UNIVERSITAS
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Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
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BIBLIOGRAPHY

Legal Documents

American Arbitration Association/International Centre for Dispute Resolution (AAA/ICDR). *International Dispute Resolution Procedures*. New York: ICDR, 2021.

Appellate Body Report. *United States—Import Prohibition of Certain Shrimp and Shrimp Products*. WTO Doc. WT/DS58/AB/R. Adopted 6 November 1998.

Arbitration Institute of the Stockholm Chamber of Commerce (SCC). *SCC Arbitration Rules*. Stockholm: SCC, 2023.

China International Economic and Trade Arbitration Commission (CIETAC). *CIETAC Arbitration Rules*. Beijing: CIETAC, 2015.

Hong Kong International Arbitration Centre (HKIAC). *HKIAC Administered Arbitration Rules*. Hong Kong: HKIAC, 2018.

Dubai International Arbitration Centre (DIAC). *DIAC Arbitration Rules*. Dubai: DIAC, 2022.

Guyana v. Suriname. PCA Case No. 2004-04. Award, 17 September 2007.

ICSID Convention. *Convention on the Settlement of Investment Disputes between States and Nationals of Other States*, 18 March 1965, 575 U.N.T.S. 159.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Indonesia. *Kitab Undang-Undang Hukum Perdata (Civil Code).* Art. 1338.

Indonesia. *Law No. 11 of 1967 concerning Basic Provisions of Mining* (Undang-Undang Nomor 11 Tahun 1967 tentang Ketentuan-Ketentuan Pokok Pertambangan).

Indonesia. *Law No. 4 of 2009 concerning Mineral and Coal Mining* (Undang-Undang Nomor 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara).

Indonesia. *Government Regulation No. 23 of 2009 concerning the Implementation of Mineral and Coal Mining Business Activities* (Peraturan Pemerintah Nomor 23 Tahun 2009).

Indonesia–United Kingdom Agreement for the Promotion and Protection of Investments (1976).

International Chamber of Commerce (ICC). *ICC Arbitration Rules*. Paris: ICC, 2021.

International Covenant on Civil and Political Rights. December 16, 1966. 999 U.N.T.S. 171.

International Law Commission. *Draft Articles on Diplomatic Protection with Commentaries*. In *Report of the International Law Commission on the Work of Its Fifty-Eighth Session, 1 May–9 June and 3 July–11 August 2006*, UN Doc. A/61/10; GAOR, 61st Sess., Supp. No. 10. New York: United Nations, 2006.

International Law Commission. *Draft Articles on Responsibility of States for Internationally Wrongful Acts*. In *Report of the International Law*

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Commission, 53rd Session, April 23–June 1, July 2–August 10, 2001, UN Doc. A/56/10; GAOR, 56th Sess., Supp. No. 10. New York: United Nations, 2001.

London Court of International Arbitration (LCIA). *LCIA Arbitration Rules*. London: LCIA, 2020.

Mahkamah Agung Republik Indonesia. *Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan*. Accessed May 12, 2025. https://jdih.mahkamahagung.go.id/legal-product/perma-nomor-1-tahun-2016/detail.

Rome Statute of the International Criminal Court. July 17, 1998. 2187 U.N.T.S. 90.

Singapore International Arbitration Centre (SIAC). *SIAC Rules 2016*. Singapore: SIAC, 2016.

Swiss Chambers' Arbitration Institution (SCAI). *Swiss Rules of International Arbitration*. Zurich/Geneva: SCAI, 2021.

United Kingdom. *Contracts (Rights of Third Parties) Act 1999*, c. 31.

United Kingdom–Indonesia Agreement for the Promotion and Protection of Investments. Signed April 27, 1976.

United Nations Commission on International Trade Law (UNCITRAL). *UNCITRAL Arbitration Rules*. New York: United Nations, 2013.

United Nations Conference on Trade and Development. *Dispute Settlement: State-State*. U.N. Doc. UNCTAD/ITE/IIT/2003/1, 2003.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

United Nations Treaty Collection. "*UNTC*." 2023. https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXIII-.

