

INDONESIA

Indonesia litigation guide



By Charles Ball and Chalid Heyder
Hiswara Bunjamin & Tandjung

in association with Herbert Smith LLP

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Indonesia has enormous economic potential for foreign investors. Housing a large reserve of natural resources, a large consumer market, and improving political stability and transparency, the World Bank estimates that economic growth will increase despite the recent financial turbulence. However, the judiciary and law enforcement areas also rank high in the minds of foreign investors. The Indonesian government is aware of this and is taking steps to improve Indonesia's reputation, with the Civil Procedure Rules being constantly revised and the courts starting to be more arbitration friendly.

Litigation

The court system in Indonesia has four main divisions: general courts (in which most civil and criminal cases are handled), religious courts, military courts and administrative courts. In addition, there are special courts for handling bankruptcy and intellectual property rights. Within the general court system, cases are brought in the first instance to the District Court. The jurisdiction of the District Court is divided geographically throughout the various states and districts of Indonesia. Appeals from the District Court lie as of right to the High Court (*de novo*). The High Court is also divided geographically. Further appeals may be brought in appropriate cases to the final court of appeal, the Indonesian Supreme Court in Jakarta.

The Civil Procedure Rules are being constantly revised and the courts are starting to be more arbitration friendly

Indonesia is a civil law country and has no jury system in civil proceedings. The parties are required to provide evidence and legal arguments to a panel of judges (usually three) for their review. There is no doctrine of binding precedent under Indonesian law, although decisions of the High Court and the Supreme Court are persuasive, and judges are given very wide discretion to determine the facts and interpret law. The judges are also obliged to apply their discretion where there is no specific applicable law.

Civil proceedings are usually commenced by a plaintiff filing a claim in the District Court located in the region where the defendant is domiciled. For foreign defendants, the plaintiff often chooses the Central Jakarta District Court. Upon registration of the claim, the District Court will summon the parties. At the first hearing, the judges

will order mandatory mediation and appoint a mediator. The mediation mandatory mediation period is 40 days however the mediator (or the court) has the discretion to cut short the mediation phase. The mediator (or the court) also has the discretion to extend this mediation period for a maximum of 14 days.

After the mediation has ended (and assuming the parties were unable to settle their dispute), the defendant may file, if applicable, a Demurrer of Absolute Competence or a Demurrer of Relative Competence (both are challenges to the court's jurisdiction). If a Defendant files such Demurrers, the court is required to hear and issue a judgment on the demurrer issue first before it can proceed to the next step i.e. filing a Defence pleading. If the court finds that it has no jurisdiction, the court will suspend the case. Apart from these challenges, there are no other options to terminate a claim early.

Hearings are typically held once a week over the course of several months. The court announces at the end of each hearing the 'agenda' for the next hearing. There is no pre-trial exchange of evidence, nor are there disclosure or discovery rules. Evidence, both written and oral, is generally exchanged during the course of the many hearings and is often either factual or expert opinion. Most factual evidence is provided as documentary evidence, but factual witnesses can be provided as well. All witnesses are subject to cross examination.

Arbitration

Arbitration is becoming a popular choice for Indonesians. Indonesia enacted its Arbitration Law in 1999. Under this law, if the parties have a valid arbitration agreement, then the Indonesian courts do not have jurisdiction to hear a claim. It is generally understood that the court can only intervene in the arbitration when one of the parties challenges the appointment of an arbitrator. Indonesia is a party to and has ratified the New York Convention, subject only to minor commercial and reciprocity reservations. Awards from the convention countries are recognised in Indonesia on the grounds set out in article 5 of the Convention.

Unlike other Arbitration Laws, the Indonesian Arbitration Law is fairly comprehensive in terms of the manner in which the arbitration proceedings are to be conducted. The law provides that parties are free to choose the rules and procedures that govern the arbitration process, but these may also need to conflict with certain procedures set out in the Arbitration Law itself. If no specific procedures are specified by the parties, there are also a set of default procedures set forth in the Arbitration Law that will be applied.

