



Theodoor Bakker

Foreign Counsel



Background

Mr. Theodoor Bakker FCIArb is the firm's Senior Foreign Counsel.

With some 35 years of legal practice in Indonesia, he specializes in project finance, banking and finance, derivatives, corporate / commercial, mergers & acquisitions, foreign direct investment (FDI), and commercial arbitration. He also has extensive experience and expertise in restructuring and insolvency, shipping, aviation, technology, media & telecommunications (TMT), and wills & estate planning.

Theodoor graduated from Leiden University in the Netherlands, is admitted to the Amsterdam bar and is a registered Foreign Lawyer under the Indonesian Advocates Law. He has worked in Southeast Asia since 1984, over time building up a wealth of experience in foreign direct investment, project finance, including private power, aircraft finance, infrastructure development and general manufacturing investment.

Originating from the Dutch law firm Loeff Claey's Verbeke, between 2000 and 2006 he combined his position in ABNR with a partnership and country head at US-based global law firm White & Case.

In his corporate and M&A practice, Theodoor has assisted a long list of high-end multinational clients with their M&A and FDI projects in Indonesia, including the Indonesian aspects of M&A transactions, the drafting of transaction documents for share purchases, joint ventures, mergers, share subscriptions, asset purchases and shareholders agreements. The practice includes all aspects of setting up a local subsidiary, including the regulatory aspects such as Negative List analysis, filings in the OSS system and the risk-based investment analysis applied by the Investment Coordinating Board BKPM.

His financial practice focuses on structured finance, cross-border syndicated and bilateral lending transactions, leveraged and acquisition finance, asset-backed securities, export credit, derivatives and carbon credits. In the investment management sector, he advises clients on regulatory aspects of custodial and collateral management, shareholding disclosure requirements, securities marketing rules and CfDs. He represents electronic systems operators in fintech, including setting up platforms, platforms, digital marketing, alternative payments systems, digital marketing, privacy breach investigations and digital wallets regulation.

His aviation finance includes aircraft registration, lease agreements, repossession and Cape Town Convention work.

His experience in the hospitality industry encompasses all aspects of hotel management



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agreements, real estate acquisition and local licensing.

Theodoor's broad restructuring and insolvency practice dates back to the Asian financial crisis, when he was involved in many aspects of restructuring and insolvency and has advised on complex foreign law issues of bankruptcy reform in Indonesia. He is currently part of the team that advises numerous lessors on the suspension of payments (PKPU) of Garuda Indonesian Airlines. He was Indonesian co-counsel to the objecting noteholders in relation to the Chapter 15 Petition for Recognition of a Foreign Proceeding process initiated by PT Bakrie Telekom Tbk (BTEL) in a United States Bankruptcy Court. He also assisted bondholders in the USD 2-billion Indonesian court-sanctioned debt restructuring of PT Berlian Laju Tanker Tbk (BLT). He was recently inducted into *The Legal 500 Asia Pacific* Hall of Fame for his restructuring work, one of only two practitioners holding that position in Indonesia, and is recognized as a "Name to Know in Indonesia" by *Global Restructuring Review (GRR)*.

He is an active international commercial arbitrator registered at BANI, SIAC and HKIAC. His record of over a decade serving on arbitral tribunals, including appointments as sole arbitrator, is available at request. He is a Fellow of the Chartered Institute of Arbitrators and a graduate of the ICC Advanced Arbitration Academy for Asia. He is Vice Chairman of the Arbitration and Mediation Section of the ICC Indonesia Board and a member of the ICC Commission on Arbitration and ADR.

Over his 35 years in Indonesia, he has published many in-depth articles on insolvency, cross-border investment issues and arbitration, and lectures at the Faculty of Law of the University of Indonesia, the Ministry of Law and Human Rights, and a number of private universities in Indonesia. He is an active moot court judge and university team coach.

He is listed in the "Hall of Fame" for Restructuring & Insolvency and is recommended for Capital Markets by *The Legal 500 Asia Pacific*. He has also been named one of Indonesia's "top-100 lawyers" by *Asia Business Law Journal* and is lauded as a "Highly Regarded Lawyer" for Capital Markets, Restructuring & Insolvency, Banking, and M&A by *IFLR 1000*.

He was until recently Vice Chairman of the EU-ASEAN Business Council, where he represented EuroCham Indonesia, on whose Executive Board he has served since its inception.

A representative client list and a list of professional publications can be made available upon request to tbakker@abnrlaw.com.

Regulatory Notice: Mr. Bakker's practice does not include the administration of escrow funds. He has registered Arbitration and Alternative Dispute Resolution in The Netherlands Bar's register of legal practices and has obtained ten training credits as annually required.

Citizenship	Dutch
Language	Dutch English French Indonesian
Email	tbakker@abnrlaw.com