United Nations. *United Nations Convention on Contracts for the International Sale of Goods (CISG)*. Adopted April 11, 1980. Entered into force January 1, 1988. Article 7(1). https://uncitral.un.org/en/texts/salegoods/conventions/sale_of_goods/cisg.

United Nations. "Vienna Convention on the Law of Treaties." *Vienna Convention on the Law of Treaties* 1155 (May 23, 1969). https://doi.org/10.2307/2199522.

United States—Continued Dumping and Subsidy Offset Act of 2000. Appellate Body Report, WTO Docs. WT/DS217/AB/R and WT/DS234/AB/R. Adopted 27 January 2003.

Vienna International Arbitral Centre (VIAC). *Vienna Rules*. Vienna: VIAC, 2021.

Case Laws

Abaclat and Others v. Argentine Republic. ICSID Case No. ARB/07/5. Decision on Jurisdiction and Admissibility, 4 August 2011.

Alasdair Ross Anderson et al. v. Republic of Costa Rica. ICSID Case No. ARB(AF)/07/3. Award. May 19, 2010.

Al-Warraq v. Republic of Indonesia. UNCITRAL. Final Award, 15 December 2014.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Anderson v. Republic of Costa Rica. ICSID Case No. UNCT/07/3. Award, 19 May 2010.

Apotex Inc. v. United States of America. ICSID Case No. ARB(AF)/12/1. Award. August 25, 2014.

Barcelona Traction, Light and Power Co. Ltd. (Belgium v. Spain). Judgment. I.C.J. Reports 1970.

Benjamin Isaiah v. Bank Mellat. Award No. 35-219-2, Iran–United States Claims Tribunal, 30 March 1983. *Iran–U.S. Claims Tribunal Reports* 2 (1983): 232–247.

Cementownia "Nowa Huta" S.A. v. Republic of Turkey. ICSID Case No. ARB(AF)/06/2. Award, 17 September 2009.

Churchill Mining PLC and Planet Mining Pty Ltd v. Republic of Indonesia. ICSID Case Nos. ARB/12/14 and ARB/12/40. Award. December 6, 2016.

Churchill Mining PLC and Planet Mining Pty Ltd v. Republic of Indonesia. ICSID Case Nos. ARB/12/14 and ARB/12/40. *Decision on Jurisdiction*. 24 February 2014.

Daimler Financial Services A.G. v. Argentine Republic. *ICSID Case No. ARB/05/1. Decision on Annulment. January 7, 2015.*

David Minnotte and Robert Lewis v. Republic of Poland. ICSID Case No. ARB(AF)/10/1. Award. May 16, 2014.

Eudoro Armando Olguín v. Republic of Paraguay. ICSID Case No. ARB/98/5. Award. July 26, 2001.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Europe Cement Investment & Trade S.A. v. Republic of Turkey. ICSID Case No. ARB(AF)/07/2. *Decision on Jurisdiction*, 13 August 2009.

Fisheries Jurisdiction (Federal Republic of Germany v. Iceland). *Judgment. I.C.J. Reports 1974.* July 25, 1974.

Fuchs v. Georgia, ICSID Case No. ARB/07/15, Award (2010).

Inceysa Vallisoletana S.L. v. Republic of El Salvador. ICSID Case No. ARB/03/26. Award. August 2, 2006.

International Court of Justice. *Nuclear Tests (Australia v. France)*. Judgment of 20 December 1974.

International Court of Justice. *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*. Judgment. *I.C.J. Reports* 1994, 6.

Malicorp Limited v. Arab Republic of Egypt. ICSID Case No. ARB/08/18. Award, 7 February 2011.

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain). Jurisdiction and Admissibility. Judgment. I.C.J. Reports 1995, p. 6.

Metal-Tech Ltd. v. Republic of Uzbekistan. ICSID Case No. ARB/10/3. Award, 4 October 2013.

Mihaly International Corporation v. Democratic Socialist Republic of Sri Lanka. ICSID Case No. ARB/00/2. Award. March 15, 2002.

