PUBLIC TRUST INJUDICIAL INTEGRITY

November 2022







Transparency International Indonesia is a member of the global Transparency International movement that has one vision; a world where governments, businesses, civil society, and people's daily lives are free from corruption.

The publication was created with support from the European Union under the project "Strengthening Accountability Neyworks among Civil Society", which helps ordinary citizens in 21 countries to encourage greater accountability from governments and agencies responsible for policing them. The content of this publication does not necessarily reflect the views of the European Union or the Transparency International movement.

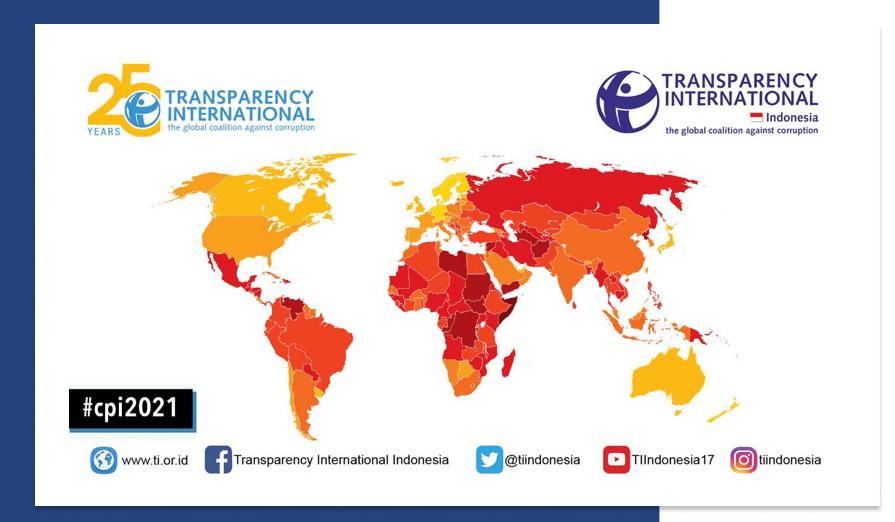






TRANSPARENCY INTERNATIONAL INDONESIA

Part of **Transparency International**, a global anti-corruption network based in Berlin, Germany since 1993, which promotes transparency and accountability to state institutions, political parties, businesses, and civil society with **more than 100 offices around the world**.



Since its **establishment in 2000**, Transparency International Indonesia has encouraged collective anti-corruption action. A number of studies have become a reference for the global community, such as the **Corruption Perception Index (CPI)** and the Global Corruption Barometer (GCB).

In Indonesia, Transparency International Indonesia collaborates with the **central/local government**, **civil society**, **media**, **and universities** in strengthening the anti-corruption movement, from the anti-corruption policymaking process to its implementation.

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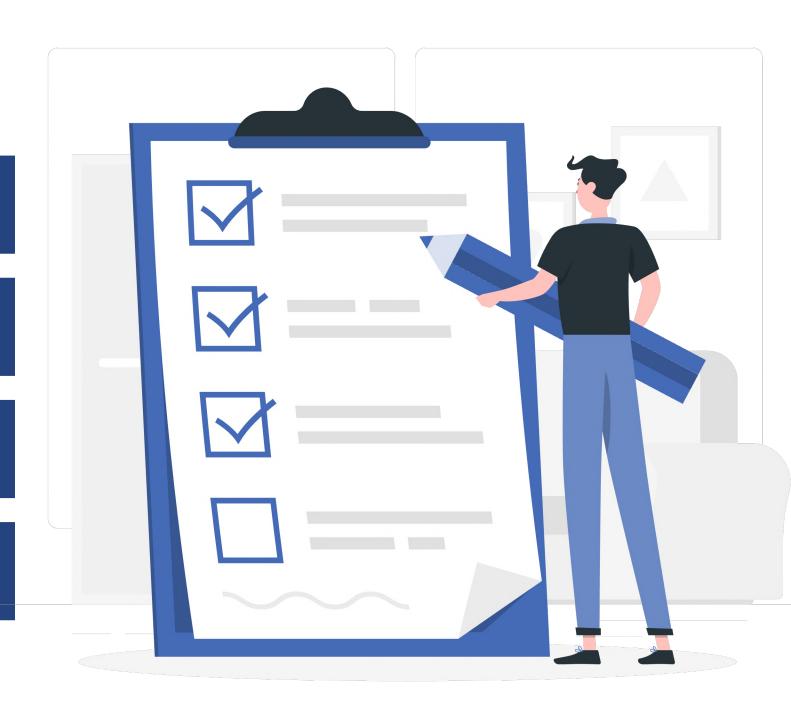
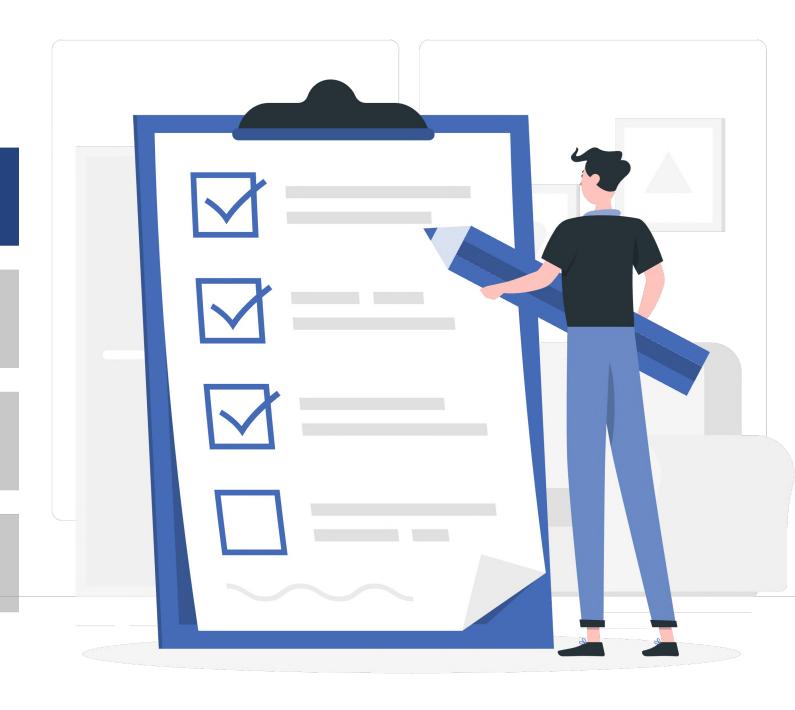


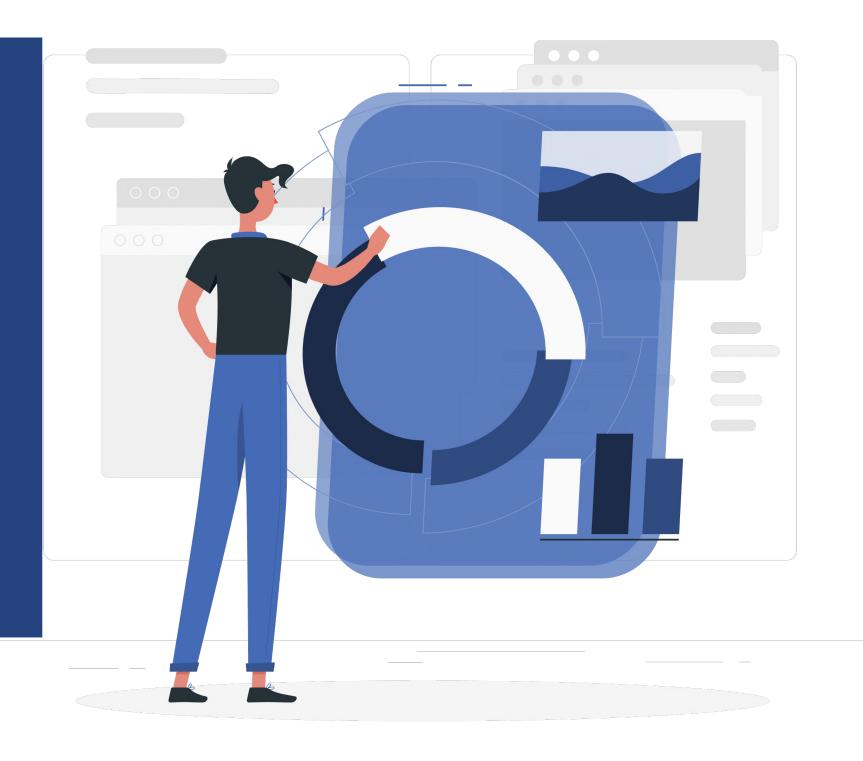
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ABOUT THE SURVEY OF PUBLIC PERCEPTION OF THE INSTITUTION OF THE COURT

The largest portrait of public opinion in Indonesian on views on knowledges, experiences and expectations of corrupt practices within the judiciary in the last 12 months.



RESEARCH CONTEXT BACKGROUND

- As one of the countries that has ratify UNCAC, Indonesia is bound to implement Article 11 number 1 with efforts to promote a judicial institution that is independent, has integrity, and is able to prevent opportunities for corruption.
- Based on a Transparency International survey, the Global Corruption
 Barometer (2020) shows that 3 out of 10 people have bribed court personnel in the past year. In addition, based on the World Justice Project Rule of Law 2021, Indonesia's score has decreased by two rankings.
- In 2020, the Supreme Court has measured the risk of corruption in the judicial environment through research on Corruption Risk Assessment and Evaluation of the Application of Article 11 (1) of UNCAC in the judicial environment. Both assessments were conducted independently by involving court personnel in 27 first-tier judicial bodies in 9 cities.
- Transparency International Indonesia wants to contribute in the efforts to mitigate the risk of corrupt practices and improve the system in the judiciary in order to minimize the potential for corrupt practices.
- This research was conducted right after the arrest of a number of court officials, one of which was the Supreme Court Judge, in the Supreme Court by the KPK related to bribery cases at the cassation level.

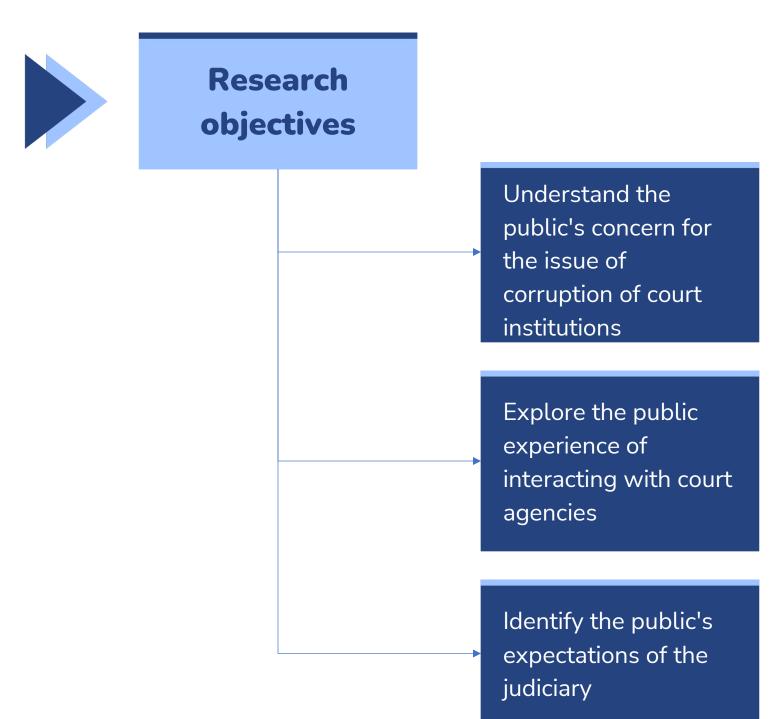
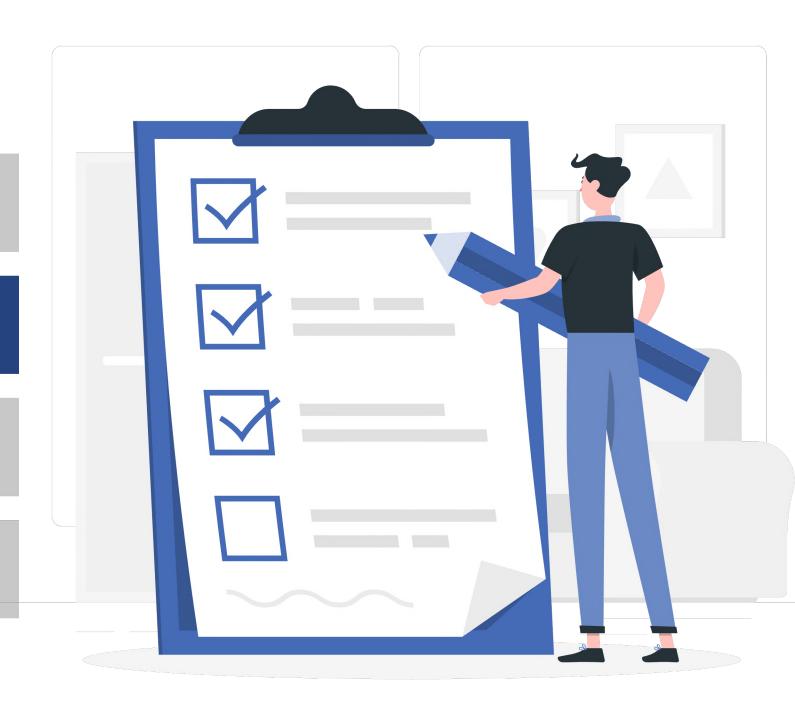


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RESEARCH METHODS – QUANTITATIVE

The research was conducted quantitatively through faceto-face interviews using a questionnaire (Face to Face Interview)





