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I. Introduction

The Indonesian Supreme Court: A Study of Institutional Collapse by Sebastiaan Pompe, a Dutch scholar of Indonesian law, comes at one of the most important junctures in Indonesia's history. Since Suharto's deposal in 1998, the people of Indonesia have twice conducted direct, democratic parliamentary elections, and in 2004 elected a president in a similar manner for the first time in their history. All three elections were peaceful, recognized as free and fair, and placed people in power that, on the whole, rejected extremist or fundamentalist religious ideologies. n1 Contrary to the fears of many, Indonesia also has not splintered along religious, ethnic, or geographic lines. Indeed, there are very positive signs that the nation's longest running and bloodiest regional dispute, Aceh, is nearing resolution. Major statutory and constitutional changes have given regions both increased political autonomy and a significant share of the profits from natural resources extracted from their lands, and have fundamentally transformed, at least on paper, the relationship among the government's parts and between the state and its people. n2

It is still too early to predict whether Indonesia's transformation will be successful, due in large part to uncertainty flowing from Indonesia's legal system. During most of the Sukarno regime (1950 to approximately 1966) and the entire Suharto "New Order" regime (approximately 1966 to 1998) that succeeded it, the country's courts operated foremost as tools of the state's powerful executive. During Suharto's regime this meant the courts, by extension, also operated as tools of the country's political economic elite with which the executive [*948] was very closely entwined. n3 In the process, they became thoroughly corrupt and incompetent, so much so that it became common for Indonesians to perceive their courts more as liabilities than assets to public order and the rule of law. As a result, whether Indonesia can become not just a democracy but a functioning, fair democracy depends significantly on whether this problem can be solved.

The Indonesian Supreme Court has a complicated relationship with this question. On the one hand, the book provides a uniquely detailed description of how Indonesia's executive conquered the country's courts, and how the judiciary's ability to perform even its basic judicial duties was
practically destroyed in the process. Thus, the book is, as Daniel Lev notes in its foreword, arguably "essential reading" for those seeking the complete story of Indonesia's political oppression by its first two post-independence leaders (p. 5). On the other hand, the book is both part of and, at the same time has been superceded by, recent efforts that have been made to reform Indonesia's judiciary. Pompe completed the bulk of the work that became The Indonesian Supreme Court in 1996, but due to political and institutional pressures, the book was not published until 2005. During this interim, the manuscript did not simply sit on Pompe's shelf, but rather circulated widely among Indonesian reformers and government officials, likely influencing their later decisions (pp. 7-8). While this has made the book a historical text of those reforms and important as such, it has also made the book's detailed descriptions of the structure and operation of the Indonesian Supreme Court or Mahkamah Agung (the "Court") at least somewhat out-of-date, which is particularly regrettable considering the uniqueness of such descriptions and the increased authority which recent reforms have given the Court.

The following discussion roughly tracks the organization of Pompe's book. The first part examines his historical discussion of the processes by which Indonesia's executive branch subjugated its judiciary. The second part looks at the consequences that Pompe describes as having flowed from this subjugation, focusing on the unique elements of the Court's organization and operation that developed. Finally, it concludes by describing some, but in no way all, of the recent reforms that address issues raised by Pompe in his book. Hopefully, in a future edition Pompe will have the opportunity to do this more completely himself.

II. The Executive Subjugation of the Judiciary

The first third of The Indonesian Supreme Court traces the history of the Court from its colonial roots through the end of the New Order in 1998. The discussion tends to be somewhat overly personalized - frequently devolving into anecdotes about particular justices, uninteresting to readers except those engaged by the institutional [*949] minutiae of the Court. Similarly, at times it focuses too much on the day-to-day details of turf battles between the Court and the Department of Justice. In so doing, the discussion skimps on analyzing the other political forces at work and fails to draw upon the work of most other contemporary scholars of Indonesian law, with the notable exception of Daniel Lev. Still, these chapters provide an examination of how the executive achieved control over Indonesia's judiciary, which is not only helpful as a foundation for the discussions of the Court's structure and operation that follow, but also as a cautionary tale for anyone concerned more generally with issues of expanding executive power and the role which courts can play as a check on that process.

