

Santi Purnama Sari

Senior Partner

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Overview

Santi Purnama Sari is an economic law graduate of the University of Padjadjaran, one of the prestigious law schools in Indonesia, with cum laude predicate for her outstanding performance as a student. After years of practicing law, she broadened her legal knowledge by obtaining Master of Notary degree also with cum laude predicate. Prior to establishing Maramis, Purba, Santi, Singara (MAPS) Law Firm, she joined one of the prominent law firms in Indonesia, where she provided her legal expertise to both multinational corporations and domestic clients in various legal matters.

With more than 16 years of legal practice, she has extensive experiences in handling various legal matters such as domestic and international complex civil and commercial proceedings, domestic and international arbitration, high-profile business competition judicial proceedings, debt restructuring as well as corporate and commercial transactions. She was also involved in construction services, joint venture arrangements, foreign capital investment, shareholders' restructuring works and preparing various commercial agreements. She has developed practical experience in dealing with government officials.

Representative Cases

During her professional practice since 2004, Santi Purnama Sari has been representing and assisting numerous notable clients such as World Bank, Citibank, Airbus, Carrefour, Newmont Corporation, Vale Indonesia Tbk., Danone, Astra International Tbk. (as well as some of its group companies), Mitsui, Telkomsel, Exxon, Medco, Adhi Karya, Total Bangun Persada, Sanofi, Mondelez, Ciputra, Procter & Gamble, GlaxoSmithKline, Pfizer, Manulife, Prudential, and Shopee in various corporate matters, various court proceedings and disputes. Some of her experiences and expertise are briefly summarized below:

Court Proceedings

- Representing British American Tobacco as Plaintiff at the District Court of East Jakarta relating to breach of Consultation Agreement.
- Providing legal advice to one of the biggest legal firms in Indonesia with regard to a professional liability claim filed by one of the largest American based investment banks.
- Representing Newmont Nusa Tenggara in a state administrative proceedings relating to a lawsuit brought by Yayasan Wahana Lingkungan Hidup (Walhi) and other NGOs.
- Representing Singapore Technologies Telemedia Pte Ltd, STTC Communication Ltd, Asia Mobile Holding Company Pte Ltd and Asia Mobile Holding Pte Ltd. (as Defendants) against some consumers' claims in the Class Action judicial proceedings.
- Assisting Carrefour Indonesia to settle dispute with its major Indonesian competitors. This is a high profile dispute involving multiple court litigations and criminal complaints filed by both parties.
- Representing Pacific Harbor Advisor Pte. Ltd and Credit Suisse in a civil case concerning the validity of spousal consent, personal guarantee deed and credit agreement.
- Representing one of the biggest life insurance companies in Indonesia as the Defendant against one of the biggest banks in Indonesia as the Plaintiff in tort proceedings at the South Jakarta District Court with respect to a bancassurance agreement dispute.
- Representing Telekomunikasi Selular (Telkomsel) as the Defendant on tort allegation filed by its customer at the South Jakarta District Court related to the subscription of Opera Mini Program and request of compensation.
- Representing the Government of the Republic of Indonesia in a high profile state-administrative proceedings relating to the revocation of government decision on mass organization Hizbut Tahrir Indonesia (HTI).
- Representing one of the biggest life insurance companies in Indonesia as the Defendant II in judicial proceedings with respect to the application to annul an arbitral award at the Central Jakarta District Court filed by its business partner.
- Representing a mining company owns a Gold Mine in the North Sumatera Province, in a civil lawsuit filed by the local residents.
- Representing a global leader of packaging company, in an appeal proceedings against the Directorate General of Customs and Excise with regard to import duty payment.
- Assisting US-based firm in providing legal advice on various Indonesian legal issues with regard to US court proceedings on behalf of one of the world biggest oil companies.
- Assisting foreign clients in serving the court documents to Indonesian parties as well as preparing affidavits for foreign court proceedings.
- Assisting clients in various civil commercial disputes both inside and outside the court, including preparing related precedents, court documents and evidence at the District Court, High Court and Supreme Court.
- Advising and providing types of litigation advice and strategy on various commercial litigations.

