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

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Propositions relating to the dissertation

HOW LAWYERS WIN LAND CONFLICTS FOR CORPORATIONS:
LEGAL STRATEGY AND ITS INFLUENCE ON THE RULE OF LAW
IN INDONESIA

by Santy Kouwagam

1. Formalization of land rights without reforming the rules concerning property rights to land will only benefit land developers. In the context of commercial litigation, the uncertainty of land rights is acting as a barrier for land-grabbing, expropriation, and exploitation of law by the rich and powerful.
2. Indonesia has a serious problem of corruption. Yet the more profound issue is the discrepancy between social and legal norms.
3. The rules of civil procedure in Indonesia are outdated and unclear. The result is a lack of procedural justice and inequality before the law.
4. Certain lawyers in Indonesia are able to not only influence the content and meaning of the law, but also to manipulate legal facts in such a way that they achieve their goals but undermine legal certainty.
5. Many unlawful transactions in Indonesia are motivated by the force of social obligations rather than by the desire for private gains.
6. Two causes of the collapse of the Rule of Law into a rule by law are society's disillusion with lawyers and with courts.
7. In order to promote the Rule of Law under conditions of extreme legal uncertainty, lawyers must sometimes have their duties as 'officers of the law' prevail over their clients' interests.
8. Research about legal-political brokers in Indonesia needs to pay more attention to the role of women, in particular to the networks involving wives of judges. These can wield considerable influence in court cases, to the extent that *ibuism* is just as important as *bapakism* in Indonesia's legal informal networks.

9. That law comes to serve as a means to an end can be a positive development compared to the situation in which it has no influence whatsoever in the administration of justice.
10. Feelings throughout doing this research were as described by Daniel Lev and Yap Thiam Hien: “a good deal of humor and outrage, often closely entwined” (Lev, DS & Lev, AO 2011:345). A sense of humor is needed to remain sane while researching a topic involving injustice and inequality.
11. Cooking is the cure to the pains of PhD life.