

June 2013

Leks Newsletter



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## The Firm

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Leks&Co is a multi services law firm, filled by young, energetic, creative lawyers, providing premium legal services, quality management and delivering our services based on definite 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 are internationally certified of ISO 9001:2008 on Quality Management;
4. We emphasize our core values in providing and delivering our



Dear {FIRST\_NAME},

This is the Leks Newsletter of June 2013. 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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### **The Appointment of Eddy Leks as Chairman of Analysis and Evaluation Team of Public Housing Laws.**

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This early year in March 2013, Eddy Leks, Managing Partner of Leks&Co, was appointed as Chairman of Analysis and Evaluation Team to provide legal analysis feedback on the public housing laws that have been promulgated, vertically and horizontally, from the law (*undang-undang*) to minister regulation (*peraturan menteri*).

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## Leks Legal Update

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### **Executive Summary Of The Law Of The Republic Of Indonesia Number 20 Of 2008**

- delivering our service;
5. Our office is strategically located at CBD area;
  6. We have received numerous award from Global Law Expert, Corporate INTL and Finance Monthly;
  7. We provide services to store client's legal document in the online server, accessible by our client password protected;
  8. We provide useful legal update knowledge through Blogs, Twitter, Facebook and other resources ;
  9. We provide pro bono service for churches and social organizations through Mitra Klinik Hukumonline, and international organizations through Trust Law Connect, run by Thomson Reuters Foundation;
  10. We provide one (1) hour free consultation and free trial for retainer services within two (2)

## Concerning Micro, Small And Medium Business

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### Background

Micro, small, and medium business (“UMKM”) are business activities which can increase the number of job opportunities and give



wide economic services to the public, and also have an important role in the process of distribution and the increase of the public revenue, furthermore, it can also support the economic development and achievement of national stability. In relation to the dynamic and global economic development, the Law of the Republic of Indonesia Number 9 of 1995 on Small Business, which regulates only about small business needs to be replaced in order to give UMKM in Indonesia legal certainty and justice. In order to support UMKM, The House of Representative of Republic Indonesia together with the President of Republic of Indonesia has issued the Law of The Republic Of Indonesia Number 20 of 2009 concerning Micro, Small, and Medium Business (“UMKM Law”).

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## Executive Summary Of Government Regulation Number 17 Of 2013 Concerning The Implementation Of The Law Of The Republic Of Indonesia Number 20 Of 2008 Concerning Micro, Small, And Medium Business

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### Background



Government Regulation Number 17 of 2013 on The Implementation of the Law of the Republic

- weeks;
11. We provide premium service with a cost efficient approach;
  12. We are the International Partner of China-ASEAN Legal Cooperation Center;
  13. We are member of Eurojuris International, a leading international law firms network and International Chambers of Commerce.

### International Certification



Leks&Co is certified of ISO 9001:2008 on Quality Management

### International Network



### Awards and Acolades



of Indonesia Number 20 of 2008 on Micro, Small, And Medium Business (“GR No. 17/2013”) is made to utilize the Micro, Small, and Medium Business (“UMKM”) in order to improve, to protect, and to give legal certainty of UMKM, and to implement Article 12 paragraph (1), Article 16 paragraph (3), Article 37, Article 38 paragraph (3), and Article 39 paragraph (3) of the Law of the Republic of Indonesia Number 20 of 2009 on Micro, Small, and Medium Business.

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## Leks Blog Update

### Legal Aspects of the Rights to Use and its Regulations

Based on Article 41 of Law Number 5 of 1960 on Basic Regulations on Agrarian Principles (“UUPA”), the definition of Right to



Use is the right to use and/or to collect the product, from (i) land which directly controlled by the State or (ii) land owned by other persons, which gives the rights and obligations as stipulated in its granting decision by the authorized official, or as stipulated in the agreement with the owner of the land, which is not lease agreement or land management agreement, as far as it does not conflict with the spirit and the provisions of this law.

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### The Exception of Material Law



In the previous article its has been explained about the

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WINNER

FINANCE MONTHLY  
GLOBAL AWARDS 2013  
**WINNER**  
SOURCE:  
M&A Law Firm of the Year  
2013



authorization to adjudicate exception (competent exception) and formal requirements of exception. Besides the exception as mentioned above, in Indonesia civil procedure law, it is also known the term of exception of material law (materiele

exceptie). According to the opinion of law expert, M Yahya Harahap, there are some types of exception of material law, which is:

- Exceptio dilatoria or dilatoria exceptie means that the claim of plaintiff is not acceptable to be examined in the court, because it is still premature, which means the submitted claim is still too early to put forward.

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## The Analysis of Environment Impact on Traffic In Relation To The Property Law

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The Law of The Republic of Indonesia Number 22 of 2009 on the Traffic and Public Transportation (“UU LLAJ”) in Article 1 number 2 is stated that



the traffic is the movement of transportation and people in the traffic road space. In other side, the construction/development of the property, either residential, shopping center, apartment, and so on, is strongly related with the condition of the traffic in the surrounding road network. It is caused by the movement of the traffic that come in and out of that property area. The mobility of tenant of the property will affect the service levels in the surrounding road network. Therefore, it is a

necessary to conduct the analysis of environment impact on traffic (“AMDALALIN”)

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## **Objection Against The Petition of The Plaintiff’s Letter of Claim**

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In civil procedural law, every person and/or legal entity who is being sued by the plaintiff in court, is called as defendant and to him/her will be granted the right to submit the response and objection on the petition of the plaintiff’s letter of claim (“Petition”).

Objection is an efforts to block or to defense which submitted by the plaintiff on the Petition. It is also can be interpreted as:

- Defendant response to the Petition;
- The objection from defendant that addressed directly to the Petition.

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## **Certificate of Building Ownership of of Condominium Unit (SKBG Sarusun)**

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Based on the Law of Republic of Indonesia Number 20 of 2011 on Condominium (“Condominium Law”), the

definition of Certificate of Building Ownership of Condominium Unit (“SKBG Sarusun”) is an evidence of the ownership of condominium unit above the objects owned by states/regions in form of land or waqaf land by leasing.

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