Domestic and International Arbitrations

- Representing one of the biggest life insurance companies in Indonesia as the Claimant against one of the biggest banks in Indonesia as the Respondent in a dispute concerning breach of contract with respect to a bancassurance cooperation at the Indonesian National Board of Arbitration (“BANI”) proceedings.
- Representing one of the biggest Indonesian telecommunication companies as the Claimant in a dispute concerning breach of contract at the Indonesian National Board of Arbitration (“BANI”) proceedings.
- Representing one of the biggest Indonesian telecommunication companies as one of the Respondents (Respondent I) against a claim submitted by one of its business partners at the Indonesian National Board of Arbitration (“BANI”) concerning Respondent II’s early termination of agreement as well as the failure to pay for the Claimant and Respondent I’s work with respect to the procurement of telecommunication and internet services in rural areas.
- Representing one of the biggest mining companies in the world as Claimant against an Indonesian company as Respondent in a dispute with respect to loan agreement and shareholders dispute at Singapore Internasional Arbitration Centre (“SIAC”) proceedings.
- Representing a client at Singapore International Arbitration Centre (“SIAC”) proceedings in Singapore in a contractual dispute regarding the cooperation agreement between two joint companies operating in Indonesia.
- Representing an Indonesian state owned company and its subsidiary at Singapore International Arbitration Centre (“SIAC”) proceedings in Singapore in a contractual dispute with regard to one of the biggest projects in Indonesia.
- Providing legal advice on Indonesian laws in a contractual dispute involving Indonesian party at Singapore International Arbitration Centre (“SIAC”) proceedings.
- Providing legal advice regarding legal concept of duress related with the validity of an agreement under Indonesian law in a SIAC proceedings between an Indonesian multinational company and China construction company with respect to implementation of power plant projects in Indonesia.
- Providing legal advice on various legal issues under Indonesian civil law such as implied terms, material breach concept, notice of default, the consequence of breach of contract, the efficacy of waiver of Article 1266 of the Indonesian Civil Code with respect to nullification of contract in a dispute at SIAC proceedings in connection with sale and purchase of shares of a mining company.
- Assisting a public listed mining company in the enforcement of BANI arbitral award against an insurance company.
- Assisting high profile clients in the registration and enforcement of final and binding arbitral award both foreign as well as domestic arbitral awards.

Antitrust & Competition

- Representing STT Communication Ltd. and Asia Mobile Holding Company Pte. Ltd in judicial proceedings against the allegation of violation of cross-holding share ownership in relation with the share ownership in PT Indosat, Tbk and PT Telekomunikasi Selular.
- Representing PT Astra Graphia Tbk on the allegation of tender conspiracy in electronic citizen identity card project (e-KTP), one of the major projects in Indonesia.
- Representing Pfizer Indonesia in judicial proceedings against the allegation of price fixing, cartel and abuse of dominant position in relation with the production and distribution of certain medicines.
- Representing Carrefour Indonesia in the proceedings on the allegation of violation of monopoly, and dominant position in relation with the acquisition of PT Alfa Retailindo, Tbk.
- Representing PT Salim Ivomas Pratama on the allegation of cartel in palm cooking oil industry in Indonesia.
- Representing Telekomunikasi Selular (Telkomsel) in the proceedings against the allegation of violation of price fixing in relation with SMS (Short Message System) tariff.
- Representing Donggi-Senoro LNG (DSLNG) in relation to KPPU's examination on PT Pertamina (Persero), PT Medco Energi Internasional, Tbk., PT Medco E&P Tomori Sulawesi and Mitsubishi Corporation in matters concerning tender and conspiracy to obtain competitor's secret information.
- Representing Wuhuan Engineering Co. Ltd and PT Adhi Karya (Persero) Tbk., on the allegation of tender conspiracy in engineering, procurement, construction and commissioning work for ammonia-urea project of PT Petrokimia Gresik.
- Representing Astra Honda Motor in the objection proceedings to challenge KPPU Decision in relation with the allegation of price fixing of automatic scooter 110-125cc.
- Representing Telekomunikasi Selular (Telkomsel) in KPPU proceedings on the allegation of violation of Article 19 letter d of the Indonesia Competition Law (allegation of discriminatory practice) with regard to Netflix internet access.
- Providing legal strategies, tactical inputs, legal argumentations as well as recommendations to one of the biggest public listed companies in Indonesia with respect to KPPU proceedings involving one of its subsidiaries on the alleged tying agreement and exclusive agreement regarding discount price of the subsidiary's spare parts with certain requirements with its dealers.
- Providing legal strategies and advice to a subsidiary company of one of the biggest public listed companies in Indonesia with respect to KPPU investigation regarding procurement of Car's Air Conditioning system.
- Providing legal strategies and advice to one of the biggest manufacturing companies in Indonesia with respect to KPPU investigation regarding discriminatory allegations towards its dealers.
- Assisting and providing legal advice and strategies to a well-known public listed company in energy sector in the KPPU investigation regarding the allegation on violation of Article 29 of Indonesia Competition Law with respect to the company's shares acquisition transactions.

