



Activists maintain hope for Constitutional Court

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Human rights activists refuse to give up on the Constitutional Court despite the opprobrium it has generated over the past year.

Since seeing one of its justices, Patrialis Akbar, arrested for corruption early last year, the apex court has faced a wave of criticism for becoming even more politically wired. To date, the court has seen two justices, Patrialis and Akil Mochtar — both veteran politicians — sentenced for corruption.

Earlier this year, the court's ethics body found chief justice Arief Hidayat guilty of an ethics breach, dealing the latest blow to the court's reputation. The ruling against Arief, a law professor from Diponegoro University in Semarang, Central Java, was connected to a meeting in which Arief allegedly lobbied lawmakers to

secure his second term, without any official invitation. Academics from various universities across Indonesia have called on him to resign, saying the ethics breach had undermined public confidence in the court.

Yet, rights activists are still giving the court the benefit of the doubt.

"There is still some hope [..] the court is the guardian of our Constitution, no matter what," Sekar Banjaran Aji, a researcher at Jakarta-based NGO Institute For Policy Research and Advocacy (Elsam), who won a judicial review case favoring native-faith followers in November last year, told *The Jakarta Post* recently.

In that case, the court nullified regulations requiring people of indigenous native faiths to leave the religion field on their ID card blank — a policy the court called discriminatory.

The court had been the beacon of hope for vulnerable groups where other authorities had failed, Sekar went on.

Rather than losing hope, Sekar offered some advice: Strengthen the legal standing to convince the bench that "you are the most suitable party to represent a particular group, and have your lawsuit fully supported with thorough and comprehensive data to show how the challenged regulation has done harm to that group."

"I would not have won the case without the help of colleagues in the regions, who compiled valid data [to support the lawsuit]," she said.

The addition of Saldi Isra, a respected constitutional law professor at Andalas University in West Sumatra, to the Court has balanced the previously conservative composition of the nine justices.

Riri Khariroh, a member of the

National Commission for Women, who was recently present to support women at hearings of a judicial review on adultery articles in the Criminal Code, took note of four of the nine court justices offering dissenting opinions in the case, saying that the outcome would have been different if Patrialis, known for a conservative stance, had still been part of the court.

The petition, filed by conservative groups, demanded the court expand the adultery articles to include premarital sex and same-sex relationships. The petition was rejected.

The advocates, however, said the public should not let their guard down.

"We can no longer say that all of the justices are independent," Sekar said. "But as an institution, the court is the last chance to challenge problematic regulations."