Using structured questionnaires



Maximum interview duration of 45 minutes



Interview time 26 September – 7 October 2022



Research in collaboration with Kompas R&D in the 2022 Kompas National Survey



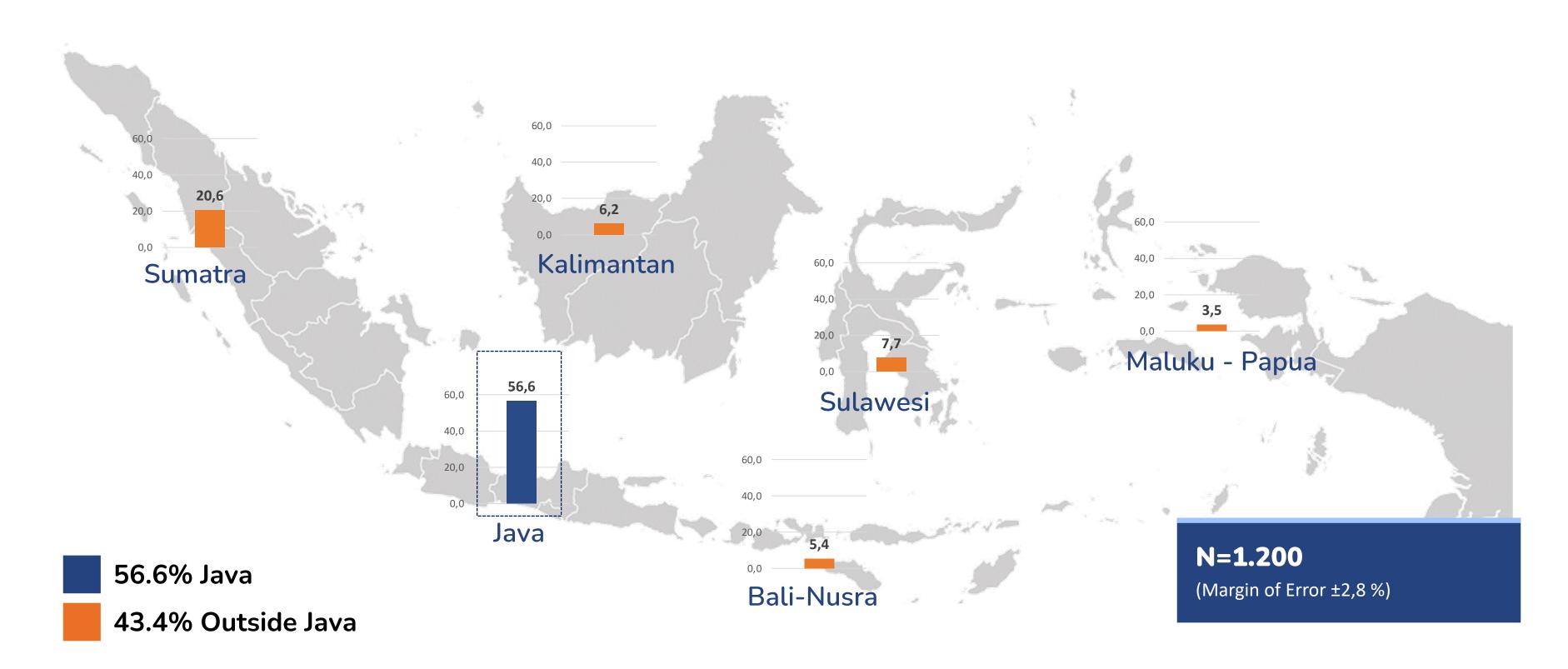
Interviews conducted by trained field interviewers

Exploring

the direct and indirect interaction of the community with the courts, whether in the District Court, the State Administrative Court or the Religious Court

RESEARCH AREA

A sample of 1,200 respondents with distribution following the proportion of Indonesia's population

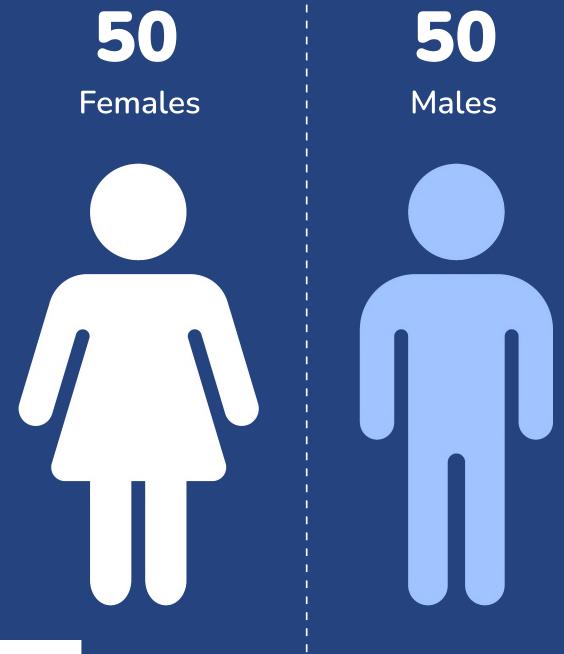


Ques. ID1

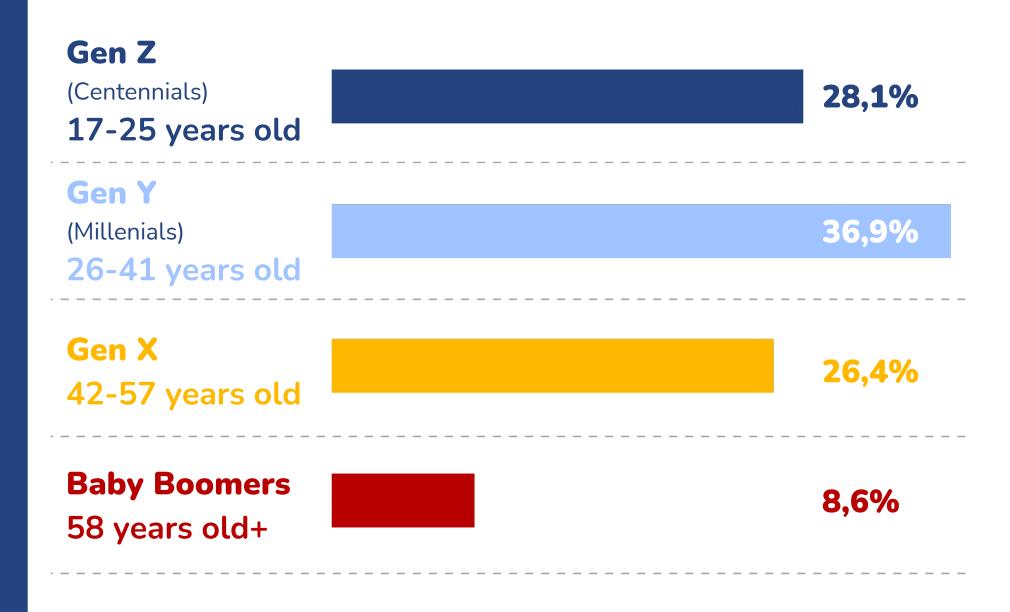
Portrait of Public Trust in Court Integrity | 09

GENDER AND AGE GROUP

The number of females and males is balanced, with the predominance of productive age groups



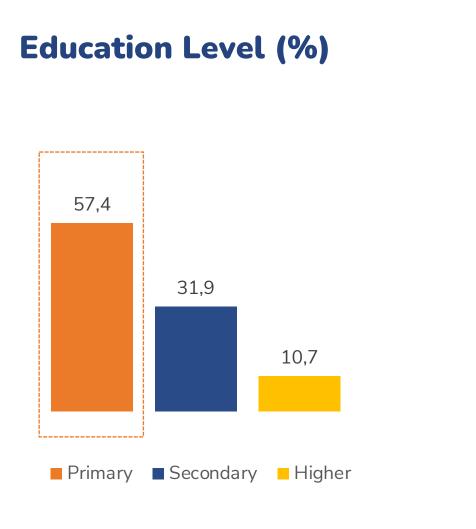
Genderand Age Group

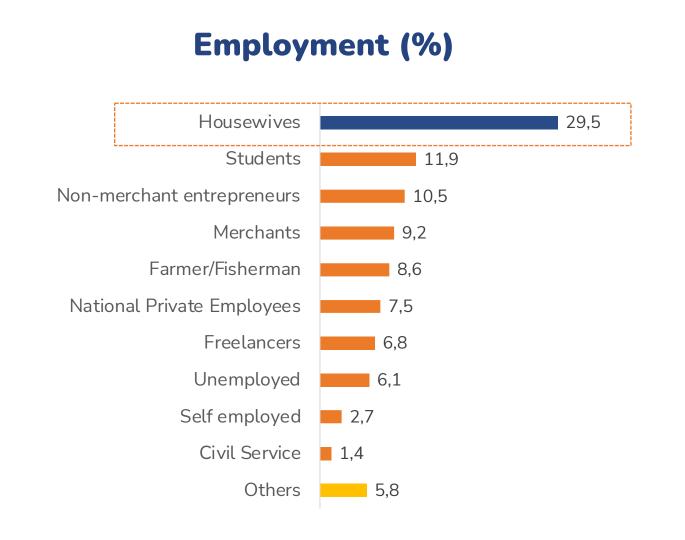


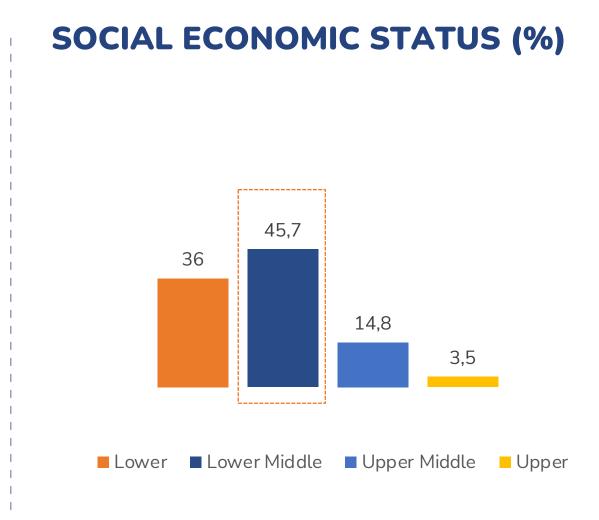
Ques. ID8, ID13

EDUCATION, EMPLOYMENT, & SOCIAL ECONOMIC STATUS

The number of females and males is balanced, with the predominance of productive age groups







Dynamics of Respondents' Interactions with Courts

Judicial

- Participating in trials in District Courts, State Administrative Courts and Religious Courts
- Legal assistance in District Courts, State
 Administrative Courts and Religious Courts
- Interviews and requests for trial and verdict data

Non Judicial

- Reporting in court territory
- Involved in policymaking in the Supreme Court and the courts below
- Monitoring and evaluation of a number of policies in the Supreme Court and the courts below
- Involved in court reform teams (inclusive courts, access to justice, information disclosure, and more)

LIMITATIONS OF RESEARCH

Built on the perception of society in general (indirect interaction), and does not specifically target people who have interacted directly with the court

Focus on several fundamental aspects of assessment, and do not explore interactions between actors in corrupt practices

Respondents' information is influenced by access to information, both direct and indirect

This assessment does not focus on answering the 'why', but the 'what' and 'how'

* In order to reduce assessment bias, the team also conducted an independent Expert Survey consisting of 35 expert panels with backgrounds of legal experts, legal aid organizations, civil society organizations and journalists in the field of law.

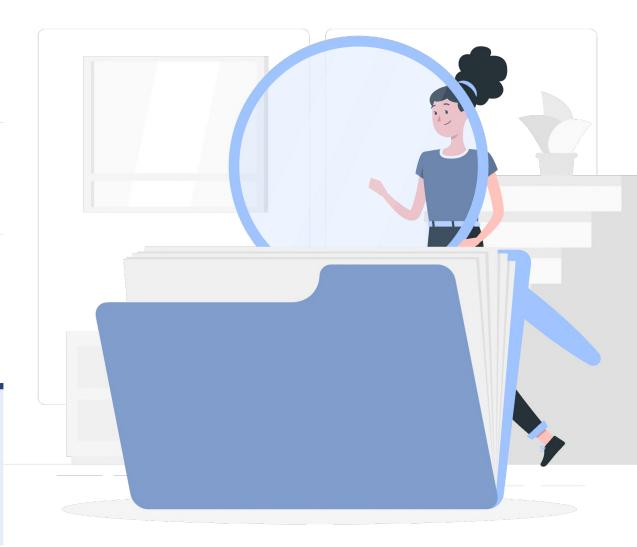
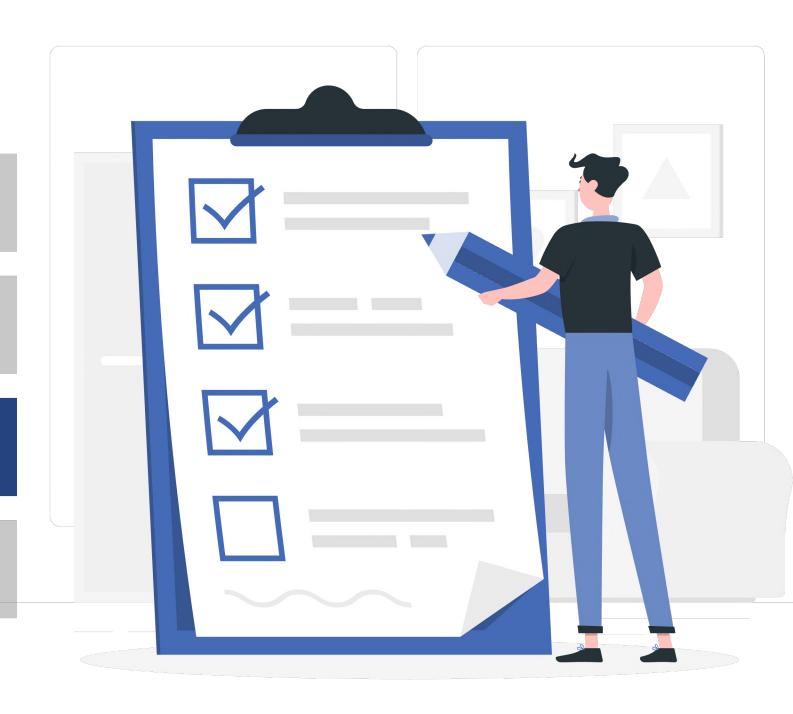


