



Surname, First name	<u>Kadir, Andi Yusuf</u>
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Nationality	Indonesian

Educational/Professional Memberships

Education:

- Universitas Islam Riau, S.H., (cum laude, 2001)
- University of Groningen, LLM (cum laude, 2011)

Professional Memberships:

- court member of ICC International Court of Arbitration
- co-chairman of the arbitration and ADR commission of ICC Indonesia
- arbitrator at Badan Arbitrase Nasional Indonesia (BANI)
- arbitrator and mediator at LAPS-SJK
- arbitrator at Shanghai Arbitration Commission (SHAC)
- member of International Insolvency Institute (III)
- honorary member to the Emerging Markets and Developing Economies (EMDE) Task Force by the Insolvency Law Academy

Current Position

Head of Dispute Resolution Practice

Professional Experience

Andi is a senior partner and the head of the Dispute Resolution at Hadiputranto, Hadinoto & Partners (HHP Law Firm). With more than 20 years of experience, he has broad experience in arbitration (domestic and international), litigation (including employment litigation), PKPU/bankruptcy/insolvency and enforcement of collateral, compliance and investigation, corporate crime investigation, insurance disputes, cybersecurity, administrative proceedings against government agencies and judicial review against the government regulations.

He has extensive experience in diverse industries such as construction, energy, shipping and logistics, financial services, consumer goods and retail, healthcare and life sciences, and TMT.

Andi is a co-chairman of the arbitration and ADR commission of ICC Indonesia, and a member of the ICC International Court of Arbitration. He is also a registered arbitrator at *Badan Arbitrase Nasional Indonesia* (BANI), the Shanghai Arbitration Commission (SHAC) and *Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan* (LAPS-SJK). He has served as a member of tribunals in Singapore International Arbitration Center (SIAC) arbitration cases involving Indonesian businesses.

Andi is a member of International Insolvency Institute (III). He is also an honorary member to the Emerging Markets and Developing Economies (EMDE) Task Force by the Insolvency Law Academy.

Andi's experience includes:

Arbitration

- acting as a lead counsel for an Asian-based real estate holding company in BANI proceedings against Indonesian company in relation to the termination of the CSPA and the shareholders agreement
- acting for an international financial institution in BANI proceedings against an investment company disputing the termination of the CSPA of multi-finance company
- acting for a state-owned company in ICC arbitration proceedings seated in Hong Kong in relation to disputes on Gas Transportation Agreement
- acting for a state-owned company in ICC arbitration proceedings seated in London in relation to an oil & gas concession in the SE Asia region.
- acting for a major PRC real estate company in SIAC arbitration proceedings seated in Singapore in relation to disputes on procurement agreement regarding sale and purchase of various parcels of land in Indonesia
- acting for a large-scale Indonesia retail company in SIAC arbitration proceedings seated in Singapore concerning change of control of a JV partner under the JV agreement
- acting for a project owner in relation to the contractor's failure to deliver AF of a power plant in accordance with EPC contract providing SIAC as dispute resolution forum
- acting for a project owner in a LD claim against the contractor under EPC contract - Hot Strip Mill providing ICC arbitration as dispute resolution forum
- acting for an European based-construction company in ICC-BANI hybrid arbitration case against an Indonesian state-owned company in respect of the dredging and reclamation work of a seaport in Indonesia
- acting for US insurance company regarding disputes on PAR (Property All Risk) under UNCITRAL Arbitration Rules seated in Indonesia
- acting for a project owner in construction disputes of luxurious complex (apartment, hotel and malls) against a contractor using BANI rules
- acting for a consortium in BANI proceedings against its JV partner with respect to a joint venture of LPG plant in Indonesia.
- acting for Asia-based conglomerate in disputes concerning hostile takeover of a joint venture company in Indonesia. This matter involves SIAC arbitration proceedings, multiple court cases and criminal investigations in Indonesia
- acting for a manufacturer of luxury perfumes and cosmetics in various disputes concerning termination of an exclusive distribution agreement. The dispute involved a lot of onshore and offshore litigation (Indonesia and Singapore) and arbitration proceedings (SIAC)

Commercial litigation

- acting for a power company in defending 4 parallel court proceedings in respect of hostile takeover of mining companies in Indonesia
- acting for a European company in disputes of hostile takeover of luxurious resort in Bali. The matter involves multiple court cases/litigation in Indonesia and other jurisdictions as well as criminal investigation in Indonesia and Europe
- acting for a satellite company in 2 parallel court proceedings regarding joint venture disputes
- acting for a major Japanese financial institution in 4 parallel court proceedings concerning nullification of facility agreements
- acting for a major telecommunication companies in 3 parallel class action lawsuits in Indonesian courts concerning disputes on alleged excessive tariffs
- acting for a consortium of companies as the defendant in a citizen lawsuit seeking to cancel the construction project in Indonesia on the basis of alleged violation of the Environmental Law
- acting for a plantation company in disputes on overlapping of forestry and agriculture areas
- acting for a mining company in disputes on overlapping of mining, forestry and agriculture areas
- acting for financial institutions (as guarantor), creditors and debtors in relation to the enforcement of performance bonds/bank guarantees at the Indonesian courts
- acting for both principals and distributors on termination of distributorship agreements (as well as other ancillary agreements/documents) for various cause of actions (eg, illegality, breach of contract, unfair terms, unlawful termination) at the Indonesian courts

Court-sanctioned debt restructuring/insolvency

- acting for 28 offshore and local financial institutions constituting members of three syndicate group of lenders and bilateral lenders with total value of claim of approximately US\$ 555 million in court-sanctioned debt restructuring of Duniatex group of companies and sponsor
- acting a major shipping company listed in Jakarta and Singapore as debtor in approximately US\$ 2 billion court-sanctioned debt restructuring process. The restructuring is multi-jurisdictional involving Indonesia, Korea, Singapore and US proceedings
- acting for 14 offshore and local financial institutions constituting members of a syndicate group of lenders and bilateral lender in court-sanctioned debt restructuring of Tiphone group of companies, with a total claim of approximately US\$ 180 million
- acting for an international financial institution with a debt of approximately US\$ 36 million in multiple court-sanctioned debt restructuring of Tiga Pilar group of companies
- acting for an international financial institution in court-sanctioned debt restructuring of PT Royal Industry International with a debt of approximately US\$ 36 million.
- acting for an international financial institution in debt-restructuring of Namasindo group of companies with a debt of approximately US\$ 35 million
- acting for a global media group in debt restructuring negotiation with a group of media companies with a debt of approximately US\$ 41 million

Publications

- INDONESIA: Friendly or not, Global Arbitration Review (July 2014)
- INDONESIA: The risks of enforcing foreign awards, Global Arbitration Review (January 2014)

Languages

Indonesia
English