

28 April 2017

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 April 2017 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' Opinion Published in The Jakarta Post



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.

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## Practice Areas

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The Jakarta post, a daily newspaper, published an opinion of Eddy Leks, CEO & Managing Partner of Leks&Co on 25 April 2017. His opinion titled "Foreign property ownership: Get it right or get rid of it" speaks about current legal structure that confuses real estate developers and prospective foreign buyer of condominium unit.

[Click here to read more](#)

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## ALB South East Asia Law Awards 2017– Leks&Co and Eddy Leks Listed as Finalist

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We are pleased to announce that Leks&Co is listed as a finalist in category "Real Estate Law Firm of the Year" and "Transactional Boutique Law Firm of the Year" by ALB SE Asia Law Awards 2017. In addition, Eddy Leks is listed as a finalist for Young Lawyer Award. This is the 13th awards presented by Asian Legal Business as a support among the finest legal practitioners in Asia.

[Click here to read more](#)

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## Eddy Leks' Legal View Published by Forbes Indonesia

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## 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 -

### EVERYONE CAN OWN A HOUSE



**CONSTRUCTING** one million houses for low-income communities (LIC) is a worthy goal. The home ownership rate in Indonesia is 79%, and the rest is either renting or have other arrangements. Some 12 million families do not have homes at all. Therefore, the goal is noble, the need tangible and the problem real.

At the end of 2016, on 29 December, the government promulgated a regulation specifically intended for LIC, in which the government strongly supports real estate developers to create LIC by streamlining and reducing red tape.

Through this regulation, the government strongly facilitates the real estate developers for LIC by eliminating location license.

The new regulation is focused for the land development between 0.5 and not more than five hectares for houses (not condominium). The legal entity should prepare a proposal for all aspects of LIC housing. The proposal should attach a land certificate or other and evidence of payment of relevant taxes. The legal entity, having land ownership, can also apply for a land use license. The integral one-door service (OTSP) should approve the proposal not more than seven business days after receipt of complete documentation.

Location license is no longer required as long as the development site is already stipulated as LIC housing.

The developer will then have to relinquish the land rights (if has not been performed) through deed of relinquishment of land rights before the head of land office. Subsequently, the developer will have to apply for legalization of site plan and registration of underlying a letter for environmental management and supervision, which has to be issued not more than one business day

after receipt of complete documentation.

If the developer does not provide a memorial land for LIC housing, it can provide a separate location for 2% of total areas for the proposed LIC housing or to provide funds for memorial land at the determined location by the local government for 2% of the procurement value of the proposed LIC.

If the developer does not provide land for LIC housing, it can provide a separate location for 2% of total areas for the proposed LIC housing or to provide funds for memorial land at the determined location by the local government for 2% of the procurement value of the proposed LIC. The proposed land will have to be measured which must be completed not more than 14 business days from the receipt of complete documentation. The measurement may be conducted by a licensed surveyor, not necessarily from the land office. This is another bold move by the government, as it may help eliminate the land office's internal bureaucracy. After measured, the developer applies for certification of a right to build (iuk guben bangunan) which has to be completed no later than three business days after receipt of complete documentation.

Also important, the regulation stipulates that if the OTSP does not proceed in issuing the requested license, the developer can refer the matter to the mayor or regent. If still unsuccessful, the developer can approach the governor to impose administrative sanctions in accordance with the laws and regulations. If still unsuccessful, the governor can directly grant the license. If the governor does not issue the license, the developer can refer the matter to the minister of domestic affairs to issue the requested license. Thus, there is a way for the developer to protect its interest as long as all requirements are fulfilled. Having one's own house is important. It is good for one's pride and future, and supporting it is a noble cause. Hence, let us support government's move. ☺



EVERY LAND IS THE PROPERTY OF THE STATE OR THE PEOPLE, WHICH DERIVED FROM THE PEOPLE IN ACCORDANCE

16 | FORBES INDONESIA, APRIL 2017

Our CEO of Leks&Co writes an article titled “Everyone Can Own A House” as published in Legal View section in Forbes Indonesia. He explains the new government regulation enacted at late 2016 intended to provide facilities and incentives to real estate developer focusing on modest housing, essentially for land development from 0.5 to 5Ha. Government confirms that location license is no longer required. In addition, surveyor that can measure the land can be from outside of the land office. These two items are a breakthrough by the government to ease the licensing requirements.

[Click here to read more](#)

## Leks Blog Update

### Restoration of Fulfilment of Intensity Through Delivery of Replacement Land

On 6 April 2017, the Governor of Special Capital Region of Jakarta issued the Governor Regulation No.

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

41 of 2017  
("Governor  
Regulation No.  
41/2017"). The  
Governor  
Regulation No.  
41/2017 is issued



as the legal basis and guidance for the recovery of spatial function, by restoring the fulfilment of intensity through delivery of replacement land.

[Click here to read more](#)

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## **Registration of Trademark**

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On December 30th  
2016, Minister of  
Law and Human  
Rights Regulation  
No. 67 of 2016 on  
Trademarks  
Regulation



("MoLHR 67/2016") was enacted by the Minister of Law and Human Rights. This is an implementation of Law No. 20 of 2016 of Trademarks and Geographical Indication ("Law 20/2016") Application of Trademark Registration

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## **Working Hour**

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Working hours, break time, and leave are the rights of employees as stipulated under Article 77 to Article 85 Law No. 13 of 2003 on Labour ("Labour Law"). The Labour Law stipulates working hours into two categories, as follows: 7 working hours in 1 week or 40 working hours in 1 week for 6 working days in 1

**Intellectual Property**  
Intellectual Property  
Rights

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**International  
Network**

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**Awards and  
Accolades**

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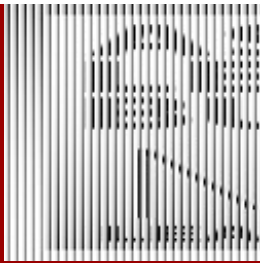
week; or 8 working hours in 1 day or 40 working hours in 1 week for 5 working days in 1 week. The



entrepreneur who employs an employee more than the stipulated working hours must pay overtime payment. The overtime work however can only be done maximum 3 hours in a day and/or 14 hours in a week.

[Click here to read more](#)

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**PROFILES** 2013  
HIGHLY RECOMMENDED

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**PROFILES** 2014  
HIGHLY RECOMMENDED

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**PROFILES** 2016  
HIGHLY RECOMMENDED

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**PROFILES** 2017  
HIGHLY RECOMMENDED

Ranked In  
CHAMBERS  
ASIA  
PACIFIC  
- 2014 -  
Eddy Leks

Ranked In  
CHAMBERS  
ASIA  
PACIFIC  
- 2015 -  
Eddy Leks

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