

PROFILE



Partner
General Corporate
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Makarim & Taira S., Jakarta, Indonesia

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Qualifications

S.H., Universitas Indonesia, Depok (IDN, 2005)

Language

Bahasa Indonesia, English

YOHANES MASENGI

ABOUT YOHANES

Yohanes Masengi is a Partner in the Corporate and Commercial group with extensive experience in investment, infrastructure, power projects, ports, mergers and acquisitions, joint ventures, employment and corporate restructuring.

He has represented prominent companies in a variety of proceedings and transactions, including merger and acquisitions, land acquisitions, project financing, and natural resources and energy. These include, among others, representing independent power producers in the development of various large-scale power projects in Indonesia, representing the employer in the settlement of labor disputes and mass terminations due to redundancy and closure involving more than 300 employees on one occasion, representing a state owned enterprise related to Arbitration in the *Badan Arbitrase Nasional Indonesia* (BANI) in a dispute over a construction insurance claim with one of the local insurance companies, providing legal assistance in the renegotiation of concessions and contracts with state owned enterprises, providing legal assistance in the acquisition of land with an area of approximately 85 hectares for infrastructure projects, providing legal assistance in various joint ventures and the establishment of companies in Indonesia, and advising on various matters related to their concession and business activities.

EXPERIENCE

- Represented PT Bhumi Jati Power (Sponsor being Sumitomo Corporation, the Kansai Electric Power Co, Inc., and PT Pamapersada Nusantara), on the development of a 2 x 1,000 MW (Tanjung Jati B 5&6) coal-fired power plant in Tanjung Jati B, Jepara, Central Java. This work includes, among others, advising on various Indonesian legal aspects (including regulatory/licensing, corporate, structure, land

purchase, financing, and Power Purchase Agreement), assisting in the land acquisition and negotiation with the land owners, assisting in the negotiation of the Power Purchase Agreement with PT PLN (Persero) and the Common Agreement with the lenders, and drafting of the Shareholders' Agreement among the sponsors.

- Represented PT Cirebon Energi Prasarana as a team leader regarding the development of a 1 x 1,000 MW coal fired steam power plant located in Cirebon, West Java. The consortium comprises of Marubeni Corporation, Korean Midland Power Co. Ltd., PT Indika Energi Tbk., Samtan Co. Ltd., and Chubu Electric Power Co. Inc., among others, to assist in the establishment and various corporate matters and licensing of the company, advising, drafting and reviewing of various project documents including the shareholders agreement, coal supply agreements and operation and maintenance agreement, and also the shareholders loan documents.
- Represented AEON Delight, a member of AEON Group Companies in acquiring PT Sinar Jernih Sarana, which becomes a pioneer project for a foreign investment company to engage in the integrated facility services that provides around 10,000 manpower to more than 300 clients across Indonesia
- Represented various companies in relation to their corporate legal actions, including to advice various issues in relation to the general corporate matters, preparation of the joint venture agreement and/or shareholders agreement, among others, PT Summit Niaga (a subsidiary of Sumitomo Corporation), PT Central Java Power (a subsidiary of Sumitomo Corporation), PT Cirebon Electric Power (a subsidiary of Marubeni Corporation), Warner Media, Tripatra Group (power division), PT Terminal Petikemas Surabaya (a joint venture port operator between DP World and Pelindo III), Marubeni Corporation (telecommunication division), and Givaudan Group Companies
- Represented DP World with regard to various matters relating to its concession through PT Terminal Petikemas Surabaya, among others to assist in the renegotiation and amendment to its Authorization Agreement with Pelindo III and advising in its concession and business activities

ACCOLADES

Asian Legal Business

Indonesia Rising Star 2019 - 2020

The Asia Pacific Legal 500

Projects and Energy 2020 – *Next Generation Lawyer*

APPOINTMENTS/MEMBERSHIPS

- Member, The Indonesian Advocates Association (PERADI)
- Member, The Inter-Pacific Bar Association (IPBA)
- Member, The International Bar Association (IBA)

PUBLICATIONS

- Contributor to The Commercial Laws of Indonesia Chapter in *Digest of the Commercial Laws of the World*, Thomson Reuters, 2017-Present
- Contributor to *Energy Projects for Practitioners* (ISBN: 978-4-502-31861-0)