



**Statement by  
Mr. Ary Aprianto  
Legal Adviser / First Secretary  
of the Permanent Mission of the Republic of Indonesia to the United Nations  
On Agenda Item 83  
The rule of law at the national and international levels**

**New York, 10 October 2014**

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**Mr. Chairman,**

At the outset, I would like to align my statement with the statements made by the distinguished Representatives of Lao PDR and the Islamic Republic of Iran; on behalf of ASEAN and NAM, respectively.

I would also like to thank the Secretary-General for his annual report on strengthening and coordinating United Nations rule of law activities, which is contained in document A/69/181.

As mandated by last year's resolution, my delegation will focus this statement on the topic, "Sharing States' national practices in strengthening the rule of law through access to justice".

**Mr. Chairman,**

For Indonesia, access to justice is an important part of our implementation of the rule of law at the national level. It is mandated by our Constitution, and is one of the five philosophical foundations of the State of Indonesia. Justice itself is a basic human right, which is accorded by State to its citizens upon the principle of equality before the law.

On a different note, the rule of law underscores the promotion and protection of human rights, as well as the upholding of social justice, which are indispensable in maintaining social cohesion and stability in multi-ethnic and multi-faiths countries like Indonesia.

In that regard, allow me to quote President Susilo Bambang Yudhoyono, in his annual state address before the Indonesian Parliament on August 15<sup>th</sup> 2014, "*justice for all is a moral commitment and it has been part of the working agenda of the Government. Justice will be stronger when supremacy of law is being upheld, consistently*".

This conviction has been repeatedly emphasized as part of the Government's commitment to continuously improve Indonesia's legal system, and to strengthen access to justice for all citizens.

**Mr. Chairman,**

Access to justice has now evolved from just a simple concept of providing public access to legal aid institutions, into the total reform of the Indonesian legal system.

It is important to note, however, that legal development of a state should follow the character of its people, as well as their customs, traditions, and values.

In 2009, Indonesia launched a National Strategy on Access to Justice which later became an important element in the grand strategy of national development. I wish therefore to share just two critical strategies that must be vigorously pursued in the building and strengthening access to justice.

First, is to prioritize human and institutional capacity building. There is no doubt that human and institutional capacities are instrumental in the development of the culture of adherence to the rule of law and social justice. Yet this is obviously a long term effort and must be conducted in a systematic manner, from education and recruitment, to training and supervision.

Human and institutional capacity building are also essential in the ongoing reform of the justice institutions.

In this respect, the Government has aligned itself with legal education institutions to encourage the strengthening of the values of social justice in the legal curricula. Indonesia has continued to improve the recruitment of law enforcement officials, with emphasis on the aspects of transparency and quality of the applicants.

A continuous training program is also important for law enforcement officials, to ensure that they are updated on local, national, and international developments. In this respect, sharing the best practices among officials from various countries constitutes a critical element of the training program.

I would also like to highlight that giving priority to supervision is an important element of a legal reform. In view of this, Indonesia established an Ombudsman Commission in 2000, to facilitate the delivery of the complaints of the public against State institutions and companies, or even private companies that are involved in public service.

In practice, the Ombudsman is not only a key instrument in maintaining supervision, it is also one proper avenue for facilitating the access of the public to justice.

The second strategy is to strengthen transparency in our legislative process, most importantly through enhancing the participation of relevant stakeholders, such as civil societies and educational institutions.

In our experience, transparency is not only important for maintaining accountability, it is also critical in building the sense of involvement and ownership of the community to a particular legislation. Based on this conviction, the Indonesian House of Representatives, for example, has been consistent in publishing draft legislations that will come under discussion. Our national courts have also taken up steps to increase transparency, by opening up popular access to their decisions.

In our experience, this sense of involvement and ownership will encourage people to ‘speak out’ in defense of their rights. And to ensure justice for people in defending their rights, Indonesia has enacted legislation on legal aid, which specifically regulates such aid to be given to the poor when they need it.

I would also like to speak on one specific issue, which is women’s access to justice. A number of policies and legal instruments have provided guarantees of justice for women. The ratification of CEDAW and the creation of a National Commission on Violence against Women are two examples of how women in Indonesia have moved beyond discrimination and exclusion.

I should also like to mention the most encouraging progress in our legal development, which is the establishment of the Constitutional Court. Since its establishment in 2003, the Constitutional Court has been the preferred venue for people to contest legislation if they feel that such legislation contravenes the Constitution or infringes on their Constitutional rights.

**Mr. Chairman,**

It is our fervent hope that the good results that we have achieved for the rule of law at the national level will encourage us to do the same for the rule of law at the international.

With that in mind, I wish to end this statement by reiterating Indonesia's perspectives on the rule of law at the international level.

The first element is the necessity for all States to be fully committed to an international order grounded in international law and the Charter of the United Nations.

The second element, which is similar to the first, is that all of the major organs and specialized bodies of the UN must function, and be seen to function, according to the highest standards of justice and fairness. This implies that the United Nations itself must enjoy appropriate reform which reflects these principles, so that they can reflect the realities of this Millennium rather than of the past. The long-awaited reform of the Security Council and the revitalization of the General Assembly are critical elements in this regard.

The third element is closely-managing the gap between commitments made at the international level and their implementation at the national. In this case, the United Nations is well-positioned to support its Member States in this regard through coordinated and timely assistance.

I thank you.

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