment for this program. The AIPJ program budget is modest (approximately 2.6% of the Australian Government support to Indonesia in FY 13/14⁷⁵). Further, there is a relatively even spread of costs forecast for FY 13/14, with the major activity areas all receiving similar levels of attention. The overall investment in any one activity area therefore is quite low compared to other major activities in the Australian aid budget.

<i>Activity costs forecast for financial year 2013/14</i>	
<i>Activity area</i>	<i>Percentage of total budget directed towards this activity area</i>
Legal Identity	16%
Court Reform	18%
Legal Aid	16%
Legal Information	3%
Anti-Corruption	15%
CSO Strengthening	23%
Disabilities	5%

⁷⁵ The projected AIPJ program budget for FY 13/14 is \$15,513,632. The estimated Australian Government support to Indonesia for the same time period is \$601.6 million.

Partnerships	4%
Totals	100%

Further to this, AIPJ leverages considerable action and change with different actors and institutions beyond the work it funds directly. It therefore facilitates and supports a very wide range of activities for relatively limited cost⁷⁶. It has also been identified, particularly by Australia Government representatives, as having impacts beyond the immediate program results⁷⁷.

In relation to risk and the likely achievement of intended outcomes, the program is clearly on track to achieve its current modest end of program objectives. Perhaps more significantly, putting the program in the longer term context and drawing upon earlier experience, it appears to be increasingly well-positioned to achieve outcomes that will exceed the current objectives if it is allowed to proceed into a third phase.

There are certainly risks in this situation. The major risk is associated with the program modality itself, one of facilitating and working with agents and institutions for change rather than directly controlling a discrete project or program. Further to this, the strategies which are likely to enhance and develop the impact of the work such as extension to provincial and local areas and/or increased work with champions for change such as CSO and NGOs, are areas that will increase the risks for simple and immediate program outcomes. Absorption of other programs such as prison reform and J4P will broaden the range of implementation risks for the program.

Nevertheless, given the modest cost of this program, together with the identified outcomes and reported achievement against stated objectives, the program can be assessed from a qualitative perspective as providing good value for the money that is being invested.

There would be value in the program giving some more attention to articulating its direct and indirect benefits, particularly those achieved through leveraging and influencing systems and individual actors. There are some risks involved in this and understandably some sensitivities, but it is an important element of understanding the value of the program and the significance of what is achieved through relatively low costs. This could form an extension to the monitoring and evaluation work of AIPJ.

Sustainability

AIPJ activities are, generally speaking, giving good attention to sustainability, albeit from a very long-term perspective. This does not seem to be well-understood by all stakeholders and could be better explained in program documentation. It would provide clarification of what results can be expected by the end of program life as well as those anticipated from longer-term contributions.

⁷⁶ For example, Australian partner contributions are provided at little or no cost. And money provided to CSO and other institutions, particularly where it is provided as core funding, supports activities beyond program objectives which achieve much wider change.

⁷⁷ For example, external respondents consistently pointed to the value of relationships with senior Australian government figures and the significance of these relationships to effective working between both governments in other areas.

Synergy with other programs

There appear to be at least three obvious areas for synergy between AIPJ and other areas of the aid program in Indonesia. The provincial programs offer considerable opportunity for good quality synergy with DFAT programs of decentralisation and community empowerment (including the Australian Government support for the *Program Nasional Pemberdayaan Masyarakat* (National Program for Community Empowerment or PNPM)), as well as service delivery programs such as health and education. In NTB, AIPJ has already connected its work with both AIPD and ACCES (both DFAT-funded programs), providing synergy, in particular through its responsiveness to provincial and district government. The IPR team considers that this is an important potential synergy particularly in light of the emphasis on frontline service delivery in the Australian aid program.

AIPJ makes extensive use of CSO and NGO. This aspect of its work is long-term and related to a broader theory of change about the place of civil society in social and political reform in Indonesia. AIPJ shares this theory of change with other DFAT-supported programs such as the Knowledge Sector Initiative and the Empowering Indonesian Women for Prosperity and justice Program (MAMPU). Further collaboration with those programs is likely to identify several areas of useful overlap. For example, the forum of young progressive judges currently being fostered by an AIPJ partner CSO might find useful ideas when linked with CSOs working on gender issues and DPOs. In addition, CSO and DPO coalitions advocating reform on certain issues could be facilitated and encouraged through CSO working on expanding knowledge and research.

Finally, there is synergy between the service delivery aspects of AIPJ and the frontline services Australia supports in health and education. There are issues of justice and anti-corruption inherent in delivery of health and education services⁷⁸. Working with health and education and other frontline services to identify the legal and justice issues which limit people's access to those services would provide a good basis for expanding these areas of overlap and potential synergy.

The opportunity for the DFAT program to work more efficiently and increase results through exploration of such synergy is considerable. However experience suggests that these synergies are unlikely to be realised without considerable management attention by DFAT. This would include direction for programs to be co-located and requirements to produce evidence of integrated and complimentary work programs.

Program future

As required by the terms of reference the IPR team gave attention to areas for future program consideration

Children

The Law on Juvenile Justice System (Law No. 11 of 2012) warrants special attention in future program implementation. In particular, provisions regarding restorative justice and diversion need preparation to be effective⁷⁹. Children, as one of the target populations of AIPJ, will be affected

⁷⁸ For example, being able to access such services without being required to pay additional and illegal fees. Or the work around legal identity where childbirth registration and identification certificates are required for children to access education and, in some cases, for women to access health services.

⁷⁹ Institutions and stakeholders responding to the IPR conveyed concerns about the preparedness to implement the law, especially for the institutions of police and prosecutors. The Law also provides that by 2017, there must be prosecutors and judges specialized to handle cases involving children in the offices and

significantly by the Law that will be effective from 30 July 2014, and it will be difficult for the program to continue to claim it has children as a target group without some action in these areas.

At the national level there have already been requests to the program from BAPPENAS for assistance. While there are existing regulations to implement the juvenile justice system⁸⁰, these have not generally been implemented. Further, they will need to be adjusted in line with the new Law. There is a need for national level dialogue about the new Law to address these inconsistencies and implementation issues.

At the subnational level AIPJ has opportunity through its provincial offices to assist in preparing subnational level institutions to enforce and implement the juvenile justice system. For example, apart from the judge and prosecutor, the mediation process in the juvenile justice system (at the investigation level, prosecution level, and the trial process) will require participation by social counsellors from local correction facilities, advocates for children, social workers, and representatives from the community (according to the Law this could involve the village head, religious leaders, community leaders, teachers, or NGOs). Relevant institutions at the sub-national level need to help prepare these groups to implement the law.

