

Perspectives To Strengthening Competencies of Judges in The Supreme Court Of The Republic Of Indonesia

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ARTICLE INFO

DOI: 10.32832/jm-uika.v14i2.11228

Article history:

Received:

15 Februari 2023

Accepted:

25 Februari 2023

Available online:

5 Juni 2023

Keywords:

Competency-based
development; Stakeholder
Theory; Competency-Based
Human Resource
Management

ABSTRACT

Judges as court apparatus play a pivotal role in improving the organizational performance and enhancing public trust. They are the sole actor who determine the quality of court decisions. However, the cases in the four courts namely general, religious, state administrative and military courts seemed to outnumber the judges; hence retaining highly skilled judges to rule and write decision within the time frame is of paramount importance. This article explores the competency-based development model for judges that is carried out by technical training center of the Indonesian Supreme Court using a stakeholder theory approach. The research method used was descriptive qualitative using purposive sampling for in-depth interviews with 13 informants. The result revealed that each stakeholder, namely technical training managers, supporting lecturers or trainers, working unit, and public user, showed different perspective on judges' competencies consisting of knowledge, skills, and attitude due to different interests. Stakeholders' perspectives highlighted several points, namely analytical thinking skill improvement, knowledge application, characters building, adaptive skills development and reassignment. This study therefore, provides a new model of judges' competencies development that emphasizes on a throughout human resources management activity application, starting from carrying out apparatus management strategy as a response to bureaucracy reform, strategic environmental changes, and science and information technology development; applying human resources development strategy with stakeholder participation approach through training and development center; and creating apparatus reassignment strategy. These three strategies lead to an agile civil apparatus in order to achieve good governance.

1. INTRODUCTION

Improving competencies of judges in ruling and writing decisions is of paramount importance since cases in the four courts namely general, religious, state administrative and military courts have outnumbered judges in the court. The shortage of judges at court is caused by the disproportion between the number of judges appointed through recruitment and the number of judges who are retired.

According to the 2021 executive summary of the Supreme Court of Indonesia, almost 250 judges from four judiciary, namely general, religious, state administrative and military courts were retired during the year of 2021 alone, while in responding to these conditions, the Supreme Court of Indonesia itself cannot immediately appoint new judges to replace the retired judges, considering the fact that the appointment of judge through recruitment of state civil apparatus is tied to the state budget. As a result, judge turnover in those four courts becomes inevitable.

A shortage of judges affects the delays in court proceeding, while the Supreme Court of Indonesia stipulates a strict settlement period for cases through a Circular Letter of the Supreme Court of Indonesia number 2 of 2014 concerning settlement of cases in first instance courts and appellate courts. Therefore, when a judge cannot settle a case within the specified period of time, it will affect the organizational performance. This situation is exacerbated by the increase in the workload ratio of judges since a judge has to deal with the ever-increasing numbers of cases in court. According to the 2021 executive summary of the Supreme Court of Indonesia, it shows that caseload ratio in the first instance courts is 1:398 and caseload ratio in the appellate courts is 1:37, this caseload ratio resulted in a heavy workload for judges. It shows that a judge in the first instance court alone has to handle 398 cases.

The increase in judge's workload can affect the quality of decisions, thus can lead to the low rate of public satisfaction. The impact of judge's caseload on quality of decisions is also shown in a previous study conducted by Gomes et al (2017) regarding the increase in court caseload in Brazilian Courts, it shows that a congestion at courts can be inevitable when court caseloads exceed capacity that persists for a long period of time, it can give effect on the delay in trial proceedings that can cause problems that affects all sectors of society. Moreover, the Supreme Court of Indonesia is facing social dynamics and drastic environmental changes, thus actions to overcome such situation should be taken immediately.

The immediate response to this phenomenon that the Supreme Court of Indonesia can take is to develop competencies of the existing judges through its technical training and education center also known as Pusdiklat Teknis MA RI. Since court decisions should be able to perceive and resolve cases holistically either quantitatively, qualitatively, and in a complementary manner, both from theoretic aspects and practical aspects, so that a qualified judge is needed to produce quality decisions (Amarini, 2018). Competency of judges is a standard that must be possessed by employees to carry out their duties and functions effectively and accurately, this competency includes various attributes in individual as a combination of knowledge, skills, and attitude that are used by employees to enhance their performance (Prabawati et al, 2018), hence,

providing employee empowerment program could help organization acquiring competitive advantages (Suny & Yajurvedi, 2022).

Providing education and training for court apparatus is an essential strategy to strengthen their competencies both in the Supreme Court of Indonesia and internationally. Such a strategy is in line with a previous study conducted by Thomas (2006) on judicial education and training in twelve countries i.e European countries, Australia, and North American Countries. Results of the study revealed that judicial education and training play critical role to help ensure that the competence of court apparatus is increased. The need for judicial training and education becomes greater than ever since societal issues that are resolved through litigation are getting more complex and sensitive. Judicial training and education are considered valuable since they yield specific outcomes, such as a well-managed and less costly litigation for litigants and the increase of public trust in the judiciary system of a country.