The story Pompe tells of the executive's subjugation of the Indonesian judiciary is roughly divisible into two parts. The first begins with Sukarno's disbandment of parliament and declaration of martial law in 1957, initiating what he termed "Guided Democracy." The second begins with Sukarno's removal from power in 1965-66, and his replacement by Suharto, which initiated the New Order. Sukarno's Guided Democracy was fired by an ideology of confrontational nationalism, revolutionary pseudo-socialism, and what Timothy Lindsey terms an "integralist" conception of the state and the people. n4 The latter, which is embodied in the wartime 1945 Constitution that Sukarno re-enacted in 1959, recognizes neither a distinction between the state and the people nor between various parts of the state. Rather, it conceives of the state as a monolithic embodiment of the people the acts of which are "inherently legitimate and legally correct." n5 Pompe outlines the attitudes and policies towards the judiciary which closely conform to it. Quoting from the official explanation of a 1965 statute, he describes a conception of judges as "instruments of the revolution"
(p. 53). More concretely, he presents how pursuant to this conception, regulations were issued that required judges to decide criminal cases in "deliberation with the prosecution," and how statutes were enacted that gave the executive an explicit, almost discretionary authority to interfere with the judicial process (p. 61). Judges who refused to do the executive's bidding were subject to physical violence by the military and public threats by government officials (pp. 54-56). The result, as Pompe puts it, was that "within 20 years of Indonesian independence, the nation's judiciary officially ceased to exist as a separate and independent function of government" (p. 35).

Suharto's New Order regime was staunchly opposed to its predecessor's psuedo-socialist project. It was fiercely rightwing, pro-western, pro-development, ultimately kleptocratic, and violently anticomunist. It was also far more subtle (at least at first) in its approach to judicial subjugation. In fact, as Pompe describes it, during [*950] the regime's initial play for power it portrayed itself as a champion of the rule of law and democracy and was able to gain allies in the Court and among the judiciary more generally as a result (p. 77). The regime continued to espouse this rhetoric throughout its reign. However, over time it became clear it was simply a cover for judicial subjugation based on infiltration rather than explicit interference. During the New Order, the executive co-opted the judiciary through a two-pronged strategy of: 1) manipulation of the appointment process to the Court, and 2) controlling the lower courts through exploitation of the lower court judges' positions within institutional hierarchies.

True to form, the New Order's manipulation of the appointment process did not (in the main) involve simply an open disregard for constitutional requirements, but rather a perversion of the process which maintained a veneer of constitutional legitimacy. With the help of a weakened and co-opted parliament, the Dewan Perwakilan Rakyat ("DPR" or "parliament"), the executive developed a procedure by which it submitted to parliament a list of preferred nominees to the Court; members of parliament would then either approve the choices on the list or add other nominees to it, but they never eliminated an executive choice. This practice, which Pompe calls "ludicrous," ensured that the president was always left free to choose from the nominees that the executive had initially proposed and "nullified the Parliament's constitutionally mandated control over the selection of Supreme Court nominees" (p. 359). Thus, the executive successfully ensured that the individuals it desired were appointed to the Court and, more importantly to leadership positions within the Court, with whom the executive had an "agreement ... that political interests in cases arising before the Court had to be protected" (pp. 354-55).

The strategy used by the New Order to control lower courts by exploiting the place of judges in institutional hierarchies was less elegant. Throughout both the Sukarno regime, and its New Order successor, lower court judges were members of the civil service. Depending on the type of court on which they sat, lower court judges worked for one of three executive departments, the Department of Justice, the Department of Religion, or the Department of Defense (p. 110). As Pompe points out, this gave the executive ultimate control over decisions related to the careers of lower court judges, which, in turn, meant power to reward judges who obeyed the executive's wishes and to punish those who did not. Further, Pompe argues, once the Court leaders were thoroughly co-opted, the limited control which the Court had over lower court judges was directed towards the same purpose (pp. 124-125). As a result, according to Pompe, by the end of the New Order "political interference in the course of justice became a routine matter" at the lower levels of the Indonesian judiciary, even in minor cases with no obvious importance to the regime (p. 140).