The juvenile law has wider structural implications which potentially could increase access to justice for others. The Juvenile Justice System Law is the first law in Indonesia that recognises diversionary programs as part of the criminal justice system. Diversionary programs would be of benefit more widely in the justice system, and therefore the implementation of diversionary programs in juvenile justice could be utilised as a pilot for wider implementation in Indonesia's criminal system. In particular, lessons learned from research and assessment of the diversionary program in the juvenile system would be of benefit for revision of Indonesia's criminal procedural law.

Gender

In response to the concern about increasing the gender focus of the program, there appear to be opportunities to enhance gender mainstreaming in AIPJ components as well as in activities conducted by AIPJ's CSO and DPO partners. For example, LBH APIK Jakarta, as the secretariat of *Network for Laws related to women issues (JKP3)*, is active in advocating laws related to women's issues such as health law, marriage law, and so forth. While LBH APIK is one of the recipients of AIPJ core funding, there are additional opportunities to explore collaborations with other programs about the relevant laws and policies advocated by the wider network of JKP3. For example, AIPJ could use its partnership with LBH APIK to facilitate collaboration between JKP3 and the legal identity team to look at the marriage law with regard to the impact of legal identity on marriage status and the status of children.

There are also opportunities to encourage and connect the work of relevant CSO partners with institutions such as the Supreme Court and AGO to mainstream gender issues in the institutions.

courts of the first instance. Furthermore, facilities that are children-friendly must also be available by July 2017.

⁸⁰ For example, the MOU between the Ministry of Social Affairs and the DG Corrections in 2005 concerning out-of-prison counselling for children in conflict with the law and Chief Justice Circular No. MA/Kumdil/31/I/K/2005 regarding obligation for all courts of the first instance to have a special court room for children and a children's waiting room.

Legal Education

Supporting tertiary legal education can contribute to the sustainability of and commitment to justice sector reform in Indonesia. Improved legal education can contribute to producing good quality law graduates who have analytical skill and integrity.

There are at least two major weaknesses in the current tertiary legal education system in Indonesia. First, the basic method of teaching is lecturing, rather than one which enable students to undertake case analysis and engage in critical thinking⁸¹. Secondly, few legal educators are up to date with the recent global development in legal discourse and legal studies approaches⁸². Courses related to socio-legal studies or corruption, for example, are only offered in few law schools, while the reading lists in mandatory subjects such as civil law consists of cases from the colonial time.

Improved legal education could also contribute to sustainability of the reform process through expansion of the constituencies for reform. While it is challenging to motivate law graduates to work in the public sector, the progress and challenges of justice sector reform, as well as other potential roles in supporting the reform, need to be shared with law students. Most parts of the justice sector reform narratives deal with technicalities in law and legal procedures that need understanding and support from informed practitioners.

The IPR Team acknowledges other donors' are providing some support for legal education reform, but there are opportunities to expand the work in this area. In terms of quantity, there are many more law schools in Indonesia than those currently supported by donors⁸³. There are at least 303 law schools in Indonesia, which include 42 at public universities and 261 at private universities⁸⁴. There are opportunities to work with other universities in locations where DFAT has prioritised its support, such as in NTT, NTB, and Papua. In addition, there are associations of lecturers on subject matters that are related to the work of AIPJ that can be engaged in efforts to expand constituencies for reform, such as association of lecturers on human rights.

Possible areas of support include:

- *Providing a "rights" perspective and ethics in legal education.* Due to the current focus on economic development in Indonesia, legal education pays most attention to providing legal services for business and trade. Courses that are not directly related to business and trade, such as human rights, anti-corruption, and ethics, are currently not well-developed.
- *Encouraging law school lecturers to discuss current legal discourses.* There is a big gap between the knowledge and information of lecturers in big cities, such as Jakarta,

⁸¹ Evans, D., Flora, C., Goodpastor, G., Shepherd, P. & Tolo, K. "Assessment of Higher Education Institutional Capacity in Selected Geographic and Subject Areas," an Assessment for USAID, April 2009.

⁸² The Career system for lecturers does not encourage lecturers to submit articles in peer-reviewed journals or explore recent legal discourses by reading recent literatures and participating in international forums. Ibid.

⁸³ The current major project in legal education is the USAID's "Educating and Equipping Tomorrow's Justice Reformers" (E2J), which is managed by the Asia Foundation in cooperation with Partnership for Governance Reform in Indonesia and University of Washington, Seattle, USA. Based on the US Clinical Legal Education approach, the USAID's E2J program works with 8 law schools in Indonesia. See <http://pendidikanhukumklinikis.net/>.

⁸⁴ The AIPJ Design Document 2010 stated that there are approximately 200 law schools in Indonesia, of which around 30 are state law schools (see AIPJ Design Document July 2010, p. 65).

Jogjakarta, and Surabaya, and those in regional areas who have little access to law journals and other resources on contemporary legal discourse. As a result, law students may be being taught with theories and cases that are no longer relevant. There is a need to fill this gap by encouraging law school lecturers to discuss contemporary legal discourse to create a more vibrant legal academic environment.

- *Utilising alumni networks.* Australian Government scholarship alumni networks in Indonesia can be utilised to organise discussions about legal education reform in Indonesia. Reflection on their study experience in Australia (and maybe in other countries) can be utilised to explore the weaknesses in legal education system in Indonesia and the proposed steps for reforming the system. The forum can also be the place to encourage and support alumni to publish papers in peer-reviewed law journals.
- *Utilising current and future recipients of the Australian Government scholarships⁸⁵.* While alumni can work directly in Indonesia, efforts to encourage legal education reform can also be done by Indonesian students in Australia. Law professors in Australia who work with Indonesian students in pursuing their degrees can play a greater role in providing understanding about the Australian legal education system and helping the students to reflect on their experiences in Australia in order to contribute to legal education reform in Indonesia.
- *Sharing knowledge and skills from AIPJ partners and other DFAT's Law-Related Projects in Indonesia.*

Prison Reform Program

Inclusion of the Prison Reform Program into AIPJ will be beneficial for both the AIPJ and the Prison Reform Program itself. The IPR discussions with the DG Correction and TAF, as the implementing agency for the program, identified the value of placing prison reform in the wider context of justice sector reform. Respondents identified the need for the database system to be better linked with other relevant institutions such as the police and prosecutors office. The provision of legal aid, for example, could be expected to complement prison reform by reducing the excessive use of pre-trial detention by the prosecutors and the police.

The inclusion of the program into the AIPJ, however, would require understanding of the role TAF has played in initiating and developing this program. The knowledge and network accumulated by TAF are important aspects for the future of this program. It is crucial to use the same approach and potentially some of the same personnel in the future Prison Reform Program.

Justice for the Poor

J4P is known for the research underpinning the program as well as the work of paralegals and the paralegal network it has supported.

Lessons learned from J4P are important to AIPJ's objective of fair and accessible justice services. The research and analysis capacity that accompanies this program would be of considerable benefit to AIPJ. Furthermore, as noted, there is high potential for linking the paralegal network and the legal aid work that AIPJ has been conducting with BPHN, the Legal Aid providers, and other CSO and DPO partners of the J4P networks.