Recommended firms at a glance

BANKING & FINANCE	CORPORATE/M&A
Tier 1	Tier 1
Ali Budiardjo Nugroho Reksodiputro	Assegaf Hamzah & Partners
Hadiputranto Hadinoto & Partners	Hadiputranto Hadinoto & Partners
Hiswara Bunjamin & Tandjung	Hiswara Bunjamin & Tandjung
Melli Darsa & Co	Melli Darsa & Co
Tier 2	Tier 2
Assegaf Hamzah & Partners	Ali Budiardjo Nugroho Reksodiputro
Bahar & Partners	Hanafiah Ponggawa & Partners
Hutabarat Halim & Rekan	Hendra Soenardi & Rekan
Makarim & Taira S	Hutabarat Halim & Rekan
Makes & Partners	Makarim & Taira S
Mochtar Karuwin Komar	Makes & Partners
Soewito Suhardiman Eddymurthy Kardono	Mochtar Karuwin Komar
Tier 3	Tier 3
DNC Law Firm	Soewito Suhardiman Eddymurthy Kardono
Hanafiah Ponggawa & Partners	Bahar & Partners
Hendra Soenardi & Rekan	DNC Law Firm
Lubis Ganie Surowidjojo	Kartini Muljadi & Rekan
Soemadipradja & Taher	Lubis Ganie Surowidjojo
Tier 4	Tier 3
Kartini Muljadi & Rekan	Soebagjo Jatim Djarot
Soebagjo Jatim Djarot	Soemadipradja & Taher
Tumbuan Pane	
Widyawan & Partners	
DISPUTE RESOLUTION	INTELLECTUAL PROPERTY
Tier 1	Tier 1
Adnan Buyung Nasution & Partners	Hadiputranto Hadinoto & Partners
Frans Winarta & Partners	Rouse / Suryomurcito & Co
Hiswara Bunjamin & Tandjung	Soemadipradja & Taher
Karimsyah	Tier 2
Tier 2	Amroos & Partners
Hadiputranto Hadinoto & Partners	Biro Oktroi Roosseno
Luhut MP Pangaribuan & Partners	Tier 3
Tier 3	Am Badar & Partners
Lubis Ganie Surowidjojo	Int-Tra-Patent Bureau
Lubis Santosa & Maulana	Lubis Santosa & Maulana
Soemadipradja & Taher	Pacific Patent

Banking & Finance

RECOMMENDED FIRMS

Tier 1

Ali Budiardjo Nugroho Reksodiputro
Hadiputranto Hadinoto & Partners
Hiswara Bunjamin & Tandjung
Melli Darsa & Co

Tier 2

Assegaf Hamzah & Partners
Bahar & Partners
Hutabarat Halim & Rekan
Makarim & Taira S
Makes & Partners
Mochtar Karuwin Komar
Soewito Suhardiman Eddymurthy Kardono

Tier 3

DNC Law Firm
Hanafiah Ponggawa & Partners
Hendra Soenardi & Rekan
Lubis Ganie Surowidjojo
Soemadipradja & Taher

Tier 4

Kartini Muljadi & Rekan
Soebagjo Jatim Djarot
Tumbuan Pane
Widyawan & Partners

Corporate/M&A

RECOMMENDED FIRMS

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Tier 3

Bahar & Partners
DNC Law Firm
Kartini Muljadi & Rekan
Lubis Ganie Surowidjojo
Soebagjo Jatim Djarot
Soemadipradja & Taher

Ali Budiardjo Nugroho Reksodiputro

Ali Budiardjo Nugroho Reksodiputro (ABNR) has performed impressively over the past year, with growing banking advisory mandates and increased roles on high-valued securities issuance. It has also worked on many M&A transactions in the telecommunications and shipping industries.

The firm acted for Japan Bank International Cooperation (JBIC) on the US\$2.3 billion financing for the expansion of a power plant in Indonesia. On bond issuance, it worked for the government of Indonesia on sovereign offerings on the Singapore Stock Exchange valued at US\$2.2 billion.

For M&A, the firm assisted Indovision on the US\$350 million acquisition of the transponders business from ProtoStar Asia Service and also provided advice on related

regulatory issues concerning orbital location. Other examples saw it represent Lotte Shipping on the US\$300 million acquisition of the entire share capital of Makro Indonesia. It also advised Indofood Sukses Makmur on the acquisition of the dairy business of Indolacto, as well as Samsung Corporation on the takeover of two plantation companies.

Emir Nurmansyah is a well-respected banking partner. Theodoor Bakker and Woody Pananto have been active leading M&A transactions. The firm's corporate practice also saw the arrival of foreign counsel Philip Paynes from Blake Dawson.

Hadiputranto Hadinoto & Partners

As an affiliate of Baker & McKenzie, Hadiputranto Hadinoto & Partners is benefiting from its solid international client

base and a capacity to handle complicated and large-scale transactions. It has been active in banking, project finance and M&A this year. It has also worked on several acquisition financing deals, such as the advice to eight mandated lead arrangers on a US\$460 million senior facility agreement to Professional Telekomunikasi Indonesia for the acquisition of telecommunications towers. In the natural resources sector, the firm also represented PAM Lyonnaise Jaya on a US\$50 million recourse financing for its West Jakarta water concession business, provided by the Asian Development Bank.

The firm is also active on securities offerings. It was involved in the Indonesian government's Rule 144A/Regulation S sovereign sukuk offering, counselling joint lead managers Barclays Capital, HSBC and Standard Chartered Bank. Issuer work includes roles on Bank Danamon's Rp4 trillion (US\$362 million) rights issue and Trikomes Oke's US\$9.2 million IPO.

A key M&A deal over the last year was representation of the country's largest mining company, Bumi Resources, on the US\$551 million takeover of Australian company Herald Resources. In the banking sector, the firm also worked on the creation of Bank CIMB Niaga, which was a US\$10.2 billion merger between local banks Bank Niaga and Bank Lippo. One additional example is the representation of HSBC on the acquisition of 89% of the shares in Bank Ekonomi Raharja at a cost of US\$614 million.

The state-owned power utility PLN also engaged the firm on the continuing financing of a number of energy and power projects. The financing was provided by Barclays, China Development Bank, BNI, BRI and Bank Mega under guarantee from the government of Indonesia.

