

Opening Session

Address – Prof. Dr. H. Harkrisnowo, Chairperson

Address – Mr. Y. Iimura, Ambassador of Japan

Address – Mr. M.Kanda, President of JICA

*Address – Mr. Kwik Kian Gie, Minister National Planning
Development Agency*

*Keynote Speech – Prof. Dr. R. Atmasasmita, Chairman of the National
Law Development Agency*

Address – K. Sakai, Director of UNAFEI



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OPENING ADDRESS

By

Prof. Dr. Harkristuti HARKRISNOWO S.H., M.A. Ph.D.
Chairperson of the Organizing Committee

Your Excellencies Mr. Kwik Kian Gie, Mr. Iimura, Mr. Kanda, Prof. Romli Atmasamita, Mr. Sakai. Distinguished guests, ladies and gentleman. Please allow me to warmly welcome you to this three day seminar. And I would also like to convey my gratitude to you all for coming to this event which is held in a very difficult time because it is held between the Idul Fitri, Christmas and also New Year's Eve. So I have great appreciation for you coming to this event.

This international seminar was initiated by UNAFEI, JICA, BAPPENAS and the Faculty of Law , University of Indonesia. We have invited speakers from both Indonesia and Japan. Five speakers are from Japan while ten speakers are from Indonesia. The participants are from various parts of Indonesia as well as from Jakarta, and we have representatives from the police system, from the prosecutor's office, judges, and lawyers, correctional officers, academics, and also officers from the NGOs. As of mid-night last night we had 162 participants registered at this event.

It is our understanding that the criminal justice system is a very important issue in Indonesia today, because we have many people looking at the system which is alleged to be very unprofessional and possess other weaknesses that harm the performance of the criminal justice system. So today we are going to exchange our views, the Japanese experience as well as the Indonesian experience. To a certain extent, reform can improve the performance of the criminal justice system in Indonesia. And I would like also to extend my gratitude to our speakers and moderators coming from different parts of Indonesia, thus I would like to convey the message that this is not just being conducted and participated in by Jakartan's only.

We do hope that whatever we are going to achieve this will somehow contribute greatly to the development of the criminal justice system of Indonesia especially and also to law reform in Indonesia in general. Thank you.

OPENING ADDRESS

By
Mr. Yutaka IIMURA
Ambassador of Japan

His Excellency Mr. Kwik Kian Gie, Minister National Planning Development Agency of BAPPENAS. Prof. Dr. Romli, the Chairman of the National Law Development Agency. Mr. Kuniyiko Sakai, Director of UNAFEI. Mr. Michio Kanda, Resident Representative of JICA, Indonesia Office; Distinguished guests, ladies and gentlemen.

It is my honor to attend this opening ceremony of the International Seminar on Criminal Justice Reform, it is also a great pleasure for the government of Japan to be able to work closely with those who are present here and who are deeply involved in the judicial reforms.

Indonesia is in transition while overcoming the legacy of the past, it has set about to realize a democratic and just society. The judicial reforms play an essential roll in this process. Particularly reforms in the criminal justice system which is the key, as it is the backbone of the state's judicial system, for the protection of its citizens' lives, rights and property. In addition the reconstruction of the national economy, which is a priority, cannot be realized without successful judicial reform. Good governance provides a foundation for stable business transactions, in this sense, it is my belief, that it is no exaggeration to say that the future of this country is at stake. My country, Japan, takes great pride to be able to walk with you closely in this event of Japanese-Indonesian Cooperation for judicial reform. This seminar held by UNAFEI, JICA, BAPPENAS in cooperation with the Faculty of Law University of Indonesia, as you know is the 3^d joint seminar of Japan and Indonesian. Many Indonesians who have been trained at the UNAFEI in Japan have important positions, among others; in the courts, the prosecutor's office and the Ministry of Justice. As to the improvement of the civil police, Japan has its high level officials as advisors of the national police office and a JICA technical cooperation project is being carried out at Bekasi police station.