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III. The Resulting Judicial System
The book's most interesting and useful sections describe the judiciary that resulted from this process. It was not simply dominated and controlled by the executive, but was also a branch in which the majority of courts, from top to bottom, were basically incapable of performing their judicial tasks. The Supreme Court became an institution which routinely disregarded the rule of law and became a force for legal uncertainty, while lower courts became so incompetent and corrupt that they were practically dysfunctional.

A. The Court

Pompe identifies four main factors that led to the Court's degradation as Indonesia's highest judicial institution: its large size; its expansive attitude towards review of cases, except those which involve challenges to governmental enactments; its restricted role regarding the latter; and the weakening authority of its decisions as a source of law. As Pompe explains, these four factors were the result of a complicated mix of the Court's subjugation by the executive, its turf battles with other parts of the government, and ultimately its misguided efforts to fix problems within itself and in lower courts.

1. The Court's Large Size

Probably the most unusual aspect of the Court as a nation's highest court is its very large size. By the 1990s, the Court had 51 justices supported by over 1300 staff, up from just five justices and a "handful" of support staff in the 1950s (p. 280). n6 According to Pompe, the expansion was driven by two main motivations. The first was a desire to deal with the Court's burgeoning docket and huge backlog of cases. As noted infra, this was caused, in part, by the Court's expansive attitude towards review of most types of cases, though as Pompe notes in fairness, it was also caused by the more general growth of state legal institutions' influence in the archipelago, which led naturally to an increased number of cases being decided at all levels (pp. 282-83). n7 The second, less predictable motivation was the Court's desire to win control over the administration of lower courts from the Department of Justice and other departments of the executive. According to Pompe, Court leaders believed that by increasing the Court's "bureaucratic bulk and specialist expertise" it would demonstrate its "administrative potential" and enhance its "political clout" in the process (p. 279).

Be that as it may, the clearest result of the Court's expansion was a reduction in the quality and consistency of its decisions. n8 As [*952] the Court increased in size, it was split into 17 chambers. Cases were assigned to each chamber and were decided almost always by chambers in isolation from one another. At the same time, meetings of all the Court justices became dominated by personnel issues and sycophantic plays for the personal favor of Court leaders, whose number had increased with the Court's split into chambers (pp. 296-99). The result was that the chambers began issuing an increasing number of decisions which were inconsistent even on "elementary questions of law." And the potential to resolve such conflicts at meetings of the entire Court remained unused (pp. 325-30).

The most obvious negative effect of the Court's issuance of inconsistent decisions was the damage it caused to already weakened legal certainty (p. 325). However, as Pompe explains, it also created opportunities for parties to forum shop among the chambers. This, in turn, created increased bribery opportunities for the Court's administrative personnel, who controlled case assignment decisions, contributing to the corruption of the whole institution (pp. 333-34).

2. Expansive Review
Pompe also argues that the Court's expansive attitude towards review of cases which do not involve a challenge to a governmental enactment has contributed to the Court becoming a threat to legal certainty and the rule of law in Indonesia. In particular, this has manifested itself in two ways: expanded cassation, and de-finalization of the Court's decisions through special review procedures and stays of enforcement.

The Court's "core judicial task" is cassation (p. 208). Since independence, cassation has been limited by statute to the same three grounds: errors or violations of law, violation of forms by the judgment, and transgression of judicial powers. However, requests for cassation on the first ground clearly outnumber the combined requests on the other two grounds. More importantly, Pompe convincingly demonstrates that, as a practical matter, the Court neither requires parties allege a true error or violation of law by a lower court ruling, nor restricts its review to questions of law. Rather, the Court will grant cassation based on requests that allege only errors of fact, and it almost always completely reviews the lower court decision in question (pp. 232-34). The result is that cassation now "approaches full appeal." In the eyes of most practitioners, the Court is "a full-blooded third instance of appeal" (p. 232).