Public trust in the judiciary can be achieved if judges' decisions are considered as fair and impartial, so that improving judge's confidence in ruling and writing decisions through training and education programs becomes important, it is also confirmed by feedback given by a participant of the writing better judgment training program that is held by National Judicial College of Australia (NJCA) in National Judicial College of Australia: Annual Report 2020-2021, the feedback shows that he gained confidence in writing decisions that are more readable and not weighted down with lots of legal jargon, and references to the legislation and quotations from other cases after attending the training program that was held by NJCA.

Improvement on individual competencies through training shows that the training center itself gives significant impact on the enhancement of individual performance as well as organizational performance thoroughly. Organization spending on training should increase because organization get more efficiency from it. Training is important for employee development that will encourage employee's self-fulfilling skills and abilities. It also helps organization to decrease operational cost, limit organizational liabilities, and change organizational objectives (Khan et al, 2011).

Considering the huge impacts that a training center could give, thus, the role of Pusdiklat Teknis MA RI should not only be a judicial training provider, but also as a strategic partner for the Supreme Court of Indonesia that can align judge's competencies with vision and mission of the organization by developing their training programs that are tailored to judicial needs to settle more complex and sensitive cases. However, in an observational study, it reveals that Pusdiklat MA RI seemed to be a complementary entity of the Supreme Court of Indonesia, whereas Pusdiklat has the potential to become a strategic partner for the Supreme Court of Indonesia as the main organization to achieve the organizational objectives. As a result of this condition, Pusdiklat MA RI seemed to merely play a role as a technical training provider, yet it cannot create an organizational learning culture. Moreover, in a document study, it shows that a training needs analysis document has not been updated periodically, the latest document was published in late 2020 and hasn't been updated since then.

Building organizational learning (OL) in the Supreme Court of Indonesia through Pusdiklat MA RI is unlikely to happen, if Pusdiklat MA RI cannot align the current competency of judges with the expected competency and vision and mission of the organization. Thus, a competency-based human resource management (CBHRM) approach must be implemented thoroughly by the Supreme Court of Indonesia, since CBHRM as a management approach, emphasized competency as the main key of a system that aligns employees' behaviour, team support practices with core processes, vision, and the best strategy of organization (Schoonover, 2002). CBHRM provides an organization with a broader picture of individual skill gap factors, particularly for the gap between individual current competencies with the expected competencies. CBHRM offers development programs that aims to apply the expected competencies in organization. Competency model enables organization to align its internal attitude and skills with strategic direction of the organization (Lucia & Lepsinger, 1999). Therefore, Pusdiklat MA RI as a training center of the Supreme Court of Indonesia needs to collaborate with other stakeholders of the organization develop a new model of competency-based development.

In response to the findings above, the authors bring up the subject of competency-based judicial training and development through Pusdiklat Teknis MA RI to a further study. A competency-Based Human Resources Management (CBHRM) approach is used to analyze Pusdiklat MA RI potential on improving their current competency-based development model in accordance with the vision and mission of the organization. Since managing and developing state civil apparatus particularly for judges involves a number of people who become the Supreme Court of Indonesia's stakeholders. Thus, gaining in-depth insights with qualitative approach through an in-depth interview, observation and document analysis are pivotal in this research.

Supreme Court of Indonesia's stakeholders are a group of individuals that affect and are affected by organization in their attempt to achieve their goals. Stakeholder approach help organizational actors to decide on how the organization can contribute to stakeholders' well-being and how to direct these stakeholders to build the expected condition in the organization (Freeman et al,2010). This approach enables stakeholders to participate in decision making in the organization, thus, a broader perspective on the development of judge's competencies strategy can be achieved.

Perspectives from those stakeholders are crucial to analyze Pusdiklat potential on creating an optimal HR management model and developing CBHRM model in the Supreme Court of Indonesia through Pusdiklat, since Pusdiklat's role can be developed and it is not limited to train judges to enhance their competencies, but also to collaborate with other echelon I units of the Supreme Court of Indonesia to build strategic planning for judges after training. Hence, the current model of judges' competencies development should be improved in order to create a prominent strategy for the Supreme Court of Indonesia to enhance the organizational performance and build organizational learning.

2. RESEARCH METHODS

The research study sought to dig further into development of judges' competency through Pusdiklat Teknis MA RI by using qualitative approach. Data collection techniques include observation, in-depth interview and document study, they are used to analyse Pusdiklat MA RI potential to have an optimal human resource management model and to develop competency-based human resource model in the Supreme Court of Indonesia through Pusdiklat MA RI.

A purposive sampling technique is used to select subjects who are considered as informants who understand and have capacity to answer the authors' questions and also to give data regarding CBHRM practice in developing competencies of court apparatus, especially for judges at the four courts under the Supreme Court of Indonesia. Information details of informants can be shown on the table below:

