INDONESIA
LRWD
Edition XVIII/May/2013
LEGAL REFORM WEEKLY DIGEST
PSHK

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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.or.id*.

Parliament

HOUSE'S ABSENTEE FROM PLENARY SESSION SHOULD BE THOUROGHLY EVALUATED

Board of Ethics ("BK" - Badan Kehormatan) DPR took the initiative to open a recapitulation of plenary session list of MP's absentee. The recapitulation show that there are some DPR members that has low level of presence in plenary session; while some of them are yet present at all. The step BK too for publishing the absentee list should be be regarded as a positive take; but in order to be thorough; some point given by the list should be presented in a more elaborated terms.

Many reasons occur for legislator to absent during the plenary session. It could be for many reasons; but conflicting schedules are probably the reason why.. Plenary sessions are one of the many schedules a MP's has; since MP could be registered in more than one Commission. Most of the decisions taken on plenary were already decided during commission's sessions. Thus, plenary session are simply a forum to legitimize decisions that had already taken in the previous commission meeting and it hardly change the decision.

The high absentee number from MP during plenary meeting should be resolved. Short-term solution is to conduct an evaluation to MP's who has terrible absence record in plenary meetings; done by BK as an institution and by each political parties those MP's are member of. To be specific; particularly it is the duty of the BK; based on article 127 paragraph (1) letter c Law. 27 of 2009 on the MPR, DPR, DPD and DPRD (MD3 Act). It stated that provided the BK is assigned to conduct the investigation and verification of any complaint due to the fact that MP's did not attend plenary meetings and/or any other commission meetings as much as six times in a row without a valid reason. As for the long term improvement in the internal structure of the House is absolutely a necessary. A MP should only be assigned in one commission in order for the House to have their sessions are more strategically allocated. (FN)

Anti-Corruption

Corruption: Is Political Party Able to be Dissolved?

The corruption case episode on PKS high-rank officials (Welfare and Justice Party) has entered new round. PKS, as institutional, is alleged to commit corruption relating to bribery in beef import. According to one interview in Tempo Magazine 20th May 2013 edition, this alleged corruption is committed to reach the amount target of IDR 2 trillion for PKS campaign on the 2014 election season. Some anti-corruption activist voices political party dissolution due to corruption committed by a party. Is political party able to be dissolved due to corruption they committed? Here's our take on that particular question.

Political party dissolution is regulated in two laws, i.e, Constitutional Court Law No. 14/2003 as amended with Law No. 8/2001 and Political Party Law No. 2/2008 as amended with Law No. 2/2011. These two laws says that political party is able to be dissolved. However, only the government who has the rights and authority to make a petition to the Constitutional Court to make this happen. A political party can only be dissolved if its ideology, objectives, purposes and activites are against Indonesian Constitutional of 1945 (Article 68 Constitutional Court Law). Corruption committed by a political party as legal person isn't enough to make it dissolved. Can political party be punished from corruption committed? Corruption Law No. 31/1999 as amended by Law No. 20/2001 only regulates person and corporation that can be punished but not political party. Also the Money Laundering Law No. 8/2010; only regulates person and corporation that can be punished. In the future, it is necessary to amend these two laws by submitting legal person as a whole to be regulated and that can be punished due to corruption. (MFA)

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Law Enforcement

A Too Secure Institution from Reform Agenda

Fifteen years of reform could be a momentum to measure government performance and other State agencies in achieving the reform agenda. What did the Parliament and Government achieve during the their three tenures of work in the *Reformasi* phase of Indonesia? During the first tenure; they produced reform inspired legislation; laws that has characteristic reform. Then at the second half, the once fluid regime began to consolidated power; with regional expansion and adding more region after another as one of the major highlight during this period of time. On the third phase of *Reformasi* the laws they've made gave a strong indication of a phased of reform agenda.

This indication is strongly displayed in the law enforcement sector where the police institution became some sort of a worst accountabillity practiced by state apparatus. The National Financial Transaction Report and Analysis Center had found 17 suspected bank account owned by the police officers with staggering amount of cash in it. The Information Commission already decided that the police officer holding those account are obliged to disclose them to the public. Other unacceptable behavior from members of the police forces were put on display during the handling of driving license simulator case by the Corruption Eradication Commission (KPK). The public reacted strongly to such behaviour by putting pressure to the President himself; urging him to step out and force the police to comply with what the KPK ask them to. Both conduct by the police force is a notion to all of us that the reformation spirit has not yet touched them even in the slightest sense. (SMR)

Supreme Court

Opposing The Inaccurate Way To Select Supreme Court Justice Candidates

Several Non Government Organizations (NGOs) and Supreme Court Justice candidates has filed judicial review against Article 8 paragraph (1), (2), (3), (4), (5) of the Supreme Court Law and Article 18 paragraph (4) Judicial Commission Law on the parliament authority to elect Supreme Court Justice. The plaintiff said, the meaning of "election" in those articles are not in-line with Article 24A paragraph (3) of the Constitution, "*Parliament are approving candidate which proposed by Judicial Commission".*

According to the testimony Prof. Saldi Isra gave during the Constitutional Court session; a fit and proper test process for justice candidates of the Supreme Court that became part of parliamentary session is an inaccurate way to interpret the law.

There should be a consideration of potential conflict of interest from members of the parliament during the process.

In line with Saldi, Zainal Arifin Mochtar from Gadjah Mada Universiy said that the practice of electing of Supreme Court justice in Supreme Court Law and Judicial Commission Law has shifted their paradigm in Constitution. Based on the Constitution, the election process of Supreme Court justice involves three institutions, Judicial Commission, Parliament, and President. In the constitution, Judicial Commission is mandated to do the recruitment process of Supreme Court justice in such order that elected justices are not affected by the legislative or executive. Therefore, the argument here is contextually the meaning of approval are meant only to state the approval or disapproval from the Judicial Commission selection. (RMF)

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