⁸⁵ There have been many law graduates from Australian legal institutions who have become important decision-makers in Indonesian legal institutions, universities, and government in general.

Decentralisation

The newly enacted Village Law (Law No. 6 of 2014) has implications for the work of AIPJ and J4P.

As the village law provides for the village government authority to manage a large amount of funds, there is a pressing need to have watchdog institutions at the village level to complement the corruption prevention system set up in the Law and the governing regulations. The work of the paralegal network at the village level, as well as the legal aid providers, could be a strategic means to empower communities at the village level undertake this role.

Another potential problem is the provision in the Village Law that provides the Village Government, in consultation with Village Consultation Body, with the authority to make village by-laws (*Peraturan Desa*). The Village Law does provide clear boundaries for the content of the village by-law, namely the precedence of higher regulations and law as well as public interest. However, the law does not provide a mechanism to check the by-laws (except for the ones concerning village budget, retribution, village government organisation, and village landscape planning that need approval from the regency government). While regency/city level by-laws and provincial level by-laws can be submitted for judicial review to the Supreme Court, to date there is no provisions to have village by-laws reviewed by the Supreme Court, nor by the upper-level government. This is potentially a problem⁸⁶. The paralegal network and the legal aid provider partners of AIPJ could take responsibility to assess village by-laws in the relevant villages and, when necessary, work on the review process of by-laws that are unconstitutional or against human rights principles, including the rights of women.

Conclusions

AIPJ together with the Prison Reform Program and J4P, provide a strong, relevant and effective range of contributions to justice reform in Indonesia. The work is well-positioned and highly valued by the Government of Indonesia and other stakeholders.

There is some room for improvement in the immediate term, but in large part the program is on track to achieve its current EOPO.

There are emerging opportunities and considerable lessons learned which would contribute to future development of the program. The following recommendations focus in particular on the future potential and opportunities for the program.

Recommendations

Current Program focus

The current program focus and content is relevant and is likely to lead to sustainable outcomes will be evident over a long term time frame. In order to further improve the program it is recommended that:

- A review of the AIPJ strategy to support for anti-corruption be undertaken prior to further development of activities and strategies in this area.

⁸⁶ For example as shown by a village by-law of Padang Muslim Village in Bulukumba Regency (South Sulawesi) No. 5 of 2006 that allows the punishment of flogging.

- Consideration be given to the best location for the work on legal identity and/or some work undertaken to explore the synergies between this work and other frontline service delivery.
- The work on prison reform should be continued but with further attention to the strategic impact and potential wider value of this work in justice reform, e.g. in relation to juvenile justice.

Program approach/strategy

The program approach, working systemically with key actors and institutions in the justice sector is sound but not well articulated and communicated. To this end it is recommended that:

- Further work is undertaken to clearly articulate the program meta-narrative and strategy and the relevance of this to the Indonesian law and justice sector and Australian Government priorities.
- Consideration is given to institutions and actors in the justice sector which are currently not focused on reform and increased access to justice, and how this program, or other interventions, could influence or leverage the change required in these institutions.

Program management

Overall program management of AIPJ and the Prison Reform Program appears to be of good quality. There are areas for some improvements. To this end it is recommended that:

- Further attention is given to program monitoring and evaluation, expanding performance reporting to make full use of the current PAF.
- Work with people with disability is extended to all program activity areas
- Program communication is further developed utilising concise explanations of the program metanarrative and clearly articulated program logic for each of the activity areas.

Program future

AIPJ is part of a longer term change process and results need to be understood both as a consequence of previous interventions and future development based on current interventions. For this reason it is recommended that:

- AIPJ should be extended to a second phase, with an ongoing focus on current activity areas, in particular legal aid implementation (extending this to the paralegal work), ongoing court reform, and development of civil society.

For future program developments is recommended that:

- There should be increased expertise and focus on children to enable effective contribution to the implementation of the new Law for Juvenile Justice.
- There should be increased expertise and focus on women, alongside the current focus on people with disability, and the experience of women in access to justice.
- The future program should look to draw lessons, particularly from the current provincial work, work with people with disability and civil society support, to shape and inform those future developments.
- The program should consider a modest expansion to support improvements in legal education which are relevant to legal reform and access to justice.

- DFAT take the opportunity presented by this program to manage for increased synergy within the aid program, particularly on programs working at the decentralised level, those focused on service delivery and those supporting CSO.

Annex One: IPR Terms of Reference

Final version – 4 December 2013

A. BACKGROUND

1. DFAT-Australian Aid Program will undertake an independent progress review to assess the performance of its investments in Indonesia's law and justice sector.
2. Australia has funded efforts to improve law and justice in Indonesia for over a decade. This assistance has gradually increased in value over time as relationships have strengthened between relevant Australian and Indonesian partners
3. The flagship law and justice initiative within the Australian aid program's portfolio in Indonesia is the Australia Indonesia Partnership for justice (AIPJ), a \$50m investment from January 2011 to December 2015. AIPJ is funded by the Government of Australia, represented by DFAT-Australian Aid Program, in cooperation with the Government of Indonesia, represented by the National Development Planning Agency (BAPPENAS). DFAT-Australian Aid Program and BAPPENAS form the Working Committee which oversees the implementation of AIPJ activities.
4. AIPJ aims to support increased access to better quality legal information and services for people that will improve legal certainty and provide the foundation for economic growth and poverty reduction. The program focuses on three key legal rights, namely the right to:
 - legal identity (birth, marriage and divorce certificates), and the socio-economic rights which flow from this;
 - fair and accessible legal services (through free legal aid, prompt and consistent court decisions, and reduced corruption in the legal sector); and
 - accessible legal information.
5. AIPJ's investments are designed to improve the performance of state institutions and civil society organisations working in the legal sector. AIPJ pays particular attention to increasing access to legal information and legal services for:
 - women who are poor;
 - people with disability; and
 - vulnerable children.
6. AIPJ delivers its assistance in part through supporting coalitions and partnerships, particularly:
 - coalitions of Indonesian civil society organisations;
 - partnerships between Indonesian civil society organisations and Indonesian state institutions; and
 - partnerships between Indonesian state institutions and their Australian peers, including the Federal Court of Australia, the Family Court of Australia and the Commonwealth Attorney-General's Department.

