

*THE INFLUENCE OF CHANGES TO THE PRODUCTION SHARING  
CONTRACT ARRANGEMENTS OF THE NEW GROSS SPLIT SCHEME ON  
THE ATTRACTIVENESS OF INVESTMENT IN INDONESIA'S UPSTREAM  
OIL AND NATURAL GAS INDUSTRY*

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**ABSTRACT**

*The Indonesian government has issued Ministerial Regulation of Energy and Mineral Resources No. 13 of 2024 concerning the production sharing contract with new gross split scheme, as an effort to improve the attractiveness of investment in Indonesia's upstream oil & gas industry, by offering greater contractor split and flexibility in contract scheme. This effort is intended to address the challenges posed by declining national oil & gas lifting, as well as to improve the implementation of the previous gross split scheme of production sharing contract. The objective of this research is to provide a comprehensive explanation of the changes of the production sharing contract with new gross split scheme following the issuance of Ministerial Regulation of Energy and Mineral Resources No. 13 of 2024 and to explain its impact on the attractiveness of investment in Indonesia's upstream oil & gas industry.*

*This research is exploratory and evaluative in nature, employing an empirical research approach to examine social phenomena occurring in society, specifically the influence of the changes of legal regulations on production sharing contracts in the upstream oil & gas industry. Data collection techniques include observation of government opinion, interviews with contractors, and literature review of legal materials related to the new gross split scheme. Data analysis was conducted qualitatively, drawing conclusions using an inductive method based on the analysis of the influence of the changes of the new gross split production sharing contract format on the investment attractiveness of Indonesia's upstream oil & gas industry.*

*The results of this research indicate improvements to the new gross split contract regulations, including increased contractors split, simplified production sharing calculations for better implementation, more attractive contractor split for unconventional oil & gas, and flexibility in changing the contract scheme and its terms & conditions. The new gross split scheme is more attractive than the previous gross split because it provides legal certainty and fairness. The response from contractors to the new gross split scheme has also been very positive, demonstrating that the new gross split scheme increases the investment attractiveness of Indonesia's upstream oil & gas industry.*

**Keyword:** *new gross split, production sharing contract, upstream investment*

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# PENGARUH PERUBAHAN PENGATURAN KONTRAK BAGI HASIL SKEMA *NEW GROSS SPLIT* TERHADAP KEATRAKTIFAN INVESTASI INDUSTRI HULU MINYAK DAN GAS BUMI INDONESIA

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## INTISARI

Pemerintah Indonesia telah menerbitkan Peraturan Menteri Energi dan Sumber Daya Mineral Nomor 13 Tahun 2024 mengenai kontrak bagi hasil skema *new gross split*, sebagai upaya untuk meningkatkan keatraktifan investasi hulu minyak & gas bumi Indonesia, dengan menawarkan bagi hasil yang lebih besar untuk KKKS dan fleksibilitas bentuk kontrak. Upaya ini dilakukan sebagai respon dan penyempurnaan implementasi kontrak bagi hasil skema *gross split* sebelumnya sehingga diharapkan mampu menjawab tantangan penurunan *lifting* minyak & gas nasional. Tujuan penelitian ini adalah memberikan penjelasan yang komprehensif mengenai perubahan pengaturan kontrak bagi hasil *new gross split* paska terbitnya Peraturan Menteri ESDM Nomor 13 Tahun 2024 dan menjelaskan pengaruh pengaturan kontrak bagi hasil *new gross split* paska terbitnya Peraturan Menteri ESDM Nomor 13 Tahun 2024 terhadap keatraktifan investasi industri hulu minyak & gas bumi Indonesia.

Penelitian ini bersifat eksploratoris dan berbentuk evaluatif dengan menggunakan pendekatan penelitian empiris karena akan meneliti gejala sosial yang terjadi di masyarakat, yaitu bagaimana pengaruh perubahan peraturan hukum kontrak bagi hasil di industri hulu minyak & gas bumi. Teknik pengumpulan data dilakukan melalui observasi pendapat pemerintah, wawancara dengan KKKS dan studi pustaka bahan hukum terkait skema *new gross split*. Analisis data dilakukan secara kualitatif dengan pengambilan kesimpulan menggunakan metode induktif berdasarkan hasil analisis pengaruh perubahan bentuk kontrak bagi hasil *new gross split* terhadap keatraktifan investasi industri hulu minyak & gas Indonesia.

Hasil penelitian ini menunjukkan penyempurnaan aturan kontrak *new gross split* berupa peningkatan bagi hasil untuk KKKS, penyederhanaan perhitungan bagi hasil agar lebih implementatif, pengaturan bagi hasil yang lebih menarik untuk minyak & gas bumi nonkonvensional serta fleksibilitas perubahan bentuk dan ketentuan pokok kontrak. Pengaturan *new gross split* lebih menarik dibandingkan *gross split* sebelumnya karena mampu memberikan kepastian hukum dan keadilan. Tanggapan KKKS atas skema *new gross split* juga sangat positif. Hal ini membuktikan bahwa skema *new gross split* meningkatkan keatraktifan investasi industri hulu minyak & gas bumi Indonesia.

**Kata Kunci:** *new gross split*, kontrak bagi hasil, investasi hulu

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