Tuti Hadiputranto heads up the capital markets team while the banking and project finance practice is led by Timur Sukirno. Indri Pramitaswari has advised on a number of M&A and project financing transitions, working together with foreign counsel Mark Innis. Other leading individuals include Daniel Ginting and Mita Djajadiredja.

Hiswara Bunjamin & Tandjung

Hiswara Bunjamin & Tandjungp possesses a solid client base of foreign investment banks. This year saw a large proportion of its work in the energy and power sectors, with support from parent firm Herbert Smith. For example, HBT represented Deutsche Bank, Credit Suisse and UBS in two note offerings by an Indonesian private oil and gas company and an independent power producer.

In the M&A space, the firm advised Indonesian oil and gas exploration company Black Gold Energy, together with substantial shareholder Goldman Sachs, in relation to

a share subscription in the company by a major sovereign wealth fund together with a subsequent buyout of certain member interests. Other corporate work includes representing BHP Billiton on the proposed disposition of Kendilo Coal Mine in East Kalimantan, and BAT on a proposed major acquisition in Indonesia.

Tjahjadi Bunjamin heads the firm's finance practice, specialising in the areas of banking and finance, restructurings and capital markets. Iril Hiswara heads the M&A practice, both for public and private transactions. Herbert Smith partner David Dawborn is seconded to HBT in Jakarta as senior international counsel together with four other Herbert Smith lawyers.

Hutabarat Halim & Rekan

Hutabarat Halim & Rekan is strong in banking and project finance and this year also had a good performance across M&A in a number of resources and real-estate transactions.

The banking practice worked on several loan and restructuring mandates, such as counsel to Maritim Nusantara on the US\$9.2 million loan facility from Export-Import Bank of Malaysia. In addition, the firm advised Starworld Investment on the restructuring of security documents on the proposed US\$26 million acquisition of 300 strata title units of condominium buildings in the commercial district of Jakarta. Yellow Horizon instructed the firm on its US\$15 million purchase of non-performing loans of Bank Lippo. Hutabarat Halim & Rekan advised on the settlement and restructuring of the loans with corporate debtors.

M&A activities included the firm's work on Perkebunan Perkebunan Nusantara II (PTPN II), where the firm was consulted on the joint operation agreement of a palm oil and rubber plantation area. Property developer Pikko Group also instructed the firm on the Rp28 billion (US\$2.7 million) acquisition and development of an entertainment centre and park in Jakarta. And it turned to the firm for the acquisition of properties from Cakrawala Dekatama and for the purchase of Crystal Cakrawala Indah for the development of a property complex in Indonesia's north Sumatra province. Pheo M. Hutabarat and Rosna Chung co-head the banking practice while Peter Fanning led a number of M&A deals this year. Nini N Halim and Inka Kirana act as co-heads of the corporate department.

Lubis Ganie Surowidjojo

Lubis Ganie Surowidjojo has been steadily growing its practice, especially in banking and capital markets. For example, it advised Standard Chartered Bank on a credit facility to Triputra Investindo Arya and Trinugraha

Thohir. The US\$100 million deal involved a pledge over shares of Adaro Energy.

Other work includes its representation of DBS Bank on a US\$40 million revolving facility to Adaro Indonesia, and its role as counsel to the lead arrangers on the restructuring of an Indonesian company's US\$80 million facility.

On M&As, the firm worked for GIC Special Investment, Goldman Sachs and Noonday on the sale of 3.9% shares in Adaro Energy through a block trade.

Mochamad Fajar Syamsualdi and Ahmad Jamal Assegaf led a number of deals this year. Arief Surowidjojo, Abdul Haris Rum and Arisia Arundati Puspongoro are leading lawyers for banking and capital markets.

Makarim & Taira S

Makarim & Taira S is renowned for its corporate commercial practice as well as housing a solid reputation for capital markets work. This year, it has also worked on many high-quality financings for energy projects.

The firm worked on a US\$333 million credit facility to Titan Capital and Titan Kimia Nusantara, acting for a group of bank lenders including Standard Chartered Bank, Offshore Labuan, WestLB and RHB Bank. It also represented HSH Nordbank on the US\$4 million loan agreement for an aircraft mortgage, and assisted a syndication of banks on the US\$250 million working capital facility provided to Smelting.

Notable project financing deals include the firm's representation of the lead arrangers – which included Bank Mandiri, Bank Negara Indonesia and Bank Central Asia – on the US\$479 million financing for the state-owned electricity company PLN for three coal-fired power plants in Indonesia (Indramayu) and Labuan, Malaysia. Another high-value financing saw the firm represent Central Java Power on the development of a US\$2.3 million project, which was leased to PLN.

The corporate practice advised Sun Life on the US\$18 million acquisition of 49% shares in Commerce International Group, which is owned by CIMB Group. Sun Life also consulted the firm on the formation of a joint-venture life insurance company with CIMB Group and Bank CIMB Miaga.

Rahayuningsih Hoed and Ratna Iskandar co-lead the banking and project finance team, with the support of foreign consultant Gregory Ranslam. Richard Cornwallis is head of the M&A practice.