In January this year, the study team for Indonesian Judicial Reform was sent back to Jakarta by the government of Japan. And subsequently comparative study programs by Japanese and Indonesian legal experts were held in Japan in July. Based upon this we attempted to strengthen the internal cooperation and wish to go to the next stage which is more comprehensive and a collaboration. From this perspective, I believe the seminar today is an important opportunity, which could accelerate the development of the cooperative relationship between the two countries.

Finally, one of the things that we learn from experience is that judicial reform must be conducted, taking into account the country's culture and tradition otherwise it cannot be accepted by the people. In the course of this seminar today, Japanese lectures will show our experiences. My hope is that it will not be a one-way street and rather that the Indonesian side will gain something from these experiences and think about what Indonesian law can gain from elements of the Japanese system and what elements could not easily be incorporated due to cultural differences. The significance of this seminar lies precisely in getting all of us to think about this question. In January this year, the Japanese Prime Minister visited South East Asia and announced that he had based his policy on our situation on the philosophy of "*berpikir bersama*,

berjalan bersama". I'd like to see the Indonesian-Japanese cooperation in judicial reform based on this principle. Thank you very much.

OPENING ADDRESS

By
Mr. Michio KANDA
Resident Representative JICA

His Excellency Mr. Kwik Kian Gie, State Minister, National Planning Development Agency and Chairman of BAPPENAS. His Excellency Mr. Iimura Yutaka, Ambassador of Japan to Indonesia. Prof. Dr. Romli Atmasasmita, the Chairman of the National Law Development Agency, Ministry of Justice and Human Rights. Mr. Sakai Kunihiko, Director of UNAFEI. Distinguished guests, lecturers, participants, ladies and gentlemen.

On behalf of Japan International Cooperation Agency, it is my great pleasure to say a few words at this opening ceremony of the International Seminar on the Criminal Justice System, jointly coordinated by the government of Japan and Indonesia and the government of Japan and UNAFEI through JICA. First of all, I'd like to extend my warmest welcome to all participants of this seminar. At the same time I'd like to express my great appreciation to the official consultants from the BAPPENAS, Supreme Court, Ministry of Justice and Human Rights, and other related organizations of the government of Indonesia. Without their dedication this seminar could not have been so successful.

The purpose of this seminar which is jointly conducted by the BAPPENAS, UNAFEI, JICA, and other related organizations is to provide the participants with an opportunity to exchange opinions and upgrade their knowledge in the field of criminal affairs. I'm proud to attend this seminar to give participants an opportunity to share a pretty obvious concern on criminal affairs and consult with them from a different angle. As all of us know well, legal reform is one of the key issues for social and political stability. At the same time, justice reform will lead to greater investment in Indonesia for economic recovery; especially since the last meeting, we are very concerned with the progress of a variety of legal reforms. Based on such a situation, JICA conducted some ways of supporting the legal reform in January 2002 and through discussion on this latest concern, JICA prepared cooperation programs in 2002. There are several countries in this programme in Japan and joint JICA seminars.

In this connection, I would like very much to show my appreciation for the Director of UNAFEI, Mr. Kunihiko Sakai for implementing this seminar. It goes without saying that JICA has also supported the government of Indonesia for a long time in the field of legal and judicial sectors by accepting Indonesian officials to Japan for training or studies.

I hope that all of us will learn something from the experiences of both sides' lectures, despite the relatively short duration of the program, I'm convinced that the participants will obtain substantial knowledge and experience. The knowledge provided by the seminar however will be most effectively utilized by making modifications to suit it to our relative and current situation.

In conclusion I would like to take this opportunity to express once again my sincere gratitude to all the officials from the government of Indonesia for their wholehearted effort in making this seminar possible.

May I close my address wishing all of you every success, thank you very much.