Pompe attributes most of this development to two factors. On the one hand, it was motivated by the Court's fairness-based desire to remedy situations caused by inadequate lower courts (p. 234). However, he also traces it to the Court's less honorable desire to ensure that cases which came before it were decided in a manner that protected the executive's interests. As Pompe puts it, this "required [*953] cases be distinguished on the specific facts that characterized them (fact specificity), and it forced the Supreme Court to decide cases based upon their facts rather than the legal issues involved" (p. 234). In other words, if the Court was to maintain any pretense that the same law applied, no matter who was involved, but still to ensure that cases involving the politically well-connected were decided in their favor, cases frequently had to be decided by the Court on the basis of their facts.

The Court's practice of de-finalizing its decisions through special review and often indefinite stays of enforcement is even more closely related to the desire especially of the Court's leaders to ensure that the executive's interests are protected. Both procedures, which were unilaterally called into existence by the Court, have been prominently used in very high profile cases to reverse prior decisions that the executive disliked (pp. 244-47). The most egregious examples are the Court's use of special review in Kedung Ombo, decided in 1992, and a stay of enforcement in Ohee, decided in 1996.

In both Kedung Ombo and Ohee, the Court's leadership was faced with a prior ruling by one its chambers that vindicated the rights of local peoples regarding natural resources. In Kedung Ombo, the prior ruling had ordered the regional government of Central Java to pay local community members, displaced by a World Bank funded dam, a much higher amount of compensation than the government had initially offered (pp. 149-50). In Ohee, the prior ruling had found that a local government in Indonesia's far-east province of West Papua (formerly known as Irian Jaya) had illegally occupied the land of a local community and ordered the government to pay the community approximately US $ 11 million in compensation (p. 159).

In both cases, the Court's first ruling upset the executive because of the increased financial burden they placed on the elements of the Indonesian government involved. However, particularly in the case of Kedung Ombo, the executive was further upset by the symbolic vindication the rulings seemed to give those who complained of "the social cost of the determined developmental
drive pursued by the New Order state" (p. 150). As a result, in both cases the highest levels of the executive put heavy pressure on the Court's leadership to overturn its prior decisions. In both cases, the leadership complied. Special review procedures were used to reverse the prior decision in Kedung Ombo, and a letter from the Court's Chief justice instructed the district judge in Ohee to stay the enforcement of the prior decision indefinitely. As Pompe demonstrates, the legal grounds cited for the reversals in both cases were questionable at best (pp. 152, 159).

Pompe identifies several negative effects attributable to the Court's expansive attitude towards review. First, it has contributed to the Court's burgeoning docket and corollary crushing, persistent backlogs. These backlogs, as we saw supra, were one of the chief reasons for the Court's undisciplined expansion, and such expansion has caused significant problems for legal certainty. Second, it has contributed more directly to the weakening of legal certainty by creating the necessity for the Court to issue decisions which are inconsistent or even in conflict on matters of law. Third, existence of these inconsistent decisions has, in turn, been "a critical factor in the erosion of the lawmaking powers of the Supreme Court," discussed infra (p. 125). Finally, this kind of expansive review has significantly damaged the Indonesian public's trust in the rule of law and in the Court as a fair arbiter of the people's interests vis-a-vis those of the state. This is not surprising, given that "all major political cases until Reformasi were decided by the Supreme Court in support of the government" (pp. 354-55).

3. De Facto and De Jure Limitations on the Court's Review of Governmental Enactments

Another unique element of the Court's operation is the de facto and de jure limits that controlled the Court's review of governmental enactments during the period Pompe describes. At this time, no judicial institution in Indonesia had the power to determine the constitutionality of legislative enactments, and the Supreme Court never even used its authority to strike down a regulatory enactment. Unfortunately, Pompe's discussion of this aspect of the Indonesian judiciary is less satisfying than other parts of the book.