Minnotte and Lewis v. Republic of Poland. ICSID Case No. ARB(AF)/10/1. Award, 16 May 2014.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Gustav F W Hamester GmbH & Co KG v. Republic of Ghana, *ICSID Case No. ARB/07/24*, Award, 18 June 2010, ¶¶123–124. Quoting: "An investment will not be protected if it has been created in violation of national or international principles of good faith; by way of corruption, fraud, or deceitful conduct; or if its creation itself constitutes a misuse of the system of international investment protection under the ICSID Convention. It will also not be protected if it is made in violation of the host State's law." And: "These are general principles that exist independently of specific language to this effect in the Treaty."

Niko Resources (Bangladesh) Ltd. v. People's Republic of Bangladesh and Bangladesh Petroleum Exploration & Production Company Limited (BAPEX) and Bangladesh Oil Gas and Mineral Corporation (Petrobangla). ICSID Case No. ARB/10/11. Decision on Jurisdiction, 19 August 2013.

NJSC Naftogaz of Ukraine v. Russian Federation, PCA Case No. 2017-16, Partial Award, 22 February 2019.

Nuclear Tests (Australia v. France). *Judgment (Merits)*, I.C.J. Reports 1974, 253.

Occidental Petroleum Corporation and Occidental Exploration and Production Company v. Republic of Ecuador. ICSID Case No. ARB/06/11. Decision on Annulment. November 2, 2015.

Oostergetel, Albert Jan, and Theodora Laurentius v. The Slovak Republic. *UNCITRAL Arbitration. Final Award.*April 23, 2012.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Permanent Court of Arbitration (PCA). *PCA Arbitration Rules*. The Hague: PCA, 2012.

Philip Morris Asia Limited v. Commonwealth of Australia. UNCITRAL. Award on Jurisdiction and Admissibility, 17 December 2015.

Philip Morris Brands Sàrl v. Oriental Republic of Uruguay. ICSID Case No. ARB/10/7. Award. July 8, 2016.

Phoenix Action, Ltd. v. Czech Republic. ICSID Case No. ARB/06/5. Award. April 15, 2009.

Ping An Life Insurance Company of China, Limited et al. v. Kingdom of Belgium. ICSID Case No. ARB/12/29. Award. April 30, 2015.

Plama Consortium Limited v. Republic of Bulgaria. ICSID Case No. ARB/03/24. Award. August 27, 2008.

Quiborax S.A., Non Metallic Minerals S.A., and Allan Fosk Kaplun v. Plurinational State of Bolivia. ICSID Case No. ARB/06/2. Decision on Jurisdiction, 27 September 2012.

Renée Rose Levy and Gremcitel S.A. v. Republic of Peru. ICSID Case No. ARB/11/17. Award, 9 January 2015.

Republic of Italy v. Republic of Cuba. Ad Hoc Arbitral Tribunal. Interim Award (Sentence préliminaire), March 15, 2005. http://italaw.com/sites/default/files/case-documents/ita0434_0.pdf. ———. *Final Award* (Sentence finale), January 15, 2008. http://italaw.com/sites/default/files/case-documents/ita0435_0.pdf.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Saluka Investments BV v. Czech Republic. UNCITRAL, Partial Award, 17 March 2006.

Sanum Investments Limited v. Lao People's Democratic Republic I. PCA Case No. 2013-13. Award on Jurisdiction. December 13, 2013.

Stabil LLC and Others v. Russian Federation, PCA Case No. 2014-07, Award (2018).

Suez, Sociedad General de Aguas de Barcelona S.A., and Vivendi Universal S.A. v. Argentine Republic. ICSID Case No. ARB/03/19. Award. April 9, 2015.

Supreme Court of the Republic of Indonesia. *Putusan Mahkamah Agung RI Nomor 1336 K/Pdt/2018*. Land sale dispute between PT Bhumi Pertiwi Kencana and Mr. Edi Prihanto. Accessed May 12, 2025.

"International Court of Justice. Kasikili/Sedudu Island (Botswana/Namibia), Judgment of 13 December 1999. I.C.J. Reports 1999, 1045–1046.," n.d.

TSA Spectrum de Argentina S.A. v. Argentine Republic, ICSID Case No. ARB/05/5, Award (2008).

Vannessa Ventures Ltd. v. Bolivarian Republic of Venezuela. ICSID Case No. ARB(AF)/04/6. *Award*, 16 January 2013.

