



Judicial Assessment of Political Parties' Programs in Aceh towards the 2009 General Election

In Aceh competition among political parties contesting the forthcoming General Election in April 2009 is certain to be tight. Although Election Day is still around 200 days from now, a number of political parties have already prepared many different programs assumed to be capable of attracting voters. One popular topic among the political parties is how they view the law.

This article will be more general in nature because it will not focus on the programs of one political party only. This is based on the consideration that local political parties in Aceh appear to have law programs that are not so different between one another. Three critical issues that have always been present in the law agenda of the local political parties in Aceh include the settlement of human right violation cases, promotion of democracy and the eradication of corruption.

The General Election Commission (*Komisi Pemilihan Umum/KPU*) for 2007-2012, which was legally established on 23 October 2007, has drafted an agenda and formulated preparatory campaign measures that will be taken by political parties in Indonesia. The Aceh Independent Election Committee (*Komite Independen Pemilihan/KIP*) has also prepared a campaign schedule for all political parties in Aceh to present their programs to the people. However, it is inopportune that in Aceh the Election Monitoring Committee (*Panitia Pengawas Pemilu/Panwaslu*) has not been established, so that the election mechanism and proceedings can not be monitored comprehensively. This is different with the situation at the national level, where the General Election Monitoring Body (*Badan Pengawas Pemilu/Bawaslu*) has started to scrutinise the step by step measures taken by KPU.

The number of political parties contesting in the 2009 General Election has increased from the initial 34 parties and six local political parties in Nanggroe Aceh Darussalam Province determined by KPU. At a later date, based on the decision of the State Administrative Court (*Pengadilan Tata Usaha Negara/PTUN*) KPU decided to add four more parties to run for the forthcoming General Elections. Hence, there will be 38 national political parties and six local political parties in Aceh that will compete in the election. There is still the possibility that the number of the national parties will be increased by one if the case of Partai Republik (which is still being tried at the PTUN) is won by the party.

The program presentation by political parties is in accordance with the stage outlined by KPU, i.e. that parties may start to build interaction with the public. Many different ways are taken by the parties, from the conventional ones such as displaying banners at public places to staging mass events and putting advertisements in electronic media, although the message usually is still just general introductions combined with cliché political rhetoric. The parties also take advantage of special occasion like the present *Ramadhan* fasting month. In Aceh the promotion programs conducted by local political parties are also attention-grabbing. Through breaking-the-fasting programs aired by television channels, local political parties compete with each other in trying to



demonstrate their attention to the *Syar'iyah* (Islamic Law). In a way this shows that competition among local political parties will be very tight.

In line with the goal of this column, i.e. to examine issues related to the law, it will be observed which legal issues will gain popularity among the local and national political parties in Aceh for the forthcoming General Election.

Emphasis on Implementation

In the 2004 General Election, the law issues campaigned by political parties were focused more on issues related to legal reform. For the forthcoming 2009 Election it appears that this legal reform issue is no longer appealing to voters. Thus, political parties will need to introduce concrete law programs that can be implemented and not only mere rhetoric. In addition to that, the discussion will have to be wider than just legislation and what state commissions to set-up, but will also include how effective the work that has been done by the already-established state commissions.

For local political parties, the promotion of democratic governance will be a key issue. The Aceh peace process that was started with the signing of the Helsinki Memorandum of Understanding (MOU), that was later continued with the enactment of the Law on Governing Aceh (*Undang-Undang Pemerintahan Aceh/UUPA*) will be among the main topics that will be discussed with the public.

All local parties will certainly endeavor to convince the people that they will continue to safeguard peace in Aceh and attempt to amend the UUPA in order that it may become more accommodative to the Helsinki MOU. The self-government concept contained in the Helsinki MOU will be among the issues advocated by local political parties, which deem that the existing UUPA has not accommodated it holistically. Article 8 paragraph 1, 2 and 3 UUPA that are not in-line with the points in the Helsinki MOU, particularly point 1.1.2 letter b, c, and d, will certainly be at the forefront in the election debate.

