



**5 MINUTES SPEECH
ASEAN JUDICIARIES ON COVID-19 EFFECTS AND SOLUTIONS
Since 8th CACJ Meeting (2020-2021)**

SUPREME COURT OF REPUBLIC OF INDONESIA

Honorable Prof. Dr. Muhammad Syarifuddin, Chief Justice of the Supreme Court of Republic Indonesia,
Honorable Chief Justices of Council of ASEAN Chief Justice state member,
Honorable Vice-Chief Justices and Deputy Chief Justices of the Supreme Court of Republic Indonesia,
Distinguished Head of Delegations, Guests, Ladies and Gentlemen

Good afternoon, May peace be upon you,

On behalf Supreme Court of Republic of Indonesia please allow me to deliver some sharing regarding recent Covid-19 effects and solutions in Indonesian judiciary. It is my pleasure to be in this special occasion, even though we are still connected through online platform due to pandemic situations. I also would like to invite all of you to give some short minutes of silence, give our thought respects, for all judges and judicial officers in ASEAN who are victims of Covid-19.

(...silence for 3 seconds...)

Honorable Chief Justices,

Indonesia is still struggling to face Covid-19, which is not getting any better yet, even though recent report claims that there is a decrease in the number of positive cases in the present month. Before, during March to July 2021, Indonesia hammered by 'the second wave' with massive increase of positive

case especially in several big cities including Jakarta and Surabaya. Based on our record, up to July 2021, there are 3,382 positive cases in courts all over Indonesia with 45 mortalities.

That very bad situation leads some of the courts were closed temporarily for 1-2 weeks to prevent and reduce the risk of virus transmission as low as possible, protecting both court officials and the justice seekers.

The Government tried to overcome the second wave by introducing the new 'emergency restriction on community activities' through several ministerial regulations, including new protocols in government offices. Following to that, the Supreme Court responded with new protocols in courts and head offices as well. Before, in 2020, Chief Justice issued Circular Letter regarding *the Guidelines for Implementing Duties During the Prevention Period of the Spread of CoVID19 within the Supreme Court & subordinates Judicial Bodies* with several revisions. This year of 2021, in response to emergency restriction protocols settled by the Government, Secretary of the Supreme Court issued several Circular Letter regarding new protocols for courts all over Indonesia and for the Supreme Court Head Office.

According on those Supreme Court's Policy, the direction for all the courts in carrying daily tasks and serving the justice seekers, must follow strict protocols as follows:

1. Conduct strict health protocol such as: obligation to wear 2-layer mask if needed, handwash regularly, sanitizing, distancing, and use separator between people.
2. Follow the Government and local government direction regarding the emergency restriction, including very strict protocols for outside town official travel.
3. Limiting number of people in the same room, restricted face-to-face events, including in serving justice seekers and training events.
4. Working from home management, rotation attendance and working hours.
5. Optimizing the use of technology and in-court system in carry out daily tasks.

Honorable Chief Justices, Ladies and Gentlemen,

As the core function of the court is to examine cases and to make decision, it is inevitable in current situation for judges and court postponing case examination. As there's saying 'justice delayed justice denied' therefor the Supreme Court of Indonesia and all the lower courts always open for the justice seekers, with some exception in emergency.

Some of the general policies that has been introduced and implemented regarding case handling are:

1. Hearing of criminal case, including military criminal and jinayat (Islamic criminal cases in Aceh special region) are no longer been postponed as were last year's policy. This year, based on Supreme Court Regulation Number 4/2020 -introduced in September 2020, by working with the prosecutor and other related agencies, the hearing could be managed remotely by using electronic solution. The prosecutor, defendant and his/her attorney can attend the trial in video conference platform from detention facility. This procedure successfully prevents large number of people gathered in one courtroom, where usually happens in criminal hearing.
2. Optimizing the e-court facility for civil and administrative cases, based on Supreme Court Regulation Number 1/2019. The plaintiff can file their lawsuit, make payment and summons electronically in web-based system, without the need to attend the court building in person. However, electronic trials especially in examining witnesses and evidence are still being introduced gradually, but the litigants can optimize use of the system by easily store their written arguments and evidence document in the system. This procedure successfully reduces in-court visit by the litigants.

While Supreme Court of Indonesia had already introduced numbers of policies and directives, nevertheless it is still be noted that there has been no amendment to existing procedure law in response to Covid-19. This resulted in the very limited options available in using technology in conducting hearing, examination and making judgment. There are still parties, attorney/lawyers, that questioning hearing in online platform. Some believes that if it is not stipulated in a statute law, then there will be potential denial in defendant's rights. While it is anomaly in modern society while the use of smartphone with internet connection has been common, questioning electronic procedure law seems a bit inconsistent.

The option available to Indonesian court is to optimize the existing courtrooms to performs hearings electronically. We are improving standard computers with video conferencing peripherals and applications such as Zoom and Google Hangout which has been very helpful, maintaining highspeed and secured internet connection, and improving the e-court system.

In numbers of courts, especially with court which handle high profile cases, we have built the Portable Electronic Session facility, by combining wide screen LED

TV, aftermarket video conferencing hardware, and Personal Computer in one package. This facility offers better facilities and connectivity than the use of a standalone computer but is much simpler cost efficient than the electronic court equipment permanently installed in the courtroom. The facility can also be easily moved between different courtroom which makes it practical and provide us with cost effective solution. Currently this setup is the solution that is best suited to the limitations faced by our court.

This sad pandemic situation forces us to conduct judicial duties in a new, safer way to ensure the health and safety. By this, we can make mutual understanding that nowadays court system and justice services, is very dependent yet take advantage of the technology. Indonesian judiciary is one of it, in doing daily duties, office administration, case hearing, and conducting training and short courses. To ensure all judges and court apparatus are always improved, knowledgeable and updated with recent law issues, all trainings are conducted through e-learning system. Webinars also been held, inviting number of resource person to share particular law issue.

Following to that, last September, Training Centre of Supreme Court of Indonesia in cooperation with the Philippines Judicial Academy successfully conduct webinar to discussing lessons and challenges conducting judicial education during pandemic, as part of the Working Group of Judicial Education and Training agenda.

Honorable Chief Justices, Ladies and Gentlemen

This will conclude the sharing from Indonesian judiciary. Please stay safe, stay healthy, and always believe for better conditions in the future. Thank you very much for your kind attention.

Good afternoon and may peace be upon you.

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(On behalf of the Supreme Court of Republic Indonesia)