Table 1. Informants Profiles

Group of Stakeholders	Informant Initials	Job Position	Working Unit/ Institution	Interview Media	Year of Work Experience
Technical training center (Pusdiklat MA RI) managers	MS, IRM	Head of technical and evaluation program in Pusdiklat Teknis Peradilan Mahkamah Agung RI	Pusdiklat Teknis Mahkamah Agung	In-Person interview at Pusdiklat Teknis MA RI	Over 10 years
Supporting lecturers or trainers	AF, BS	High Judicial Judge of Balitbang Diklat Mahkamah Agung RI (Supporting lecturers and trainers at Pusdiklat Teknis)	Pusdiklat Teknis Mahkamah Agung	In-Person interview at Pusdiklat Teknis MA RI	Over 10 years
	AH	Deputy Chief Judge / Guest lecturer on Hisab Rukyat training in Pusdiklat	Pengadilan Agama Ponorogo	In-person interview at Pusdiklat Teknis MA RI	Over 10 years
Working Unit (Pengadilan Agama Tuban)	MAB, MR, MU, ZM, FR	Chief Judge, Deputy Chief Judge, Judge, Registrar, and Deputy Registrar of Tuban Religious Court (as member of panel of judge)	Pengadilan Agama Tuban	In-Person interview at Tuban Religious Court	Over 10 years
Public user	FAQ, SW, IS	Private mediator, Lawyer, and public users / litigant (PNS) in Tuban Religious Court	Within Tuban Regency	In-Person interview at Pengadilan Agama Tuban	Over 10 years in Pusdiklat MA RI

Source: Data Processed (2022)

The research is very crucial for both organization and public since judges' competences affect the aspects of society. The research study therefore, attempts to gain perspectives from stakeholders of the Supreme Court of Indonesia on judges' competencies development through an in-depth interview, since the development of judges' competencies per se involves many parties. According to the table above, informants were selected based on their work experiences and capacities in providing information regarding competency development of judges. These

stakeholders of the Supreme Court of Indonesia are defined to four groups, namely: (1) Technical training center (Pusdiklat MA RI) managers; (2) Supporting lecturers or trainers; (3) Working unit (Tuban Religious Court); and (4) Public user. The first group is Pusdiklat Teknis MA RI managers who can give information regarding competency of judge development activities, evaluation, and program. The second group is supporting lecturers or trainers who can provide information regarding training methods and program. The third group is working unit i.e Tuban Religious Court, employees selected on the interview were member of judge panel who can give clear perspectives on judges' competencies in the working unit. The fourth group is public user, consisting of lawyer, litigant, and private mediator who receive public service from the courthouse especially from judges.

Information from these informants was being recorded by a recorder in cellphone. An observation study was also conducted in Pusdiklat MA RI, Bogor, to gain information and data regarding the implementation of judges' competency development in Pusdiklat MA RI, including facilities in classes, facilities in the training center area, and also teaching and learning activities in class. Document study was also carried out in this research since execution of judges' competencies development is tied to legalized documents such as laws, regulations and guidance books i.e training needs analysis book and training and development guide book.

Data collection was carried out from November until December 2022. Data gained from the collection process was analyzed using inductive analysis to later develop as hypothesis (Hardani, et al., 2020). Data analysis in this research referring to Miles and Huberman data analysis model that is defined to three stages of activities, namely data reduction, data display and conclusion or verification.

3. RESULTS & DISCUSSION

Regulation of Minister of State for Administrative Reform and the Reform of Bureaucratic No. 6 of 2022 (PERMENPAN RB No.6 Tahun 2022) Concerning Performance Management of State Civil Apparatus enforces managers of working units should take into account the stakeholders' expectation on employee's performance appraisal. The related stakeholders' expectation is needed to measure employee's behaviours in employee's performance target that was made as a performance contract between employees and their supervisors. Using stakeholder's expectations on this matter shows that employees' internal factors such as individual potential and motivation aren't the sole factor to measure individual performance.

Stakeholders' expectations used in individual performance measurement becomes government policy to encourage participation of external parties of the organization, especially in giving feedback on the performance of state civil apparatus. In relation to judge's competencies, stakeholders' expectations and perspectives on knowledge, skills, and attitude as main aspects of competencies are being emphasized on this research study, as shown on the table below:

Table 2. Stakeholders' perspectives on Judge's KSA

Competency	Group of Stakeholder
Technical Training Managers	
Knowledge	There is a need to improve judge's basic knowledge and intuitions through training program, since intuitions can help judge to make better decision
Skills	There is a need to strengthen judge's skills on identifying and analyzing problems through various training materials
Attitude	There is a need to improve judge's characters and manners through competency development (harmony aspects)
Supporting Lecturers or Trainers	
Knowledge	There is a need to facilitate judges to synchronize their knowledge with experiences, so that they can have better interpretation of data and facts
Skills	There is a need to sharpen judge's skills to correlate the laws and regulations with the problems; to sort problems based on their priority; and to direct people to achieve organizational objectives
Attitude	<ul style="list-style-type: none"> - There is a need to build strong mentality and integrity character of judges (accountability aspects); - There is a need to build judge's adaptability to embrace changes and judge's self-motivation to be a lifelong learner (competence aspects)
Working Unit	
Knowledge	There is a need to sharpen judge's reasoning ability and specific knowledge to observe different situation and settle specific cases that require a specialization.
Skills	There is a need to improve judge's skills to transfer their knowledge to their working unit and to read and analyze problems based on data.
Attitude	<ul style="list-style-type: none"> - There is a need to improve judge's accuracy and fidelity to work more efficiently and effectively (competence aspects); - There is a need to improve judge's professionalism and neutralism to be impartial and to act accordingly to judge's code of ethics (loyalty aspects)
Public User	
Knowledge	There is a need to improve judge's specialized knowledge and logical thinking, so that a judge may not be so strict to the rules since data and facts might contradict the laws and standards of knowledge, thus judge can use their logical thinking to resolve complex problems.
Skills	There is a need to improve judge's communication, interpersonal and creative thinking skills, so that they can dig deeper into data and facts, and they can build a good communication with the private mediator and lawyer
Attitude	<ul style="list-style-type: none"> - There is a need to improve judge's neutrality and collaboration that can create judge's openness to new information from the external parties such as a private mediator and lawyer (collaborative aspects); - There is a need to improve judge's courtesy so that the litigants will not feel intimidated by judges (service-oriented aspect)