- Assisting and providing legal advice and strategies to Indonesian subsidiaries of a leading group company in natural rubber industry with respect to the alleged violation of mandatory merger notification.
- Providing intensive strategic legal advice as well as preparing various documents to one of the leading public listed companies in plantation industry in KPPU proceedings on the alleged violation of Article 29 Indonesia Competition Law.
- Providing intensive strategic legal advice as well as preparing various documents to one of the biggest e-commerce platform company with regard to KPPU's investigation on the alleged violation of Indonesia Competition Law.
- Assisting a multinational Fast Moving Consumer Goods company in connection with KPPU's investigation regarding the alleged violation of Competition Law in National Salt Industry.
- Providing a comprehensive assessment and providing legal opinion to a major telecommunication company in Indonesia related to Indonesia Competition Law and consumer protection law matters, specifically on products bundling.
- Advising a multinational pharmaceutical company with regard to business competition legal due diligence on the Company's activities, contracts, behaviors and interaction with its customers, distributors, competitors and other business partners in the context of the Indonesian Competition Law.
- Providing advice on competition law issues with regard to principal – distributor relationship to one of the biggest manufacturing companies in Indonesia.

Corporate and Commercial Matters

- Assisting a Malaysian company, as the purchaser, in the transaction of sale and purchase of working interest owned by one of the biggest Australian oil companies with respect to a Production Sharing Contract for an oil field area in Indonesia.
- Assisting a financing company which part of Astra Group in negotiating term loan syndication arrangement involving various foreign banks in the amount of USD 100 – 150 Million for its working capital.
- Assisting a financing company which part of Astra Group in negotiating term loan syndication agreement involving various foreign banks in the amount of USD 60 Million for its working capital.
- Assisting an oil and gas company operated in Riau Islands in negotiating term loan syndication arrangement in the amount of USD 60 Million for refinancing its existing loan facility and working capital.
- Assisting an oil and gas company which owns oil field in Natuna in negotiating term loan facility arrangement for the maximum amount of USD 12,000,000 with the purpose of financing the purchase of vessel and refurbishment or renovation as well as maintenance of vessel.