Venezuela Holdings B.V. and Others v. Bolivarian Republic of Venezuela. ICSID Case No. ARB/07/27. Decision on Jurisdiction, 10 June 2010.

Waldock, Humphrey. "Third Report on the Law of Treaties." *Yearbook of the International Law Commission* 1964, vol. II: 5–65.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Wood, Michael. "*Statute of the International Law Commission*." *United Nations Audiovisual Library of International Law*. n.d. https://legal.un.org/avl/ha/silc/silc.html.

World Duty Free Company Limited v. Republic of Kenya. ICSID Case No. ARB/00/7. Award, 4 October 2006.

World Intellectual Property Organization (WIPO) Arbitration and Mediation Center. *WIPO Arbitration Rules*. Geneva: WIPO, 2020.

World Trade Organization. *United States – Sections 301–310 of the Trade Act of 1974*. Panel Report, WT/DS152/R. Adopted January 27, 2000.

Book and Book Chapters

Baetens, Freya, ed. *Investment Law Within International Law: Integrationist Perspectives*. Cambridge: Cambridge University Press, 2013. (Contains: Leonie Timmers, "The Protection Against Expropriations in Venezuela: A Right to Property in Theory?")

Cheng, Bin. *General Principles of Law as Applied by International Courts and Tribunals*. London: Stevens and Sons, 1953.

"Choudhary, Biplove, and Parashar Kulkarni. 'Re-Crafting Bilateral Investment Treaties in a Development Framework: A Comparative Regional Perspective.' in Capital without Borders: Challenges to Development, 209–238. London: University of London Press, 2010. Https://Doi.org/10.7135/UPO9780857289575.011.," n.d.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Dachlan, Rangga. "Hukum Ekonomi Internasional." In *Hukum Internasional*, edited by Fajri Matahati Muhammadin, with contributions by Fajri Matahati Muhammadin, Agustina Merdekawati, Rangga Dachlan, Lely Frilia Melisa Dwi Nanda, Ibrahim Hanif, Kay Jessica, Haekal Al Asyari, and Anis Muhammad Afla. Edited by the Tim Editorial: Aqshal Muhammad Arsyah, Rachelle Amadea Roselynn Nikita Tan, and Shidqi Mukhtasor. Layout and cover design by Fairuz El Mechwar. Yogyakarta: CV Buku Belaka Maju Jaya, 2023.

De Brabandere, Eric. *Investment Treaty Arbitration as Public International Law*. Cambridge: Cambridge University Press, 2014.

Dörr, Oliver, and Kirsten Schmalenbach, eds. *Vienna Convention on the Law of Treaties: A Commentary*. Berlin: Springer-Verlag, 2012.

Frank Berman, "The Relevance of the Law on Diplomatic Protection in Investment Arbitration," in *Investment Treaty Law: Current Issues*, vol. 2, ed. Federico Ortino et al. (2007), 67, 72.

Good Faith and International Economic Law. Edited by Andrew D. Mitchell, Muthucumaraswamy Sornarajah, and Tania Voon. Oxford: Oxford University Press, 2015.

Grosse Ruse-Khan, Henning. *The Role of Flexibilities in TRIPS for Differential Treatment: A Study in the Implementation of Intellectual Property Rights in WTO Law*. Leiden: Brill, 2010.

Kolb, Robert. *La bonne foi en droit international public.* Paris: Presses Universitaires de France, 2000.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Lauterpacht, Hersch. *The Function of Law in the International Community*. Oxford: Clarendon Press, 1933.

Lo, Chang-fa. *Treaty Interpretation Under the Vienna Convention on the Law of Treaties: A New Round of Codification*. Singapore: Springer, 2017. https://doi.org/10.1007/978-981-10-6866-9.

Kotzur, Markus. "Good Faith." In *Max Planck Encyclopedia of Public International Law*. Oxford: Oxford University Press, 2012.

Mendelson, Maurice. "The International Court of Justice and the Sources of International Law." In *Fifty Years of the International Court of Justice*, edited by Vaughan Lowe and Malgosia Fitzmaurice, 63–88. Cambridge: Cambridge University Press, 1996.

