

Court

LEGAL AID COMMITTEE VERIFICATION HAS BEGUN

On 18th of February 2013, the Committee of Verification/Accreditation for Legal Aid Organization is ready for the task to verify legal aid or community organizations working as legal aid. Currently the committee has worked on the list of eligibility of organizations whose be the legal aid provider.

But for hard task ahead, ministry regulations for the verification/accreditation procedures are not existed yet. According to Article 7 Paragraph (4) Law No. 16/2011, further provisions regarding the procedures of verification and accreditation must be regulated by ministry regulation. Such condition should enough to urge the Minister of Law and Human Rights to issue the regulation to prevent unnecessary situation since the committee has started their job without enough legal grounds. (RMF)

Court

LEGAL AID POST STILL HELD IN COURT

Article 17 paragraph (2) Law no. 16 Year 2011 on Legal Aid stated that legal aid funds are allocated to the Ministry of Justice and Human Rights. If so, what about funds already managed by the Supreme Court? Would it be considered illegal for people to access the fund there? If so, limiting public access is surely

unintentional since legal aid is considered a citizen's right, especially those unfortunate ones.

The elected solution by the Supreme Court and Ministry of Justice and Human Rights is they choose to interpret legal aid post according to Law No. 48/2009 on Judicial Authority, Law No. 49/2009 on General Court, Law no. 50/2009 on Religious Court and Law No. 51/2009 on Administrative Court. By doing so, the legal aid post in the Supreme Court could still budget allocation; confirmed by the letter on the subject of legal aid from the Ministry of Justice and Human Rights to the Head of Supreme Court No. M.HH.UM.01.01.55 It stated that legal aid section in court will still be managed by the Supreme Court and its administration could still proceed as usual. (FN)



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Constitutional Court

THE HOUSE TO LOOK FOR MAHFUD MD REPLACEMENT FOR CONSTITUTIONAL COURT JUDGE POSITION

“The case of Mahfud MD himself is a good example, where former politician or politician should be blocked from running Constitutional Court Judge position.”

The outspoken Constitutional Court Judge has declared his refusal to be elected as Constitutional Court judge for the next term. Mahfud MD office term will end on 1 April 2013. The constitutional court judge consists of 9 seats, where the power to put constitutional judge is divided among President, Supreme Court and House of

Representative. Each of state agencies has the authority to elect 3 (three) judges. Mahfud MD were appointed by the House of Representatives in 2008 which makes the vacant constitutional judge position is going to be filled by House of Representative.

The debate surrounding the election is on the next constitutional judge criteria. Currently, the house has been opened to discussion about the election with 6 (six) candidates have been mentioned, among them, is the former Ministry of Human Rights and Justice, Patrialis Akbar. One of the greatest challenges about the next constitutional candidates is to detect and prevent any potential political ambition, especially, former politician or to be seated in MK. The last term has showed that former politician tends to put his political interest and motive over of justice. Additionally, the suitability of former politician to become judge is being questioned, especially on the application of judicial silent. The case of Mahfud MD himself is a good example, where former politician or politician should be blocked from running Constitutional Court Judge position. (GAT)

Corruption

URBANINGRUM'S INVESTIGATION INSTRUCTION LEAK: THERE'S A MOLE IN KPK?

Corruption Eradication Committee (KPK) last Monday established the Ethics Committee based on the investigation document leaked on the case of Anas Urbaningrum, leader of Democratic Party. The committee was formed based on the recommendations by investigation held by internal affairs within the KPK. There are two code of ethics in KPK, one for commissioners and another for employees. If the alleged offender is an employee then an Employee Advisory Council will form and results will be submitted to the commissioners to execute it. But if the offenders is one (or more) of the commissioners, KPK wil set up an Ethics Committee, comprised by one of the commissioner, KPK's advisor and three other from outside. Right now the Ethics Committee consists of Bambang Widjojanto (KPK commissioner), Abdullah Hehamahua (KPK's advisor) and Hatonangan Tumpak Panggabean (ex-KPK's commissioner), Anies Baswedan (academia) and Abdul Mukhti Fadjar (ex Supreme Court Judge).

The Ethics Committee will began to work on Wednesday (27/02) and will announce the conclusions

to the public in one month. If the alleged offender is found to violate the code of conduct, he will be penalize accordingly with the code of ethics rule. if there is a criminal element found, not just a mere maladministration, it will be followed up in accordance to the provisions of Chapter XXVIII of the Code of Criminal Crimes concerning of State Official's Crime. (SMR)

