

Overview Arbitration and Commercial Disputes in Indonesia

Few parties to international contracts support the idea of suing or being sued in a foreign country, where differences and uncertainty in the law, language, and legal and business culture could present decisive disadvantages. Arbitration provides the advantages of a relatively inexpensive and



expeditious dispute resolution process in a neutral locale with proceedings conducted according to familiar and well established arbitration law. Arbitration offers the added flexibility of allowing parties to choose the arbitration tribunal, the arbitrators, and in some cases the arbitration rules and law.

In Arbitration Law stipulates that many disputes in commercial sector can be resolved under arbitration, from trading, Banking, Finance, Capital Investment, Industry to Intellectual Property Rights. In the last few years, many people and companies prefer to solve their problems in arbitration than civil court proceeding. One of the advantages of arbitration as a disputes solution is faster in obtaining a final and binding decision.

The arbitral institutions in Indonesia are the Indonesian National Board of Arbitration (BANI), the Indonesian Capital Market Arbitration Board (BAPMI) and the Shariah National Arbitration Body (BASYARNAS).

The Future

Realization of BP Lawyers clients' objective is the foremost consideration. BP Lawyers people are all experienced and dedicated to the full achievement of our clients' objectives by assisting clients to find their main goals, providing active advisory assistance, strategy advisement, and creative support with quick responses around the clock.





With recognition of entrepreneurial spirit, and high standards of service and ethics, we have been very successful in providing timely and cost-effective representation of our clients. We also believe that complicated legal issues may not always demand complicated solutions, but they certainly demand creativity and the cooperation of lawyers mastering different areas of the law.

Involvement in the Arbitration and Commercial Disputes

BP Lawyers has longstanding experience and expertise in all aspect of Arbitration and Commercial Disputes. We have been advised and represented multinational and domestic companies to assist in arbitration process and other Alternative Dispute Resolution, such as:

- ✓ PT Bianglala Metropolitan;
- ✓ PT VFS Services Indonesia;
- ✓ PT Petronas Niaga Indonesia
- ✓ PT Thiess Contractors Indonesia
- ✓ PT Lativi Media Karya (tvOne)
- ✓ Bali Bias Putih Korea Co. Ltd
- ✓ PT Agranet Multicitra Siberkom (detik.com)
- ✓ PT Telekomunikasi Seluler (Telkomsel); and
- ✓ PT Bayer Indonesia.

Recent Experience in The Arbitration and Commercial Disputes

- ✓ Representing transportation company (Transjakarta Operator) before the arbitration tribunal.
- ✓ Representing Contractor claim against employer with regard to PSC Contract before Arbitration Tribunal.
- ✓ Representing an airline company claim with regard to engine maintenance services before the Central Jakarta District Court.
- ✓ Representing a broadcasting company regarding broadcast contribution claim before the Central Jakarta District Court.
- ✓ Representing State Owned Esterprise (BUMN) as the petitioner in proceeding before the Central Jakarta District Court against the Decision of the Business Competition Supervisory Body (KPPU) concerning monopoly of warehouse business.
- ✓ Assisting client in mediation with a Non-Government Organization.



- ✓ Representing and assisting a hospital representative in mediation with regard to the alleged malpractice of doctors.
- ✓ Assisting a mining company regarding barge lease dispute.
- ✓ Representing clients in termination of employment dispute.
- ✓ Assisting clients to submit Police Report regarding fraud.
- ✓ Representing a construction company claim regarding Top Drive System Rental Agreement before the District Court of Tangerang.
- ✓ Representing the former Governor of Riau Island as the plaintiff against a newspaper in the tort/defamation lawsuit.
- ✓ Representing electronics companies claim regarding Parallel Import products.

Fee Structures

A. Hourly Fee System

This is the most common method by which our office charges fees to clients. Under this system we charge clients for the actual time spent by our lawyers that are assigned to the case. Currently the hourly charges of our lawyers are:

Title	Rate
Partners	IDR 2,000,000/hour
Associates	Ranging from IDR 500,000 – IDR 1,500,000 per hour depending on Seniority

By this method, we will charge clients monthly in arrear (except that for new clients, we normally require a deposit, the amount of which would depend on the case).

B. Project Fee System

This system would be beneficial to the client for transactions that are normally standard and can be readily quantifiable. In this system we would quote a lump sum fee (IDR 50,000,000 – 500,000,000) for the whole project with details of the scope of works covered. Any work beyond the scope of work or time beyond a capped limit would be charged separately. In order to set on appropriate lump sum fee, we would firstly have to know the scope of work required by the client.



C. Retainer Fee System

In this system the client pays us a fixed retainer monthly/annually, which will allow the client to utilize our services up to a pre-set time limit during the retainer period. Any time beyond the set limit will be charged additionally based on the applicable hourly fees of the lawyers handling the case (however with a pre-agreed discount). This system will provide the client with substantial savings if we are utilized effectively.

More details for of the retainer arrangement will be set forth in the retainer agreement.

Please note that all the fee systems above require the client to pay out-of-pocket expenses (e.g. traveling, long distance calls, photocopies, faxes, etc.).

We believe our experience and expertise in this area of law will support each client's objectives of achieving the best possible outcome, whether it be precautionary of any business interruption or seeking first step of remedies for avoiding litigation case.

If you would like additional information or about the Firm, please contact us (+62 889 2630 556, email: info@bplawyers.co.id).



Puri Imperium Office Plaza Unit G - 9

**Jl. Kuningan Madya Kav. 5-6
Jakarta Selatan 12980, Indonesia**

Hotline : +62889 - 2630 556

Phone : +6221 - 2947 5691

Fax : +6221 - 2947 5698

Please visit our Website:

www.bplawyers.co.id

www.smartcolaw.com

www.yayasanbpl.org