

INDONESIA LRWD Law Reform Weekly Digest

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Headlines

CONSEQUENCES TO CANCEL INNER CITY HIGHWAY ROAD

Plans to built six section of inner-city highway road in Jakarta projected an assuming numbers of jam throughout the city. Some argues that new highways would not solve traffic issues that worsened in Jakarta and actually adding more highways within the city would add more to the problem. Similar road has been build from Antasari-Blok M through and through which set a good example while building on road resulted a massive traffic around the area.

Despite the rejection, the highway concession agreement will be sign by the government agency (the Toll-Road Regulatory Body-BPJT) and PT Jakarta Toll Road Development by the end of January 2013.

Now the question is: can the project be cancelled? Are there going to be any legal consequences if the Provincial Government of Jakarta on behalf of the government cancelling it? In short, the government can anytime cancel the project, but of course in the end there will be political

and legal consequences. Almost no rules or regulations, whether in the Indonesian Civil Code, Government Regulation No. 15/2005 (Toll Road) as amended with Government Regulation No. 44/2009 and President Regulation No. 67/2005 (PPP for Infrastructure Provision) as amended with President Regulations No. 13/2010 and No. 56/2011, are mentioning legal consequences from project cancellation. The Civil Code focuses more on cancellations cause; including mistakes, duress and fraud. Both government and the toll-road company will suffer huge loss if the cancellation occurred.

It is more reasonable for government to continue the construction of six-section of inner city toll road in Jakarta. Government shall treat the project as the last highway built within the city and should focus more on development of better integrated public transportation system in Jakarta rather than providing new road for private-owned cars.





Supreme Court AN INSIGHT FROM DAMING'S CASE

The case of Supreme Court candidate for Justice, Daming Sanusi, who's making a crude joke on rape during the fit and proper test session in the parliament should not be ended only with the issuance of a recommendation by the Judicial Commission or (later) sanctions from the Supreme Court. The case could be a reflection on how law enforcement apparatus perceive on women issues.

In his capacity as a judge and a public office holder, such remark should be considered as an offensive one. Lack of gender perspective has always been considered as an absence of attitude from the legal enforcer. How the case is going to be handled by Judicial Commission and Supreme Court is surely a test of history from both institutions.

Parliament THE BILL OF CRIMINAL PROCEDURE: PRIORITY OR QUALITY?

At this moment, the Criminal Procedure Bill is in process within the Consultative Body; whether it will be discuss by joint commission or only by Commission III. An appreciative nod should be given to Commission III since they prioritize the discussion of the Criminal Procedure Bill since it is a good indicator that the parliament has a comprehensive understanding on legislation priority and harmonization.

On the other hand, legislative capacity in carrying the task raises doubts whether the bill could be due in given time. Integrity issue become a question also; since a lot of parliamentary members (and their party) are under the suspicion involved in numerous corruption scandal throughout the country. Another significant element is 2014 election will be taken most of the focus out of the politician if they have the intention to run again. A concerted effort to guard the bill during parliament discussion is a considered necessities.

Supreme Court SINGLE SYSTEM ON JUSTICES SELECTION

The parliament went to do the fit and proper test procedure for 24 candidates for justice seat in the Supreme Court. An outrageous remark was made by one of the candidate named Muhammad Daming Sanusi, head of Banjarmasin High Court, on making a rape joke during the fit and proper session.

The Judicial Commission is using a single selection system to select justice candidates; a practice in recent years that failed candidates from last year are still being nominated in the following year. Despite it's good intention, but it doesn't hit the supposed target. The Judicial Commission is unauthorized to reject a failed candidate from previous election since there's no regulation to prohibit the Commission to do so. To prevent an unqualified candidates to try his or her own luck in the following year; the Supreme Court must sort out the candidates before they give any names to the Judicial Commission as justice nominee. To balance it out, the Parliament and Judicial Commission should disclose the selection process on why some people fail to become justices.



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ACTIVISM

Initiated by change.org, on Saturday 19th January, an event called "Dinamo" was held in The Energy Buiding. Packed with hundreds of enthusiasts, the event was opened with talks from inspiring names like Mira Lesmana, Irwan Ahmett and Oscar Motuloh. Following the talks, --a TED-style one-, an open group discussion was formed with various issues where the initiator also function as group facilitator. "Dinamo" came as a fresh initiative to make online activism met NGO activist in a different platform than usual.