Source: Data Processed (2022)

According to the above table, it shows that each group of stakeholder stresses on different aspects of judge's competency development. According to Kossowska & Sołtysińska (2002), the basis of competency is knowledge considered at three levels: 1) Knowledge, the individual declarative knowledge i.e 'what I know'; 2) Skills, individual's ability to do something i.e procedural knowledge – I know 'how to' and I can; and 3) Attitude, the individual's readiness to use their knowledge – I want and I am ready to use my knowledge. Aspects regarding knowledge, skills, and attitude (KSA) of judges are derived from their perspectives as a result

of their interaction with judges. These aspects are considered as the basis of competencies as stated by Filho et al (2020) in his previous study regarding judicial training by ENAMAT (The National School of Formation and Improvement of Labour Magistrates) in Brasil, the study revealed that in a contemporary globalized society, it is essential to consider that magistrates want to ensure continuous learning, not only to properly perform their duties but also to understand the whole society in which they are immersed in a reflexive, dynamic way. The continuous learning per se can be reviewed in three areas, namely knowledge (theory), skills (how to perform), and attitude (ethics and intelligence in decision making are core). These are competencies targeted to address social needs and conflicts challenging the judiciary system.

Judges' competencies to undertake and administer justice for cases are not limited to their ability to implement procedural law, but also related to other attributes on the competencies per se. According to Kalkavan (2003), competencies can be described as the required abilities to perform successfully in areas specified. Competency profiles indicate performance requirements in behavioral terms and integrate knowledge, values, skills, and attributes.

Referring to Kierstad's opinion, it shows that judges' competencies development must include knowledge, skills and attitude development as a set of individual competencies. These three aspects become a benchmark for level of competencies of the judge and also determine judge's ability to optimize their performance particularly for undertaking and administering justice for the civil cases, so that fair and impartial decisions can be produced. Therefore, Pusdiklat Teknis MA RI provide themes and training materials in accordance with the laws and regulations as legal products to address social dynamics and problems. The training themes provided by Pusdiklat Teknis MA RI also aligns with national priority programs of the Indonesian government.

Alignment between training themes with national priority programs aims to equip judges with skills and hence judge's skills gap can be reduced, since skill gap describes phenomenon in which skill level of employees cannot meet the requirements of their current job. This competency gap can potentially reduce productivity level of the organization due to poor employee performance (McGuinness & Oriz, 2015). Reducing judges' competency gap can enhance their confidence in settling more complex cases, since a court becomes main destination for justice seekers to convey their problems in the hope of their problems can be resolved by judges. Societal problems become more various with unique characteristics and therefore such problems require judge's foresight and skills to rule and write decisions. However, every judge has different level of competence due to the variety of background, age, and individual experiences. Therefore, a structured judge's competency development framework is needed (Sze, 2013).

An effective training planning can only be achieved if the organization considers stakeholders' perspectives on competency development per se, since their perspectives help organization to obtain broader insights of the needs and changes both in the internal or external environment of the organization. However, according to information gained through an in-depth interview with stakeholders, it shows that stakeholders showed different perspective on judges' competences due to different interests.

Considering stakeholders' perspectives on competency development for judges is also carried out by Lithuanian Courts in their study on strengthening the competency of court managers for effective management of judicial resources that is shown in the 2022 Executive Summary of Lithuanian Court. The study used a survey of stakeholders, namely president of courts, deputy president of courts, chairs of court divisions, chancellor of courts and head of court divisions. Results of the survey show that priorities in the field of competency development for judges over the next five years must strengthen some aspects, namely increasing anti-corruption awareness in the court system, leadership competencies (strategic thinking, activity management) and building environment free from corruption. Thus, a highly-skilled judge with integrity is required to resolve both organizational and societal issues since judge's decisions affect many aspects in society (The 2022 Executive Summary of Lithuanian Court).

The first stakeholders' perspective related to knowledge, skills and attitude of judges, as stated by technical training center (Pusdiklat Teknis) managers of the Supreme Court of Indonesia, they revealed that judges' knowledge needs to be developed and trained because judges are practitioners who already have a basic knowledge of their duties, particularly for procedural law. Their perspectives on judges' knowledge development stressed on improving judges' analytical thinking and judges' ability to use their intuition through training program. Strengthening judges' intuition is important due to the complexity and diversity of problems they may face, as said by MS, a manager of technical training center (Pusdiklat Teknis MA RI) as follow:

“If such trivial matters are being reported, they will only burdened police officers. So, on this matter, it is very important for judges to use their knowledge to select cases and categorize them, which ones can be considered as domestic violence and which ones are not, so judges' knowledge of classification and description of domestic violence will help them to make fair decisions”

Considering those perspectives, it can be seen that judges' roles are not limited to make decisions, their roles are broader than that. Judges are required to be able to use their knowledge to classify the problems depending on its degree of urgency, thus a fair judgment can be produced.