OPENING ADDRESS

By
Mr. KWIK Kian Gie
Minister National Planning Development Agency

His Excellency Mr. Iimura Yutaka, Ambassador of Japan; Mr. Michio Kanda, the Resident Representative of JICA; Mr. Kunihiko Sakai, Director of UNAFEI, distinguished ladies and gentlemen.

First of all I would like to express my deepest appreciation to the government of Japan and delegates who have initiated the cooperation of this seminar. I would also like to warmly welcome all the participants who have been willing to devote their valuable time by attending this joint seminar on Criminal Justice Reform. The object of this seminar is to have an in depth and thorough review of the judicial reform process in both Indonesian and Japan from the presentations by the competent speakers. This seminar is also aimed at the exchange of information, knowledge and experience especially concerning criminal matters and other related issues. In this regard, it is expected the seminar will promote cooperation, networking and mutual understanding of legal reform between the two countries. This joint seminar is the second seminar held in cooperation with the Japanese government; the first one was in 1992. In my opinion, this is sufficient evidence that both governments understand the importance of information sharing of various issues related to the criminal justice system.

For many years, the Indonesian society has been longing for law enforcement and legal certainty. This will constitute proof of society's distrust toward the current legal system especially law enforcement and the judicial agents. The dignity of those agents has been degraded by reason of their insufficient performance in enforcing and guaranteeing legal order and legal certainty. Abuse of the law and corrupt judges are important factors in deterring investment. The investors would certainly choose a country with better and more reliable enforcement. This unfavorable circumstances can no longer be sustained since Indonesia will shortly be involved in global trade, initially in the year 2003 with the entry into force of the Asia Free Trade Area (AFTA). The AFTA will be a big challenge for Indonesia to observe its legal instruments, preparedness and readiness in absorbing investments.

In conjunction with the topic of the Effective Administration of the Police we will discuss problems faced by the police in handling the ever increasing crime rate especially those connected with transnational organized crime and terrorism. I expect the distinguished speakers from Indonesia and Japan could mutually exchange comprehensive information concerning the preventive and repressive measures in their respective countries. We have noticed that the growth of transnational crime such as smuggling, money laundering, even in children trafficking, terrorism and other organized crime are another impact of globalization. Indonesia has recently been a victim of terrorist acts in Bali; the tragedy has worsened Indonesia's status in the international community. On the subsequent topic, which deals mainly with the measures in combating corruption committed by justice personnel, I expect the speakers will provide an ideal picture and information concerning the effective mechanisms for combating corruption offences thus advancing the integrity of judges, prosecutors and other law enforcement personnel. The third topic concerning reform of legal training and the recruitment system for judges, prosecutors and the police is no less important. It is expected the speakers will explore the strengths and

weaknesses of their respective reform programs, which will provide valuable inputs for further development of the most suitable legal training program for law enforcement agents. The fourth topic on judicial reform will look at measures to create independent and accountable judicial institutions including how to encourage society's involvement in the judicial process. I believe that in the fifth topic on the reform of the treatment of offenders, the respected speakers will provide a model of educating treatment, which is oriented to the resocializing of the offenders after their imprisonment terms. This is based on the principle that every human has a good heart and intention except that sometimes the surrounding circumstances make them commit crimes. From the various topics which will be presented and discussed in this seminar, I'm convinced that we would all agree that law enforcement is one of the keys to establishing social order, certainly and justice which in turn would considerably effect the development of social welfare. I really hope that the recommendations resulting from this seminar will be followed up.

It is important to mention that in the middle of October 2002 we successfully held the second law summit which produced a commitment by the high officials from the law enforcement agencies to force the legal and judicial reform based on Law no. 25/2000 on the National Development Program (PROPENAS). The reforms would cover 5 main fields, the first - legislative reform, second - prosecution reform, third - police reform, fourth - eradication of corruption, collusion and nepotism, and fifth - judicial reform. Therefore I strongly suggest that the follow up of this seminar will be a further commitment resulting from the law summit that will ensure that the legal and judicial reform will run synergically. Last but not least I would like to express my gratitude and appreciation to the steering and organizing committee of the seminar who have given their best efforts to make this seminar a success.