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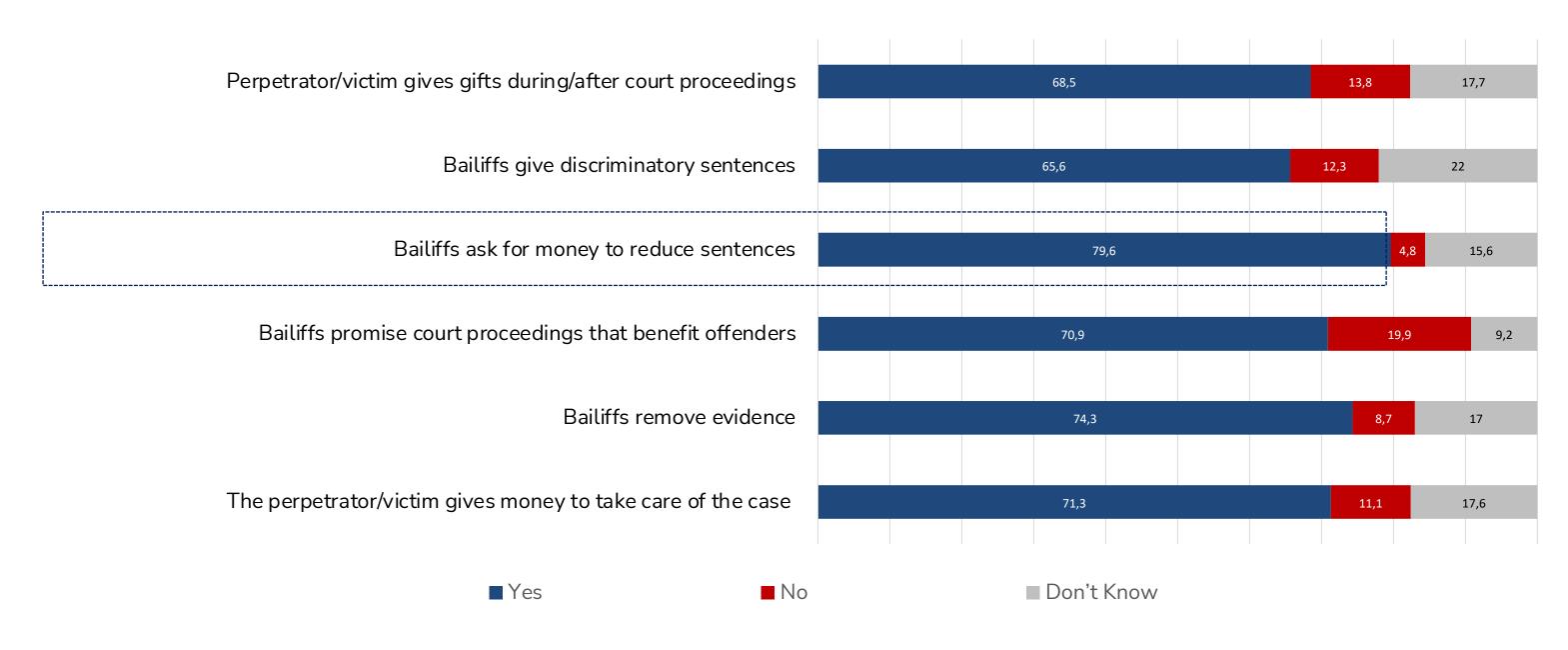
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PUBLIC EXPECTATIONS

PERCEPTIONS OF CORRUPTION IN THE COURTS

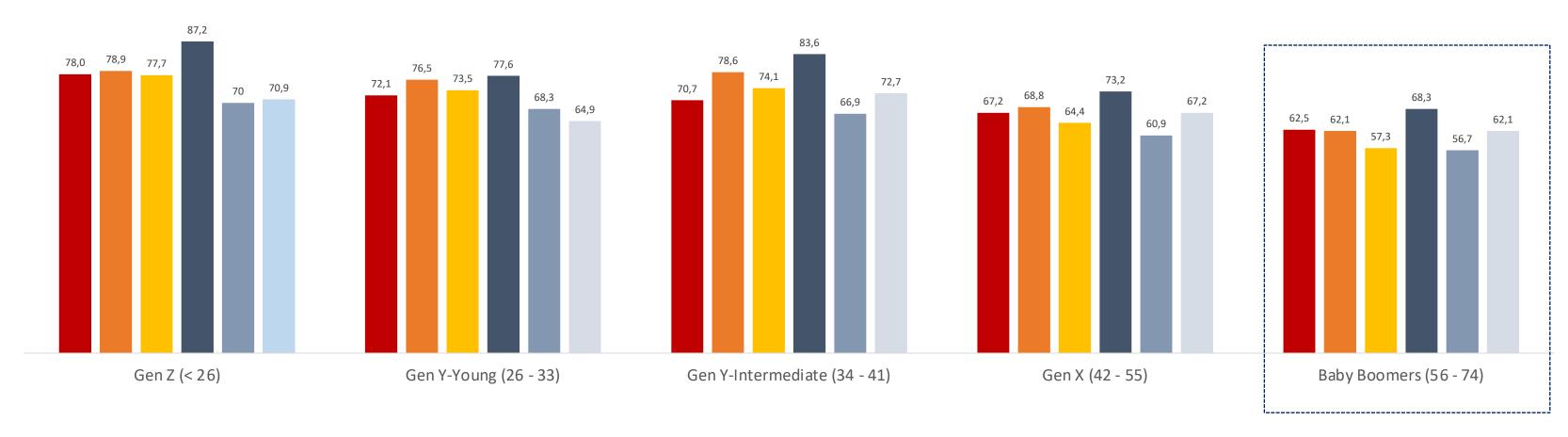
The majority of respondents agreed that the following practices were considered acts of corruption. The demand for a sum of money by bailiffs is most widely seen as corruption.

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PERCEPTIONS OF CORRUPTION IN THE COURTS BY GENERATION

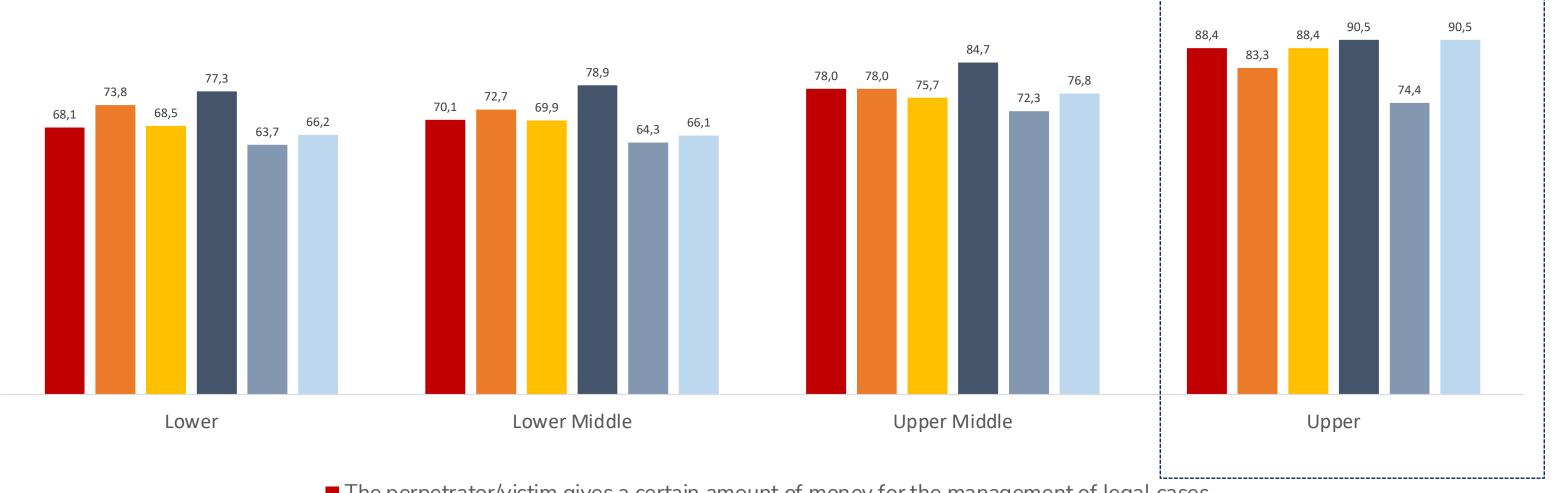
All generations agree that the demand for money by bailiffs is the toughest corrupt practice. Compared to other generations, baby boomers tend to be permissive of corruption.



- The perpetrator/victim gives a certain amount of money for the management of legal cases
- Court officers remove evidence (embezzlement/fraudulent acts)
- Bailiffs promise to manage court proceedings that benefit the perpetrator
- Bailiffs ask for some money to reduce sentences
- Bailiffs render discriminatory legal decisions
- The perpetrator or victim gives gifts or rewards during or after court proceedings

PERCEPTIONS OF CORRUPTION IN THE COURTS BASED ON SOCIOECONOMIC STATUS

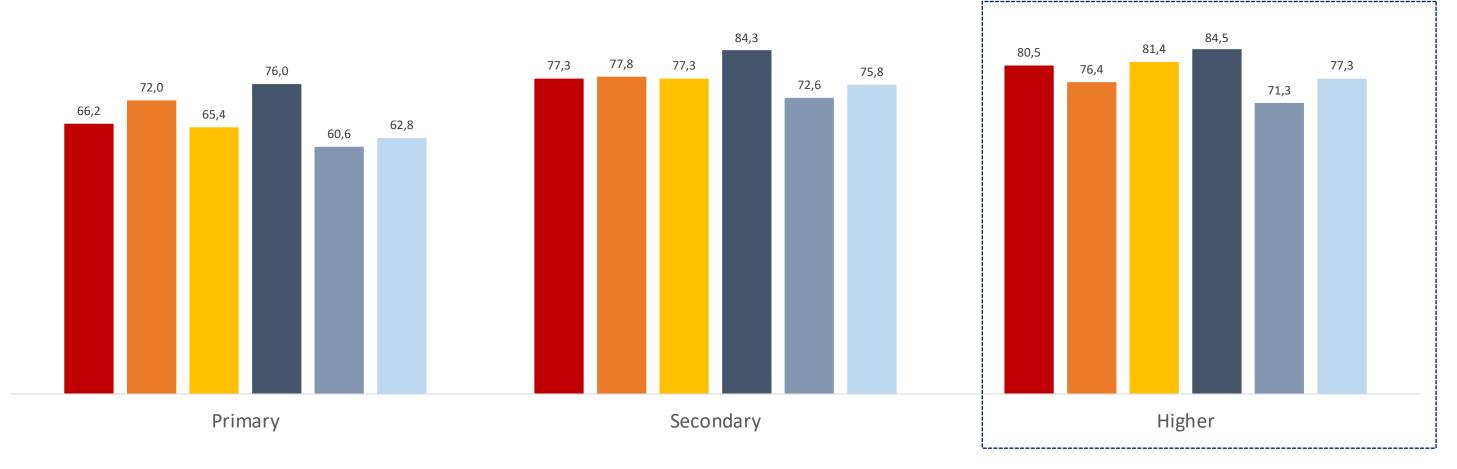
The higher the social economic status of the respondents, the more critical their assessment of acts of corruption



- The perpetrator/victim gives a certain amount of money for the management of legal cases
- Court officers remove evidence (embezzlement/fraudulent acts)
- Bailiffs promise to manage court proceedings that benefit the perpetrator
- Bailiffs ask for some money to reduce sentences
- Bailiffs render discriminatory legal decisions
- The perpetrator or victim gives gifts or rewards during or after court proceedings

PERCEPTIONS OF CORRUPTION BASED ON EDUCATION

The higher the education the greater the respondent's rejection of acts of corruption



- The perpetrator/victim gives a certain amount of money for the management of legal cases
- Court officers remove evidence (embezzlement/fraudulent acts)
- Bailiffs promise to manage court proceedings that benefit the perpetrator
- Bailiffs ask for some money to reduce sentences
- Bailiffs render discriminatory legal decisions
- The perpetrator or victim gives gifts or rewards during or after court proceedings

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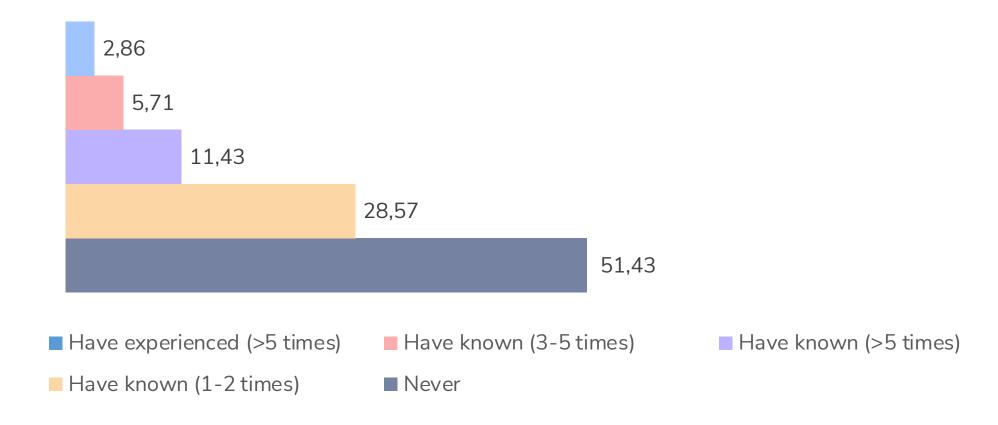
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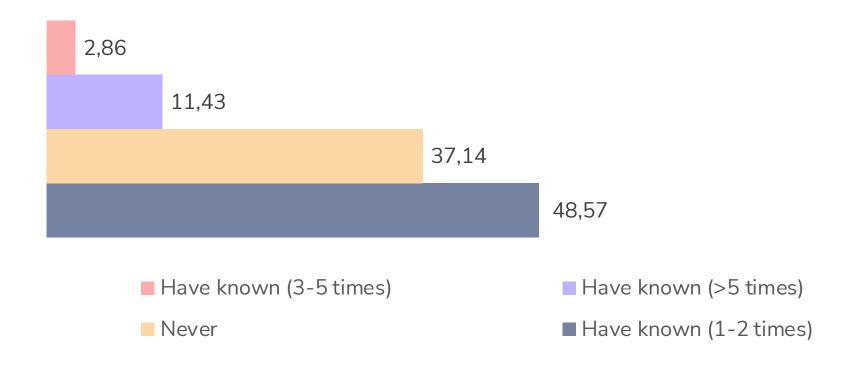
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PUBLIC EXPECTATIONS