Makes & Partners

Makes & Partners has had a strong performance in project finance and corporate transactions this year. The firm represented HSBC Institutional Trust Services as trustee on a S\$350 million (US\$244.5 million) credit facility

agreement for Lippo Mapletree Indonesia Retail Trust, and on a S\$120 million (US\$83.8 million) loan facility for First Reit Singapore.

Notable M&A transactions saw HSBC Asia Pacific Holdings engage the firm on the acquisition of shares from Bank Ekonomi Rahardja, totalling US\$631 million. The firm also advised Kestrel Wave Investment in the voluntary tender offer of 15.2% total issued and paid up capital of Citra Tubindo, valued at Rp4 trillion (US\$393 million).

The firm's deal list also includes advising Nusantara Infrastruktur on the Rp400 billion acquisition of Jakarta Lingkar Barasatu, and Bahana TCW Investment Management as fund manager in the Rp325 billion acquisition of Pelabuhan Penajam Banua Taka.

Name partner Yozua Makes led a number of these deals with support from Mariko Bawi and Iwan Setiawan.

Assegaf Hamzah & Partners

Though smaller in size, Assegaf Hamzah & Partners has gained great market exposure on capital markets and M&A transactions often involving government bodies.

Of note was its role acting for the Ministry of Finance in April 2009 on the country's first international sovereign sukuk (Islamic bond) issuance, totalling US\$650 million. Another bond offering saw the firm represent the underwriters on the issuance of Rp1.6 trillion (US\$157 million) bonds by Indofood Sukses Makmur. It also advised the underwriters on Oto Multiartha's Rp600 billion (US\$59 million) public offering.

M&A highlights include Maybank engaging the firm on the acquisition of the majority of shares in Bank International Indonesia. Assegaf Hamzah & Partners also acted for Sigmantara Alfindo in the sale of 35% of Alfa Retialindo to Carrefour Indonesia.

Name partner Fikri Assegaf has been active across a number of deals this year. Bono Daru Adji and Eri Hertiawan have also led financial and corporate transactions.

Bahar & Partners

Bahar & Partners is well-recognised for capital markets work proving its credentials on a number of high profile issues this year. For example, it advised Morgan Stanley and Citigroup Global Markets Asia as standby purchasers on a rights issue by Bank Danamon Indonesia. It also acted for Matahari Putra Prima on a planned bond issuance, consisting of a conventional bond and a *ijarah* (capital leasing) bond.

For corporate work, Qatar Telecom mandated the firm on the acquisition of the majority of shares in Indosat and on the tender offer for Series B shares of Indosat. Leading

partner Wahyuni Bahar is a well respected lawyer at the firm.

DNC Law Firm

DNC Law Firm is highly visible on banking and project finance deals largely due to its solid client base of local banks. For example, the firm advised the lenders and security agents – including Sumitomo Mitsui Banking Corporation, ING Bank, DBS Bank and Bank Sumitomo Mitsui Indonesia – on the US\$336 million financing for an Indonesian mining contractor Bukit Makmur Mandiri Utama.

Other bank work includes advising HSBC as security agent on a US\$45 million financing for Essex, a subsidiary of Risjadson Group, as well as counselling bank lenders on a US\$55 million financing provided to Unggul Indah Cahaya. On the borrower side, it acted for Elnusa on a US\$99.5 million financing advanced by a consortium of banks.

For M&A work, the practice counselled OSK Investment Bank on the acquisition of securities company Nusadana Capital Indonesia. Leading individuals include Arie Armand and Ibrahim Senen.

Hanafiah Ponggawa & Partners

Hanafiah Ponggawa & Partners is well known for spinning-off businesses, particularly in the banking sector. The young firm is also active in several bank lending deals.

In the M&A space, the firm advised Bank Rakyat Indonesia (BRI) on an acquisition of a local bank, followed by a spin-off of BRI's *shariah* business units into the local bank. It also acted for BUMD on the establishment of a *shariah*-based commercial bank and on the spin-off of the *shariah* business into a new separated *shariah*-based commercial bank.

In the aviation industry, the firm advised Garuda Indonesia on the leasing of eight Boeing aircraft and another 27 aircraft from leasing companies Gecas, ILFC and Aircap. It also helped Citra Sar Makmur in obtaining a credit facility of Rp1 trillion (US\$98 million) consisting of a combination of conventional and *shariah* loan syndications. Finally, the practice also advised Bank Akita on its sale of shares to Barclays Bank.

Al Hakim Hanafiah, Fabian Buddy Pascoal and Andre Rahadian are the leading names in the practice.

Hendra Soenardi & Rekan

Hendra Soenardi & Rekan made its name on Indonesia's largest IPO last year, acting for the shareholders of Adaro Energy in the US\$1.3 billion offering. The firm's banking and M&A teams were also active last year.

Adaro Energy retained the firm for its role as guarantor

on a US\$300 million secured facility from a consortium of banks to borrower Saptaindra Sejati. On M&As, the firm worked on the US\$1.1 billion acquisition of 100% interest in Agalia Energy Investments and Ariane Investments Mezzanine. It also advised the purchaser Alam Tri Abadi, a subsidiary of Adaro Energy, on the deal. One further example saw it counsel SHV Holdings on the €227 million sale of Makro Indonesia to Korean company Lotte Shopping. Eddy Hendra stands out as leading partner of the firm.