Montt, Santiago. *State Liability in Investment Treaty Arbitration: Global Constitutional and Administrative Law in the BIT Generation*. Oxford: Hart Publishing, 2009.

De Brabandere, Eric, and Isabelle Van Damme. "Good Faith in Treaty Interpretation." In *Good Faith and International Economic Law*, edited by Andrew D. Mitchell, Muthucumaraswamy Sornarajah, and Tania Voon, 39–62. Oxford: Oxford University Press, 2015.

Kotzur, Markus. "Good Faith (Bona Fide)." *Max Planck Encyclopedia of Public International Law*, edited by Rüdiger Wolfrum. Oxford: Oxford University Press. Accessed 24 November 2025. www.mpepil.com.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Nolte, Georg, ed. *Treaties and Subsequent Practice*. Oxford: Oxford University Press, 2013. (Contains: Anthea Roberts, "Subsequent Agreements and Practice: The Battle Over Interpretive Power," pp. 95–102.)

O'Connor, John. *Good Faith in International Law*. Aldershot: Dartmouth Publishing, 1991.

Panizzon, Marion. *Good Faith in the Jurisprudence of the WTO: The Protection of Legitimate Expectations, Good Faith Interpretation and Fair Dispute Settlement*. Oxford: Hart Publishing, 2006.

Pellet, Alain. "Article 38." In *The Statute of the International Court of Justice: A Commentary*, 2nd ed., edited by Andreas Zimmermann, Christian Tomuschat, and Karin Oellers-Frahm. Oxford: Oxford University Press, 2012.

Schill, Stephan W., and Heather L. Bray. "Good Faith Limitations on Protected Investments and Corporate Structuring." In *Good Faith and International Economic Law*, edited by Andrew D. Mitchell, M. Sornarajah, and Tania Voon, 88–114. Oxford: Oxford University Press, 2015.

Schill, Stephan W. "International Investment Law and Comparative Public Law—An Introduction." In *International Investment Law and Comparative Public Law*, edited by Stephan W. Schill, 3–38. Oxford: Oxford University Press, 2010.

Schwartz, Alan, and Robert E. Scott. *Third Party Beneficiaries and Contractual Networks*. Unpublished manuscript, on file with Anthea Roberts.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Sheargold, Elizabeth. *The VCLT Rules on Interpretation and the Triangular Nature of Investment Treaties: State Control Versus Investor Rights*. Alphen aan den Rijn: Kluwer Law International, 2022.

Timmers, Leonie. "The Protection Against Expropriations in Venezuela: A Right to Property in Theory?" In *Investment Law Within International Law: Integrationist Perspectives*, edited by Freya Baetens, 143–65. Cambridge: Cambridge University Press, 2013.

"Stampalija, Juan Ignacio. 'Chinese Bilateral Investment Treaties: A Case of "Internal Fragmentation".' in International Economic Law after the Global Crisis: A Tale of Fragmented Disciplines, 329–355. Cambridge: Cambridge University Press, 2015. Https://Doi.org/10.1007/9781139871853.015.," n.d.

Triffterer, Otto, and Kai Ambos, eds. *The Rome Statute of the International Criminal Court: A Commentary*. 3rd ed. Munich: C.H. Beck; Oxford: Hart; Baden-Baden: Nomos, 2016.

Van Harten, Gus. *Investment Treaty Arbitration and Public Law*. Oxford: Oxford University Press, 2007.

Ziegler, Andreas R., and Jorun Baumgartner. "Normative Autonomy of the Principle of Good Faith? Good Faith as a General Principle of (International) Law." In *Good Faith and International Economic Law*, edited by Andrew D. Mitchell, M. Sornarajah, and Tania Voon, 15–36. Oxford: Oxford University Press, 2015.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Journal Articles

Al Muizzuddin Fazaalloh. "FDI and Economic Growth in Indonesia: A Provincial and Sectoral Analysis." *Research Square (Research Square)* 13, no. 1 (May 31, 2022). https://doi.org/10.21203/rs.3.rs-1607582/v1.