Pompe describes how the Court, during much of the country's first 20 years of independence, frequently strongly advocated the right to review the constitutionality of legislative enactments. It explicitly discussed the possibility of a "Marbury vs. Madison" moment (p. 89). He further tells us how in 1978, Indonesia's supreme sovereign body, the People's Consultative Assembly or Majelis Permusyawaratan Rakyat (MPR), issued a ruling that eliminated that possibility, establishing that until or unless the 1945 Constitution was amended, neither the parliament, the executive, nor the courts could grant the Court the power of constitutional review (p. 132).

However, Pompe refuses to resolve the apparent contradiction that exists between the Court's advocacy for constitutional review authority and its simultaneous reticence, and even periodic hostility, towards using the authority it had to strike down regulatory enactments (which as Pompe admits gave the Court the power to "strike at the heart of the governmental system") (p. 147). Instead, he seeks to counter arguments that, in light of the Court's failure to use its authority to strike down regulations, there is little point in giving it the authority to conduct constitutional review, writing that "this argument ignores the symbolic value of the debate on constitutional review." He argues in response that giving the Court the authority of constitutional review "stands for a reordering of the structure of the Indonesian state," (id.). Many would agree with him on this point, and it is not surprising that someone like Pompe, who is involved in Indonesian judicial reform, would make it at the time he wrote the book. However, it does nothing to resolve the question why the Court took such apparently contradictory positions.
Thus, readers are left to speculate as to the reason why the Court supported constitutional review of legislative enactments, while simultaneously refusing to strike down regulatory enactments. One could speculate that the Court was reticent to strike down regulatory enactments precisely because doing so would "strike at the heart of the governmental system" and, in particular, executive authority (id.). On the other hand, the authority to conduct constitutional review seems more important in the Court's battle for institutional supremacy vis-a-vis the other elements of the Indonesian state, but would not as likely put the Court in conflict with in the executive. Pompe, given his proximity to the events, was best positioned to resolve this question. It is unfortunate he did not.

4. The Weakening Authority of Court Decisions as Sources of Law

The same shortcomings do not afflict Pompe's discussion of the elements of the Court's operation that have weakened the authority of its decisions as sources of law. Pompe begins with an explanation (likely for the benefit of his common law trained readers) that, even though Indonesia is a civil law country, the decisions of its highest court, especially when issued consistent over time, should have a very significant and even "binding" force on lower court decisions, and that the loss of Court decisions as a source of law has left the Indonesian legal system significantly impoverished (p. 429). Impressively, he cites for this loss, in addition to reasons discussed supra, reasons which would hardly have occurred to someone less familiar with the subject: the Court's issuance of substantive regulations and problems related to the publication of Court decisions.

According to Pompe, Indonesian law gives the Court only very limited authority to issue regulations: on procedural matters, and in cases where relevant statutory authority leaves gaps (pp. 252-53). However, the Court has increasingly issued regulations also affecting substantive areas of law, instructing lower courts how to decide certain types of cases and, indeed, explicitly declaring what "should be regarded as the law of the land" (p. 266). Pompe argues, this was largely motivated by the Court's desire "to clear up the mess it itself created through inconsistent applications of the law in its decisions ... or otherwise problematic court decisions" (p. 253).

As discussed supra, the origin of many of these problematic decisions was often the lengths to which the Court went to ensure the interests of the executive always prevailed. Unfortunately, these regulations eventually damaged the authority of Court decisions as a source of law as much as did the inconsistent or problematic decisions themselves. Initially, the Court's substantive regulations contained references to Court decisions for support. Somewhat paradoxically but also predictably, Court decisions to which no regulation made reference were soon perceived as less authoritative (p. 267). Over time, however, regulations no longer even bothered to make such references, [*956] which both reflected and reinforced that these regulations had "effectively supplanted the authority of Court decisions" (p. 268).