7. AIPJ is managed on behalf of DFAT-Australian Aid Program by Cardno Emerging Markets. The Asia Foundation manages a civil society strengthening component of AIPJ through a sub-contract with Cardno.
8. When AIPJ was established, DFAT-Australian Aid Program agreed to conduct two independent progress reviews and one independent completion review of the initiative. The first independent progress review was completed in November 2012 and published on DFAT-Australian Aid Program's website at <http://aid.dfat.gov.au/Publications/Pages/aust-indonesia-partnership-justice-ipr.aspx>
9. The first independent progress review of AIPJ examined the focus of AIPJ's activities, AIPJ's implementation arrangements (particularly management structure) and synergies between AIPJ and other DFAT-Australian Aid Program investments. The review's findings have resulted in a significant changes in all these areas, in particular:
 - a refocusing of activities on the 'consumers' of legal information and legal services;
 - a restructure of the implementation arrangements, including the discontinuation of the Program Director position and the establishment of a Team Leader position under the managing contractor;
 - new communications arrangements which emphasise more intense communication with Indonesian and Australian stakeholders; and
 - the opening of sub-national offices in West Nusa Tenggara, East Nusa Tenggara and South Sulawesi, to facilitate greater direct support for justice seekers and to explore potential synergies with other DFAT-Australian Aid Program investments in these areas.
10. In addition to AIPJ, DFAT-Australian Aid Program Indonesia also funds The Asia Foundation's Prison Reform in Indonesia Phase III initiative ('Prison Reform Project'), a \$3.7 million investment from May 2012 to December 2015. DFAT-Australian Aid Program funds the Prison Reform Project through a grant to The Asia Foundation and is currently the only donor funding this Project.
11. The Prison Reform Project's objectives are:
 - strengthening mechanisms to supervise services provided by the corrections system and compliance with standard minimum rules for treatment of prisoners; and
 - enhancing the capacity of the Directorate General for Corrections to manage information and offer public access to corrections information.
12. Outside DFAT-Australian Aid Indonesia's bilateral programs, DFAT-Australian Aid Program also funds law and justice activities in Indonesia through contributions to the World Bank's East Asia and the Pacific justice for the Poor Program. While this review will not evaluate the World Bank's initiative, it will examine the extent to which DFAT-Australian Aid Program's bilateral law and justice assistance in Indonesia is taking advantage of opportunities to leverage this investment.

B. PURPOSE AND AUDIENCE

13. The primary purpose of this review is to provide DFAT-Australian Aid Program and Bappenas with information that will enable them to make strategic decisions regarding the direction of the current program and possible future programming in law and justice.
14. DFAT-Australian Aid Program and Bappenas will therefore be the primary users of the review findings. DFAT-Australian Aid Program and Bappenas will share the review findings with Cardno, the Asia Foundation, the World Bank and other organisations involved in the implementation of Australian assistance to Indonesia's law and justice sector.
15. DFAT-Australian Aid Program will develop a response to the review findings which will inform its management of Australian Government investments in Indonesia's law and justice sector.
16. DFAT-Australian Aid Program also intends to make the review findings available to the public in Indonesia and Australia through DFAT-Australian Aid Program's website.

C. REVIEW SCOPE AND KEY QUESTIONS

17. The review will:
 - Provide clear and concrete evidence and analysis on the current performance of AIPJ in relation to the stated End of Program Outcomes and recommendations (if any) for improving the performance of the program during the final 18 months of implementation; and
 - Identify key current and emerging issues in Indonesia's law and justice sector and provide recommendations for possible future Australian support to address these issues (including the scope, implementation arrangements, time-frame, cost, and potential impact of such support).
18. The review should answer the following questions:
 - On AIPJ's performance:
 - a. What results (both 'hard' facts and good stories) has the program achieved to date? Will these results be sustainable? If and where AIPJ is underperforming, what concrete steps can be taken to improve performance? (High priority)
 - b. To what extent are AIPJ's activities, program approaches and future plans likely to lead to the End of Program Outcomes being realised? What evidence and analysis is available to support the conclusion reached? (High priority)
 - c. Are AIPJ's End of Program Outcomes pitched appropriately, given the current resources, scope of interventions and time frame? (Medium priority)
 - d. To what extent does AIPJ continue to contribute to the Australian Government's priorities for the aid program in Indonesia, namely economic growth and poverty reduction? (Medium priority)
 - e. To what extent is AIPJ aligned with the Government of Indonesia's priorities for the sector? (Low priority)
 - f. To what extent does AIPJ address the issues that are most critical in the sector? (Medium priority)
 - g. Are AIPJ's End of Program Outcomes relevant for its target beneficiaries (women who are poor, vulnerable children and people with disability)? (High priority)

- h. Are the financial and human resources allocated to AIPJ by DFAT-Australian Aid Program and other AIPJ partners set at a level that will enable the achievement of the End of Program Outcomes? Does the program represent value for money? (Medium priority)
- i. Is AIPJ effectively synergising with and leveraging investments by other DFAT-Australian Aid programs⁸⁷, other donors⁸⁸ and the Government of Indonesia⁸⁹? (Medium priority)

On possible future support for law and justice:

- j. What are the most critical current and emerging issues related to law and justice in Indonesia? Specifically, what are the legal constraints that prevent poor and marginalised people from accessing development opportunities (including but not limited to health, education and jobs)? Of these, which issues is DFAT-Australian Aid Program best placed to support given: GoA and GoI priorities for the aid program and the sector, potential impact, value for money, ability of Australia to make a difference (other criteria)⁹⁰? What form might such support take? (High priority)
- k. How could such support build on and support investments through other DFAT-Australian Aid programs (in particular the Frontline Services in Indonesia initiative), as well as other donor and Government of Indonesia programs? (High priority)

19. The review report should also communicate any unanticipated but important issues that emerge during the process of answering the above questions.

D. REVIEW PROCESS AND TIMEFRAMES

20. The review will consist of a desk review and interviews with key law and justice stakeholders and partners. A proposed list of stakeholders and partners to meet is available in Annex 2.

21. The expected period for the review is from 20 January 2014 – 13 April 2014, with a two-week mission in Indonesia from 17 February 2014. The total review period includes time for desk review, preparation of the review, in-country mission (14 days) and preparation of reports up to 31 input days of work with detailed tasks as provided on the matrix below:

No	Tasks	Number of allocated day (s)		Indicative Date
		Team Leader	Team Member (s)	
1	Conduct a desk study to review relevant program documentation provided by	4	4	20 – 26 January 2014

⁸⁷ Including, but not limited to, the justice for the Poor Project. In addition to viewing law and justice investments as supporting of the delivery of justice services, DFAT-Australian Aid Program also views law and justice investments as supportive of cross-cutting governance improvements — in this regard, it could also be worth exploring the extent to which these investments are supporting and being supported by initiatives such as: the Knowledge Sector Initiative; the Women in Leadership (MAMPU) program; decentralisation programs; health, education and social protection programs.

⁸⁸ Primarily the Norway-UNDP Supporting Access to Justice in Indonesia program and USAID’s law and justice investments.

⁸⁹ In particular, Government of Indonesia and Indonesian court programs to support legal aid and legal identity.

