

April 2016

Leks Newsletter

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## The Firm

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

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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 Finance Monthly;
6. We provide services



Dear {FIRST\_NAME},

This is the Leks Newsletter of April 2016. 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 Update

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**Corporate LiveWire Selects Leks&Co as the Winner of Real Estate Law Firm of the Year – Indonesia**

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Leks&Co is pleased to announce that it has been named as Corporate Live Wire's 2016 Mergers & Acquisitions (M&A) Awards Winners Guide in the category of Real Estate M&A Law Firm of the Year – Indonesia.

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

Published annually, the 2016 M&A Awards Guide celebrates the achievements of dealmakers, management teams, financiers and professional advisors who, over the past 12 months, have demonstrated excellence in their deal making. Firms are considered for Corporate Live Wire's M&A Awards based on nominations submitted by individuals, teams and companies working in mergers & acquisitions. Corporate LiveWire provides information on global, corporate financial sectors happening and developments business professionals and individuals from around the globe.

[Click here to read more](#)

## "Konsep Kepemilikan Satuan Rumah Susun" by Eddy Leks



Property&Bank magazine published a legal column written by Eddy Leks titled "Konsep Kepemilikan Satuan Rumah Susun" for its April edition. The column discusses the definition, concept and limitation of ownership of condominium unit under the laws and regulations. Understanding the concept and limitation of ownership of condominium unit is essential for any

## 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 Resolution) -  
Business Litigation -  
Civil Litigation -  
Commercial Litigation -  
Corporate Litigation -

developer, the owner of the condominium unit, and also for tenant association of condominium because it has an impact on various other legal aspects. With that understanding in mind, it is expected that conflicts which are commonly occurred among residents and building management can be reduced.

[Click here to read more](#)

## 2 Days Workshop on Real Estate Law and Its Development Organized by Kontan Academy

Kontan Academy  
KUPAS TUNTAS  
**ASPEK HUKUM  
PROPERTI  
& PENGEMBANGANNYA**

Anda pengusaha properti? Bekerja di perusahaan pengembang real estat? Bersinggungan dengan kegiatan usaha pengembangan properti? Inilah workshop yang cocok untuk Anda karena melalui workshop ini, Anda akan memperoleh pengetahuan hukum lengkap atas pengembangan properti, berikut contoh kasus akuisisi dan sengketa terkait properti.

**MATERI PEMBAHASAN**

1. Dasar-Dasar Hukum Pertanahan;
2. Hukum Perumahan dan Permukiman (perspektif pengembang);
3. Hukum Rumah Susun (perspektif pengembang);  
Pengadaan Tanah;
4. Akuisisi Aset atau Saham Perusahaan Properti;
5. Syarat dan ketentuan Pengembangan Properti;
6. Contoh Simulasi Kasus Akuisisi dan Sengketa terkait Properti;
7. BONUS:  
Pembahasan PP Kepemilikan Properti bagi WNA

INSTRUKTUR  
Eddy M. Leks, S.H., M.H., MCI Arb

**INFORMASI & PENDAFTARAN**  
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**12-13 MEI 2016**  
HOTEL SANTIKA PREMIERE, JAKARTA  
09.00 WIB - 16.00 WIB

**FREE MILORS SLUNG BAG**  
untuk 3 orang pendaftar pertama

@KontanAcademy KontanAcademy www.kontanacademy.com

Leks&Co will participate as facilitator in a 2-Days Workshop on Real Estate Law and Its Development (Complete Real Estate Development Series).

This workshop will be held on 12 - 13 May 2016 in Hotel Santika Premiere, Jakarta. This workshop covers the fundamentals of land law and condominium in Indonesia including how to acquire land whether through acquisition of shares or assets. This workshop will also discuss the real case of land dispute and dispute over establishment of Owner and Tenant Association of Condominium Unit and discusses the requirements of property development. There will be also a simulation of case study on how to acquire land

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  
Investigation

through acquisitions of shares of a limited liability company. Lastly, there will be a presentation of property ownership by foreigner domiciled in Indonesia.

[Click here to read more](#)

## “Utilizing Special Economic Zones” by Eddy Leks

LEGAL VIEW ► EDDY LEKS

### UTILIZING SPECIAL ECONOMIC ZONES



**IN AN ANNUAL REPORT** of the National Board of Special Economic Zones on the Development of Implementation of Special Economic Zones (SEZ) 2015, it says there will be 25 SEZ that will be developed before 2019. Eight of SEZ have already been determined by 2014 and the 17 remaining SEZ will be planned from 2015 to 2019. Within the eight SEZ, seven SEZ are located in Java and one is located outside Java. Seven out of 17 planned SEZ are in Java. Ten out of 17 of planned SEZ will focus on tourism.

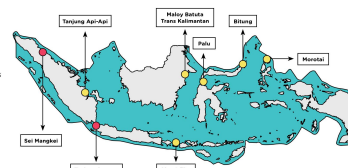
The SEZ is not new. The SEZ law was promulgated in late 2009 and is essentially a continuation of the 2007 investment law. The law was meant to speed up the development in certain strategic area for national economy development and to balance one region's progress as a whole national economy. In late December 2015, to increase investment in SEZs, it is considered that facilities and incentives are required.