Melli Darsa & Co

Melli Darsa & Co is well respected in the market for its solid practice across capital markets, M&A, banking and projects. Notable deals include a number of rights issues, such as representing Temasek Holdings subsidiary Asia Financial on a US\$390 million issue by Bank Danamon in April 2009. UBS also mandated the firm to advise it as financial adviser on a US\$375 million issuance by Astra International subsidiary United Tractors.

More samplings include the firm's advice to Northstar Pacific on the subscription of US\$20 million mandatory exchangeable bonds issued by Delt Sarana Pradana. The bonds were exchangeable into shares in Trikonsel Oke, an Indonesian distributor of wireless communication and multimedia gadgets company.

The firm also enjoys a good reputation on banking law. Bank Mandiri engaged the firm on the Rp1.86 trillion (US\$183 million) investment loan facility and working loan capital facility to Darmex group for the development of its plantation business. It also assisted Banking Mandiri's credit recovery group on a debt restructuring deal for Bosowa group, including a Rp1.6 trillion (US\$157 million) syndicated loan and a bilateral loan totalling US\$53 million.

Name partner Melli Darsa is well respected in the market while other leading individuals include Sugianto Osman, Elizabeth Silalahi and Zippora Siregar.

Mochtar Karuwin Kormar

Traditionally strong on capital markets, Mochtar Karuwin Kormar is often found on the underwriter's side. This year, the firm completed a number of deals in the shipping sector, where it acted for banks in Singapore on financing arrangements with Pratama Ocean Line and Berlian Laju Tanker among others. It also advised Oswal Logistics on the financing behind the purchase of tugs and barges. Aircraft owners Cessna and Gecas also sought the firm's counsel on leasing transactions to Indonesian airlines.

Other notable deals saw International Finance Corporation mandate the firm on a US\$45 million loan facility, while Thiess Contractor instructed the practice

on a bond issuance. Leading lawyers include Craig Heggie, Emir Kusumaatmadja, Tiffany Boer and Miranti Ramadhani.

Soemadipradja & Taher

Soemadipradja & Taher has enjoyed steady growth in capital markets, M&A and financing transactions this year. Notable deals over the last year include representing Bank Syariah Muamalat Indonesia on the issuance of Rp300 billion (US\$29.5 million) subordinated *sukuks* and advising Abbey Communications as a standby purchaser in the rights issue of Abdi Bangsa.

Highlights of the banking practice saw UOB mandate the firm on loan agreements with foreign borrowers and Indonesian security providers and guarantors. Standard Chartered Bank and Bank Syariah Muamalat Indonesia also turned to the firm for advice on regulatory issues.

For M&A, the firm acted for the purchasers on CIMB Group's acquisition of Asuransi Jiwa John Hancock Indonesia and on the takeover of Accette Broker Asuransi by Accette Group. It also represented Antam on the proposed acquisition of Herald Resources.

Linda Widyati and Dezi Kirana have been active this year. The firm also saw the promotion of corporate lawyer Retno Muljosantoso and Emalia Achmadi to its partnership.

Soewito Suhardiman Eddymurthy Kardono

Soewito Suhardiman Eddymurthy Kardono has had a successful year in project finance and M&A work, with a high presence in the plantation, mining and telecommunications sectors.

Deal highlights saw mandates from Bangkok Bank on a Rp100 billion (US\$9.8 million) credit transaction, and Axis Bank on the financing of the acquisition of a mining interest in Indonesia.

Power projects saw the firm's role on a US\$450 million greenfield investment by Showa Denko in a bauxite mining and chemical-grade alumina processing project. It also acted as counsel to IFC and the state electricity utility PLN on the Central Java Model Private Power Project.

In the telecommunications sector, the firm worked for Sarana Menara Nusantara on the acquisition of Professional Telekomunikasi Indonesia, one of the largest telecommunication tower operators in the country. Other samplings include its advice to Djarum on the proposed acquisition of shares in Palmindo and representation of Enel Trade on its US\$300 million purchase of a 19% stake in Bayan Resources. Capital markets work saw it advise Gem Diamonds on a private placement and listing of shares on the London Stock Exchange in April 2009.

Mohammad Kadri is the firm's banking specialist and

handles the restructuring of listed banks and assists clients who plan to acquire or merge Indonesian banks. Richard Emmerson and Ira Eddymurthy were active in the private power sector. Ira Eddymurthy and Susandarini also led a number of M&A deals this year.

Widyawan & Partners

Widyawan & Partners is an energy boutique firm with a long-established reputation in the market. The firm is active in the power and mining sectors.

Notable deals this year saw the firm acting as local counsel to Medco Energi International as one of the shareholders in the establishment of a liquefied natural gas (LNG) downstream company. Name partner Widyawan is a leading figure at the firm.

Kartini Muljadi & Rekan

Founding and senior partner Kartini Muljadi has enjoyed a high profile in the market for more than 30 years and acts for many corporates, as well as the Indonesian government, on various capital raising deals and project financings.