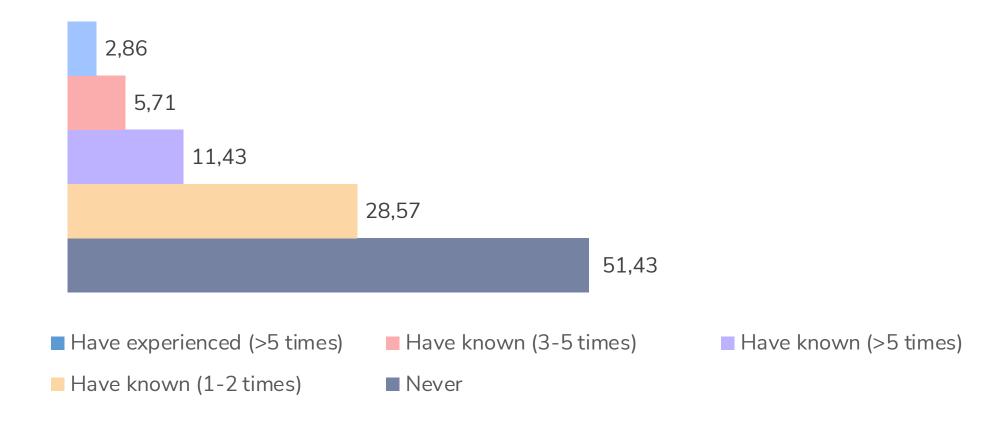
Value	Frequency	Percentage
Never	18	51,43%
Have known (1-2 times)	10	28,57%
Have known (>5 times)	4	11,43%
Have known (3-5 times)	2	5,71%
Have experienced (>5 times)	1	2,86%

Nearly **50% of expert panels** claimed to have known/experienced, existed/been perpetrators or victims who provided some money for the management of legal cases in the past year; with an average of 1-2 times



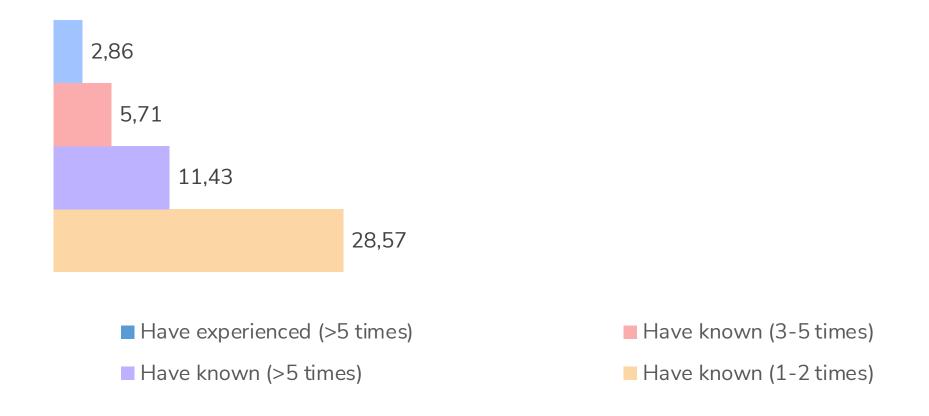
Value	Frequency	Percentage
Never	26	74,29%
Have known (1-2 times)	7	20%
Have known (>5 times)	1	2,86%
Have known (3-5 times)	1	2,86%

The majority of the expert panel claimed to have never known/experienced, there were bailiffs who eliminated evidence (embezzlement/fraudulent acts) in the past year. However, there are a number of cases that have been heard.



Value	Frequency	Percentage
Never	18	51,43%
Have known (1-2 times)	11	31,43%
Have known (3-5 times)	4	11,43%
Have known (>5 times)	1	2,86%
Have known (1-2 times)	1	2,86%

Almost 50% of expert panels have known/experienced, there are bailiffs who promise to manage court proceedings that benefit the perpetrator in the past year



Value	Frequency	Percentage
Have known (1-2 times)	17	48,57%
Never	13	37,14%
Have known (>5 times)	4	11,43%
Have known (3-5 times)	1	2,86%

The majority of expert panels have known/experienced, there are bailiffs who ask for a certain amount of money to reduce sentences by an average of 1-2 times in the past year

EXPERIENCE AS A VICTIM OF CORRUPTION

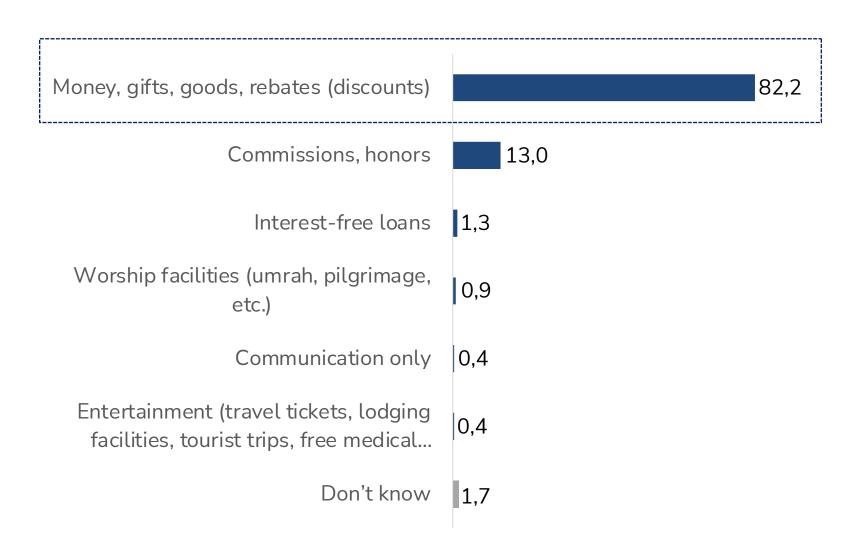
A quarter of respondents have known or even been victims of corrupt practices. Gratification predominates, generally in the form of requests for money, gifts of goods, or discounts

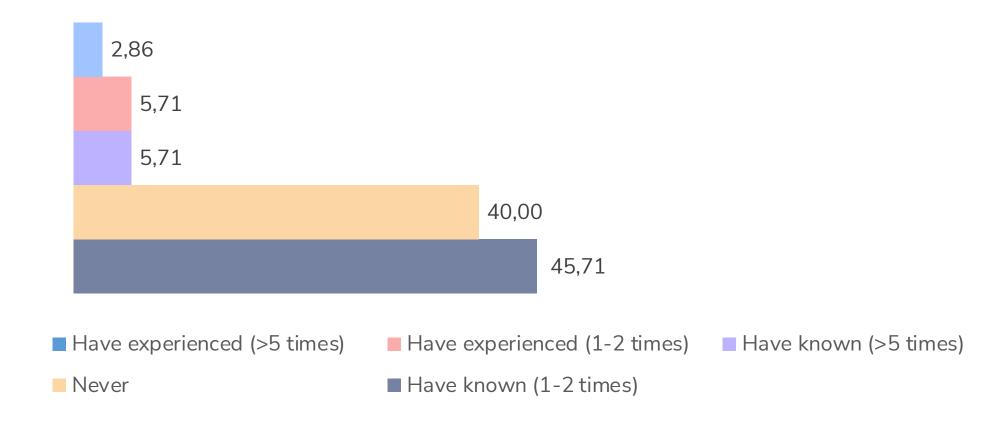
As many as 23% of respondents

have seen, heard or experienced for themselves that someone asked for a reward or a sum of money in the process or after the completion of the case in court.



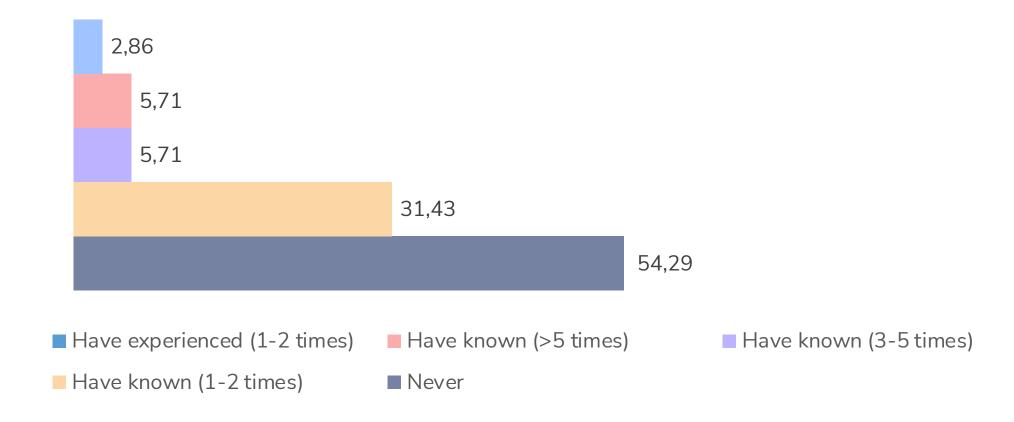
What form of request is made by the bailiff? (%)





Value	Frequency	Percentage
Have known (1-2 times)	16	45,71%
Never	14	40%
Have known (>5 times)	2	5,71%
Have experienced (1-2 times)	2	5,71%
Have known (3-5 times)	1	2,86%

More than 50% of expert panels have known/experienced, there are court officers who provide discriminatory treatment/services, with the most average 1-2 times in the past year



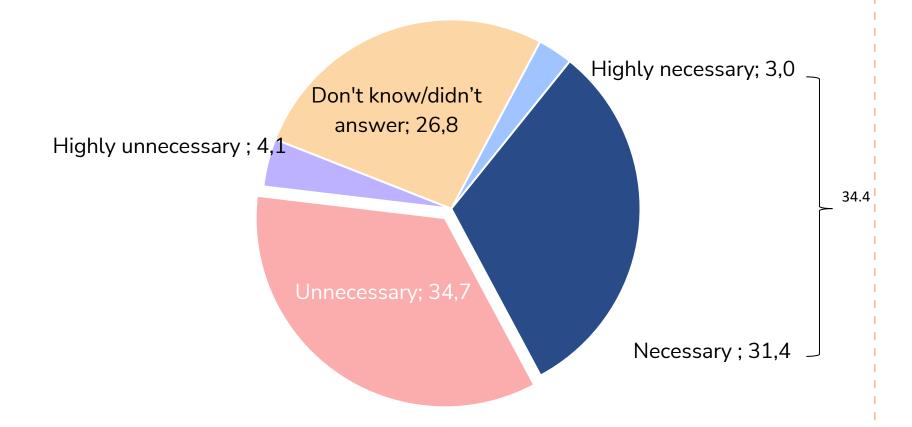
Value	Frequency	Percentage
Never	19	54,29%
Have known (1-2 times)	11	31,43%
Have known (3-5 times)	2	5,71%
Have known (>5 times)	2	5,71%
Have experienced (1-2 times)	1	2,86%

The majority of expert panels never knew/experienced, existed/were perpetrators or victims who gave gifts or rewards during or after court proceedings in the past year

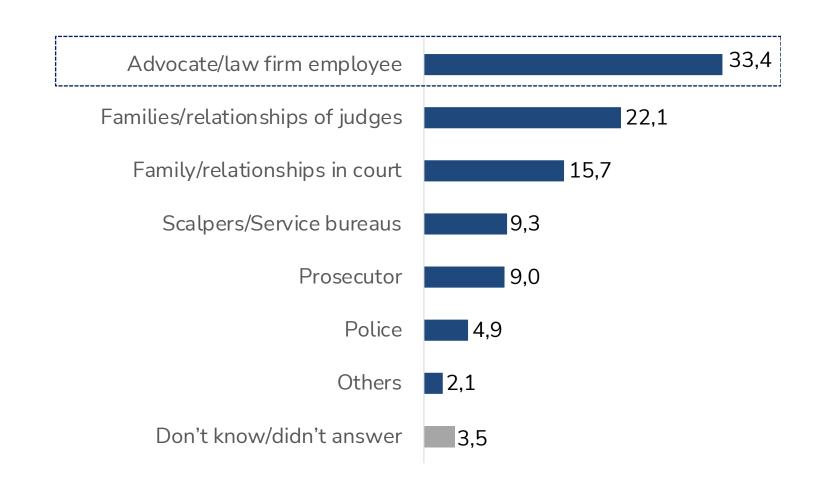
PROXY ACTORS AND POTENTIAL CONFLICTS OF INTEREST

Respondents believe that third parties are the most reliable people to speed up court services. Generally, respondents choose advocates as the first alternative



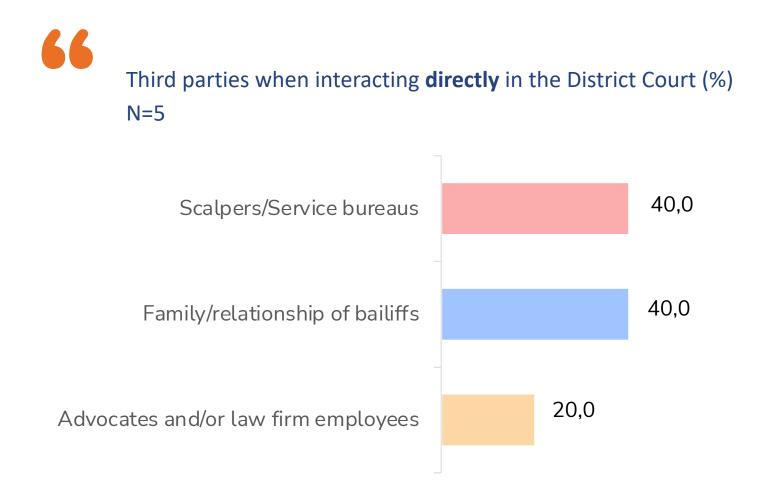


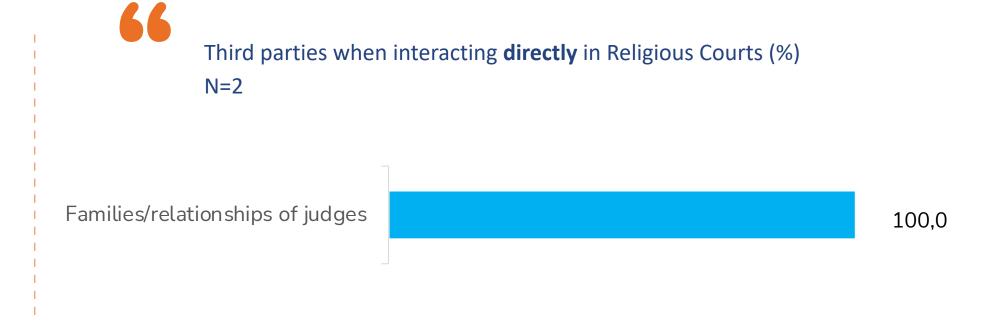




THIRD PARTIES RELIED ON (1)