Pompe also argues that problems related to the publication of Court decisions contributed significantly to the loss of authority of caselaw. In particular, the quantity of published decisions became too small, and the selection of decisions for publication became flawed. This made it difficult for lower courts and parties to find published decisions which dealt with the legal issues they faced as well as questionable whether the cases they did find were accurate and representative. In the period covered by Pompe's study, only a tiny percentage of decisions were published: in 1990, only 58, or 0.006 percent, of approximately 8,000 decided cases. While Pompe cites the Court's lack of financial resources, he also attributes these small numbers to a general reticence
among Indonesia's judges to expose their decisions to public scrutiny since they might likely contain evidence of corruption, collusion, and/or general incompetence (pp. 436-41).

Pompe cites the same sort of reticence as a cause for problems related to the way cases are selected for publication and, in fact, presented. The selection process, which Pompe terms "capricious," is controlled almost completely by two of the Court's justices (p. 442). These two justices request (often at the last minute) candidates for publication from the other justices. From the "pile" of decisions they receive, the two justices then choose decisions for publication according to a standard that is "undefined" and "deliberately excludes large areas of the law" deemed "sensitive" (id.). Once selected, decisions are then often edited by the two justices to correct mistakes in legal reasoning so that their publication will not "embarrass" the drafting justice (p. 445). As a result, the value of the resulting tiny number of published decisions as a source of law is questionable at best.

B. Lower Courts

Understandably, The Indonesian Supreme Court contains significantly less detailed information regarding the country's lower courts. The book examines how Indonesia's lower courts were in abysmal shape by the end of the New Order regime, and further how their decline was also directly linked to the processes of executive subjugation described supra. In short, by the end of the New Order, the lower courts were rife with corruption and patronage and low in quality and skill (p. 124). The Department of Justice, which had ultimate control over staffing the majority of lower courts, cared little for the professional quality of judges, but rather aimed at ensuring that they served the interests of the New Order regime. It placed a premium on judges' loyalty to the regime as well as to particular superiors, who came to determine the individual judge's evaluations and thus their promotions and transfer (pp. 119-25). The lower courts became so inept at their basic judicial tasks that Court justices took to calling them "letter boxes" in which cases for eventual review were deposited (p. 283).

[*957] Pompe also describes how this arrangement led to the creation of corrosive patronage systems amongst lower court judges and their various bosses in the Department of Justice, other departments of the executive, the intermediate court of appeals, and the Court. In these systems, lower court judges were required not only to obey the will of the executive communicated to them by these masters, but also to hand over a percentage of their spoils from judicial corruption. In exchange, judges received promotions and transfers which not only improved their quality of life, but also increased their opportunities for corrupt rent-seeking which, in turn, gave them the resources to make the upstream payments necessary to maintain and further their careers (p. 125). Not surprisingly, by the end of the New Order era, the judiciary was not only regarded as incompetent, but also "part of the good governance problem rather than the solution." n9

IV. Conclusion

In the approximately ten years since Pompe completed the bulk of the work that became The Indonesian Supreme Court, a number of reforms have occurred in Indonesia which touch on precisely the issues Pompe identifies. As mentioned, this reduces, to an extent, the utility of The Indonesian Supreme Court as a guidebook for navigation of the complicated waters of the Indonesian legal system. However, it also corroborates the accuracy of Pompe's claims, and quite possibly, testifies to the impact which the work had when it circulated among reformers and government officials in Indonesia prior to its publication.
The most dramatic reforms are the four waves of amendments to Indonesia's 1945 Constitution which occurred between 1998 and 2002. As briefly discussed supra, the un-amended 1945 Constitution, drafted during Indonesia's struggle for independence, reflects its wartime origin. It concentrated great power in the executive, and more fundamentally recognized no significant distinction between the various elements of the state or between the state and the people. The subsequent amendments have brought significant changes in both regards.