⁹⁰ In particular, should Australian support encompass prison reform and legal education.

	DFAT-Australian Aid Program and advise DFAT-Australian Aid Program of any additional documents or information required prior to the in-country mission			
2	Develop a review plan, which includes methodology, instruments, identification of key respondents, identification of further documentation required, preparation of logistics / scheduling and production by the Team Member of a brief issues paper for the Team Leader	3	5	27 – 31 January 2014
3	Meetings and/or telephone conversations with Australian stakeholders: Commonwealth Attorney-General's Department (Canberra), Family Court of Australia (Canberra), Australian Human Rights Commission (Sydney), Federal Court of Australia (Sydney/Melbourne), Centre for Indonesian Law, Islam and Society (CILIS)	2	0	12 – 14 February 2014
4	Travel time from the country of residence	1	1	17 February 2014
5	Conduct meetings in Jakarta, including initial briefing session with DFAT-Australian Aid Program's staff and Senior Management and key AIPJ Jakarta program office staff on the first day of the in-country mission	9	9	18 February - 3 March 2014
6	Conduct meetings with AIPJ partners in Yogyakarta	1	1	
7	Conduct meeting with AIPJ partners in Lombok	1.5	1.5	
8	Conduct preliminary analysis of the interview results and prepare an aide memoire for submission at the end of the in-country mission, which outlines the major findings and preliminary recommendations of the review for presentation to DFAT-Australian Aid	2	2	

	Program			
9	Presentation of the aide memoire to DFAT-Australian Aid Program including Senior Management	0.5	0.5	3 March 2014
10	Travel time to the country of residence	1	1	4 March 2014
11	Further data analysis and drafting of the review report	10	8	6 - 15 March 2014
12	Submission of draft report			16 March 2014
13	Receive consolidated comments on draft report			31 March 2014
14	Preparation of final report	Up to 10, depending on extent of changes required	Up to 6, depending on extent of changes required	1 - 12 April 2014
15	Submission of final report			13 April 2014
	Total number of days	45	39	

E. REPORTING REQUIREMENTS

22. Review Plan

This plan will outline the scope and methodology of the review. The plan will include methodology to be used for assessing the outcomes of the program; the process for information collection and analysis, including tools such as questionnaires and/or questions to be asked during discussions; identification of any challenges anticipated in achieving the review objectives; allocation of tasks of the review team; key timelines, a consultation schedule identifying key stakeholders to be consulted and the purpose of consultations; and other activities/research to be undertaken. It is expected that the Review Plan will be submitted to DFAT-Australian Aid Program by 31 January 2014.

23. Aide Memoire

On the last day of the in-country mission (3 March 2014), the Team Leader with support from the Team Member will submit and present an Aide Memoire of up to 5 pages with key findings on. The Aide Memoire will be prepared in dot-points based on DFAT-Australian Aid Program's Aide Memoire for Review template (see Annex 3). The team will have approximately two days to work on the Aide Memoire prior to presenting it to DFAT-Australian Aid Program.

24. Reporting

At the conclusion of the review, the team should produce the following reports:

- (i). The first draft of the review report should be submitted to the Unit Manager/First Secretary for justice and Democratic Governance, DFAT-Australian Aid Program - Indonesia, for comments approximately two weeks after the end of the in-country visit. The review report should be a brief, clear and cogent summary of the review outcomes, focusing on a balanced analysis of relevant issues and recommendations for improvement. Annexes should be limited to those that are essential for explaining the text.

- (ii). The final review report should be submitted to DFAT-Australian Aid Program within 14 days of receiving final comments from DFAT-Australian Aid Program.

F. TEAM COMPOSITION

25. The Independent Progress Review Team will comprise two members: a Review Team Leader and a Team Member with specialist skills in Indonesia's law and justice sector and development assistance in this area. The IPR team should possess following skills and experience:

A) Review Team Leader:

- Strong understanding and experience in evaluation methods and processes with proven skills and experience in conducting reviews and performance evaluations.
- Demonstrated ability to draw on international best practice to inform advice.
- Strong analytical and report writing skills, particularly in transforming data and/or information into constructive and informative reports.
- Excellent communication skills, particularly in a cross-cultural setting, and the ability to clearly explain monitoring and evaluation principles.
- A forward looking perspective in terms of looking for lessons and implications to inform future programming.
- Sound knowledge of DFAT-Australian Aid Program corporate policy on quality reporting system and business process as for aid delivery.
- Familiarity with cross cutting issues such as disability inclusive development, anti-corruption issues, and gender
- A general understanding of Indonesia's social and political context.

B) Team Member (Indonesian Law and justice Specialist):

- Strong academic and practical understanding of Indonesia's law and justice sector.
- Demonstrated knowledge and experience working on legal reform programs in Indonesia.
- Experience in managing and/or participating in independent reviews of development assistance programs.
- Strong relationships with a wide range of state and civil society organisations in Indonesia's law and justice sector.
- Excellent analytical skills, well-developed team skills, experience in gathering and interpreting data and information and writing constructive reports.
- Ability to communicate effectively in written and spoken English and Indonesian.

G. ROLES AND RESPONSIBILITIES OF TEAM MEMBERS

26. The Team Leader will be ultimately responsible for delivering a quality review report and should effectively utilise the expertise of the Team Member in meeting the Terms of Reference and contractual obligations.

27. The Team Leader will be responsible for the following outputs:

- a. Develop the overall approach and methodology for the review;
 - b. Manage and direct the Review Team;
 - c. Represent the Review Team and lead the Review Team's consultations;
 - d. Manage, compile and edit inputs from other Review Team members, ensuring high quality of all reporting outputs;
 - e. Produce the Aide Memoire, based partly on inputs from the Team Member;
 - f. Produce the draft Independent Progress Report; and
 - g. Produce the final Independent Progress Report.
28. The Team Leader will lead the review process, including participating in the inception briefing, assigning tasks and responsibilities to the Team Member, and presentation of initial review findings in an Aide Memoire.
29. Under direction of the Team Leader, the Team Member will be responsible for providing advice and written inputs on the technical substance of relevant activities to the Team Leader, as instructed by the Team Leader, in order to meet the objectives and reporting requirements of the review.
30. The team member, under the direction from the Team Leader will:
- a. Assist the Team Leader during review activities; and
 - b. Provide inputs into the aide memoire, the draft Independent Progress Report and the final Independent Progress Report as directed by the Team Leader.

H. OUTPUTS

31. DFAT-Australian Aid Program requires the following outputs, all reported in English and in a clear, concise and useful manner:
- Review Plan of Independent Progress Review – submitted electronically to DFAT-Australian Aid Program one week prior to the initial meeting with DFAT-Australian Aid Program in Jakarta.
 - Aide Memoire – no more than five pages on key findings during the mission and presented to DFAT-Australian Aid Program on the final day in Indonesia.
 - Draft Independent Progress Review Report – should not exceed 25 pages excluding annexes, submitted electronically.
 - Final Independent Progress Review Report – should not exceed 25 pages excluding annexes, submitted electronically.