The firm's banking and finance practice also includes acquisition finance, trade and export finance, equipment finance, syndicated finance and securitisations. The practice is also known for its regulatory capability.

Other active firms

Brigitta I Rahayoe & Partners

Deacons-associated firm Brigitta I Rahayoe & Partners advises on the whole spectrum of banking and finance products. Name partner Brigitte Rahayoe has accrued a good deal of overseas experience during her career and the focus of her firm reflects that. The firm has few Indonesian competitors in the banking and project finance space in the People's Republic of China.

NSMP Law Offices

Offering a wide range of financial and corporate legal services, Nurjadin Surmono Mulyadi Pratanto (NSMP) was established in 2006. Major practice areas it covers are corporate lending, trade finance, project finance, derivatives, debt and financial restructuring, insolvency and corporate restructuring, M&A, IP, dispute resolution and capital markets. The firm employs over 25 lawyers and paralegals and provides quality advice to domestic and international clients. Key industries its transactional work concentrates around include mining, plantation, infrastructure, financial services, banking, aviation, property and pharmaceuticals. Partners of the firm are Nurjadin, Ilya Sumono, Mulyadi, Michael Pratanto and Dewanto.

Roosdiono & Partners

Full service corporate law firm Roosdiono & Partners assists international and Indonesian corporate clients across diverse fields of industry, commerce and government. The ambitious, outwardly-looking firm has broadened its practice in recent times through its strategic alliances with Malaysia's largest firm Zaid Ibrahim & Co (in 2005) and Singapore's largest firm Allen & Gledhill (in 2008). The firm's capability was boosted on January 1 2009 when it admitted to its partnership Dini Shanti Purwono. In addition to covering capital market and securities transactions, Purwono's experience includes advising on foreign and domestic M&A transactions as well as acting on the sale of strategic stakes of public and private companies to foreign investors.

Dispute Resolution

RECOMMENDED FIRMS

Tier 1

Adnan Buyung Nasution & Partners

Frans Winarta & Partners

Hiswara Bunjamin & Tandjung

Karimsyah

Tier 2

Hadiputranto Hadinoto & Partners

Luhut MP Pangaribuan & Partners

Tier 3

Lubis Ganie Surowidjojo

Lubis Santosa & Maulana

Soemadipradja & Taher

Adnan Buyung Nasution & Partners

Retaining a strong focus on the energy, mining and real estate sectors, Adnan Buyung Nasution & Partners (ABNP) comes highly recommended for its litigation capability. The firm provides such high profile clients as ABN Amro and ING Bank with the full range of dispute resolution services. Founding partner Adnan Buyung Nasution continues to drive the practice.

Frans Winarta & Partners

Name partner Frans Hendra Winarta himself heads the dispute resolution practice at Frans Winarta & Partners, which covers the full spectrum of services across commercial litigation, ADR and arbitration.

The litigation focus is on disputes in areas such as civil and criminal, labour and employment, intellectual property rights, and bankruptcy. Meanwhile, the ADR practice specialises in consultation, negotiation, mediation and conciliation. The firm is considered something of a pioneer in the area of commercial arbitration. Recent clients include ExxonMobil and Hilton Hotels.

Hiswara Bunjamin & Tandjung

Through its links with Herbert Smith, Hiswara Bunjamin & Tandjung is able to draw on the UK firm's significant know-how and case management systems in the disputes area. This provides the firm with a unique combination of international and domestic disputes experience and expertise.

Focusing on representing major international parties in significant contentious matters in Indonesia, the practice is able to guide multinational clients through the difficulties and peculiarities of litigating and arbitrating in (and in relation to) Indonesia. The firm also assists clients with claims brought in the Indonesian courts, BANI and international arbitrations, regulatory investigations, mediation and other forms of ADR.

With key personnel including Chalid L Heyder and international counsel Charles Ball, Hiswara Bunjamin recently advised Rio Tinto in administrative court claims against local government agents in Sulawesi in relation to the grant of overlapping mining titles. Other work includes acting for a major European telecommunications company in a BANI arbitration arising from a dispute over payment under an infrastructure contract.

Key clients include Diageo, Nokia Siemens Networks, Merrill Lynch and Morgan Stanley.

Karimsyah

Karen Mills heads the arbitration and ADR department at Karimsyah, which added associate Hanna Azkiya in September 2008 but lost associate Harvardy Iqbal in July 2009. Key clients of the practice include the Indonesian Investment Coordinating Board (BKPM) and PT Jasa Marga (Persero).

Recent work includes advising the Government of Indonesia in UNCITRAL investor-state arbitration proceedings against PT Newmont Nusa Tenggara. Serving as an important milestone in the history of investor-state arbitrations in developing countries, the firm successfully obtained an award in favour of the Government.

Other work includes representing several hospitals in high profile medical malpractice disputes in and out of courts, for which partner Firmansyah has gained recognition. Mills herself frequently sits as an arbitrator in *ad hoc* international arbitration under UNCITRAL Rules

at the Hong Kong International Arbitration Centre, as well as ICC Arbitration proceedings.