The second perspective of Pusdiklat Teknis managers on judges' skills shows that the managers pay more attention to the diversity of learning and teaching materials in a training program. These various teaching and learning materials aim to sharpen the analytical skills of judges in analyzing cases. It is confirmed by MS, a Pusdiklat teknis managers:

“It shows that judicial training can help judges to see problems not only from their legal perspective, but also from other aspects such as economic and psychological factors as well as other factors. In this case, when a judge faces domestic violence cases, the judge must have the ability to mediate both parties who are involved on that case. This mediation stage is considered important in western countries both in common law or in civil law system”

The ability of judges in analyzing cases can be developed through training and education program that provide the diversity of teaching and learning materials. The diversity of teaching and learning materials help judges to see problems from different perspective, it is in line with

a previous study conducted by Filho et al (2020), it shows that there is a paradigm shift on the idea that a judge is entitled only to “judge” or issue decisions. Being a judge encompasses much more than just “judging” in a narrow perspective, a judge must understand conflicts surrounded by psychological, economic, political or social issues, which are usually caused or aggravated by ideological tensions, frustrated personal expectations, labour market exclusion, social inequalities, digital economy and other deep structural societal changes and reshaping, hence in this intertwined globalization world, a judge must understand more than just legal knowledge.

A judge is required to understand various problems in order to dig deeper into the information, data, and facts from litigants, thus having a proper attitude is important to make parties who are involved in litigation do not feel intimidated or treated unfairly by the judge. Building proper attitude of judges as a matter of urgency becomes a special attention from IRM, a Pusdiklat teknis manager. She claimed that:

“When children are involved in a civil case, judges must gain information and facts from the children, so judges must act and speak gently to them. In this point, judges must be able to adapt their behaviours to the persons they are dealing with. Judges must be able to approach those children with special approach according to their age.”

Behaviour of judges are related to their ability to adjust themselves to different situation, their behaviour must be in accordance with core values of civil servants i.e ‘BerAKHLAK’ (Service oriented, Accountable, Competent, Harmonious, Loyal, Adaptive, and Collaborative). Judges’ ability to adapt in many kinds of situations reflects on one of the core values of civil servants i.e accountable.

The second stakeholders’ perspective on competencies of judges was conveyed by the trainers or supportive lecturers. They conveyed that as a practitioner, a judge is considered to be an experienced person, thus trainers play their role as a facilitator. They facilitate judges to synchronize their knowledge to data and facts in field, as argued by AH, a guest trainer:

“If a judge does not have theoretical and practical knowledge of particular things, the judge can accept and trust false information easily”

Knowledge can be a powerful guidance for judges that will prevent them from accepting and trusting false information, so that they can hold on to their own principles and beliefs. Building such principles and beliefs can be achieved by increasing their knowledge through training and development. According to Reaves (2016), judicial education and training can help courts by developing knowledge, skills and attitude that enable judges to stand against branches of government, political ideology, mass media, religious oppression, and political power. Judges must be equipped with strong knowledge, skills and attitude since political power and ideology, mass media, and religious oppression tend to dominate society. Judges, therefore, must hold on to their strong principles in order to make a fair decision.

The perspectives of stakeholders become crucial especially when it is associated with Kantian’s principles of corporation in (Friedman & Miles, 2006), it stated that there are two principles of

corporations, namely: (1) the rights of corporate, the corporation and its managers may not violate the legitimate rights of others to determine their own future; and (2) the effects of corporate, the corporation and its managers are responsible for their effects on others. According to Kantian's principles, it can be said that judges' actions, particularly on making decisions, will affect others, especially litigants.

Supreme Court is not a corporation, yet its existence as the highest court that holds the authority to undertake and administer cases, becomes a central actor in the nation. Therefore, any laws and regulations that are enacted by the Supreme Court give direct effects on law enforcement in Indonesia. Considering the direct effects that the Supreme Court can give to others, it can be said that Kantian's principles of corporation can be implemented in a non-profit organization such as the Supreme Court of Indonesia.

Future Development to Strengthen Judges Competencies

Competency-based development of judge through technical education and training center of the Supreme Court of Indonesia (Pusdiklat MA RI) has been carried out effectively and in accordance with competency mapping, training needs analysis (TNA), vision and mission of the Supreme Court of Indonesia and the applicable laws and regulations, particularly for the laws on special issues that happening in society. The making process of curriculum, syllabus, and module in Pusdiklat Teknis MA RI involves an expert team consisting of chief judges and judges from the four courts who are expert in law through focus group discussion (FGD). Other government institution both locally or internationally and academics also take part in such FGD for making curriculum, syllabus and module of several particular training programs.

