

August 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 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 field...



Dear {FIRST\_NAME},

This is the Leks Newsletter of August 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 Legal Update

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### The Upgrading of Added Value of Minerals Through Mineral Processing and Refinery in The Country

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#### Type Title Here



Regulation of the Minister of Energy and Mineral Resources No. 1 of 2014 (hereinafter referred to as 'Regulation 1/2014') contains provisions concerning the

upgrading of added value of minerals through mineral processing and refinery. In order to implement the provision of Article 96 and Article 112 C point 5 of Government Regulation No. 23/2010 (latest amendment 2014) regarding the Executing of Mineral and Coal Mining business activities, it is necessary to stipulate Regulation 1/2014. The

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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## Practice Areas

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### Real Estate

Construction Law -  
 Foreclosure -  
 Homeowners Association  
 - Land Use and Zoning -  
 Landlord and Tenant Law  
 - Property Law - Property  
 Management – Property

Regulation comes into force as from the date of promulgation, which is 11 January 2014.

### General

There are several types of minerals: metal mineral, non-metal mineral, and rocks. Added value means an addition to the value of minerals as a result of the mineral processing and/or refinery. The upgrading of added value means the increase in the value of minerals through the processing and/or refinery and will have the result of economic, social, and cultural benefits.

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## Leks Blog Update

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### The Prevention and Eradication of Forest Destruction

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Forests must be utilized and used in an appropriate and sustainable way by considering ecological, social and economic functions and ensuring



the continuity of forests for the present and future generations. Forest destruction, however, has become an organized and transnational crime which has an extraordinary impact. Therefore, Law No. 18/2013 of 6 August 2013 (hereinafter referred to as 'Law No. 18/2013') has been stipulated, containing provisions concerning the prevention and eradication of forest destruction. Law No. 18/2013 shall take effect on the date of promulgation, which is 6 August 2013.

### General

Forest destruction is a process, method or act of destroying forest through illegal logging, illegal use of forest land, or use of permit contradicting the purpose and aim of the permit in forest land. Eradication of forest destruction is

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

every effort made to take legal steps against the destroying of forest.

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## **Requirement for Commercial Banks to Undertake Business Activities in Foreign Currency**

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Circular letter of the head of Banking Research and Regulation Department of Bank Indonesia Number 15/27/DPNP of 19 July 2013 (hereinafter

referred to as ‘Circular No. 15/27/DPNP’) regulates provisions on requirements for commercial banks to undertake business activities in foreign currency. The provisions in Circular No. 15/27/DPNP start to apply on 19 July 2013. Therefore, Circular Number 28/4/UPPB of 7 September 1995 is revoked and declared null and void.

### **General**

Business activities in foreign currency constitute the whole business activities of banks, including the issuance of products and/or the implementation of activities in foreign currency. Business activities executed by commercial banks (hereinafter abbreviated into ‘BUKU’) are classified on the basis of own core capital. The classification consists of 4 (four) types of BUKU: BUKU 1, BUKU 2, BUKU 3, and BUKU 4. In this regard business activities in foreign currency may only be executed for the last 3 (three) types of BUKU. Banks classified under BUKU 1 may only undertake activity as foreign currency trader, which is regulated in a special regulation. BUKU 2, 3, and 4, on the other hand, may undertake business activities in foreign currency as long as the banks have secured approval from Bank Indonesia.

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**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

### **Intellectual Property**

Intellectual Property  
Rights

### **International Network**



### **Awards and Accolades**



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## **The Records and Depository of Company's Document**

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The provisions regarding records and depository of Company's Document is set under Law Number 8 of 1997 on Company's Document ("Law



No.8/1997"). One of the considerations to form Law No.8/1997 is to guarantee that the company's operation is effective and efficient, which is one of the basis of national development policy in the field of economy.

The company's document is the data, records, and/or statement which are made and/or accepted by company in order to perform its activity, whether in writing on the paper or other facility as well as recorded in the form of any patterns that can be seen, read, or listened ("Company's Document"). The Company's Document consists of financial document and other documents. Additionally, the financial document consists of records, bookkeeping evidence, and administrative supporting financial data, which are the proof of rights and obligations as well as the business activity of the company ("Financial Document"). In contrast, the other documents consist of data or any writing that contains valuable information to the company although it is not directly related to the financial document ("Other Document").

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## **Procedures of Land Acquisition in the Framework of Investment – Land Acquisition Deriving from Right of Ownership**

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Land Acquisition in the framework of investment is particularly regulated



by Decree of State Minister for Agrarian Affairs/ Head of the National Land Agency

Number 21 of 1994 on Procedures of Land Acquisition for Company in the Framework of Investment (“**Kepmenag No.21/1994**”).

Land acquisition is any activity conducted in order to acquire a land by transfer of rights or by delivery or relinquishment of right of land through compensation to the beneficiary. Company may conduct land acquisition in area as determined by location permit. Land acquisition in the framework of implementation of location permit may be conducted through (i) transfer of right or (ii) by delivery or (iii) relinquishment of right of land, followed by granting of right.

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