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## **How lawyers win land conflicts for corporations: Legal Strategy and its influence on the Rule of Law in Indonesia**

Kouwagam, S.U.

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How Lawyers Win Land Conflicts for Corporations:  
Legal Strategy and its Influence on the Rule of Law in Indonesia

*The supreme benevolence does something,  
Yet some things remain undone.  
The Law does something,  
And leaves much to be done.  
The Ritual acts,  
And when no one cares,  
It raises arms and uses force.*

*When Tao is lost, there is Virtue  
When Virtue is lost, there is Justice  
When Justice is lost, there is Ritual  
Ritual is the shell of Truth,  
The beginning of Chaos.*

(Excerpt from personal translation of Tao Te Ching verse 38)

# How Lawyers Win Land Conflicts for Corporations

*Legal Strategy and its Influence on the  
Rule of Law in Indonesia*

PROEFSCHRIFT

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Santy Utami Kouwagam

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I dedicate this book for my Opa, my very first teacher, whose love for our *tanah air* often moved him to tears.



## Preface

*'Having a meeting with him is like seeing a magician. He is there to grant your wishes, but you should not know how.'* – A client describing his lawyer, Jakarta 2013.

In 1906, Houdini the magician published a book titled *The Right Way to do Wrong*, intending to inform the public on the 'real thoughts and feelings of the denizens of the world of police and courts' in early 20<sup>th</sup> century America. The book is a collection of short stories on performing tricks and cons.

Much like magicians, the criminals described in Houdini's book are not desperate or lazy. They are creative and sometimes possess skills that, at best, make others eyewitnesses. They do not act alone. They have assistance: wives who make things happen in the background and the larger *familia* who practice with them, knowing their secrets, tricks, assets, and limits.

This book shares Houdini's motives to help the readers to be able to detect the tricks and cons to protect themselves from them. It further aims to present the weaknesses of the Indonesian legal system to aid the reader in reforming it.



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