

July 2015

Leks Newsletter

The Firm

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

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



Dear {FIRST_NAME},

This is the Leks Newsletter of July 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

Eddy Leks led a workshop on Indonesia Business Contract Law for Non-Lawyers in Singapore



Eddy Leks led a workshop on Indonesia Business Contract Law for Non-Lawyers in Singapore, Shangri-La Hotel, from 23 July to 24 July 2015.

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

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A legal view publication in Forbes Indonesia. Julv 2015 edition, titled “Condominium Confusion”



Eddy Leks our Managing Partner, on a legal view publication in Forbes Indonesia, July 2015 edition, titled “Condominium Confusion”

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The Winner in the category of “Property Law Firm Of The Year – Indonesia” by Lawyers Worldwide Awards Magazine – Lawyers Worldwide Awards 2015.



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A Legal Column by Eddy Leks, titled “Hunian atau Campuran?”

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 -



A Legal Column by Eddy Leks. titled “Hunian atau Campuran?”. published in Property&Bank magazine, July 2015 edition.

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Leks Legal Update

Implementation of Old-Age Savings Program (Government Regulation No. 46 Year 2015)

Background



On 30 June 2015, the Government of the Republic of Indonesia promulgated a Government Regulation No. 46 Year 2015 on Implementation of Old-Age Savings Program (“GR 46/2015”). GR No. 46/2015 is a new legislation enacted which is based on the law that has been previously promulgated, namely Law No. 40 of 2004 on National Social Security System (“Law No. 40/2004”). Old-Age Savings is a cash benefit that is paid at once at the time of participants entering retirement age, death, permanent total disability (“OAS”).

Membership OAS Program

Every employer unless the organization of the State (“Employer”) has to register himself and his employees into OAS program to *Badan Penyelenggara Jaminan*

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

Sosial Ketenagakerjaan (“BPJS Ketenagakerjaan”) according to the stages of membership.

The stages of membership are arranged in Regulation of the President No. 109 Year 2013 on Stages of Social Security Program Membership. The stages are grouped based on business scale which consist of (i) big business; (ii) medium business; (iii) small business; and (iv) micro business. Registration of the membership is required from 1 July, 2015. In addition, micro businesses are not required to follow the OAS program.

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The Arrangement for Pension Guarantee Program

Background



Pension Guarantee Program is regulated under Government Regulation No. 45 of 2015 on the Arrangements for Pension Guarantee Program (“GR 45/2012”). GR 45/2015 has been enacted since 1 July 2015. Pension Guarantee is defined as social guarantee which is aimed to preserve a decent living for the participants and/or its inheritors by granting an income to them after reaching their retirement age, experiencing total permanent disability, or die (“Pension Guarantee”).

Participation of Pension Guarantee Program

In performing such program, the employers are responsible to register all of their employees to the Social Security Employment Agency/*Badan Penyelenggara Jaminan Sosial Ketenagakerjaan* (“BPJS Ketenagakerjaan”) as the participant of Pension Guarantee Program.

The parties who are eligible to be the participants of

Intellectual Property
Intellectual Property
Rights

**International
Network**



**Awards and
Accolades**



Pension Guarantee Program are:

1. employee who is working under state administrator employer; and
2. employee who is working under non state administrator employer.

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Leks Blog Update

Agrarian National Program

Background



The Minister for Agrarian Affairs/Head of the National Land Agency Regulation No. 4 of 2015 on Agrarian National Program (“Permenag No. 4/2015”) is promulgated to accelerate the completion of land certification through the Agrarian National Program (“Prona”). Permenag No. 4/2015 came into force since 17 April 2015 and revoked the Minister for Agrarian Affairs/Head of the National Land Agency Regulation No. 1 of 2015 (except for the provision under Article 15 regarding the revocation of the Minister of Home Affairs’ Decision No. 189 of 1981 on Agrarian National Operational Project).

Definition and Purpose of Prona

Prona is a series of certification of land mass, in an administrative area of the village/regency or its other designation or its parts thereof. Prona is aimed to provide land registration services for the first time with a simple process, easy, fast, and inexpensive in order to accelerate the land registration throughout Indonesia for ensuring the legal certainty of land rights. The targets of Prona are land plots that have not been certified, controlled, and/or owned by



individuals or legal entities/social and religious institutions.

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Standards of Services and Management for Agrarian, Spatial Planning, and Land Affairs for Capital Investment Activities

Background

The Minister for Agrarian Affairs/Head of the National Land Agency Regulation No. 2 of 2015 on Standards of Services and



Management for Agrarian, Spatial Planning, and Land Affairs for Capital Investment Activities (“Permenag No. 2/2015”) is an implementing regulation of Presidential Regulation No. 97 of 2014 on Implementation of One-Stop Integrated Services.

The service provider in accordance with Permenag No. 2/2015 is the Minister of Agrarian Affairs/Head of National Land Agency, Regional Office, and Regency/City Office.

Types of One-Stop Integrated Services

The types of One-Stop Integrated Services (“PTSP”) regulated under Permenag No. 2/2015 consists of:

1. information on land availability;
2. technical considerations of land affairs;
3. measurement of land plots;
4. stipulation of land rights;
5. registration of land rights decree; and
6. customer service.

[Click here to read more](#)

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