Third parties asked for help when dealing with court agencies

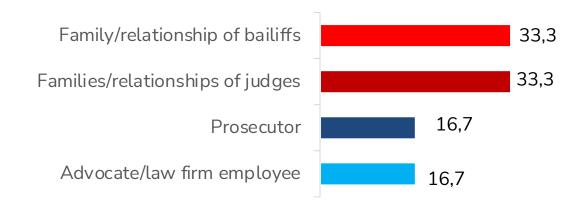




THIRD PARTIES RELIED ON (2)

Some third parties are asked for help when dealing with court agencies

Third parties when interacting **indirectly** in the District Court (%) N=6



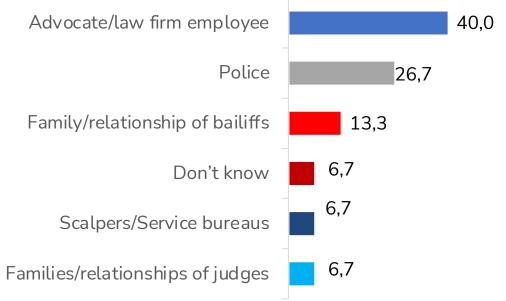








Keeping the institution of the court secret (%) N=15



WOMEN ARE MORE PRONE TO INTERACTING WITH CORRUPT ACTORS IN THE COURTS

Women justice seekers more often use personal connections when accessing court services

60% Females

40%

Males



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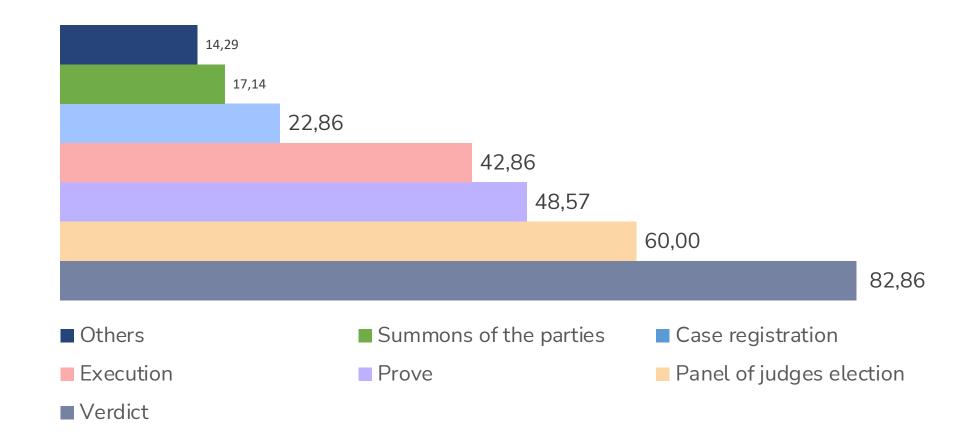
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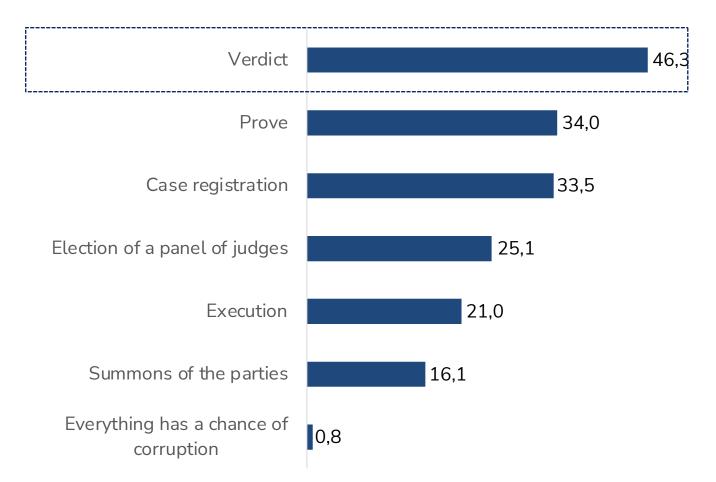
Value	Frequency	Percentage
Verdict	29	82,86%
Panel of judges election	21	60%
Prove	17	48,57%
Execution	15	42,86%
Case registration	8	22,86%
Summons of the parties	6	17,14%
Others	5	14,29%

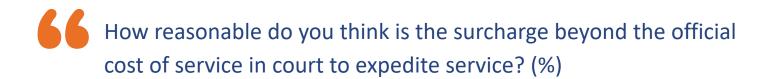
The majority of the expert panel stated that the stage of verdict, selection of judges and evidence are the most vulnerable stages to corruption

OPPORTUNITIES FOR CORRUPTION BASED ON LITIGATION STAGES

Decision-making is believed to be the biggest stage of corrupt practices by the public. The existence of additional costs beyond the official fee is considered to violate the rules by half the number of respondents.





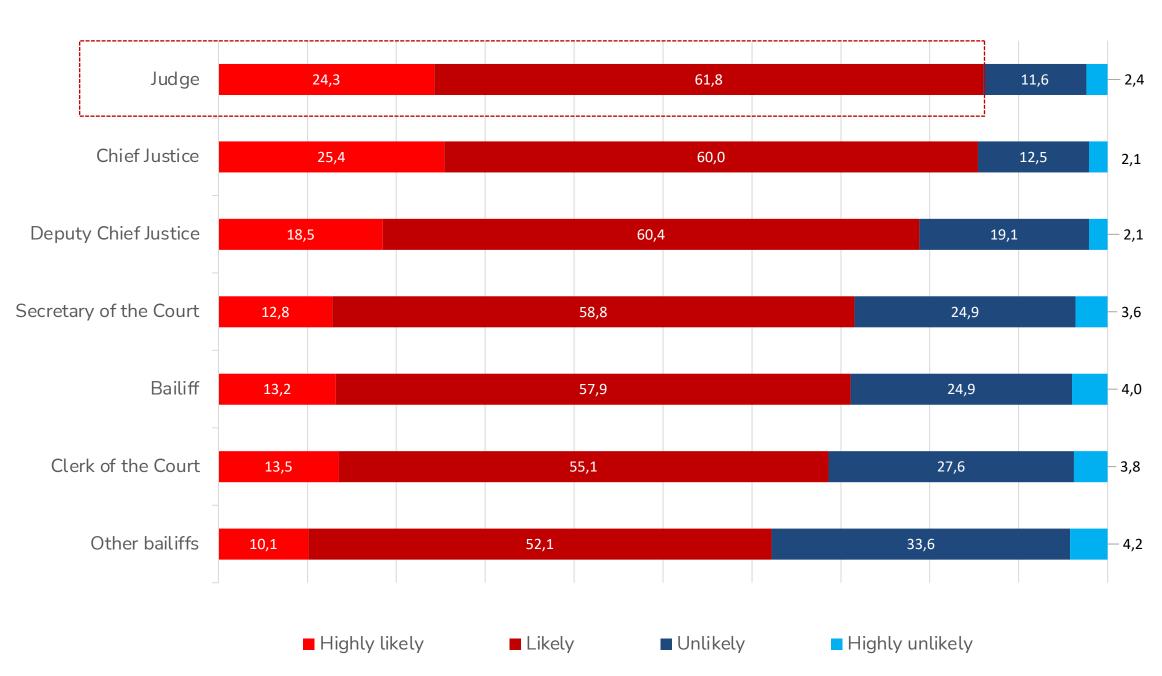




CORRUPTION OPPORTUNITIES BY ACTOR

Judges tend to be considered the most likely to commit corruption crimes

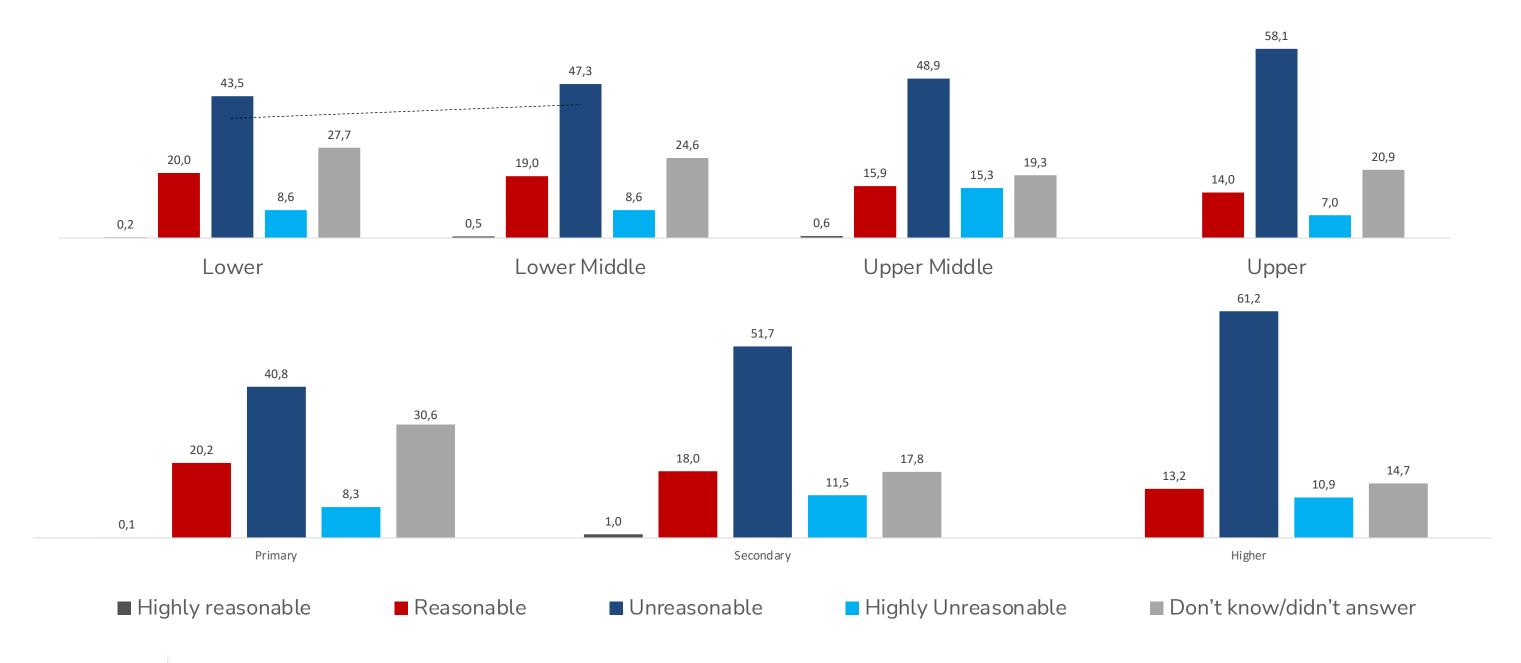
How big do you think there is a chance of corruption being committed by the following parties? (%)



COST TOLERANCE BASED ON SOCIOECONOMIC STATUS & EDUCATION

Unofficial fees are generally judged to be unreasonable and even highly unreasonable. The assessment of highend and highly educated respondents tended to be more negative than other groups.

How reasonable do you think is the surcharge beyond the official cost of service in court to expedite service?



D.12 by SES & Education



Value	Frequency	Percentage
Yes	31	88,57%
No	4	11,43%

The majority of the expert panel revealed that the implementation of the code of ethics and code of conduct of judges and court personnel including its sanctions has been ineffective



Value	Frequency	Percentage
Yes	18	51,43%
No	17	48,57%

The proportion of expert panels who knew and were unaware of any indication of a conflict of interest (the relationship between judges/court personnel and litigants) was almost similar

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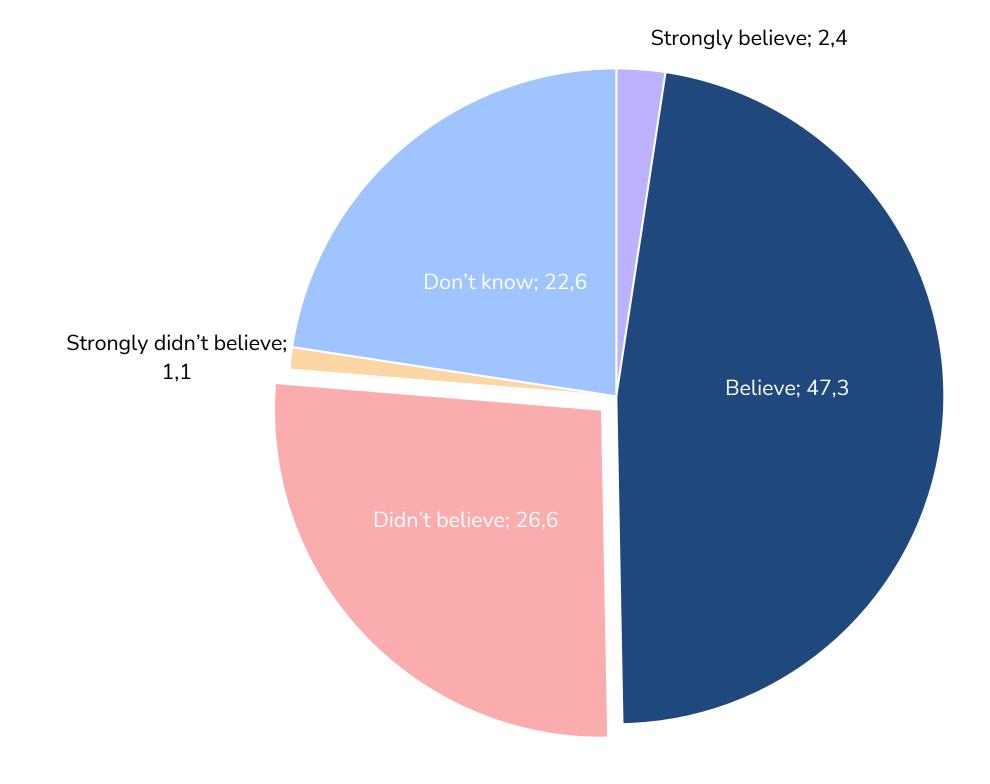
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PUBLIC EXPECTATIONS

TRUST IN THE INSTITUTION OF THE COURT

Nearly half of respondents to the general public believe that the judiciary is capable of making decisions fairly. But instead, the expert panel said more than 65% did not believe the judiciary was capable of making decisions fairly.

