

April 2015

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, Corporate INTL and Finance Monthly;
6. We provide services to store client's legal document in the



Dear {FIRST\_NAME},

This is the Leks Newsletter of April 2015. On this issue, you will see legal update and our blogs update. We hope that our newsletter is useful for you.

## Leks News Update

**A Legal Column by Eddy Leks wrote a legal column titled “Maraknya Sengketa Properti (Bagian I)”, published in Property&Bank magazine**



Eddy Leks on a legal view publication in Property&Bank, April 2015 edition, titled “Maraknya Sengketa Properti (Bagian I)”

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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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## Practice Areas

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### Real Estate

Construction Law -

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## A legal view publication in Forbes Indonesia, April 2015 edition, titled “Justice is Done”

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Eddy Leks on a legal view publication in Forbes Indonesia, April 2015 edition, titled “Justice is Done”

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## Our second CSR activity with a theme "Leks&Co Sharing is Caring" on 25 April 2015 at Dorkas Orphanage

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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



Our second CSR activity with a theme "Leks&Co Sharing is Caring" on 25 April 2015 at Dorkas Orphanage Jl. Wahid Hasyim No.25 Jakarta Pusat

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## Leks Legal Update

### The Obligation of the use of Indonesian Rupiah in the Territory of the Republic of Indonesia

#### Background

Bank Indonesia Regulation No. 17/3 /PBI/2015 on the Obligation of the Use of Indonesian Rupiah in the territory of the Republic of



Indonesia (“**PBI 17/3/PBI/2015**”) is a new legislation enacted by Bank Indonesia which is based on the law that has been previously promulgated, namely Law No. 7 of 2011 on the Currency (“**Law No. 7/2011**”). The aim and objective of this regulation is basically to maintain the stability of Indonesian Rupiah’s exchange rate and to ensure the concerned party to use Indonesian Rupiah in any finance transaction occurring in Indonesia.

#### General Provision

Party to apply this regulation is a party who is classified in the category of:

1. individual;
2. corporate (group of people/legal entity/non legal

## 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

## Intellectual Property

Intellectual Property

entity).

Furthermore, cash and non-cash transactions are the type of finance transaction in which the party is obliged to use Indonesian Rupiah. Such transaction shall include the following conditions:

1. transaction that has the purpose of payment;
2. settlement of other obligations that shall be filled with money; and/or
3. other financial transactions.

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## Leks Blog Update

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### Authority to Grant the Land Right

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Head of National Land Agency Regulation No. 2/2013 on Delegation of Authority to Grant the Land Right and Act of Land



Registration (“Head of BPN Regulation 2/2013”) states that the grant of the land right is government decree that grants a right to the state land, including extension to the term of right and the renewal of right and the granting of right over the land with right to manage (“Grant of the Land Right”). Land right means, among others, right of ownership, right to build, and right of use (“Land Right”). Authority to Grant of the Land Right is given to: (i) head of the Land Office, (ii) head of Regional Office of National Land Agency, and (iii) head of National Land Agency of the Republic of Indonesia.

Regional Office of the National Land Agency is a vertical institution of National Land Agency in the province which is under and responsible to the head of National Land Agency of the Republic of Indonesia (“Regional Land Office”). Land Office is vertical institution of National Land Agency in district/city which is under and

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responsible to the head of National Land Agency of the Republic of Indonesia through the head of Regional Land Office (“Land Office”).

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## **The Electronic Procedure of Fiduciary Guarantee Registration and The Cost of the Deed of Fiduciary Guarantee.**

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Fiduciary Guarantee is defined as right over collateral on moving objects both tangible and intangible, particularly on building that cannot be encumbered by mortgage

and remain in a possession of fiduciary provider as a collateral for the payment of certain debt which provides the preferred position towards fiduciary recipient to other creditors (“Fiduciary Guarantee”). In order for the concerned parties to be covered with legal certainty, Article 11 Paragraph (1) of Law No. 42 of 1999 on Fiduciary (“Law No. 42/1999”) suggests that any objects loaded with Fiduciary Guarantee shall be registered.

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