

Name : **TONY BUDIDAJA**
Date of Birth : DECEMBER 17, 1972
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Profession :

Academic & Professional Qualification(s) :

Educations

- Diploma in International Commercial Arbitration (Dipl. CIArb), Oxford (2006)
- Master of Law (LL.M), majoring in International Business Law, University of Leiden, Netherlands (2001)
- Bachelor of Law (S.H.), majoring in Business Law, University of Tarumanagara, Jakarta (1996)

Qualifications:

- Registered Foreign Indonesian Lawyer at the Singapore International Commercial Court (since 2017)
- Investment Law and Investor-State Mediator Training Course organized by the International Center for Settlement of Investment Disputes organized by the International Center for Settlement of Investment Dispute (ICSID), the Asian Academy of International Law (AAIL), and the Department of Justice of the Government of the Hong Kong Special Administrative Region (2018)

Professional Membership(s):

Serving on the following panels of arbitral institutions

- Asian International Arbitration Centre (AIAC)
- Indonesia National Board of Arbitration (BANI)
- Indonesian Commodities Arbitration Body (BAKTI)
- International Association of Defense Counsel (IADC)
- The Singapore Chamber of Maritime Arbitration (SCMA)
- The International Chamber of Commerce (ICC)

Fellowship/Membership/Involvement in other arbitral organizations

- Chartered Institute of Arbitrators (CIArb) – Fellow (FCIArb)
- Singapore Institute of Arbitrators (SIArb) – Fellow (FSIArb)
- The Asian Institute of Alternative Dispute Resolution – Fellow (FAIADR)
- The Academy for Independent Arbitrators and Mediators (MedArbId) – Member of Panel of Arbitrators

Career & Professional Experience:

As Counsel / Expert on Indonesian Law

1. Advised a major precious metal UK-based processing and trading company in an arbitration proceeding conducted under the Rules of the London Court of International Arbitration (LCIA) against a London-based mining company, where Mr. Tony Budidjaja was also requested to provide an expert opinion on Indonesian laws related to a certain contract and corporate law issue.
2. Advised one of the oldest and largest Singapore-based integrated supply chain manager, processor, and trader of soft commodities in arbitration proceedings under the Rule of the International Cotton Association (ICA) against an Indonesian company and in the subsequent enforcement proceedings on the arbitral award valued at over USD 2,000,000.
3. Advised one of the oldest and biggest Swiss-based cotton trading company in an arbitration proceeding under the Rules of the International Cotton Association (ICA) against an Indonesian textile company and in enforcement proceeding of the arbitral award.
4. Advised and represented the subsidiary of a Indonesian state-owned mining company in defending an arbitration claim made by a Chinese government-owned company under the Rules of the Singapore International Arbitration Center (SIAC) in Singapore related to the contract of sale of coal. The claim was dismissed, and we managed to successfully win a counter claim for the Client to compensate for damages of USD 2,500,000.
5. Advised a Japanese trading company in an arbitration proceeding under the Rules of the International Cotton Association (ICA), and in the subsequent enforcement proceeding on the arbitration award worth over USD 800,000 rendered by the ICA Arbitration against a textile company in West Java, Indonesia.
6. Advised a prominent Japanese general trading company in an arbitration proceeding under the Rules of the International Chamber of Commerce (ICC) and provide expert opinion to the ICC tribunal regarding certain Indonesian mining regulations issued by provincial authorities and the significance of a shipment Laytime & Demurrage (Laycan) under an FOB Sale contract.
7. Advised a prominent Indonesian mining company in an arbitration proceeding under the Rules of the London International Court of Arbitration (LCIA) in London against a West African-based mining company and provided an expert opinion on certain Indonesian contract and company law issues.

As Arbitrator

1. Appointed by the ICC Court as the co-arbitrator in a 3-member panel in an international arbitration in London conducted under the ICC Arbitration Rules in a dispute arising out of Equipment Rental Agreements (for Tanjung Morawa and Kualanamu power plants) made by and between a UK prominent power solution provider company (as Sub-Contractor/Claimant) and an Indonesian power producer (as Main Contractor / Respondent) following the alleged failure of Indonesian state-owned electricity company to make payment of outstanding sums due to Respondent under their Rental Power Agreements (governing law: Indonesia).
2. Appointed as the co-arbitrator in a 3-member panel with different co-arbitrators in seven

(7) parallel arbitration proceedings conducted under the BANI Arbitration Rules in a commercial dispute between one of Indonesia's prominent property developer (as Claimant) and its customer (as Respondent) regarding the alleged failure of Respondent to make payment of outstanding sums due in relation to a sale and purchase under a Share Purchase Agreement (governing law: Indonesia).