Hadiputranto Hadinoto & Partners

Baker & McKenzie-member firm Hadiputranto Hadinoto & Partners has developed a specialised practice handling commercial litigation matters and assisting clients with arbitration of their commercial disputes. Headed by office managing partner Timur Sukirno, HHP's practice serves corporations, banks and other financial institutions (including many multinational corporations), government agencies and state-owned companies.

The firm's bankruptcy/insolvency practice has been kept extremely busy of late as a result of the economic downturn, with the practice working on various bankruptcy proceedings before the Commercial Court and the Supreme Court.

Luhut MP Pangaribuan & Partners

Name partner Luhut Pangaribuan enjoys an unrivalled reputation in the disputes area in Indonesia. Over a number of years, he has built the practice to the point where it can now cite many high profile multinationals as clients. The downturn has yielded the firm a number of contract dispute mandates involving some of its key coal mining clients. The firm also offers a litigation consultancy service.

Lubis Ganie Surowidjojo

One of Lubis Ganie Surowidjojo's biggest cases last year saw it acting for Richard Bruce Ness, the former CEO of PT Newmont Minahasa Raya as plaintiff in a civil case against the New York Times over articles that alleged environmental pollution. The firm also represented Temasek Private in an antitrust and monopoly case and two class action proceedings.

Soemadipradja & Taher

Last year, Soemadipradja & Taher successfully defended PT Newmont Minahasa Raya and its former president director against a claim of alleged environmental pollution. The firm also successfully defended Santos in both the district court and the court of appeal in regard to a high profile environmental case.

Intellectual Property

RECOMMENDED FIRMS

Tier 1

Hadiputranto Hadinoto & Partners

Rouse / Suryomurcito & Co

Soemadipradja & Taher

Tier 2

Amroos & Partners

Biro Oktroi Roosseno

Tier 3

Am Badar & Partners

Int-Tra-Patent Bureau

Lubis Santosa & Maulana

Pacific Patent

Hadiputranto Hadinoto & Partners

Daru Lukiantono heads the IP department at HHP and had a hand in most of the firm's major matters over the last year. In June 2008, the firm lost Erna Kusoy to retirement.

One of the firm's highlights was the acquisition of a major trade mark portfolio owned by a local fruit beverage company; this includes registered and pending applications.

Lukiantono and Adolf Panggabean also acted on a successful cancellation action for AKG Acoustic against a third party's trade mark that was similar to AKG's.

E I du Pont de Nemours also called on the firm to advise over a cease and desist campaign against counterfeit products being sold in two major Indonesian cities. Additionally the firm represented Federal Express in a cancellation against a local FEDEX trade mark registration for apparel products owned by a local individual.

Rouse/Suryomurcito & Co

One of Rouse's most significant deals last year saw it working on a major patent and design infringement action for a Japanese vehicle manufacturer against seven motorcycle producers regarding parts sourced from China.

Brett McGuire, Zain Adnan and Purnomo Adityo advised a consortium of oil companies over an enforcement programme targeting a network of counterfeit industrial lubricant manufacturers and distributors in Jakarta.

McGuire and Adnan have also advised the International Pharmaceutical Manufacturers Group (IPMG) over its 'STOP' public programme to attempt to reduce the

number of illegal drugs in Indonesia. This includes market research and an enforcement programme.

Another highlight saw the firm acting for a multinational consumer care producer in successful negotiations with a trade mark pirate who agreed to abandon 24 registrations and pending applications.

Soemadipradja & Taher

Heading the IP department at Soemadipradja & Taher is Justisari P Kusumah who also leads on all the firm's key deals. This includes acting for the Business Software Alliance over the enforcement of end user piracy. Another major client is Microsoft who the firm is advising on various IP matters.

The firm has also acted for the Seiko Epson Corporation in patent infringement cases against manufacturers and retailers refillable ink cartridges.

On the trade mark side, the team acted for a number of fashion companies, such as Hugo Boss, Gucci and Chanel, on various prosecution and enforcement matters.

Amroos & Partners

One of the oldest IP practices in Indonesia, Amroos & Partners does a lot of work in particular for pharmaceutical and technology clients. The highly respected Amalia Rooseno heads the group, which includes Heru Lukito and Bambang Priyono.

Awarded the highest ranking for patents and trade marks work from the government's directorate-general of IP rights, Amroos & Partners has prosecuted infringement cases on behalf of a number of high profile clients including Hard Rock Café, Hermes and Versace. AstraZeneca is another key client.

Biro Oktroi Rooseno

Increasingly active on the litigation side, Biro Oktroi Rooseno is well known for its high volume of patent and trade mark applications and is also experienced on infringement cases.

Recent accomplishments include advising a client in drafting and delivering the summons for the breach of use of a trade mark to a local fast food restaurant located in three cities in the country. In another matter, the firm

acted for the plaintiff in filing the cancellation lawsuit for the trade mark Interpak Indonesia.