Participation of these stakeholders helps Pusdiklat Teknis MA RI to update their training programs in accordance with social dynamics and the applicable laws. However, in training needs analysis making process, judges should not be the only respondents to make TNA. According to Munir (2013), the important value of a good TNA is to make it participatory, which means that judges should not be the only respondents to make TNA because when the external stakeholders of the courts play a small portion in designing judicial training programs, thus cannot guarantee that the judicial training per se can meet the needs and demands of public. The training needs of justice sector actors may be assessed using different tools such as views of participants of trainings, trainers, law officers, advocates, litigants, court official, and also case-law analysis. A participatory in training needs assessment requires a 360-degree approach by collaborating with independent observers of judiciary and justice sectors such mass media, ordinary citizen, law professors, social scientists, doctors, NGO's, national and international organizations.

Strengthening collaboration with both internal and external stakeholders in improving judge's competency development model should be taken as an immediate strategy for Pusdiklat MA RI. Despite collaboration between Pusdiklat Teknis MA RI with other echelon I units of the Supreme Court of Indonesia i.e Directorate General of the court concerned has been developed effectively, especially for the selection of training participants and competencies mapping, this

collaboration has not been able to contribute optimally to human resources development in the Supreme Court of Indonesia, particularly for succession planning program and employee reassignment. Therefore, a number of judges who have passed the training programs especially for the certified ones, are not able to apply their knowledge optimally in their working units.

The knowledge transfer challenges happen due to the lack of cases in judge's working unit (court) that require special knowledge and skills such as sharia economy disputes, child criminal cases, and other cases that require judge's specialty in knowledge and skills. Thus, knowledge transfer challenges post-training is still unresolved, while according to Mousa et al (2017), employee training can notably enhance post-training employee engagement and other aspects of work well-being. Employee engagement is most closely associated with job involvement (May et al, 2004), while engagement enablers per se include alignment between individual and organization objectives, management's ability to utilize individual's skills, and the encouragement to think and act beyond individual's job scope (Naicker, 2013). Considering these aspects, it can be seen that if a judge cannot transfer his knowledge due to the lack of special cases in the court, it can lessen his engagement to the organization that can cause drawbacks such as lacking self-motivation, individual performance decrease, and lacking commitment to learn. These knowledge transfer challenges can be a factor of the Supreme Court of Indonesia inability to create an organizational learning culture. Therefore, developing a new model of competency-based development for judges should be taken into consideration.

Providing a competency-based training program alone will not suffice to apply CBHRM in an organization since other human resources management activities as a part of CBHRM are required to build an organizational learning. It is in line with the statement of Rahman (2014) which says that CBHRM approach is a set of management activities that encompasses several activities, namely (1) Job design; (2) employee recruitment and selection; (3) Performance appraisal; (4) Remuneration and Rewards; (5) Training Needs Analysis; (6) Training and Development; (7) Succession Planning; and (8) Job rotation and reassignment.

Considering Rahman's statement regarding the management activities, the Supreme Court of Indonesia has implemented some of those activities optimally. Those management activities are: (1) Job design, the courts under the jurisdiction of the Supreme Court of Indonesia has made job design of the employee in accordance with the laws and regulations based on employee's position; (2) Employee recruitment and selection, the recruitment and selection process have been carried out transparently and in accordance with job and qualification requirements for each position; (3) Training Needs Analysis (TNA), the Supreme Court of Indonesia through Pusdiklat MA RI makes training needs analysis through an FGD and the document of TNA has been published in late 2020; (4) Job appraisal, has been applied in the four courts optimally with cascading and outcome approach; (5) remuneration and rewards; (6) Training and development, the Supreme Court of Indonesia put its big concern on individual development through training program by Pusdiklat MA RI. These six management activities have been carried out optimally by the Supreme Court of Indonesia, however, other activities such as succession planning and job rotation and reassignment have not been implemented optimally by

the Supreme Court of Indonesia. Thus, new strategies to optimize these activities should be made.

Pusdiklat MA RI plays its role in human resources training and development, however, the output of the training program is only to improve individual competences, so that they can improve their performance as well as organizational performance. Pusdiklat MA RI has not put its big concern on individual continuous learning after training through succession planning employee reassignment strategy. Thus, a number of employees especially judges feel like they cannot apply their knowledge and skills on their working units, as said by MU, a judge in the first-instance court (Tuban Religious Court):

“For instance, judges who have passed a certified training of sharia economy, ideally, their current job assignment should be reviewed. Are they able to apply their knowledge in their current working unit (first-instance court)? Are there any sharia economy cases in that court?. It can be a problem for us as a judge since we have already struggled to pass the certified training program, yet we don’t have any opportunity to use our knowledge due to the lack of sharia economy disputes in the court.”

According to the interview with informant MU, it shows that judges cannot apply their knowledge optimally even after becoming a certified judge in a particular field. Such an issue is caused by the strategy of job reassignment for employees after training that has not been applied optimally by the Supreme Court of Indonesia. The nonoptimal job reassignment strategy in the Supreme Court of Indonesia is also confirmed by MS, a manager of Pusdiklat Teknis MA RI:

“Ideally, employee training report can be a consideration for the management of the Supreme Court of Indonesia to make a succession planning or job reassignment particularly for job promotion and mutation. Yet, the things are job assignment and talent pool are the authority of personnel bureau of the Supreme Court of Indonesia, while the talent pool strategy itself has not been carried out optimally by the personnel bureau. We also don’t have any integrated data and reporting between Pusdiklat Teknis MA RI with personnel bureau, so that we can’t share any employee training reports to them. But we shared integrated data and reporting with the three Directorate General of Courts through teknispro.mahkamahagung.go.id portal.”