Ansari, Tunggul. "Normative Legal Research in Indonesia: Its Origins and Approaches." *Audito Comparative Law Journal* 4, no. 1 (February 2, 2023): 1–9. https://doi.org/10.22219/aclj.v4i1.24855.

Ardhira, Ajrina Yuka, and Ghansham Anand. "Itikad Baik dalam Proses Mediasi Perkara Perdata di Pengadilan." *Jurnal Media Ilmu* 12, no. 1 (2021): 45–58. https://e-journal.unair.ac.id/MI/article/download/8821/5047/28790.

Bjorge, Eirik. "Public Law Sources and Analogies of International Law." *Victoria University of Wellington Law Review*49, no. 4 (November 15, 2018): 533–556. https://doi.org/10.26686/vuwlr.v49i4.5339.

Cindawati. "Prinsip Good Faith (Itikad Baik) dalam Hukum Kontrak Bisnis Internasional." *Mimbar Hukum* 26, no. 2 (2014).

Dyastuti, Risqi Mumpuni. "Akibat Hukum Penerapan Prinsip Good Faith pada Kontrak Investasi Internasional di Indonesia." *Jurnal Hukum* 3, no. 2 (April 2023): 125–39.

Fitrianto, Bambang. "Kajian Perdata Itikad Baik dalam Hukum Perjanjian." *Jurnal Ilmiah Abdi Ilmu* 16, no. 1 (2023): 28–32. https://jurnal.pancabudi.ac.id/index.php/abdiilmu/article/view/4643.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Gunawan, Yordan. "Arbitration Award of ICSID on the Investment Disputes of Churchill Mining PLC v. Republic of Indonesia." *Hasanuddin Law Review* 3, no. 1 (2017): 14–37.

Hutabarat, M.P. "Prinsip Itikad Baik dalam Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan." *Jurnal Legislasi Indonesia* 4, no. 2 (2024): 65–80. https://dinastires.org/JLPH/article/download/316/267.

Irianto, Sigit, and Widyarini Indriasti Wardani. "Promissory Estoppel Doctrine and Indonesia Contract Law Development." *South East Asia Journal of Contemporary Business, Economics and Law* 7, no. 4 (August 2015): 25–32.

Jensen, Michael P. "Defining and Punishing Offenses Under Treaties." *Yale Law Journal* 124, no. 2 (2014): 220–295.

Joyce, Jessica. "Legal Obligations of States and Organizations under the Rome Statute: Specifically Addressing the Legal Obligations of States Parties, Non-States Parties, and the Security Council, and Analyzing What Options Exist to Aid the ICC in Its Enforcement of These Obligations." 2015. https://scholarlycommons.law.case.edu/war_crimes_memos/286.

Kadir, Nasrul, and Andi Risma. "Pembatalan Perjanjian Berdasarkan Penafsiran dalam Kitab Undang-Undang Hukum Perdata." *Journal of Lex Philosophy* 2, no. 2 (2021): 105–22. https://doi.org/10.52103/jlp.v2i2.432.

Kolopaking, Lina. "Good Faith Principle in Indonesian Contract Law." *Journal of International Private Law* 12, no. 3 (2013): 45–60.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Kurniawan, Faizal, Xavier Nugraha, and Ardhana Christian Noventri. "Application of the Good Faith Principle in Land Purchase Agreements in Indonesia." *Novateur Publication*, 2023, 32–40.

Lekkas, Sotirios-Ioannis, Panos Merkouris, and Daniel Peat. "The Interpretative Practice of the International Court of Justice." *Max Planck Yearbook of United Nations Law Online* 26, no. 1 (December 13, 2023): 347–404. https://doi.org/10.1163/18757413_02601015.

Lubis, Devi Triana. "Analisa Putusan ICSID Atas Sengketa Churchill Mining Plc, Planet Mining Dengan Pemerintah Indonesia Berdasarkan Prinsip UNIDROIT." *Tribuere: Jurnal Hukum* 1, no. 1 (2022): 37.

Mitchell, Andrew. "Good Faith in WTO Dispute Settlement." *Melbourne Journal of International Law* 7 (2006): 339–363.

