

November 2014

Leks Newsletter

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## The Firm

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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.

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## Our Uniqueness

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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, Corporate INTL and



Dear {FIRST\_NAME},

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

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## Leks News

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**Leks&Co Recommended by the Legal500 on Corporate and M&A and Real Estate.**

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- 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.
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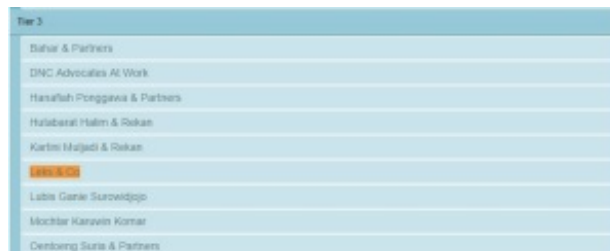
Leks&Co Recommended by the Legal 500 on Corporate and M&A and Real Estate. Two of our lawyers i.e. Ivor Pasaribu and Eddy Leks are recommended as leading lawyer in Corporate and M&A. Further, Eddy Leks is recommended as leading lawyer in Real Estate;

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### **Leks&Co Recommended by the IFLR1000 on Mergers and Acquisitions**

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[Leks&Co](#) has been ranked in Tier 3 by IFLR1000 2015 for M&A Practice

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**A Legal Column by Eddy Leks, titled “*Uji Tuntas Hukum Terhadap Aset Properti (Seri 2)*”, Published in Property&Bank magazine, November 2014 Edition**

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## Practice Areas

### Real Estate

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



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**The Winner of the Corporate INTL Magazine  
2015 Legal Award for "Real Estate Law Firm  
of the Year in Indonesia".**



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**Eddy Leks Speaking on “Persyaratan dan  
Ketentuan Pembangunan dan Pengembangan  
Properti” for Kursus Intensif Hukum Properti  
hosted by EMLI Training**

Resolution) - Business  
Litigation - Civil  
Litigation - Commercial  
Litigation - Corporate  
Litigation - Financial  
Litigation - Mediation -  
Arbitration

### **Mining**

General Mining - Mining  
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

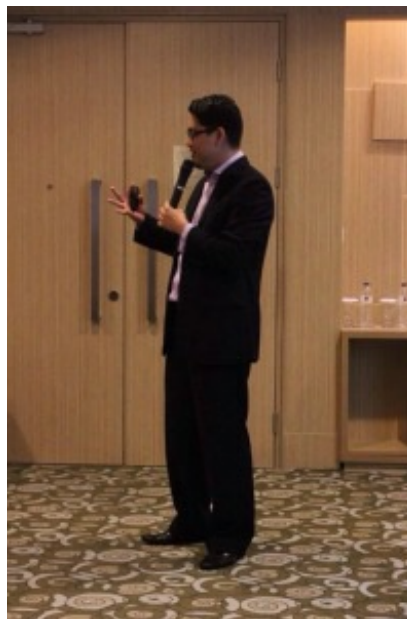
Bankruptcy Claim -  
Creditor Meeting -  
Administration of Assets -  
Liquidation

### **Environmental**

Environmental Law

### **Criminal Criminal**

Defense - Criminal



Our Managing Partner Mr. Eddy Leks Speaking on  
“Persyaratan dan Ketentuan Pembangunan dan

**Intellectual Property**

Intellectual Property Rights

**International Network**



**Awards and Accolades**



Pengembangan Properti” for Kursus Intensif Hukum Properti hosted by EMLI Training

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## Leks Legal Update

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### Provisions And Procedure For Employing Foreign Manpower And Developing Indonesian Manpower In Natural Oil And Gas Business Activities

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Under article 39 and 42 of Law number 22/2001 the foster and supervision of petroleum and natural gas-related business activities are arranged.

In this context it is necessary to stipulate Regulation of the Minister of Energy and Mineral Resources on Provisions and Procedure for Employing Foreign Manpower and Developing Indonesian Manpower in the field of Natural Oil and Gas (hereinafter referred to as: ‘Regulation No. 31/2013’). This Regulation comes to force on the date it is enacted, which is 24 October 2013.

#### Definitions

Foreign Manpower ( ‘TKA’) means a Foreign Citizen who is employed within Natural Oil and Gas Business Activities in the Republic of Indonesia. Indonesian Manpower ( ‘TKI’) means an Indonesian Citizen employed within that industry. The Foreign Manpower Use Plan (‘RPTKA’) means a plan formulated by the provider of TKA for a certain period of time. A Permit to employ Foreign Manpower ( ‘IMTA’) shall be granted by the Minister to practice the administration matter on manpower.

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## Procedure For Granting Special License For Mineral And Coal Mining

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Regulation of the Minister of Energy and Mineral Resource R.I. Number 32 Year 2013 (‘Regulation 32/2013’) must be viewed in the context of Law Number 4 of 2009.



Under the Law, a couple of articles refer to the guideline on granting a temporary permit for the Mining Production Operation. For this reason, it is necessary to stipulate Regulation 32/2013. This Regulation comes to force on the date it is enacted, which is 19 November 2013.

Under this Regulation, there are different types of licenses:

- Business License for Mining Exploration (‘IUP Exploration’). This license will be granted for activities in the form of general investigation, exploration, and feasibility study. The holder of IUP is called ‘WIUP’.
- Special Business License for Exploration (‘IUPK Exploration’). This license will be granted for the same activities as mentioned above but covered by the special business license for mining. The holder of IUPK is called ‘WIUPK’.

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## Leks Blog Update

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### Minimum Wages

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Worker/labor wages might fall to the lowest level as a result of labor market imbalance.



Therefore, it is necessary to harmonize the minimum wage policy to ensure the continuity of businesses and improve the living standard of workers/laborers. Minimum wage means the lowest monthly wage that employers may legally pay to workers including principal wage and regular allowances. Minimum wages are set based on the basic cost of living ('KHL').

Regulation of the Manpower and Transmigration Minister No PER-01/MEN/1999, as already amended by Decree of the Manpower and Transmigration Minister No.KEP.226/MEN/2000, shall be recalled and declared null and void. Regulation of the Manpower and Transmigration Minister No. 7/2013 ( 'Regulation No. 7/2013') shall take effect as from the date of promulgation, which is 18 October 2013.

Under Regulation No. 7/2013 a distinction is made between several types of minimum wages:

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## **Provisions on Mandatory Report on Employment**

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Law Number 7 of 1989 on Mandatory Report on Employment in the Company ("Law No.7/1981")

requires any entrepreneur or

management to report in writing any establishment, discontinuance, recommencement, assignment or dissolution of the company to the minister or the competent authority.



Under Article 1 letter (b) of Law No.7/1981 entrepreneur means:

1. an individual, a partnership or a legal body that runs

- a self-owned business;
2. an individual, a partnership or a legal body that independently runs a business is not owned by them;
  3. an individual, a partnership or a legal body that is domiciled in Indonesia but represents a business as set out in number 1 and number 2 above.

The management is defined as the person who is appointed to lead a company.

Article 6 of Law No.7/1981 stipulates that entrepreneur or the management shall report in writing to the appointed minister or competent authority at the latest 30 (thirty) days after establishment, recommencement or transfer of the company. Under Article 2 of Ministry of Employment and Transmigration Regulation Number PER.14/MEN/IV/2006 on the Mechanism of Employment Report in the Company (“MOMT No.14/2006”), entrepreneur is required to prepare an employment report in accordance with the actual condition whether it is in the head office, branch office or the independent part of the company.

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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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