The issue surfaced at the beginning of last year, when the national House of Representatives (DPR RI) passed the UUPA. Many parties – on behalf of the Aceh people – considered that there has been manipulation in the wording of the UUPA that has deviated from the points contained in the Helsinki MOU. “The difference is only in one word only, but this has been very important as it has changed the meaning,” maintained Mr. Muhammad Taufik Abda, a politician with one of the local political parties.

In the Helsinki MOU point 1.1.2 letter b, c, and d it is written clearly that all decisions taken by the national government related to Aceh should be consulted with and receive a prior approval from the Aceh parliament (DPRA). However, in the UUPA – as stipulated in Article 8 paragraph 1, 2 and 3 – the word “approval” was changed into “consideration”. Thus, although the Aceh parliament may not agree to certain policies, the national government still has the final say with regard to policies on Aceh,



including administrative policies, and international relations and legal policies.

Several elements of Aceh society have expressed their wish to advocate for the amendment of the UUPA, but up to the present time this has remained a rhetorical proposition. To date no real action has been taken towards that purpose. In the forthcoming general election campaign, certainly this issue will again be hotly debated. Corruption issues have also become an important focus that will be sold to the public. Presently several local political parties have tried to create an image that they are clean parties. An example for that can be seen in a ceremony staged by a local political party where the party members signed an integrity pact to not be engaged in corruption when they are selected as people's representatives.

It appears that the campaign of political parties being clean from corrupt behavior has also become a popular key program of not only local parties but also national political parties. This is probably related to the rampant corruption cases involving members of parliaments throughout Indonesia that are published in the national media on nearly a daily basis. The Anti-Corruption Commission (KPK) is presently dealing with a number of corruption cases that collectively involve members of the national parliament/DPR RI.

Besides corruption, promotion of human rights has also become an important issue, particularly because to date there has been many human rights violation cases in Aceh that have not been dealt with conclusively by the authorities. Moreover, the promise to establish the Commission on Truth and Reconciliation and a human rights court in Aceh has not been realized. If towards the forthcoming general election in Aceh the two bodies have not been set-up, all political parties will certainly take advantage of this as a critical law issue that will be advocated to the public.

Indonesia still has much work to do relating to the promotion of human rights in the country. Past human right abuses in Aceh, Tanjung Priok and many others have not been handled comprehensively. Many more cases like the assassination of human right activist, Munir and several others have followed. Another critical issue in Aceh will be the law on Wali Nanggroe. If the *Qanun* (regional regulation) on Wali Nanggroe can be passed before the 2009 General Election, the issue will be the figure that will be selected for the position of the Wali Nanggroe that will be elected subsequent to the general election. The right figure for this position will be among the key issues promoted by the local political parties.

The local political parties in Aceh will not only discuss law issues that have relation to the region. Law issues at the national level will also a topic that will be debated, including the quality of laws that have been passed by the DPR RI and the central government. After the 1998 reform era hundreds of laws have been enacted by the national parliament and government. Added with the lower-level regulations, the number of legislations enacted becomes enormous.

Question remains as to whether the high quantity and productivity correspond appropriately with quality. Frankly speaking, the majority only deal with the formation



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of newly founded districts/cities or provinces. These laws and regulations have been enacted for reasons to create legal order, although in practice formation of new regions has more often than not triggered chaos in the regions. It can be observed that many new laws or several provisions in the new laws have been annulled through decisions of the Constitution Court (*Mahkamah Konstitusi/MK*). It is no wonder that many legal experts express that “the judicial review decisions of the MK reflect the poor performance of the legislative institutions.” It is also often said that the MK also performs a legislative function, only in this case as a “negative legislator” vis-à-vis the parliament and government that have played the role of “positive legislator”.

Post-*reformasi*, the country has established many commissions and passed numerous laws. Nearly all draft bills are furnished with the idea for the setting-up of a new commission or body. Has the establishment of these commissions been effective? To date it could be said that only a small number of these commissions has shown an effective performance. The rest have been running sluggishly, if not at all.

From the above exposition, we can infer that it is most likely that legal issues will be among the most popular programs promoted by political parties contesting the forthcoming General Election. Thus, it is only natural if political parties contesting in the forthcoming General Election will promote issues considered most popular in the eyes of the people.