According to the information gained from informant MS, it shows that the talent pools have not optimized yet by the personnel bureau of the Supreme Court of Indonesia. As a result, collaboration between Pusdiklat MA RI with the personnel bureau particularly on sharing integrated data and information for succession planning cannot be done. In response to this condition, the Supreme Court of Indonesia needs a new model of competencies development, thus an organizational learning culture can be built. The new model of competencies development should help judges to be more agile, adaptive, and responsive to the fast changes in the organization’s external environment.

Development of judges' competencies to create an agile, adaptive and responsive human resource has become a matter of urgency for the Supreme Court of Indonesia since judges' competencies must be upgraded periodically in accordance with social dynamics. However, if job reassignment has not been applied optimally, judges will not be able to apply their knowledge in their working unit. Their difficulty to transfer their knowledge to the working unit can lead them to get stagnant in their career and self-improvement which also can cause challenges on building an organizational learning (OL) culture. While organizational learning is needed to address the fast changes on organizational needs as well as societal needs. Organizational learning is crucial for organizations operating in unpredictable environments to respond to the unforeseen circumstances faster than their competitors (Basten & Haamann, 2018).

According to Wiyono (2017), they argued that there is a subtle relationship between OL with organizational performance and this relationship can identify various kinds of obstacles in sharing knowledge and learning through business units and its organizations.

The positive relationship between OL and organizational relationship helps organizations to identify obstacles in learning process that can affect the quality of organizational performance quickly. Therefore, organizations that apply OL approach can apply the concept of organizational learning per se. According to Basten & Haamann (2018), the concept of OL is so-called five building blocks, it is a concept that actively supports learning among its members to generate competitive advantages or greater organization's effectiveness. This concept provides a systematic problem solving, experiment, and learning from previous experience, learning from others, and transferring knowledge (Basten & Haamann, 2018).

The five building blocks can be an ideal concept to be applied in the Supreme Court of Indonesia in order to build OL, particularly for transferring knowledge. According to Basten & Haamann (2018), transferring knowledge ensures that learning is not only a personal matter, yet, the knowledge itself can be spread quickly and efficiently to all organizational members. In this case, transferring knowledge in working units of the Supreme Court of Indonesia can be done if the assignment of judges, especially after training is being reviewed. Proper assignment of judges enables them to apply their knowledge and to transfer their knowledge to the internal stakeholders in their working units (court).

Future model of state civil apparatus' competencies development in the Supreme Court of Indonesia through Pusdiklat MA RI can adopt the CBHRM concept by Rahman, the concept consists of a set of management activities that include: (1) Job Design; (2) Employees Recruitment and Selection; (3) Performance Appraisal; (4) Remuneration and Rewards; (5) Training Needs Analysis; (6) Training and Development; (7) Succession Planning; and (8) Job Rotation and Reassignment.

Strategy of state civil apparatus management in the Supreme Court of Indonesia, consisting of job design, job formation, employee's recruitment and selection, performance appraisal, remuneration and rewards should be made in line with the vision and mission of the organization. Strategy of human resources management of the Supreme Court of Indonesia should be able to

create agile state civil apparatus so that they can adapt to dynamic environmental changes, respond to bureaucratic reform and globalization, strategic environmental changes, science and information technology development.

Linearity between state civil apparatus management strategy with the vision and mission of the organizations can help organizations to address their needs and challenges in society. Thus, the organizational needs in competency-based development through Pusdiklat MA RI becomes a matter of urgency. Competency-based development of state civil apparatus, especially for judges, should consider stakeholders' perspectives and the needs of stakeholders themselves namely litigants, law enforcement officers, and other governmental institutions. External stakeholders of the organization are also considered as public user and they are affected by court decision, therefore, a good collaboration between these stakeholders and judges should be carried out. The need for building good collaboration between stakeholders and judges is stressed by FAQ, a private mediator, in an interview with him:

“A judge must be neutral and communicative. It is necessary for a judge to build a good collaboration with me, as a private mediator here and deputy registrar as the internal party, since in the court proceeding, a judge must dig deeper into information from the litigants and validate that information from me who mediates those litigants”

Considering the importance of building good collaboration between judges and external stakeholders in order to make a fair judgement, thus stakeholders' expectations matter. Stakeholders' perspectives on judges' competencies development therefore, should be taken seriously, so that, participation of stakeholders can help the Supreme Court of Indonesia to develop their competency-based training strategy. Their participation will enable them to get involved actively in a training needs analysis process in Pusdiklat MA RI. This training needs analysis could help Pusdiklat MA RI implementing new methods on judges' competencies development by strengthening its legal and judicial research, technical training program, management and leadership training program, and cooperation between government institutions.

Strategy of competency-based human resources development enables the Supreme Court of Indonesia through Pusdiklat MA RI to make competency mapping, hence the appropriate types of judges' competency development can be implemented. The competency mapping is made by identifying type of cases or the frequent societal issues in certain areas of the courts, therefore, Pusdiklat MA RI in its collaboration with Directorate General of the courts can classify the types of judges' competencies development by the area of their working units.