Over the past year or so, in general, how confident do you have that the judiciary has been able to make decisions fairly? (%)

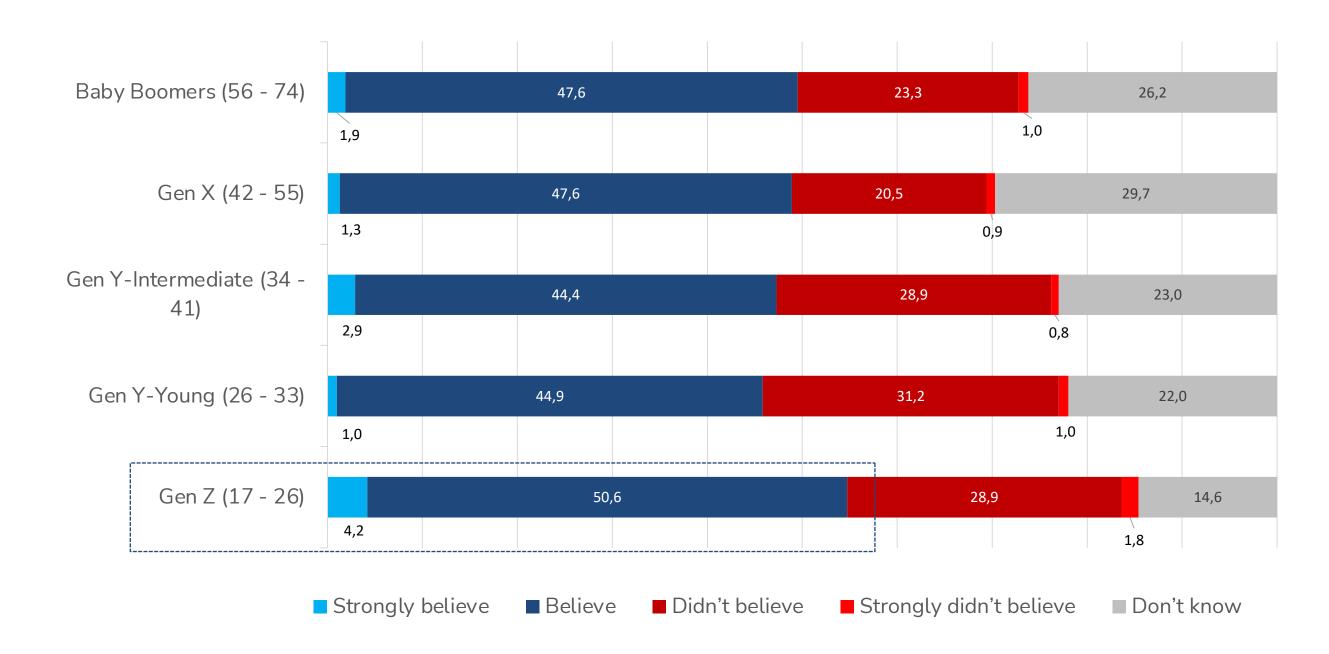


TRUST IN THE INSTITUTION OF THE COURT

The younger generation believes that the judiciary is capable of making decisions fairly



Trust in the judiciary in making decisions fairly, based on generation (%)



D.2 by Generation

THE POPULARITY OF THE CASE TRACING INFORMATION SYSTEM (SIPP)

The Case Tracing Information System (SIPP) is not widely known by respondents. However, those who have accessed it are satisfied with the service.

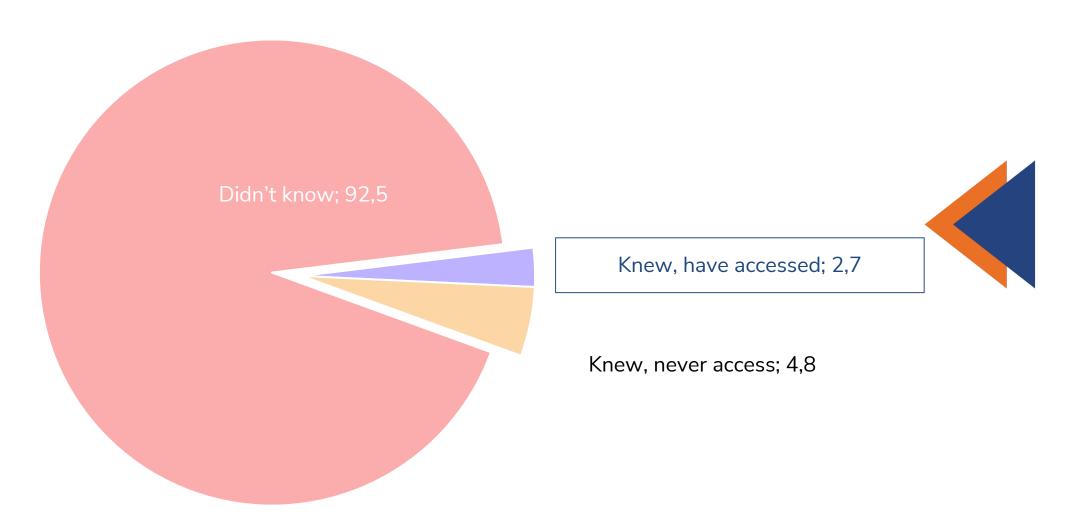


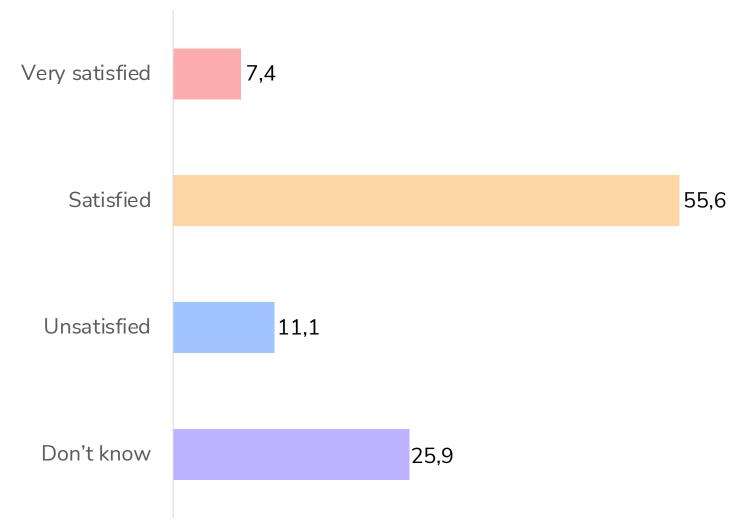
Do you know or not about the existence of a Case Tracing Information System (SIPP) service? (%)



N = 33

How satisfied are you with the Case Tracing Information System (SIPP) service? (%)

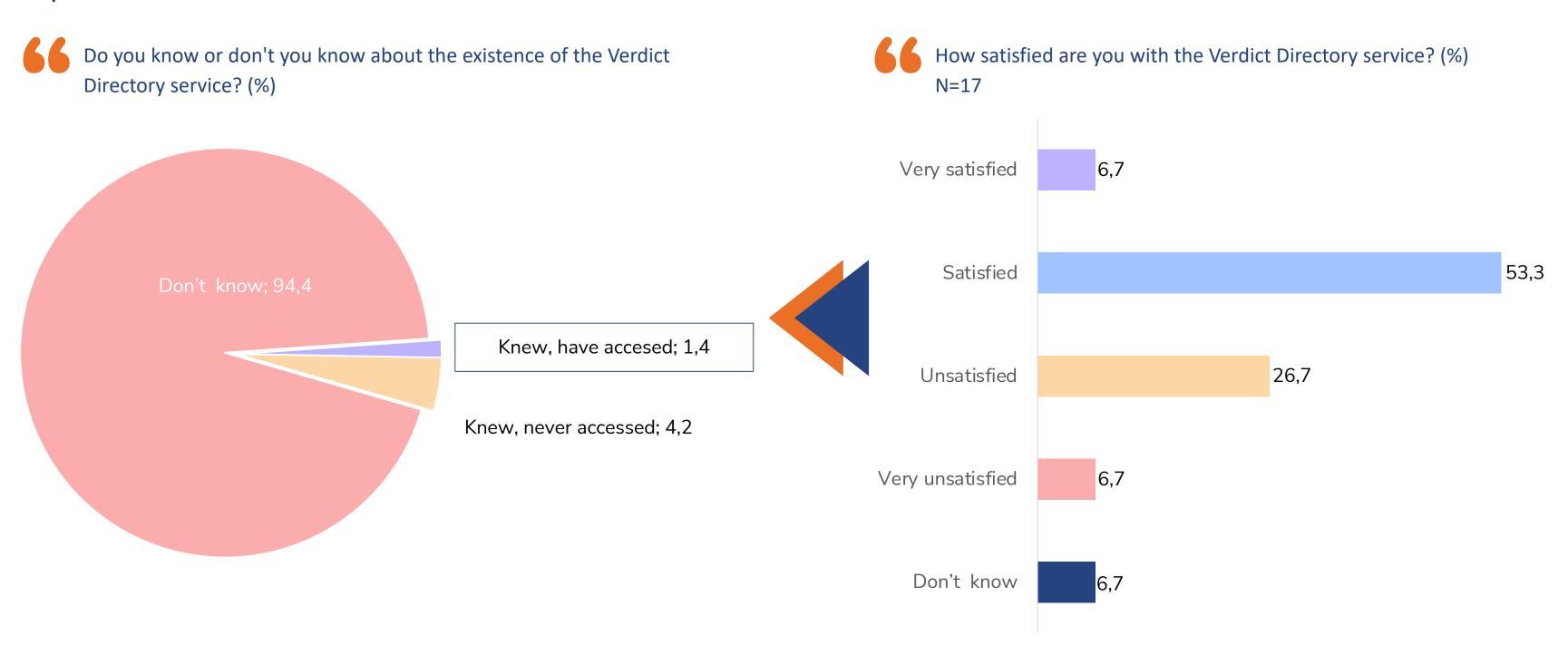




D.24a D.24b

POPULARITY OF DIRECTORY SERVICE VERDICT

The majority of respondents are not familiar with the Verdict Directory Service. Those who have accessed generally expressed satisfaction with the service.

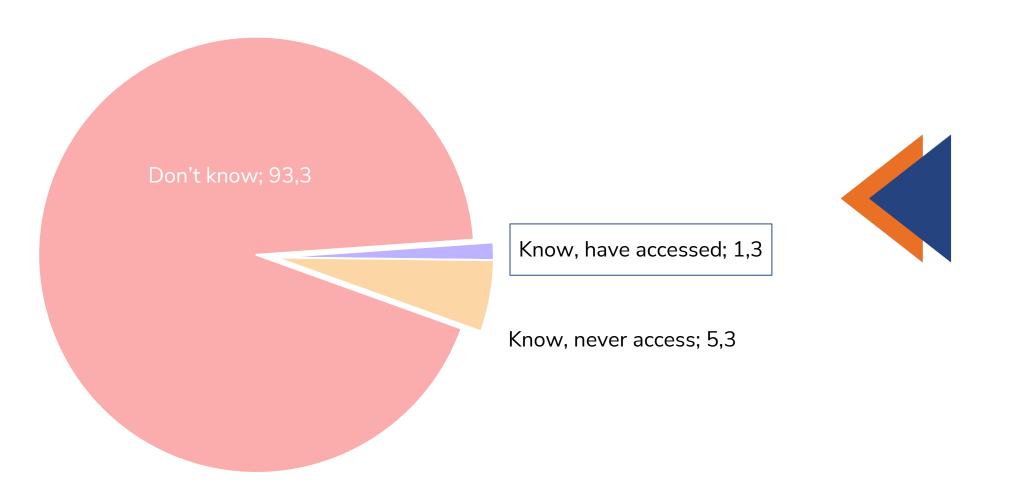


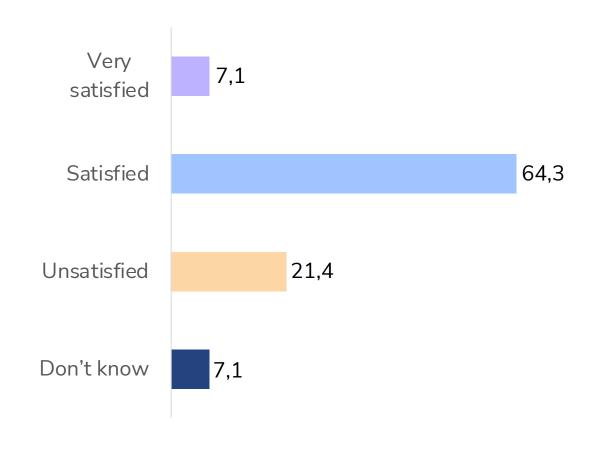
POPULARITY OF COURTS' PPID AND E-PPID

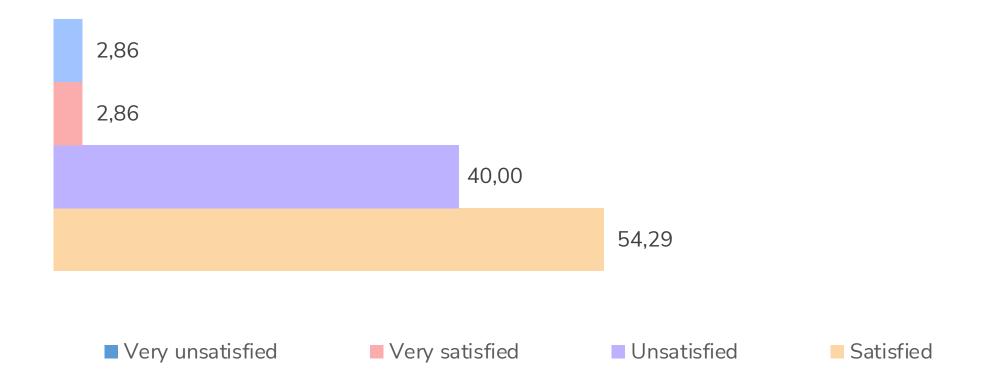
Only a small percentage of respondents were already aware of the services of the Information and Documentation Management Officer (E-PPID), and they were generally satisfied with the service.