Annex Two: Review Plan

Introduction

The Australian Government has decided to undertake an Independent Progress Review (IPR) to assess the performance of its investments in Indonesia's law and justice sector. The primary investment is the Australia Indonesia Partnership for justice (AIPJ) program, a five year program running from January 2011 to December 2015. In addition Australian investments include funding for the Asia Foundation's Prison Reform in Indonesia program. Funding to this program runs from May 2012 to December 2015. Finally, Australia also funds law and justice activities through contributions to the World Bank justice for the Poor program.

The primary focus of the IPR will be on AIPJ, with some attention to performance and synergy with the Prison Reform project. Some attention will also be given to the way in which the Australian Government investment in law and justice in Indonesia is leveraging the work undertaken through the World Bank initiative.

The terms of reference for the IPR identify two clear tasks:

- Provide clear and concrete evidence and analysis on the current performance of AIPJ in relation to the stated End of Program Outcomes and recommendations (if any) for improving the performance of the program during the final 18 months of implementation; and
- Identify key current and emerging issues in Indonesia's law and justice sector and provide recommendations for possible future Australian support to address these issues (including the scope, implementation arrangements, time-frame, cost, and potential impact of such support).

In addition the terms of reference outline several key questions, as attached at Annex one.

Significantly this review builds upon a previous IPR completed in November 2012. It is noted that the 2012 IPR findings resulted in significant changes in various areas, leading to a repositioning and further development of AIPJ activities and focus. A key intent of the 2014 IPR is to ascertain how well AIPJ is now positioned following this redevelopment. Particular attention needs to be given to the AIPJ increased ability to serve its target population (in particular women, vulnerable children and people with disability), it's likely achievement of objectives, the program relationships with Indonesian and Austrian stakeholders and the program synergy with other Australian Government investments in the sector.

The review will be undertaken by a two person team with support from staff from the Department of Foreign Affairs and Trade (DFAT). Fieldwork is scheduled in February and March with the final report due in April.

This document outlines the plan for the IPR with particular attention to methodology and approach.

Approach

It is important to be clear that the IPR is neither an impact study nor a fully constituted evaluation. The review is an assessment, at this time, of current and likely progress of AIPJ and its associated

synergies, making use of secondary data and a range of consultations. There is no opportunity for primary or additional independent research.

The review will utilise a critical approach to data collection and analysis, triangulating sources of data and comparing and contrasting data within context, to draw likely plausible implications and findings. It will draw upon existing research and analysis, as well as expert input from the Indonesian Law and justice specialist team member, to develop an informed basis for analysis and assessment of data.

The review findings will be presented initially in a draft report, providing opportunity for contestation and review of those findings. This is expected to result in more robust assessment of current and likely progress, which in turn will be reflected in a final review report.

IPR Team

As noted the review team will be made up of two people. This includes:

- A specialist expert in Indonesian law and justice. This person will have particular responsibility to identify past and present research and analysis of relevance to the IPR; provide informed advice about key issues and foci for the review; participate in and, as appropriate, lead stakeholder consultations; contribute to and, as appropriate, manage data analysis; support effective communication with relevant respondents; contribute to IPR reporting.
- A specialist expert in monitoring and evaluation. This person will have particular responsibility for the quality and management of the IPR; will ensure the IPR thoroughly addresses the terms of reference; will ensure the IPR meets DFAT policy on quality reporting as well as addressing issues arising from DFAT policies on disability inclusive development, anticorruption issues, gender and child protection. This person will act as team leader and have final responsibility for representing the IPR team and producing the IPR reports.

The team will work together, undertaking most consultations jointly and jointly reviewing and analysing data and findings. The team members will use their particular areas of expertise to provide complementary enquiry and assessment process.

Methodology

1. Data collection

Data will be collected through three processes:

- **Review of existing documentation.** This document review will serve to explain the history and development of AIPJ to date, together with program strategy and approach. The documentation review will be utilised to identify existing information about progress and challenges and also emerging issues that have relevance to the review questions. Key documents for consideration in the review will include the progress reports prepared by the Implementing Service Provider (ISP) together with the Monitoring and Evaluation plan and data collected against that plan.
- **Consultation with relevant stakeholders.** It is clear that the program has a wide range of stakeholders. These include the Government of Australia and the Government of Indonesia who have joint responsibility for program oversight and management. They also include a

wide range of implementing partners both Government partners from Australia together with other Australian institutions, Indonesian institutions and Government departments as well as Indonesian NGO and CSO. There are also independent experts based in Indonesia and Australia who have insight and commentary about AIPJ.

Careful consideration has been given to the key review questions and which of these stakeholders would have information of relevance to those questions. Annex two outlines proposed stakeholder groups for consultation alongside proposed areas of focus and analysis. Possible respondents who are not currently included in the proposed schedule have been highlighted.

- **Utilisation of existing research and expert opinion.** A body of research exists which has relevance to the context of AIPJ and other Australian Government investments in law and justice in Indonesia. Together with the expert opinion available on the IPR team and available through other respondents for the review, this research provides a basis for understanding the Australian Government funded work in context and over time. It provides an important basis for analysis of monitoring data and for understanding and interpreting information gathered through stakeholder consultation. A list of available research to date is attached at Annex four.

2. Data analysis

Initial data analysis will be based around the key questions. Data will be collated around these questions giving attention to consistent themes (that is, where respondent information and other data all indicate similar findings or results) as well as outliers of significant difference (that is, where there is a strong difference between key respondents or between respondents and existing data, or where there is a particular finding or view which provides a contrasting perspective on that of the majority).

The advantage of such an analysis is that it allows for verification of existing data as well as identifying areas where data may be incomplete or where the actual results or situation is likely more complicated than initially indicated.

Following this collation of data, the IPR team will use a critical analysis approach, drawing from wider research and expert opinion. A critical analysis approach utilises the following questions:

- Why are these results/ findings being reported or observed?
- Why are these differences being reported or observed?
- What is it about the context, at this time, that is influencing or shaping these findings?
- What implications does this have for further program progress and improvement?

IPR limitations

As noted above, the IPR is a short review based on secondary data and stakeholder consultations. It is not possible to undertake original research. It therefore cannot be understood as either an impact study or property constituted evaluation. All findings and conclusions therefore need to be treated with appropriate caution.

It is appropriate in such a review to make considerable use of existing monitoring and evaluation data generated by program performance frameworks. An independent review is an opportunity to

verify that existing data and verify the collection processes. Verification can provide some confidence about the quality of monitoring systems (or not) and therefore some confidence about overall existing performance assessment. Unfortunately for AIPJ, it is noted that while attention is given to monitoring of outcomes in the current performance assessment framework and some details provided about and methods for this process, most of these have not yet been operationalised and/or data is not expected to be available until sometime in the future. This provides a considerable limitation upon the use of existing data as part of the review exercise.