KEYNOTE SPEECH

By

**Prof. Dr. Romli ATMASASMITA, SH. LL. M.
Chairman of the National Law Development Agency**

His Excellency Mr. Iimura Yutaka, Ambassador of Japan; Mr. Michio Kanda, the Resident Representative of JICA; Mr. Kunihiko Sakai, Director of UNAFEI, distinguished ladies and gentlemen.

This is a very important seminar in Indonesia since we know that our Criminal Justice System in Indonesia is not so good and most of the weaknesses lie in the coordination and the synchronization between the agencies. By this seminar we hope that the discussion will be fruitful for both governments since the objective above all others is to exchange information, knowledge and experience between the two countries.

On the topic of effective administration we hope that all the discussion will be directed to the issue on how to enhance the police in combating crimes effectively and efficiently and by the end of the discussion of the first session we hope that we could obtain the recommendations about human resources development, budget planning and the police infrastructure especially in preventing and combating transnational crimes. As regards restoring the integrity of the criminal justice system with the sub-topic on the elimination of corruption in the criminal justice, we hope that it will concentrate on both countries experience. By the end of the discussion hopefully there will be some recommendations about the proposed policy, planning and budgeting in combating and preventing corruption. And on the topic of the reform of the legal training system we hope that they won't concentrate on budgeting issues like as usual, but they will bring new issues such as the judicial education system of the candidates for the criminal justice system. On the topic of judicial reform it is important to raise the issue of how the reform has taken place in this country and also enhancing the machinery of justice in this country. With the last topic reform of the treatment of offenders and community involvement, the issue is about the implementation of the treatment system in this country specifically how to improve community involvement in the system and the important issue of how the treatment system will enhance the prisoners abilities to live like members of society.

OPENING ADDRESS

By
Mr. Kunihiko SAKAI
Director of UNAFEI

His Excellency Mr. Kwik Kian Gie, State Minister, National Planning Development Agency and Chairman of BAPPENAS. His Excellency Mr. Iimura Yutaka, Ambassador of Japan to Indonesia. Mr. Michio Kanda, the Resident Representative of JICA. Prof. Dr. Romli Atmasasmita, the Chairman of the National Law Development Agency. Distinguished guests, lecturers, participants, ladies and gentlemen.

As you may know UNAFEI (United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders) is truly honored to be able to participate in this historically significant event, with the kind attendance and warm support of so many high ranking criminal justice personnel. Needless to say our society should be based on freedom and fairness without which we cannot expect the healthy development of society or the economy or human being themselves. It is the legal system that provides us with the concept of the rule of law under which all people are treated equally.

As society is becoming more complicated, sophisticated, and global, the concept of the rule of law is gaining in importance. It is no wonder that many countries, including Indonesian and Japan are undertaking extensive judicial system reform. For example the Japanese legal system has been criticized for not being speedy and accessible enough to meet the needs of the people; Justice delayed is justice denied. That is the reason why Japan established a justice system reform council and from the recommendations of the council we are planning drastic reform for the first time since World War II, which we will explain later in this seminar. I understand that Indonesian justice officials are also making untiring efforts to pursue the concept of the rule of law with the ultimate goal of the happiness and the prosperity of the people. This reform requires a lot of aspirations and courage but unless this reform succeeds it will be difficult to have a bright view of the 21st century.

In this joint seminar we will discuss various topics. Each issue should be discussed by every pillar of the criminal justice system in an integrated way, which UNAFEI has long been advocating. In this seminar we'd like to exchange views and experiences and expertise in this important task of judicial system reform. And the last thing I would like to say is that in this seminar we allocate a lot of time for discussion; the door is open for every one for at least one hour. The success of this seminar depends on active participation by all participants. And finally I will be very happy if this seminar helps to nurture the friendly relationship between Indonesia and Japan, and I hope this seminar will start a new era of cooperation in the field of justice for this country. Thank you.

