

April 2014

Leks Newsletter



The Firm

Leks&Co is a multi-services law firm, full of young, dynamic, and intelligent lawyers, operating at a definite quality management system, rendering preeminent and world-class legal services under a specified quality code and core values.

Our Uniqueness

1. We are young, energetic, and creative lawyers, so that we can provide and deliver a fast and reliable legal service;
2. We emphasize the use of technology in delivering our service;
3. We emphasize our core values in providing and delivering our service;
4. Our office is strategically located at CBD area;
5. We have received numerous award from Global Law Expert



Dear {FIRST_NAME},

This is the Leks Newsletter of April 2014. On this issue, you will see legal update and our blogs update. We hope that our newsletter is useful for you.

Leks News

Eddy Leks, Managing Partner of Leks&Co attended national seminar in Universitas Atmajaya as one of the speakers with a theme “Quo Vadis RUU Pertanahan”, 24 April 2014



- Global Law Expert,
Corporate INTL and
Finance Monthly;
6. We provide services to store client's legal document in the online server, accessible by our client password protected;
 7. We provide useful legal update knowledge through Blogs, Twitter, Facebook, Slide Shares, and other resources;
 8. We provide pro bono service for churches and social organizations, and international organizations through Trust Law Connect, run by Thomson Reuters Foundation and also through Mitra Klinik, group of pro bono providers at Hukumonline, leading legal news and education site in Indonesia;
 9. We provide one (1) hour free consultation and free trial for retainer services within two (2) weeks;
 10. We provide premium service with a cost efficient approach;
 11. We are the International Partner of China-ASEAN Legal Cooperation Center;
 12. We are member of (i) Eurojuris International, a leading worldwide network of law firms and (ii) International Chambers of Commerce.

Practice Areas

Real Estate



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Eddy Leks, Managing Partner of Leks&Co attended the conference “Hospitality Investment World – Indonesia 2014”

Eddy Leks, Managing Partner of Leks&Co attended the conference “Hospitality Investment World – Indonesia 2014” as a moderator in Establishing Stable and Profitable Hospitality Joint-Ventures in Indonesia on 28th April 2014 at Grand Hyatt Jakarta, Indonesia.

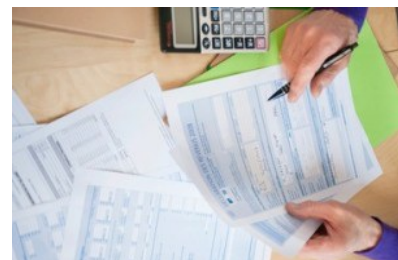
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Leks Legal Update

Stages of Preparation and Implementation of the Transfer of Land and Building Tax in Rural and Urban as Local Taxes under Joint Regulation of the Minister of Finance No. 15/PMK.07/2014 and Regulation of the Minister of Home Affairs Number 10 of 2014

Background

As a form of implementation of Article 182 point 1 of Law Number 28 of 2009 on Local Tax and Retribution, Joint Regulation of the Minister



of Finance and Minister of Home Affairs No. 213/PMK.07/2010 and No. 58 of 2010 on the Preparation

Construction Law -
Foreclosure -
Homeowners Association
- Land Use and Zoning -
Landlord and Tenant Law
- Property Law - Property
Management – Property
Commercial Dispute
Resolution – Property
Shares or Asset
Acquisition – Legal Due
Diligence on Property
Company or its Assets –
Lease Agreement

General Corporate / Commercial

Agency and
Distributorship - Business
Formation - Business Law
- Commercial Law -
Contracts - Corporate
Governance - Corporate
Law - Franchising - Joint
Venture - Mergers and
Acquisition - Shareholders
Rights – Retail –
Investment Law

Commercial Dispute Resolution

ADR (Alternative Dispute
Resolution) - Business
Litigation - Civil
Litigation - Commercial
Litigation - Corporate
Litigation - Financial
Litigation – Mediation –
Arbitration

Mining

General Mining - Mining

Stages of the Transfer of Land and Building in Rural and Urban Area as Local Tax is stipulated. However, as time passes these rules have not been able to solve some problems. Therefore, on January 24th, 2014, Regulation of the Minister of Finance No. 15/PMK/07/2014 and Regulation of the Minister of Home Affairs Number 10 of 2014 on Stages of Preparation and Implementation of the Transfer of Land and Building in Rural and Urban Area as Local Tax is enacted.