Finally, it is noted that AIPJ and other Australian Government investments in law and justice in Indonesia are complex programs which have been evolving over many years. A brief two week field visit will only provide for a sample of views and a small insight into the overall program. While the IPR team will endeavour to critically analyse and cross check findings and conclusions, as outlined above, these will necessarily be limited and subject to error. All attempts will be made to improve the reliability of findings through the wide dissemination of the draft report, but in light of this limitation, conclusions and recommendations need to be treated with some caution.

Timelines and schedule

The terms of reference for the IPR have outlined the timelines for fieldwork and reporting. A draft schedule has been developed for the field consultations.

In order to provide for efficient gathering of information a list of questions and areas for consultation has been developed against the current draft schedule⁹¹, drawing upon the analysis of key stakeholder groups and their likely focus of information. This is attached at Annex three, and will guide to the process of stakeholder enquiry.

Reporting

As indicated in the terms of reference, an Aide Memoire is required at the end of the field work. This document will focus on a summary and initial analysis of the consultations and existing data. As outlined above the initial analysis will identify convergent themes and issues as well as major divergent views or findings. The Aide Memoire will also identify gaps in information and areas where further data collection may be required.

Following the field research, a draft report will be prepared which will draw together wider research and analysis with the data collected in the field. A systematic analysis of the findings will be undertaken utilising these two sources of information. This analysis, together with tentative outcomes and recommendations, will be presented in the draft report. The draft report will be submitted to DFAT who will take responsibility for robust review and contestation of the conclusions and findings.

A final report would then be prepared, clarifying and expanding information and analysis and findings as required from feedback on the draft report. The final report will clearly indicate the conclusions reached by the IPR team together with any identified limitations and cautions about those findings.

(Note detailed annexes for the review plan are available, not reproduced here because of length)

⁹¹ An updated schedule was recently received and ordering of questions will be adjusted to this or any finalised schedule before fieldwork commences.

Annex Three: People consulted for the IPR

<i>Name</i>	<i>Organisation</i>
Luke Wild	DFAT Canberra Indonesia Development Section
Priya Sivakumara	DFAT Canberra Indonesia Development Section
Emma Hunt	DFAT Canberra Indonesia Development Section
Leisha Lister	Family Court of Australia
Catherine Hawkins	Attorney General's Department
Luke Brown	DFAT Canberra Indonesia Development Section
Dan Woods	DFAT Canberra Law and Justice Development Section
Tanya Pridannikoff	DFAT Canberra Law and Justice Development Section
Steve O'Connor	NSW Legal Aid
Sarah Dyer	Disability Adviser
Professor Tim Lindsey	Centre for Indonesian Law, Islam and Society, Melbourne University
Sia Lagos	Federal Court
Warwick Soden	Federal Court
Padra Raman	Australian Human Rights Commission
David Robinson	Australian Human Rights Commission
Cate Sumner	justice and Development Advisor
Luke Arnold	Law and Justice, DFAT Jakarta
Doddy Kusadrianto	Law and Justice, DFAT Jakarta
Steny Risambessy	Law and Justice, DFAT Jakarta
Rachael Moore	Governance and Social Development DFAT Jakarta
Craig Ewers	AIPJ, Team Leader
Erin Anderson	AIPJ, Deputy Team Leader
Ratna	AIPJ Implementation Service Provider Representative
Binziad Kadafi	AIPJ, Senior Manager for Courts Reform
Nisa Istiani	AIPJ, Technical Coordinator for Court Reform
Meissy Sabardiah	AIPJ, Technical Coordinator for Prosecutions
Patrick Burgess	AIPJ, Senior Adviser for Legal Aid
Nurkholis Hidayat	AIPJ, Legal Aid Consultant
Judhi Kristantini	AIPJ, Senior Manager for Prosecution & Anti-Corruption
Windu Kisworo	Program Coordinator, The Asia Foundation
Anne Lockley	AIPJ, Senior Adviser for Monitoring & Evaluation (incorporating Gender)
Santi Kusumaningrum	AIPJ, Legal Identity Team; Centre for Child Protection Co-director
Peter de Meij	AIPJ, Technical Coordinator for Legal Aid
Hilda Suherman	AIPJ, Coordinator for Legal Identity
Ade Darmawansyah	AIPJ, Manager for Monitoring & Evaluation
Erwien Temasmico	AIPJ, Coordinator for Monitoring & Evaluation
Afnia Sari	AIPJ, Office Manager
Endang Suyatin	AIPJ, Manager for Grants and Contracts
Harum Sekartaji	AIPJ, Coordinator for Communications
Cassandra Graham	AIPJ, Senior Adviser for Communications
Diani Sadiwati	BAPPENAS, Director for Regulatory Analysis; Co-Chair of AIPJ Working Committee
Arief Christiono Soebroto	BAPPENAS, Director for Law and Human Rights

Prahesti Pandanwangi	BAPPENAS, Section Head at Directorate for Law and Human Rights
Andri	BAPPENAS, Directorate for Law and Human Rights
Toto	BAPPENAS, Directorate for Law and Human Rights
Tanti	BAPPENAS, Directorate for Law and Human Rights
Maya	BAPPENAS, Directorate for Law and Human Rights
Justice Widayatno Sastrohardjono	President of Development Chambers/ Head of Judicial Reform Team
Justice Takdir Rahmadi	Secretary of Judicial Reform Team
Aria Suyudi	Judicial Reform Team Office, Coordinator
Haemiwan Fathony	Judicial Reform Team Office, Technical Assistant
Desita Sari	Judicial Reform Team Office, Technical Assistant
Yunani Abiyoso	Judicial Reform Team Office, Technical Assistant
Purwosusilo	Supreme Court Administrator, Directorate General for Religious Court
Tukiran	Supreme Court Administrator, Directorate General for Religious Court
Wahyudin	Supreme Court Administrator, Directorate General for General Court
Dian Rosita	Institute for Judicial Independence (LeIP or Lembaga Kajian dan Advokasi untuk Independensi Peradilan)
Eryanto Nugroho	Indonesian Centre for Law and Policy Studies (PSHK or Pusat Studi Hukum dan Kebijakan Indonesia)
Gita Putri Damayana	Indonesian Centre for Law and Policy Studies (PSHK or Pusat Studi Hukum dan Kebijakan Indonesia)
Dio Ashar	Indonesian justice Monitors Society
Agus Sunaryanto	Indonesia Corruption watch
Lollong Alwi	Centre for Detention Studies
Alvon Kurnia Palma	Association of Indonesian Legal Aid Foundations
Yuyun Yuningsih	DisCo team
Made Sudana	SAPDA
Nurul Saadah Andriani	SAPDA
Cucu Saidah	AIPJ, Technical Coordinator for Disabilities
Adi Suryandini	AIPJ, Coordinator for Disabilities
Qodar	PEKKA
Ratna Batara Munti	LBH APIK Jakarta, coordinator
Yuni	LBH APIK Jakarta, paralegal
Ully	LBH APIK Jakarta, paralegal
Beneficiaries of LBH APIK Jakarta	
Risnawati Utami	DisCo team
James Gilling	DFAT Jakarta
Scott Guggenheim	DFAT Jakarta
Neil McCulloch	DFAT Jakarta
Annie Hildebrand	DFAT Jakarta
Samuel Wade	Attorney-General's Department DFAT Jakarta
Febi Yonesta	Jakarta Legal Aid (LBH Jakarta), Director
Tigor	Jakarta Legal Aid (LBH Jakarta), advocate