3. Appointed as the co-arbitrator in a 3-member panel in an arbitration conducted under the BANI Arbitration Rules in a dispute arising out of a Subcontract Agreement in relation to the project of construction of the coal fired steam power plant in Sebalang, Lampung (2 x 100 MW) (governing law: Indonesia) between a local mechanical erection engineer and contractor (as Sub-Contractor/ Claimant) and an Indonesian state-owned construction company (as Main Contractor/ Respondent) regarding the alleged extra or out-of-scope works.
4. Appointed as a neutral third-party mediator and arbitrator in an ad-hoc med-arb proceedings in a commercial dispute between an Indonesian company and a Finnish power generator company arising out of an Engineering Procurement Contract (EPC) for PLTD Batakan in Balikpapan.

Legal Knowledge relating to Shipping, Arbitration Practice and Procedure:

- Education and Training for Advocates held by the Indonesian Advocates Association (IKADIN) in Jakarta (1996)
- International Trade (Export-Import) course held by the Center for Business Studies in Jakarta (1996)
- Education and Training for Capital Market Lawyers held by the Indonesian Capital Market Supervisory Board (Bapepam-LK) in Jakarta (1997)
- Development Lawyer Course held by the International Development Law Organization (IDLO) in Rome (1999)
- Diploma Course in International Commercial Arbitration held by the Chartered Institute of Arbitrators in Oxford (2005)
- Tax Course (Brevet A, B and C) held by the University of Indonesia in Jakarta (2008 – 2009).
- The Maritime Law Association of Singapore (MLAS) – The 4th Asian Maritime Law Conference – Competition, Shipbuilding, Arbitration (2011)
- Training of Trainers for Capital Market Legal Consultants organized by the Bapepam-LK and the Capital Market Legal Consultants Association (HKHPM) in Jakarta (2012)
- CIArb Singapore Centenary Conference – The Age of Innovation: Addressing the Perils and Promises of Arbitration (2015)
- SIAC Academy – Time and Cost Savers at SIAC: Emergency Arbitration, Expedited Procedure and Early Dismissal (2017)
- AALCO Annual Arbitration Forum – Connecting Asia and Africa, Connecting Investment and ADR: Opportunities and Challenges Asian-African Legal Consultative Organization (2018)
- The Department of Justice of the Hong Kong SAR, the International Centre for Settlement of Investment Disputes (ICSID) and Asian Academy of International Law – Investment Law & Investor-State Mediator Training (2018)

Publications:

Book:

- “Public Policy as Grounds for Refusal of Recognition and Enforcement of Foreign Arbitral Awards in Indonesia” published by Tatanusa (2001)

Article:

- “International Commercial Arbitration in Asia” published by Juris Publishing (2013)
- “Corporate Governance”, European Lawyer Reference Series, published by Thomson Reuters (2013), together with Juni Dani
- “The Asia-Pacific Arbitration Review” published by Global Arbitration Review (2014, 2015, and 2016)
- “Corporate Governance and Directors’ Duties in Indonesia: Overview”, Corporate Governance and Directors’ Duties Global Guide 2015/16, published by Practical Law - Thomson Reuters (2015), together with Juni Dani¹
- “Investment Funds in Indonesia”, published by Practical Law - Thomson Reuters (2015), together with Jono Yeo²
- “Enforcement of Arbitral Awards in Indonesia” and “Enforcement of Judgments in Indonesia”, Enforcement of Judgments and Arbitral Awards, published by Practical Law - Thomson Reuters (2015), together with Bernard Sihombing³
- “International Conventions and Treaties”, The Asia-Pacific Arbitration Review 2016, published by Global Arbitration Review (2016)⁴

Contributor:

- Doing Business 2010 - 2017, published by World Bank Group⁵
- Chambers & Partners Global Practice Guide: Insolvency Trends and Developments - Indonesia⁶

¹ <http://uk.practicallaw.com/8-506-7779>

² <http://uk.practicallaw.com/4-620-6413>

³ <http://uk.practicallaw.com/9-619-0725> and <http://uk.practicallaw.com/2-619-0724>

⁴ <http://globalarbitrationreview.com/reviews/71/sections/238/chapters/2882/indonesia/>

⁵ <http://www.doingbusiness.org/reports/global-reports/doing-business-2017>

⁶ <https://practiceguides.chambers.com/practice-guides/insolvency-2019/indonesia/trends-and-developments>