The Constitution now contains a comprehensive bill of individual rights vis-a-vis the state, including most of the rights articulated in the Universal Declaration of Human Rights. The amendments democratize the manner in which the president, and Indonesia's supreme sovereign body, the MPR (which has the sole authority to amend the Constitution) are elected and constituted. They also have created an entirely new legislative body, the region senate (the Dewan Perwakilan Daerah or DPD), and eliminated the military's role in civilian government. All of these reforms represent significant transfers of authority from the executive branch to the legislative branch and the people.

The amendments also constrain the powers of the executive vis-a-vis other branches of the government. On the legislative side, the democratization and demilitarization of the legislative branch has resulted in a dramatic reduction of the executive's influence. Additionally, the amendments have reduced the president's influence in the legislative body by eliminating the law-making power the executive office previously enjoyed. Regarding the judicial branch, the amendments directly address the principal means by which the executive was previously able to co-opt the Court. The amendments remove practically all of the power the presidential office had in the appointment process of Court justices and in the selection of the Court's Chief Justice and Deputy Chief Justice. The President is now required to appoint any candidate chosen by the DPR. The Court's justices, rather than the President, now select individuals as the Court's Chief Justice and Deputy Chief Justice, and candidates for those positions must already be Court justices.

The amendments also create an entirely new judicial body, the Constitutional Court or Mahkamah Konstitusi, which is independent from every other element of the Indonesian state, including the Supreme Court. The Supreme Court, the DPR, and the President are each given the authority to choose three of the Constitutional Court's nine members. The Constitutional Court has jurisdiction to hear matters related to four areas, including the constitutionality of legislative enactments and disputes concerning the authority of state organs.

Finally, recent legislative reforms have eliminated the chief means by which the executive has controlled lower courts. They transfer ultimate authority over the organization, administration, and finances of all the lower courts, including authority over lower court judges, from the Executive to the Supreme Court. Thus they have made the judicial branch of the Indonesian government, for the first time, formally separate from the executive.

The book's story of executive domination and the efforts which are currently underway to eliminate it, should serve as a cautionary tale. As becomes clear when reading The Indonesian Supreme Court, the processes and effects of tyranny are complicated; they can implicate all branches of government. It is, therefore, encouraging that recent reforms attempt to address the structural legacy of tyranny as a complex whole, and it is a testament to reformers like Pompe that the changes promise to bear fruit. If these reforms succeed, the most direct benefits will be to the Indonesian people. But, given Indonesia's importance as the world's largest majority-
Muslim country and fourth largest country in terms of overall population, the effects could well be felt more broadly.

**FOOTNOTES:**


n5. Id.

n6. Currently, the Court has 49 justices.

n7. Between 1969 and 1994, the annual number of cases decided by Indonesia's courts of first instance increased from 95,000 to almost two million.

n8. The Court was ultimately granted control over the administration of lower courts, though it's unclear how much of a factor, if any, the size of the Court played in that decision. See infra note 19 and accompanying text. On the other hand, the Court's backlog was not reduced at all, but, in fact, increased from 10,000 undecided cases in 1980 to more than 20,000 by 1994 (p. 302).

n9. Paul H. Brietzke, Administrative Reforms in Indonesia?, in Corruption in Asia: Rethinking the Governance Paradigm 109, 117 (Timothy Lindsey & Howard Dick eds., 2002).

n10. See supra notes 4-5 and accompanying text.

n11. Lindsey, supra note 2, at 254.

n12. Id. at 269, 259.
n13. Id. at 251-267.

n14. Id. at 248.

n15. Indon. Const. art. 24.(3).

n16. Id. art. 24A(4).

n17. Id. art. 24(2).

n18. Id. art. 24(C).

n19. Undang-Undang No. 4 Tahun 2004 Tentang Kekuasaan Kehakiman (Judiciary Law No. 4/2004), art. 13(1). Though beyond the scope of this brief overview, it should be noted that the Court, itself has issued five "Blueprints" for reform (p. 8).