





# GLOBALISING YOUR PRACTICE OPPORTUNITIES AND CHALLENGES

# COOPERATION WITH INTERNATIONAL LEGAL EXPERTISE — THE INDONESIAN EXPERIENCE

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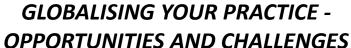
# FOREIGN LAW FIRM CANNOT OPEN AN OFFICE IN INDONESIA

#### **Article 1 of MOLHR** 11/2004:

Indonesian Advocates Office is a civil partnership (maatschap) established by Indonesian Advocates whose duty is to provide legal services to the public

#### **Article 23 (1) of Advocate Law:**

A foreign Advocate shall be prohibited from appearing before the court, practicing and/or opening a legal office in the Republic of Indonesia.



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# Types of Cooperation with Foreign Advocate/ Law Firm in Practice

#### **Hires Foreign Advocate**

• SSEK Legal Consultants

#### **In Association With**

- Hiswara Bujamin & Tanjung in association with Herbert Smith Freehills
- Widyawan & Partners in association with Linklaters LLP and Allens

#### **Strategic Alliance**

- Assegaf Hamzah & Partners strategic alliance with Rajah & Tann
- Makes & Partners strategic alliance with WongPartnership

#### **Indonesian Desk**

 Arfidea Kadri Sahetapy-Engel Tisnadisastra with MoriHamada







## REGULATORY FRAMEWORK

Law No. 18 of 2003 regarding Advocates ("Advocate Law")

**Ministry of Law and Human Rights** Decision No. M.11-HT.04.02.TH 2004 regarding Requirements and Procedures for Employing Foreign Advocates and the **Obligation to Provide Free Legal Services** to the World of Legal Education and Research ("MOLHR 11/2004")

**National Leadership Decision Letter of Indonesian Advocates Association (PERADI)** No. KEP.2010/PERADI/DPN/XII/2013 regarding Recommendation Requirements and Procedures for Foreign Advocate who Works in Indonesia ("PERADI 2010/2013")





## GLOBALISING YOUR PRACTICE OPPORTUNITIES AND CHALLENGES

### **DEFINITIONS**



 A person whose profession is to supply legal services, both in and out of court, and who meets the requirements that have been set based upon the provisions of Advocate Law (Advocate Law)

Foreign Advocate

• An advocate who is not a citizen of the Republic of Indonesia but who practice his profession within the territory of the Republic of Indonesia in accordance with the applicable laws and regulation (Advocate Law)









# REQUIREMENTS TO BECOME AN ADVOCATE

Indonesian citizen

Indonesian resident

Bachelor of Law

Participate in a professional advocate educational program held be **PERADI** 

Having internship of a minimum of 2 consecutive years in an Advocate's office

Passed the bar exam held by **PERADI** 







# REQUIREMENTS TO BECOME FOREIGN ADVOCATE

Join Indonesian law firm as employee or foreign consultant

Participate in a professional advocate educational program held by PERADI

Passed the advocate code of etic exam held by PERADI

Obtain recommendation from PERADI to become foreign advocate

Obtain work permit from the Ministry of Law and Human Rights







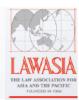
## OBLIGATION OF A FOREIGN ADVOCATE

Comply with the applicable laws and regulations

Develop and improve the quality of legal services at the law firm where they work Transfer knowledge and professional skills to the Indonesian advocates

Provide free legal services to legal education and research and government institutions at least 10 working hours each month





# RESTRICTIONS

# GLOBALISING YOUR PRACTICE - OPPORTUNITIES AND CHALLENGES

May only join an Indonesian law firm as an employee.

Prohibited from holding a double position as an employee or business partner of an Indonesian law firm or representative of a foreign law firm or a foreign company or an Indonesian company.

prohibited from appearing before the court, practicing and/or opening a law office.

a maximum of 5 (five) Foreign Advocates for each Indonesian law firm.