Am Badar & Partners

Founder Toetoen Am Badar has served as a patent consultant and as a consultant on IP rights for the government of Indonesia. However, control of the firm has now moved into the hands of a second generation of Am Badars – Nadia, Annisa and Anis. In the IP area, the firm handles application, prosecution and maintenance of patents, applications for the registration of trade marks, industrial and layout of integrated circuit design, copyrights, and litigation for the enforcement of IP rights.

Key clients include such prestigious corporates as Exxon Mobil, Nokia, Petronas and Qualcomm.

Pacific Patent

Particularly strong on trade mark prosecution matters, the practice at Pacific Patent includes managing partner Juniaty R Setiawan. Practising exclusively in the areas of patents, trade marks and industrial designs, Setiawan's practice also includes brand management, counseling, prosecution, and litigation before courts and the Patent & Trademark Trial and Appeal Board. Counting the likes of Microsoft, Shell and Siemens as clients, the firm has recently worked on a deal that concerns the deletion of a trade mark registration based on non-use.

Other active firms

Cita Citrawinda Noerhadi & Associates

Cita Citrawinda Noerhadi & Associates specialises in the protection of trade marks, patents, copyrights, trade secrets and industrial designs. However, the practice is particularly renowned for its strength in IP litigation. Founding partner Dr Cita Citrawinda is very well thought of.

Trustons Lawyers

Trustons Lawyers is a domestic IP boutique located in Jakarta. Offering a range of services on IP-related issues, the firm covers prosecution and litigation on patents, trademarks, and copyrights among other matters. Tony Simbolom heads up the practice and is the firm's main contact.

Other notable areas of law – recommended firms

Further information available online at www.asialawprofiles.com

CONSTRUCTION & REAL ESTATE

Tier 1

Hadiputranto Hadinoto & Partners
Makarim & Taira S

Tier 2

Christian Teo & Associates
Hanafiah Ponggawa & Partners

Tier 3

Arie Hutagalung & Partners
Lubis Ganie Surowidjojo
Mochtar Karuwin & Komar
Soebagjo Jatim Djarot
Soemadipradja & Taher
Soewito Suhardiman Eddymurthy Kardono

ENERGY & NATURAL RESOURCES

Tier 1

Hadiputranto Hadinoto & Partners
Hiswara Bunjamin & Tandjung
Makarim & Taira S
Soemadipradja & Taher
Soewito Suhardiman Eddymurthy Kardono
Widyawan & Partners

Tier 2

Ali Budiardjo Nugroho Reksodiputro
Bahar & Partners
Lubis Ganie Surowidjojo
Mochtar Karuwin & Komar

LABOUR & EMPLOYMENT

Tier 1

Hadiputranto Hadinoto & Partners
Makarim & Taira S

Tier 2

Mochtar Karuwin & Komar
Soemadipradja & Taher
Soewito Suhardiman Eddymurthy Kardono

Tier 3

Christian Teo & Associates
Hiswara Bunjamin & Tandjung
Hutabarat Halim & Rekan
Karimsyah
Widyawan & Partners

SHIPPING MARITIME & AVIATION

Tier 1

Ali Budiardjo Nugroho Reksodiputro
Chandra Motik Yusuf Djemat & Associates
Lubis Ganie Surowidjojo
Mochtar Karuwin & Komar

Tier 2

Karimsyah
Soebagjo Jatim Djarot

TAX

Tier 1

Hadiputranto Hadinoto & Partners

Tier 2

Mochtar Karuwin & Komar
PB & Co

Tier 3

Karimsyah
Lubis Ganie Surowidjojo
Melli Darsa Law Offices
Soewito Suhardiman Eddymurthy Kardono

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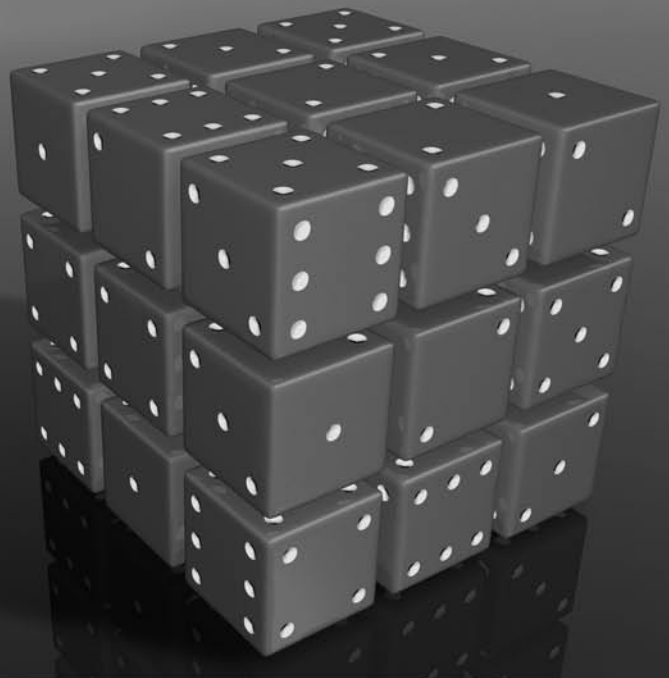
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Marisa Drew, co-head of debt advisory and restructuring at Credit Suisse, explains Islamic restructuring. IFLR March 2009

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