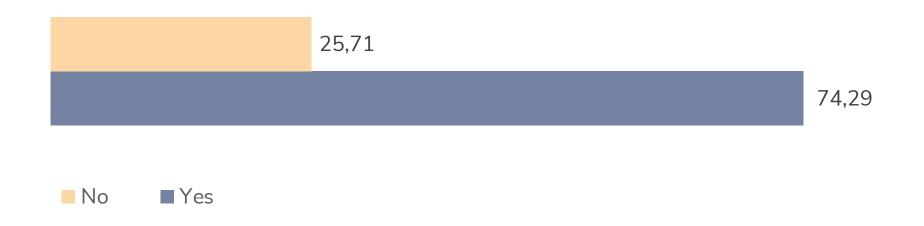






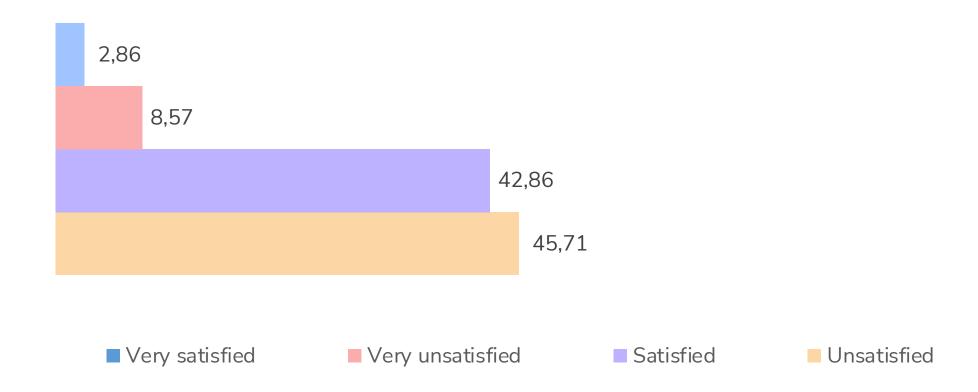
Value	Frequency	Percentage
Satisfied	19	54,29%
Unsatisfied	14	40%
Very satisfied	1	2,86%
Very unsatisfied	1	2,86%

The majority of the expert panel expressed satisfaction with the One-Stop Integrated Service (PTSP) in court



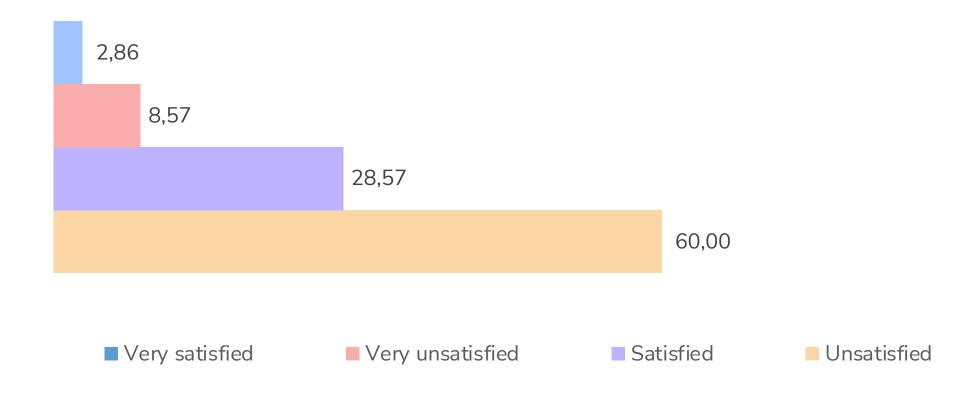
Value	Frequency	Percentage
Yes	26	74,29%
No	9	25,71%

The majority of the expert panel did not know about the Gratification Control Unit (UPG) in the court environment



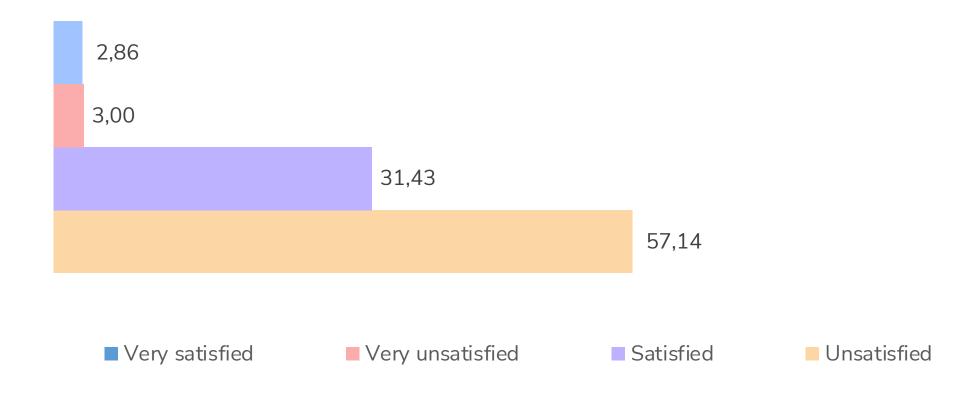
Value	Frequency	Percentage
Unsatisfied	16	45,71%
Satisfied	15	42,86%
Very unsatisfied	3	8,57%
Very satisfied	1	2,86%

The majority of the expert panel expressed dissatisfaction with the website services provided by the court



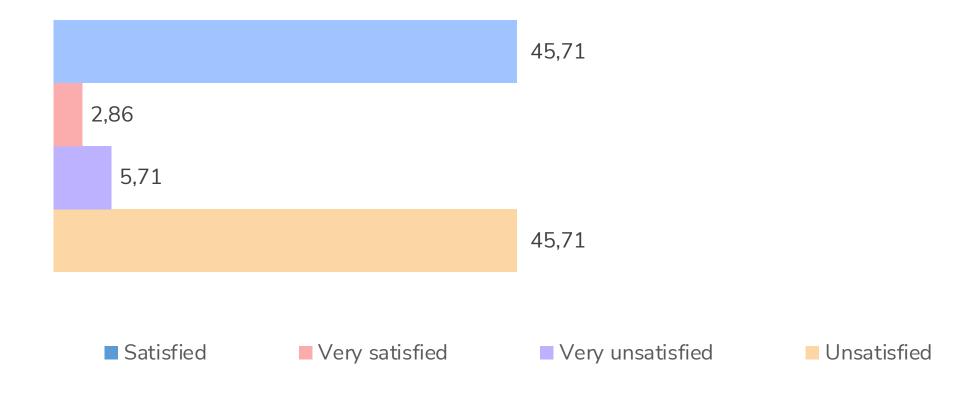
Value	Frequency	Percentage
Unsatisfied	21	60%
Satisfied	10	28,57%
Very unsatisfied	3	8,57%
Very satisfied	1	2,86%

The majority of the expert panel expressed dissatisfaction with the Legal Aid Post service found in the court



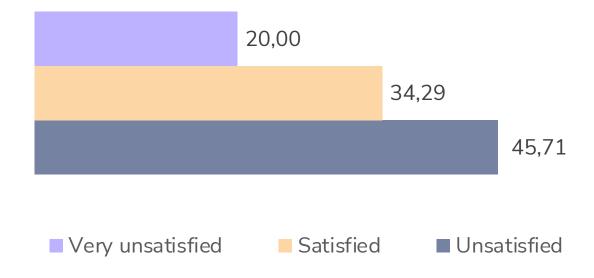
Value	Frequency	Percentage
Unsatisfied	20	57,14%
Satisfied	11	31,43%
Very unsatisfied	3	8,57%
Very satisfied	1	2,86%

The majority of the expert panel is dissatisfied with the services of Cassation Case Information and Judicial Review



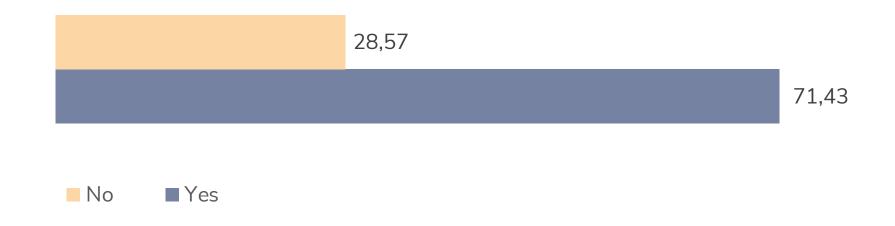
Value	Frequency	Percentage
Satisfied	16	45,71%
Unsatisfied	16	45,71%
Very unsatisfied	2	5,71%
Very satisfied	1	2,86%

The proportion of expert panels who are satisfied and dissatisfied with the Integrated Criminal File Electronic (e-Berpadu) service is almost similar



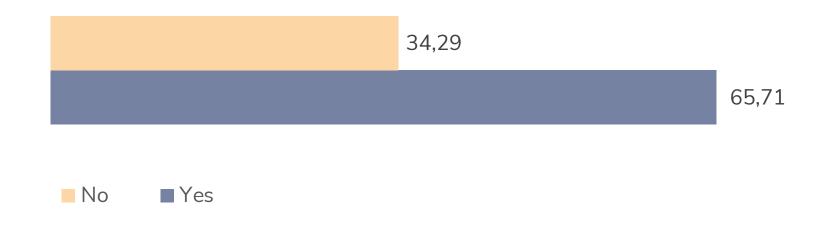
Value	Frequency	Percentage
Unsatisfied	16	45,71%
Satisfied	12	34,29%
Very unsatisfied	7	20%

The majority of the expert panel was dissatisfied with the court-provided Supervisory Information System (SIWAS) services



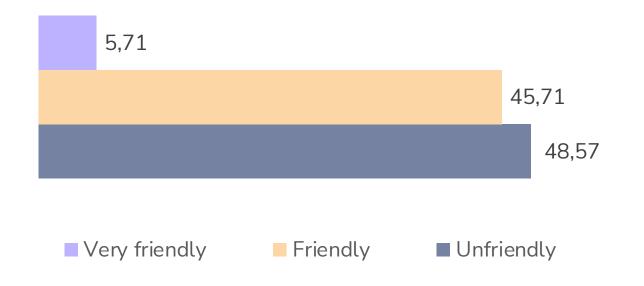
Value	Frequency	Percentage
Yes	25	71,43%
No	10	28,57%

More than 70% of expert panels declared copies of the verdict inaccessible easily and quickly



Value	Frequency	Percentage
Yes	23	65,71%
No	12	34,29%

The majority of the expert panel declared the trial facilities adequate for the presence of journalists groups inadequate



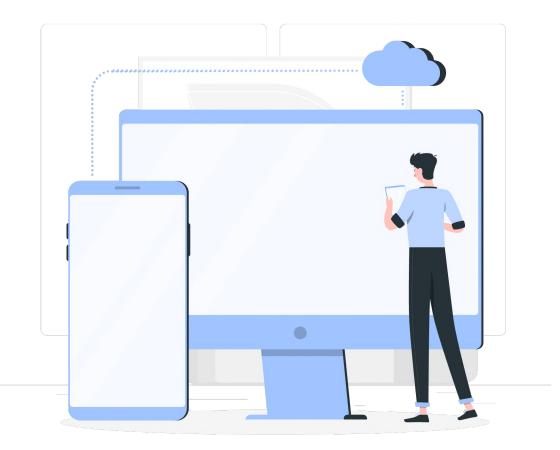
Value	Frequency	Percentage
Unfriendly	17	48,57%
Friendly	16	45,71%
Very friendly	2	5,71%

There are good signals that the courts are now friendly to vulnerable groups (women, children, and persons with disabilities)

Variety of Electronic Trial Obstacles

- Hampered trial licensing process so that it cannot be involved in monitoring the trial
- The results of the trial were uploaded late to the trial website
- Trial infrastructure, such as network and server capacity, hampers the trial process, especially in the evidentiary process
- SIPP is often updated late, such as schedules, processes and also copies of verdicts

- Only litigants can access electronic trials. This hinders participation in the monitoring of the trial.
- Difficult to coordinate with clients
- Trials for cases that attract public attention are quite difficult to access. There is almost no help from the court's public relations for the benefit of the news