Yanti	Jakarta Legal Aid (LBH Jakarta), Legal Aid Documentation Centre
Alghif	Jakarta Legal Aid (LBH Jakarta), Advocate
Isnur	Jakarta Legal Aid (LBH Jakarta), Head of Case Handling Unit
Hardi	Jakarta Legal Aid (LBH Jakarta), advocate
Laura	Participant of Paralegal Training for People with Disabilities held by LBH Jakarta
Risna	Participant of Paralegal Training for People with Disabilities held by LBH Jakarta
Beneficiaries of LBH Jakarta	
Wicipro Setiadi	BPHN, Head
Bambang Palasara	BPHN
Jumadi	BPHN
Sandra Hamid	The Asia Foundation, Country Representative
Laurel McLaren	The Asia Foundation, Deputy Country Representative
Dina Afrianty	The Asia Foundation, Program Officer for CSO Strengthening Program
Teguh P. Nugroho	The Asia Foundation, Program Officer for CSO Strengthening Program
Hamdan Abbas Mansur	AJIP NTB Provincial Office, Coordinator
Jillian Harahap	AJIP NTB Provincial Office, Consultant
Dan Hunt	Australia Indonesia Partnership for Decentralisation
Bahrudin	LPA Anak NTB, Coordinator
Broto	Polda NTB (Partner of LPA Anak)
Juminah	LPA Anak, Lombok Barat
Putu	P2TP2K NTB (Partner of LPA Anak)
Edi	Social Worker (Partner of LPA Anak)
Munzirin	GRAVITASI NTB, Coordinator
Abdurrahim	GRAVITASI NTB, education unit
Selly Esther	GRAVITASI NTB, advocate
Willy	GRAVITASI NTB, empowerment unit
Beneficiaries of GRAVITASI NTB	
Yudi Darmadi	SOMASI NTB, Coordinator
Yadi	SOMASI NTB
Ajeng	NTB Information Commission (partner of SOMASI NTB)
CP Munawir	NTB High Court of General Jurisdiction, Deputy Head
A Karim Razzak	NTB High Religious Court, Deputy Head
Taufiq	Religious Court of Giri Menang
Satria Wibawa	BAPPEDA NTB
Joni Yulianto	SIGAB
Abdul Aziz	LBH Makassar
Rosmiati Sain	LBH APIK Makassar
Sukma Violetta	Prosecutorial Reform Project Office
Andri	Corruption Eradication Commission, Directorate of Public Services
Agung	Corruption Eradication Commission, Directorate of Public Services

Roffi	Corruption Eradication Commission, Directorate of Public Services
Untung Arimuladi	Attorney General Office, Head of Legal Information Centre
Era	Attorney General Office, Legal Information Centre
Hani Hasyim	Prosecutorial Reform Project Office
Agus Riswanto	Attorney General Office, Head of Planning Bureau
Laksmi	Attorney General Office, Legal Bureau
Elviera	Directorate General for Corrections
Victor	Directorate General for Corrections
Yetty	Directorate General for Corrections
Emi Sulistyani	Directorate General for Corrections
Rudy	Directorate General for Corrections
Agus	Directorate General for Corrections
Sigit	Directorate General for Corrections
Abdul Hany	Directorate General for Corrections
Arief	DFAT Jakarta, PNPM
Leonard Simanjuntak	DFAT Jakarta, Decentralisation
Ben Davies	DFAT Jakarta, KSI
Janet Donnelly	DFAT Jakarta, Anti-Corruption
Adrian Gilbert	DFAT Jakarta, HIV/AIDS
Andriani Nurdin	NTB High Court of General Jurisdiction, Head
Nenad Bago	USAID, Senior Rule of Law Advisor
Dondy Sentya	USAID, Senior Rule of Law Specialist
Irman G. Lanti	TIFA Foundation, Executive Director
Samuel Gultom	TIFA Foundation, Program Officer for Human Rights and justice
Troels Vester	UNODC, Country Manager
Monica Tanuhandaru	UNODC
Leopold Sudaryono	The Asia Foundation, Program Officer
Mariati Djamiento	The Asia Foundation, Program Officer
Diah Sulastri Dewi	Cibinong Court of First Instance, Deputy Head
Ronald Lumbuun	Cibinong Court of First Instance, Judge
Betty	Cibinong Court of First Instance, Judge
Beneficiaries of Cibinong Court of First Instance (mediation)	
Sam Clark	Justice for the Poor Program, Consultant
Chris Morris	Justice for the Poor Program, Consultant
Bambang Soetono	Justice for the Poor Program, Social Development Specialist

Annex Four: AIPJ End of Program Outcomes

In selected districts, partner agencies are implementing procedures that increase the number of women and children, especially the most vulnerable, who receive a legal identity document (birth certificate, marriage certificate or divorce certificate) to facilitate access to public services, including social assistance programs
The Supreme Court is adopting procedures that lead to more consistent, timely, and transparent judicial decisions.
Selected courts are adopting initiatives to improve public access to the court's services
Functioning legal aid system established by MLHR under the legal aid law
More effective legal aid services delivered by selected legal aid providers, in particular to AIPJ's target population
AIPJ and partners are disseminating information in accessible forms which build public awareness and demand for rights and services, especially among AIPJ's target populations
Komisi Pemberantasan Korupsi (Corruption Eradication Commission) and the Attorney General's Office are implementing targeted initiatives nationally and in selected provinces, aiming to prevent corruption which impedes the access of AIPJ's target populations to rights and services
AIPJ and selected Australian and Indonesian justice institutions are developing joint initiatives that contribute to justice reform
Civil Society Organisation (CSO) and Disabled Persons Organisation (DPO) partners are adopting organisational practices which allow them to deliver their core mandate more effectively
AIPJ team and partners are demonstrating in AIPJ initiatives commitment to participation of women who are poor, vulnerable children and people with disabilities (note – disability inclusive activities now under each program)