Classification of judges' competencies development based on their working areas benefits the Supreme Court of Indonesia to acquire competent judges who are ready to tackle societal issues. Moreover, such a classification can help Pusdiklat MA RI and other echelon I units to focus on the individual needs for competency development, thus competency-based training programs organized by Pusdiklat MA RI can help the Supreme Court of Indonesia to improve its employees' performance as well as organizational performance.

Competency-based training as a part of CBHRM benefits organizations to manage their human resources effectively and efficiently, this is also confirmed by a study conducted by Ganie & Saleem (2018) which revealed that application of competency-based human resources management approach can facilitate organizations to attract and retain competent pool of people, empowerment and development of workforce, resulting in performance enhancement and gaining sustainable competitive advantage. The competency gap analysis would provide information organizations for better workforce planning and designing training and development strategy appropriately (Ganie & Saleem, 2018)

The outcome of applying a competency-based development strategy particularly for judges through Pusdiklat MA RI is judges' competences enhancement and professionalism. Hence, the training outcome can be used as a consideration of job reassignment for judges through a collaboration between Pusdiklat MA RI with personnel bureau and directorate general of the courts. Employee training report would provide information regarding competent pool of people, so that the Supreme Court of Indonesia can make proper strategies of talent pool, succession planning, rotation, promotion and mutation.

Reassigning employees after training aims to put the right man on the right place, so that the state civil apparatus especially for judges can apply their knowledge and skills on their working units. Thus, judges can perform optimally and become more agile in the unpredictable work environment. Their agility in the workplace would help them to be more adaptable to change. As a result, they become more competent to address complex social dynamics effectively. The agile state civil apparatus would create good governance that leads to institutional strengthening, organizational performance enhancement, and excellent service delivery to justice seekers and other governmental institutions.

Possibility to Implement Competency Based Human Resource Management

Implementation of judges' competencies development strategy as a response to the new characteristic of changes in the organization's external environment is in line with a previous study conducted by Polo & Kantola (2019) on competency-based human resources development in a private organization in Finland. The study shows that top level management of the organization should consider the new characteristics in the business world that require realignment between individual's competencies with organizational competencies. Competency-based models help in meeting today's needs and the future's needs of the organization by aligning the behaviour expected from employee with business strategy (Misra & Sharma, 2017). Competency-based approach does not only create competent employees, but also build employees' adaptability to change (Polo & Kantola, 2019).

Employees' adaptability to change help them to communicate and learn effectively, hence employee development does not only focus on the current organizational needs, but also focuses on the organizational needs in the long run. Krishna (2019) stated that there are three significant factors in optimizing human resource development, they are: building a flexible education system, developing and updating skills, and enhancing employability. Flexibility in a training and

education program is important since the constant upskilling is no longer an option for employee in today's ever-changing environment, employees who have constant upskilling cannot adjust to the use of new technology.

Continuous learning is required to build organizational learning that can prepare individuals in the organization to be well-equipped with knowledge and skills, so that they can keep up with the rapid changes in external environment of the organization. Therefore, a competency-based human resources management in the Supreme Court of Indonesia became a matter of urgency, since CBHRM approach focuses on selecting the right man for the job, identifying the needs of individual for training and development, and ensuring employee's potential can create a competitive edge (Misra & Sharma, 2017). Identification of employee's needs for training and development can help in minimizing the competency gap of judges.

Minimizing individual's competency gap can affect the improvement of organizational performance, as revealed by Prabawati et al (2018) in their previous study on competency-based training in public sector. Result of the study shows that competency-based training (CBT) is an ideal model for human resources development program since CBT can meet the organizational needs. CBT helps employees of the organization to minimize or omit the gap between the current individual performance with the upcoming performance by improving knowledge, skills, expertise, and capabilities that can support the achievement of the vision and mission of the organization. Ganie and Saleem (2018) stated that CBHRM can significantly contribute to develop employees' potential and shape their competencies, so that they achieve their best performance as well as the organizational performance.

Employees' potential development through training and education center is a set of development process of knowledge, skills, and attitude, as stated by Maharani (2019), learning activity is an attempt to improve competencies, to build visionary perspective and adaptive attitude of employees. These competencies consist of knowledge, skills, and attitude

4. CONCLUSION & SUGGESTION

The competency development model for state civil apparatus carried out by training and development center of the Supreme Court of Indonesia has not been fully in line with the concept of CBHRM, since the outcome of the training is only limited to the enhancement of individual competencies, but not in providing continuous learning and continuous competency development for judges after training. Such continuous competency development can only be done if two strategies are applied in the Supreme Court of Indonesia. First, employee reassignment should be applied, thus transferring knowledge in the working units can be carried out effectively. Second, Pusdiklat MA RI should encourage the participation of its stakeholder on developing judges' competencies through a focus group discussion on the training program arrangement.

It is recommended for the future research to focus on the findings of the study, especially for analyzing a collaboration potential between Pusdiklat MA RI and other echelon I units of the

Supreme Court of Indonesia on applying employee reassignment strategy in relation to knowledge management after training.

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