

INDONESIA LRWD Law Reform Weekly Digest

Edisi I/Jan/2013



Photos: www.sxc.hu

THE REDUCTION OF RECESS PERIOD IS NOT A SOLUTION

House Speaker Marzuki Ali suggested would reduce recess time in order to optimized legislation performance. It was presented to the Secretary General of the House of Representatives in his statement on Monday 31/12 last year. He said recess is carried out for only two weeks in any sessions, in the remaining time, all members re-convened and time sessions will be longer, so that they can complete the work in accordance with the national legislation program.

The failure achievement of legislation target is complex and it is not only the session time of legislation. This shortfall begins with improper legislation planning, and then followed by ineffective discussion of the legislation process. Besides, the number of organ in the House structure are not proportional to the number of members representing each party. All of those situations are also the factors of inefficiency of legislative process.

Recess is a mechanism of absorb people aspirations in the context of the representation function of Parliament. Within one year of the Parliament, only do as much as four times the recess period which approximately four months. To improve the quality of legislation, Parliament should prioritize the optimization of recess mechanism and it could be reflected during law making discussion between House and Government.

BURDEN POLICY FROM MAYOR OF LHOKSEUMAWE

Local Government of Lhokseumawe issued a circular letter, not the draft of local regulations or mayor's regulation as some reports, the ban sitting astride for women while bum a motor. The circular was signed by the Mayor on January 2, 2012 and distributed on January 7, 2012. By the author, this policy to accommodate customs people or cultural of Aceh. This circular letter will be evaluated and will be made in the form of Mayor's Regulations or Qanun (local regulation in Aceh). Apparently, the mayor was playing the situation by arranging public through circulars and plan to change their status to legislation. Unfortunately, this circulate letter was made after the government issued a mutual regulation between Minister of Home Affair and Minister of Law and Human Rights about the Parameters of Human Rights in the Making of Local Regulation.

This policy was criticized because it is considered detrimental to women and of the fact that even endanger passenger safety in this case women. This fact add complete list of policies and regulations issued by the local government that counterproductive. It is also indicates a problem in the making of policy. One of them, the lack of capacity of policy makers at the local level to determine and formulate policy priorities for each area. This is a serious problem in the



Photos: <http://oto.detik.com>

implementation of decentralization. Policy-making and regulatory that burden the community and not support for the progress of the development area. The central government needs to immediately respond to this by improving the model guidance in formulating government policy and conduct serious activities to implement Presidential Regulation 59 year 2012 on National Framework on Improving Capacity for Local Government. In addition, improving policy review mechanism and regulations also need to be reformulated with wide open access for the public to go through the review procedure.

PPATK FRUSTATION OVER SUSPICION TRANSACTION REPORT FOLLOW UP

The Indonesian Financial Intelligent unit (PPATK) has revealed their frustration over suspicion transaction follow up that they have provided to Law Enforcement Agencies. The PPATK is facing fierce criticism from Member of Parliament after they announced that 69,7

% of MP has been indicated of corruption. The MP's are not happy with the announcement, which they think it supposes to be reported to the Law Agencies, instead of going public. In defending their action, PPATK said that they have provided the information, but minimum follow up to their report, has forced them to go public about their finding.

The debate signifies the much needed discussion about the role of PPATK. By law, PPATK is only acting as intelligent unit, gathered information and pass the information to the law enforcement agencies. However, the slow follow up from law enforcement agencies raise question about the legality of the information as evidence in the court. In Indonesia judicial system, intelligent information has not been accepted as evidence. Additionally, the debate also raises whether the law enforcement agencies need to make further communication about the follow up of the report to PPATK, or it is leave to the discretion of the law enforcement agencies to proceed the report.

69,7%
of MP has been
indicated of
corruption



CORPORATION AS A SUSPECT: A RARE THING IN INDONESIA

PT Indosat Tbk (Indosat) and PT Indosat Mega Media (IM2) are set to be suspects of corruption by the Attorney General Office (AGO). Suspects declaration by the AGO follows suspects declaration to Indar Aritmanto, former President Director of IM2, and Johny Swandi Sjam, former President Director of Indosat. Both Indosat and IM2 are alleged to have made the state loss in amount up to IDR 1.3 trillion and consume the amount due to cooperation of the 3G frequency use of 2.1 GHz for internet purpose between Indosat and IM2. The AGO uses Article 1(3) of The Corruption Law 1999 as amended in 2001. According to this article, a corporation can be set as suspect besides individual person.

The declaration of suspect on Indosat and IM2, as corporations, is a rare thing in Indonesia especially in corruption cases. Most of corruption cases have individual persons as suspects rather than corporation. One of cases that set a corporation become suspect was Dongwoo case of air pollution in 2008. Dongwoo case is a case of which PT Dongwoo Environmental Indonesia (Dongwoo) made air pollution by waste disposing of poisonous and dangerous material from a fabric to the air. The pollution made local residents in North Cikarang Bekasi nausea, dizziness, shortness of breathing and fainting. Dongwoo was declared guilty by the District Court of Bekasi and was convicted criminal penalties of IDR 650 million.



PSHK

Indonesia LRWD is published by Indonesian Centre for Law and Policy Studies (www.pshk.or.id). This weekly newsletter provides info, updates, and analysis on law reform in Indonesia. To subscribe, please contact lrwd@pshk.r.id.