Transfer of Land and Building

Tax in Rural and Urban Area Basically, Land and Building Tax of Rural and Urban (Pajak Bumi dan Bangunan Pedesaan dan Perkotaan/“PBB-P2”) is a tax on land and/or buildings which are owned, controlled, and/or used by an individual or entity, except for the area used for business activities such as plantation, forestry, and mining. The transfer of PBB-P2 is a follow-up form of regional autonomy and fiscal decentralization. The transfer of PBB-P2 taxation from central government to local government is effective as of January 1st of transfer year, namely the year of authority transfer of PBB-P2 taxation to the Local Government, no later than 2014. Based on these provisions, then the preparation of transfer is performed within a maximum period of December 31st before the transfer year.

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Leks Blog Update

Annual Business Plan on Limited Liability Company

Background

Annual Business Plan on Limited Liability Company (“Business Plan”) is regulated under Chapter 4 of Law No.40 of 2007 on Limited Liability



Construction - Mining
Contractor – Mergers and
Acquisition on Mining
Companies – Legal Due
Diligence – Commercial
Dispute Resolution on
Mining Company

Employment and Labor

Employee Benefits -
Employee Rights - Human
Resources Law - Labor
Relating - Outsourcing -
Workers Compensation

Government

Administrative Law -
Government Contracts -
Local and Municipal Law
– Administrative Dispute
Resolution

Bankruptcy Claim -
Creditor Meeting -
Administration of Assets -
Liquidation

Environmental

Environmental Law

Criminal Criminal

Defense – Criminal
Investigation

International Network



Awards and Accolades

Company (“Company Law”). Under Article 63 of the Company Law, the board of directors shall prepare the Business Plan prior to the commencement of the upcoming accounting year. This Business Plan contains annual budget of the company for the upcoming accounting year and things that will be done by the company for a period of 1 (one) accounting year.

Under Article 64 paragraph (1) of the Company Law, the Business Plan shall be delivered by the directors to the board of commissioner or the GMS as stipulated in the articles of association.

The articles of association may determine the Business Plan delivered by the board of directors whether it has to obtain an approval from the board of commissioner or the GMS, unless determined otherwise in the laws and regulations. The elucidation of Article 64 paragraph (2) of the Company Law further explains, if the legislation has determined that the approval on the Business Plan is granted by the GMS, then the articles of association cannot determine that the Business Plan is approved by the board of commissioners or otherwise.

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Creditor’s Voting Right under Government Regulation Number 10 of 2005 on the Calculation Number of Creditor’s Voting Right

Background



The creditor’s meeting is a meeting that shall be held after the bankruptcy decision. In this regard, under Article 87 of Law No. 37 of 2004 on Bankruptcy and Suspension of Obligation for Payment of Debts (“Bankruptcy Law”) regulates that all decisions of the creditor’s meeting shall be



made on the basis of affirmative vote of more than ½ (one half) of the amount of votes casted by the creditors and/or their proxy attending the meeting. As a follow-up to the provisions, it is necessary to have a regulation that further stipulates the calculation number of creditor's voting right. Thus, on March 18, 2005 the Government Regulation No.10 of 2005 on the Calculation Number of Creditor's Voting Right was enacted.

Voting Right of Creditors

In the creditor's meeting, every creditor has a right to vote, which is the minimum of 1 (one) vote. The calculation number of creditor's voting right under the Bankruptcy Law is based on the receivable amount of the creditors.

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T: (6221) 57957550
F: (6221) 57957551
query@lekslawyer.com
www.lekslawyer.com

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Leks&Co
Menara Palma 17th Floor, Suite 17-02B
JI HR Rasuna Said Blok X Kav. 6
Jakarta, DKI Jakarta 12950
ID

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