- Assisting a client, as the purchaser, in negotiating the terms and conditions of sale and purchase of shares sold by one of the biggest Indonesian oil companies with respect to a Production Sharing Contract for an oil field area in Indonesia.
- Advising World Bank and Ministry of Finance on the Infrastructure Guarantee Fund (IGF) establishment scheme and any relevant issues under Indonesian law as well as drafting and preparing relevant documents for the establishment of the IGF.
- Assisting and advising a subsidiary company of one of the biggest Japan leasing company in its shareholding restructuring including preparing various agreements and documents with respect to shareholders' restructuring such as sale and purchase of shares agreement, settlement agreement, shareholders resolution and other corporate documents.
- Assisting JA Mitsui Leasing Ltd., a Japanese financing company, in the establishment of a financing joint venture company in Indonesia.
- Assisting Becton Dickinson, one of the largest global medical technology companies, in the closure of its Representative Office in Indonesia and subsequently establishing its subsidiary company in Indonesia.
- Assisting Nasta Shipmanagement S.A., a Greece shipping company, in the establishment of a shipping joint venture company in Indonesia.
- Assisting client in setting-up foreign investment company on management consultant services and construction services including preparing joint venture agreement, deed of establishment, business cooperation agreement and other related documents.
- Assisting a leading nutrition specialist company in Indonesia which part of Danone Group in preparing and negotiating the Product Distribution Agreement with its distributors.
- Assisting United Engineers Limited ("UEL"), a Singapore engineering services company, to conduct legal due diligence on a local construction services company with respect to UEL's plan to establish a new joint venture company in the construction services business in Indonesia.
- Assisting an IT company in preparing the Online Trading Agreement to protect the company's interest in connection with the implementation of Online Trade Application System installed by the company.
- Assisting PT Telekomunikasi Selular (Telkomsel) in drafting and preparing a legal compliance guide for its New Business division's daily operational activities.
- Assisting PT Telekomunikasi Selular (Telkomsel) in providing legal advice on various details and complex issues on telecommunication in particular relocation of frequency bands as well as providing analysis on specific telecommunication regulations with regard to their frequency bands relocation plans.
- Assisting PT Pfizer Indonesia in preparing its standard distribution agreement and various employment matters.

- Dealing with and conducting research at government officials, such as Capital Investment Coordinating Board, the Central Bank, Department of Finance, Department of Public Works, Department of Trades, Department of Health, National Construction Services Development Board and other government institutions.
- Preparing due diligence report for the purpose of company acquisition.
- Preparing memorandums, legal opinions and advices with respect to various legal matters such as banking law, security rights, foreign investment, labor matters, land, Hak Tanggungan, loan and other commercial matters.
- Assisting clients on preparing business cooperation agreement, assignment of rights, client services agreement, distribution services agreement, amendment to shareholders agreement and other commercial agreements.
- Advising clients on legal remedies and strategies with respect to commercial transactions.
- Assisting and advising clients in negotiation process to reach an amicable settlement in labor dispute.
- Advising movie producer in preparing agreements with respect to investment and movie production cooperation.
- Assisting and advising multinational consumer goods company in handling various commercial matters and preparing marketing services agreement.
- Assisting client to prepare, arrange and manage its corporate documents such as amendment of article of association, various minutes of shareholders resolution, BoD's meeting, share register and share certificate.
- Trainer at PT Astra International Tbk.'s Legal Officer Development Program concerning Indonesian Consumer Protection law and Business Competition Law.

Suspension of Payment and Bankruptcy

- Representing Citibank as the biggest creditors in the suspension of payment proceedings of Tiga Pilar Sejahtera at Commercial Court at the Semarang District Court, Central Java.
- Representing Sakari Marine and Infrastructure Pte. Ltd. in the suspension of payment proceedings of Indo Muro Kencana at Commercial Court at the Central Jakarta District Court.
- Representing Tennant Metals Pty. Ltd. in bankruptcy proceedings of Yinchenindo Mining Industry at Commercial Court at the Central Jakarta District Court.

Intellectual Property Rights

- Representing and assisting a US-based company and its Singapore-based affiliate, being the group of the biggest social media platform in the world, as the Respondents at the Jakarta Commercial Court with respect to copyright infringement-related matters.

Seminar

- Speaker at in-house training held by Astra International Tbk. concerning the consumer protection law matters.
- Speaker at seminar held by PT PLN (Persero) in respect of international arbitration in collaboration with Wong Partnership LLP.
- Speaker at in-house training held by PT XL Axiata Tbk. in respect of international arbitration.

Association

- Indonesian Competition Lawyers Association (ICLA); Member
- Forum Praktisi Arbitrasi Indonesia / Indonesian Arbitration Practitioner Forum (FPAI); Founder

Admission

- Indonesian Advocates Association (PERADI).

Spoken Languages

English

Indonesian

Areas of Focus

- Commercial Litigation
- Domestic & International Arbitration
- Dispute Resolution
- Antitrust & Competition
- Corporate and Commercial
- Suspension of Payment & Bankruptcy
- IP Litigation