

Chapter 8

Professional Education and Training in Indonesia

Rita Komalasari

 <https://orcid.org/0000-0001-9963-2363>

Yarsi University, Indonesia

Nurhayati Nurhayati

Prasetiya Mulya University, Indonesia

Cecep Mustafa

 <https://orcid.org/0000-0003-0037-497X>

University of Stirling, UK

ABSTRACT

The professional training of the judges may influence their interpretation of justice. In terms of the training of judges, the influence of training may shape the judicial interpretation of justice. Despite the absence in the literature on the formation of the professional identity of the judiciary in Indonesia, Indonesian judges develop their professional identity through a training process which enables them to consider 'justice' in their sentencing. The authors found that trainee judges learn the three most important forms of justice: legal justice, moral justice, and social justice. Concerning sentencing, the primary aim of training is to raise awareness of some of the tensions between those three forms of justice when sentencing. The judge will also learn from training that judges would be required to reconcile the often-competing forms of justice. In this chapter, the authors further consider the way the judges reconcile the often-competing forms of justice.

INTRODUCTION

This book chapter presents findings based on the main study that explores the perception of Indonesian Judges in sentencing of minor drug offenders. This study is essential to an academic and a non-academic audience, for example, the public services system working in judicial training, the policymaker, and the

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public affairs education (Yevgenievna, 2017; Santoso & Hassan 2018; Schmatt, 2018; Schultz et al., 2018). The study presented in this book chapter explores the professional training of the judges that may influence their interpretation of justice. This book chapter introducing the research question, context to the study, the theoretical framework, the contribution to knowledge, and the layout of this book chapter. The organisation of the study as follows. First, it sets out the previous study on the relationship between the professional training of the judges' factors when sentencing. Second, it sets out a useful tool for understanding how the judges choose to interpret what justice is. Third, it looks at several strategies to identify relevant studies in the literature. Fourth, it presents an understanding the way in which trainee judges learn the three most important forms of justice: legal justice, moral justice, and social justice. Finally, it provides recommendations and future research directions for improving judicial Education and Training in the 21st Century (Estriyanto et al., 2017; Bahdi & Kassis, 2020; Carey, 2020; Mtshali, & Ramaligela, 2020). The following section provides the background and context to the study with a personal account of the author interest and involvement with the subject of sentencing practice.

The author interest in the subject stems from the authors previous background as a judge and PhD student. During the authors experinces as a district judge, the authors sentenced a number of less-serious drug offenders to lengthy prison terms. Before the author learnt about the issue of drugs use (KleinCollins, 2013; Maina, 2018), the author tended to view offenders who used drugs in detention centres as persistent offenders and their behaviour as unacceptable. This persistent offending may aggravate the sentencing to imprisonment to the maximum (Komalasari et al. 2021a). This aggravating factor was reflected in my sentencing which mostly mentioned that 'the offenders did not support government program combating illicit drugs'. The author realised that our approach represented a punitive approach that sent convicted drug offenders to prison(Komalasari et al. 2020) . Studying the Strathclyde Masters in Criminal Justice and Penal Change has enabled me to understand the international experience of penal innovation that is useful to the future work as a Judge (Gibbons, 2013; Hassan et al., 2019). As a Masters student, the author has had opportunities to participate in several conferences in Scotland, such as on Problem-Solving Courts, and to visit, for example, the Glasgow Drug Courts. The problem-solving role of the judges has led the author to believe that there are more effective ways of sentencing offences. The title of the author Masters' dissertation about the problem-solving role of the judge reflects my research interest, which relates to the forms of justice for minor drug offenders in practice. This interest then develops towards the importance of deeper understanding of how justice to minor drug offenders is performed in the court setting with specific relevance to sentencing, discretion and power (Ismail et al., 2020). This chapter has evolved during the author analysis based on the primary research of the author PhD in the University of Stirling. Hence, the application of the concept of dramaturgy to judicial perspective in Indonesia extended the author research interest. The following section presents context of the training for and inspection of judges may influence the judges' intention and action.

THE PROFESSIONAL TRAINING OF THE JUDGES

The professional training of the judges may influence their interpretation of justice (Nurlaelawati et al., 2021; Garrett et al., 2021; Murphy et al., 2021). In terms of the training of judges, the influence of training may shape the judicial interpretation of justice (Kumar et al., 2017; Prayitno & Jaedun, 2018). The guideline on judicial training was published in 2008 by the Indonesian Supreme Court (SKMA 2008). The preface to the guidelines states that judicial training will enable judges to meet the value of justice

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