A SEZ is defined as an area inside Indonesia, and developed through preparation on an area that has geo-economy and geo-strategy capability of high economic value and international competitiveness. Facility and incentive are provided for a business entity and entrepreneurs at a SEZ covering tax, customs and excise, flow of goods, labor, immigration, land, and licensing and non-licensing. For an investor planning an investment of more than Rp 1 trillion and where its business field is considered as primary activity in a SEZ can be granted a reduction of income tax for at least 10 years and not more than 25 years. The same condition applies for an investment less than Rp 500 billion. The reduction rate of income tax is between 20% and 100%. For entrepreneur who does

not get reduced income taxes, other types of facilities can be granted, such as a reduction of net income by 30% of total investment value, or an accelerated depreciation of fixed tangible assets. Immigration, facilities and incentives are provided for visa on arrival, special visa, and residence visa. On land, the facility covers land procurement, measurement, and issuance of land rights.

In every SEZ, there will be an administrator, authorized to issue principle licenses, amended principle licenses, expanded principle licenses, merger principle licenses, its cancellation and revocation. To expedite the issuance of principle licenses, the SEZ administrator may issue investment licenses to a business entity or entrepreneur, not more than three business hours after receipt of a completed application.

After obtaining an investment license, the investor can proceed with construction by applying in parallel for the building construction license and environmental license. The government has made many efforts to induce new investment, domestic and foreign, to increase Indonesia's economic development. Some moves are creative and bold, some are still limited due to existing laws. To change the licensing regime, the government must restructure its legal system. Despite countless obstacles, the public will eventually appreciate government's gallant moves to improve business atmosphere in Indonesia. ☐



EDDY LEKS IS THE MANAGING PARTNER OF LEKS & CO, A MULTI-SERVICES LAW FIRM BASED IN JAKARTA.

APRIL 2016 FORBES INDONESIA | 75

Eddy Leks wrote a legal column published in Forbes Indonesia April 2016 edition titled “Utilizing Special Economic Zones.” This article discusses on Special Economic Zones (SEZ) that was promulgated in late 2009, and is essentially continuation of the 2007 investment law. It was meant to speed up the development in certain strategic area for national economy development and to balance one region's progress as a whole national economy.

To read the full article, please click [here](#)

[Click here to read more](#)

**Leks&Co CSR Activity at Santa Anna  
Nursing Home**



Intellectual Property  
Intellectual Property  
Rights

International  
Network



Awards and  
Accolades



As part of Leks&Co responsibility towards social issue and implementation of Corporate Social Responsibility, on 23 April 2016 the firm held a caring and sharing event with elderly citizen. The event theme was “Putting Love into Giving” and took place in Santa Anna Nursing Home in Teluk Gong, North Jakarta. This event was the third CSR activity held by the firm.

[Click here to read more](#)

## Leks Legal Update

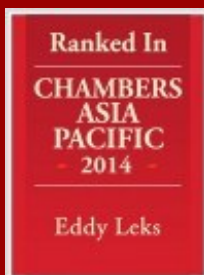
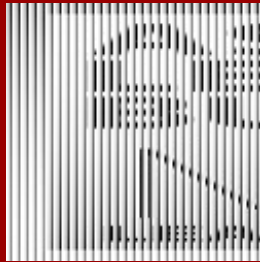
### Guideline and Procedure for Controlling Capital Investment Operation

#### Background

Head of Capital Investment Coordinating Board of Indonesia has issued the Regulation Number 17 of 2015 on the Guideline and Procedure for Controlling Capital Investment



Operation (“**PERKA BKPM 17/2015**”), which became effective on 8 October 2015. This PERKA BKPM 17/2015 revokes Head of Capital Investment Coordinating Board Regulation No.3 of 2012.



[Click here to read more](#)

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## Leks Blog Update

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### The Terms of Occupational Health and Safety Elevator for Transportation of People or Goods

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#### Background

Ministry of Manpower issued a regulation, namely Ministry of Manpower Regulation No. 32 Year 2015 on Amendment to Regulation Ministry of Manpower No.



Per.03/Men/1999 on The Terms of Occupational Health and Safety Elevator for Transportation of People or Goods (“**Permen 32/2015**”), which became effective on 20 October 2015. Permen 32/2015 is an implementing regulation specifically on amendment to previous regulations, namely the Ministry of Manpower Regulation No. Per.03/Men/1999 on The Terms of Occupational Health and Safety Elevator for Transportation of People or Goods.

[Click here to read more](#)

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### The Public Housing Savings (Tapera)


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#### Background

To answer the requisite needs of economical public housing and as one of the Government’s action to improve the welfare of the people, the House of Representative and the Government of



Indonesia formulated the new law called the Public Housing Savings Law (the Tapera Law). The Tapera



Law will become the legal basis for government's program called the Public Housing Savings (the Tapera Program).

[Click here to read more](#)

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