SURVEY ASSESSMENT REGIONS

1

PUBLIC PERCEPTION OF CORRUPTION ISSUES

2

EXPERIENCE OF CORRUPT PRACTICES

3

CORRUPTION OPPORTUNITIES

4

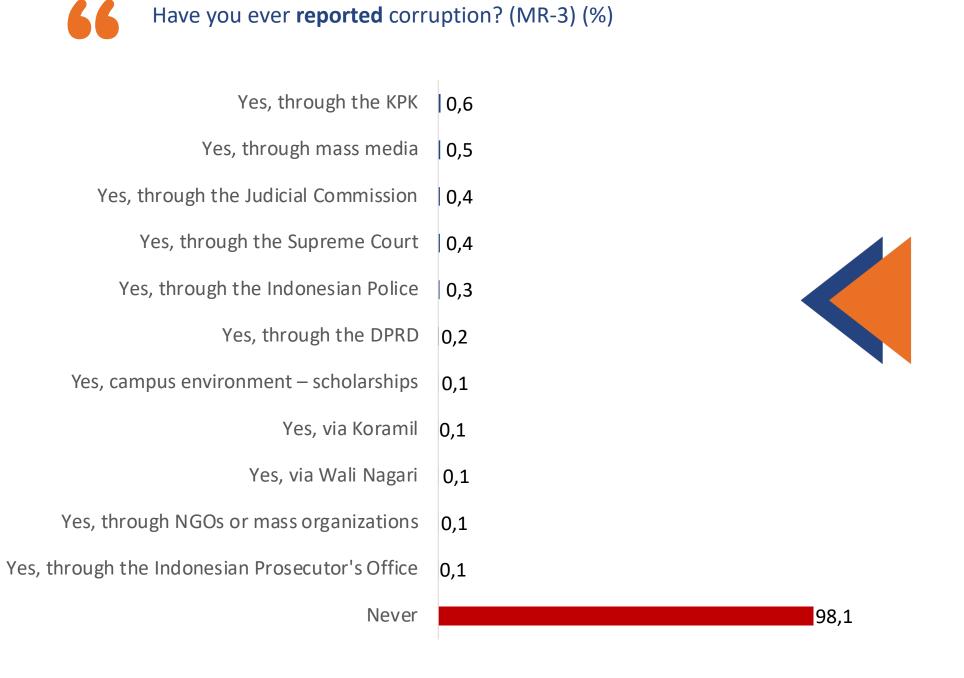
PUBLIC TRUST AND INTEGRITY OF COURT SERVICES

5

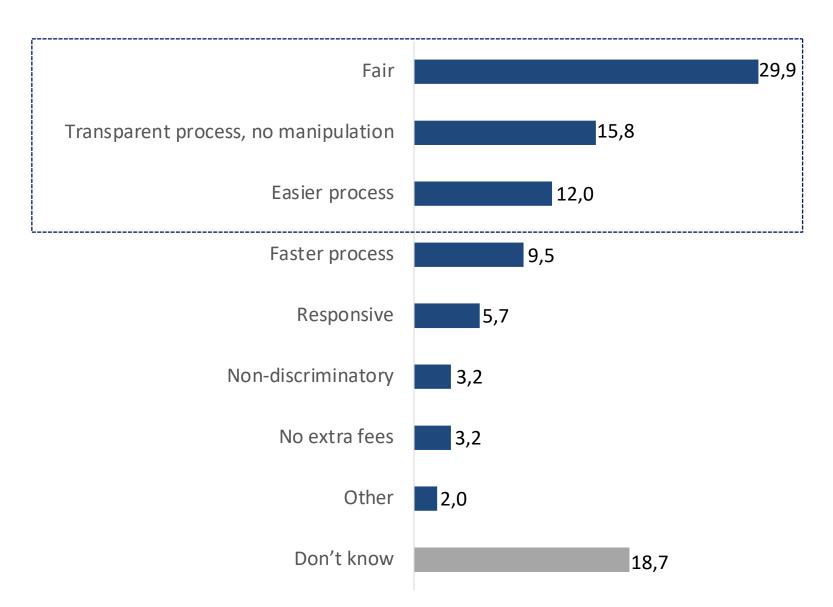
PUBLIC EXPECTATIONS

EXPECTATIONS OF THE INSTITUTION OF THE COURT

Generally, respondents have never reported corruption. However, they hope that court services in Indonesia will be fairer and without manipulation







Input for IT-based Information and Complaints Systems in Supreme Court

- Systems and applications need to be made as simple as possible, one of which is by organizing a regular User Acceptance Test (UAT) and input form
- Timeliness of information updates, transparency and ease of access for all circles are the top priorities for improvement, especially for corruption cases

 Information on the accountability of the complaints
- process
- Massive and periodic socialization to advocates and justice seekers

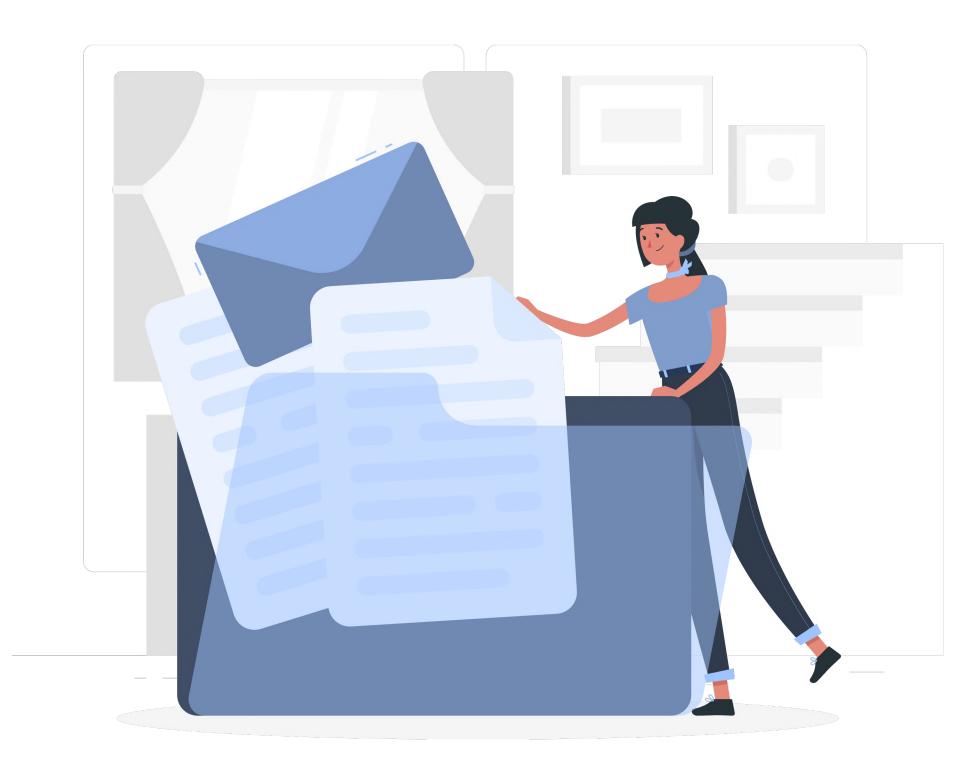
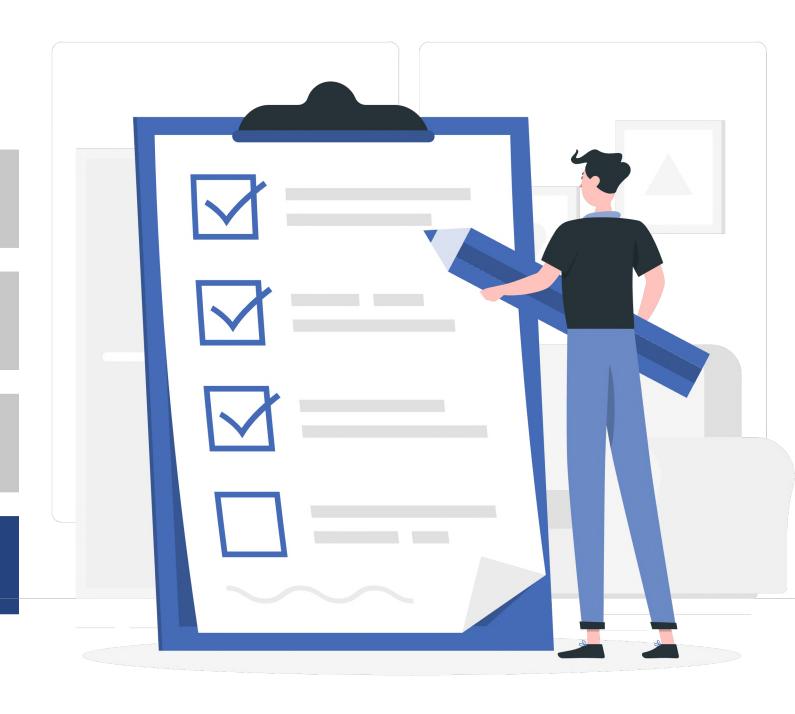


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- 4 CONCLUSIONS & RECOMMENDATIONS



CONCLUSIONS

Illegal bribery and gratification practices are perceived to remain the highest corruption risks in the courts

The area of (a) discretionary judgement of the judge's decision, (b) the administration of the case, and (c) the determination of the panel of judges, the judgment and execution are perceived as most vulnerable

Although not the majority, the court is still trusted by respondents as a party capable of making decisions fairly. The younger the generation, the more positive the assessment of this institution.

Regarding the various transactions that took place in the courts, the majority of respondents agreed that these practices were already acts of corruption. Requests for a sum of money by bailiffs are most widely perceived as corruption

Compared to the younger generation, baby boomers respondents seem to be permissive on issues of corruption. The higher the education and socioeconomic status, the more negative the respondent's assessment of corruption.

KESIMPULAN

The form of corruption committed by judicial officers is generally the demand for money, gifts, goods, or rebates.

Regarding costs beyond official costs, respondents judged it to be against the rules, or unnatural. Meanwhile, to speed up the court service process, respondents generally need the help of a third party, namely an advocate or lawyer.

All parties in the judiciary have the opportunity to commit corruption. According to respondents, among all bailiffs, judges were judged to be the most likely to commit the crime.

Regarding the experience of reporting corruption, the majority of respondents have never done so. However, they hope that court services in Indonesia will be fairer and without engineering.

Three information disclosure services, namely SIPP, Verdict Directory, and E-PPID, are not widely known to respondents. However, those who have accessed it are satisfied with the service.

Recommendations for Public Trust Improvement Strategies

The history of the course of the MA reform shows that:

Judicial reform will be difficult to achieve if there is no public involvement; Similarly, public trust will also be difficult to improve if judicial reforms are not effective due to the high risk of corruption.



PRIORITY #1

Strengthening integrity in the organization of the Supreme Court and the courts below it



PRIORITY #2

Strengthening the role of civil society in judicial reform

- Open and participatory evaluation of the implementation of the 2010-2035 Judicial Renewal Blueprint from the perspective of the public and justice-seeking communities
- Strengthening aspects of transparency and accountability in the internal and external supervision process

Implementation of Corruption Risk Assessment (CRA) recommendations in courts in a comprehensive and inclusive manner, focusing on key corruptive aspects such as bribery, gratification and potential conflicts of interest

Optimization of socialization of court services, especially SIPP, Directory of Decisions and PPID

- Enforcement of sanctions for ethical violators and strengthening of community complaint follow-up mechanisms consistently and impartially
- Expansion of MA public outreach and anti-corruption education in litigation, especially for the younger generation group

A. STRENGTHENING THE INTEGRITY OF THE SUPERVISORY SECTOR



Strengthening supervisory aspects in the Blueprint for Judicial Renewal 2010-2035



Strengthening the internal regulatory framework for mitigating corruption risks through the due diligence of internal regulations related to the corruption risk mitigation framework



Optimization of the dissemination of the Code of Ethics to the judicial apparatus, including disciplinary and sanction mechanisms still needs to be optimized. Socialization of the Code of Ethics is also carried out to external parties (associations of advocates and law enforcement officials, associations of entrepreneurs / businesses) with a Circular Letter (SE) by the Chairman of the Supreme Court regarding the code of ethics / code of conduct and how to report if there are violations



Optimization of follow-up of Corruption Risk Assessment (CRA) recommendations in the field of supervision, especially to support the implementation of the risk management system in the Judicial Agency as stipulated in the Decree of the Secretary of the Republic of Indonesia No. 475 / SEK / SK / VII / 2019



Strengthening Integrity Zones in the court environment in the field of WBK / WBBM, Anti-Bribery Management System, and Institutional Accreditation



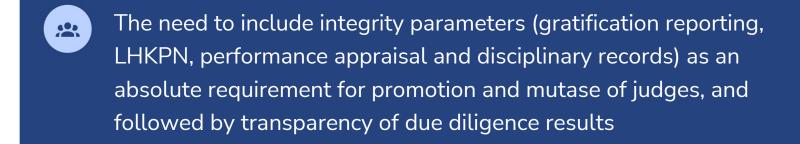
Mystery shopping supervision system based on the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 73 / KMA / SK / III / 2018 concerning the Integrity Test of Public Services of the Court



Strengthening infrastructure and complaint accountability in the SIWAS system

B. STRENGTHENING THE INTEGRITY OF THE HUMAN RESOURCES SECTOR





- Develop a mechanism for reviewing the risk of conflicts of interest during the recruitment process of court personnel
- MA collaborates with the KPK regarding the utilization of LHKPN report analysis, especially during selection for strategic positions;



- Encourage the preparation of a complete and comprehensive Code of Conduct of Clerks and Bailiffs
- Transparency of information regarding the results of the judge's disciplinary process Violations in the form of corruption, the name and position of the perpetrator can be fully informed.
- Implementation of the ISO 37001:2016 Anti-Bribery Management System (SMAP) in 2018 in a number of courts, as well as implementing a mystery shopping supervision system based on the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 73 / KMA / SK / III / 2018 concerning the Integrity Test of Court Public Services

C. STRENGTHENING THE INTEGRITY OF THE ADMINISTRATIVE AND CASE MANAGEMENT SECTOR

Transparency and accountability of cassation and PK trial information services

Optimization of information disclosure through PTSP court services

Infrastructure optimization and inclusivity in electronic trials

- Improved trial monitoring infrastructure for journalists and civil society organizations
- Directory Verdict speed, accuracy and ease of access acceleration

D. STRENGTHENING THE PUBLIC OUTREACH SECTOR IN JUDICIAL REFORM

- Institutional Strengthening of Working Group to Increase Public Trust
- The results of the information disclosure rating survey (2021) still put MA in the **towards informative** category it is necessary to optimize information disclosure and public relations strategies, including PPID arrangements and service standards, for example through KMA Instructions/circulars to all Chief Justices to publish case costs in court.
- The press/media needs a space for collaboration, one of which is training in reporting the trial process

- Involvement of the role of other stakeholders in strengthening judicial transparency and accountability (advocates' associations, private sector and media);
- Optimization of community participation in the implementation of the court's public service integrity test guidelines (PUIP3)
- Public education about the Supreme Court's efforts to strengthen judicial transparency and accountability