Ningsih, Ayup Suran, Aprila Niravita, Ali Masyhar, et al. "Protection Bilateral Investment Treaty as Treaty of International Discussion Resolution Supporting Indonesia Reform." *Substantive Justice* 7, no. 1 (2024): 32–47.

Nugraha, Xavier. "Harmonization of International Sales Law: CISG as Supplement to Indonesian Contract Law." *UGM Law Review* 44, no. 2 (2020): 112–30.

Reinhold, Steven. "Good Faith in International Law." *UCL Journal of Law and Jurisprudence* 2 (2013): 40–63.

Roberts, Anthea. "Clash of Paradigms: Actors and Analogies Shaping the Investment Treaty System." *American Journal of International Law* 107, no. 1 (2013): 45–94.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Roberts, Anthea. "Power and Persuasion in Investment Treaty Interpretation: The Dual Role of States." *American Journal of International Law* 104, no. 2 (2010): 179–225.

Roberts, Anthea. "State-to-State Investment Treaty Arbitration: A Hybrid Theory of Interdependent Rights and Shared Interpretive Authority." *Harvard International Law Journal* 55 (2014): 1–70.

Samuel, Maria Gabriela, and Moody Rizqy Syailendra Putra. "Implementasi Asas Itikad Baik dalam Pelaksanaan Kontrak Bisnis Berdasarkan Perspektif Hukum Perdata." *JALAKOTEK: Journal of Accounting Law Communication and Technology* 2, no. 1 (January 2025): 181–189.

Sauter Odio, Sebastian. "Arbitrating Human Rights of Third Parties to ISDS Cases." *Harvard International Law Journal*, March 29, 2024. https://journals.law.harvard.edu/ilj/2024/03/arbitrating-human-rights-of-third-parties-to-isds-cases/.

Silalahi, Ranto Sabungan. "The Idea of Implementing *Spiliada* Principle for Indonesian Court in Hearing Private International Law Cases." *Journal of Private International Law Studies* 1, no. 1 (2024): 207. https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1013&context=jpils

Soerodjo, Irawan. "The Development of Indonesian Civil Law." *Scientific Research Journal* 4, no. 9 (September 2016): 30–35. https://www.scirj.org/papers-0916/scirj-P0916357.pdf.

Le Moullec, Caroline. "Churchill Mining Plc and Planet Mining Pty Ltd v Republic of Indonesia, ICSID Case No. ARB/12/14 and 12/40, Award, 6

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

December 2016." *European Investment Law and Arbitration Review* 2, no. 1 (2017): 135–50. https://doi.org/10.1163/24689017-00201005.

Mundi, Jus. "Churchill Mining and Planet Mining v. Indonesia, Award, 6 Déc. 2016." Jusmundi.com, 2016. https://jusmundi.com/fr/document/decision/en-churchill-mining-and-planet-mining-pty-ltd-v-republic-of-indonesia-award-tuesday-6th-december-2016.

Roberts, Anthea. "Power and Persuasion in Investment Treaty Interpretation: The Dual Role of States." *SSRN Electronic Journal*, 2010. https://doi.org/10.2139/ssrn.1514410.

Roberts, Anthea. "State-to-State Investment Treaty Arbitration: A Hybrid Theory of Interdependent Rights and Shared Interpretive Authority." *Modern Law Review* 77, no. 1 (January 2014): 1–70. [LSE Research Online].

Roberts, Anthea. "Triangular Treaties: The Nature and Limits of Investment Treaty Rights." *Modern Law Review* 78, no. 2 (March 2015): 353–417. [LSE Research Online].

Sari, Putri, and Siti Maysarah. "Foreign Direct Investment in Indonesia: Economic Growth IKN." *Ilomata International Journal of Tax and Accounting* 5, no. 2 (May 29, 2024): 503–18. https://doi.org/10.61194/ijtc.v5i2.1157.

Sheargold, Elizabeth. "The VCLT Rules on Interpretation and the Triangular Nature of Investment Treaties: State Control versus Investor

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Rights." *SSRN Electronic Journal*, 2021. https://doi.org/10.2139/ssrn.4108313.

Turagan, Aditya Fadli. "Pelaksanaan Perjanjian dengan Itikad Baik Menurut Pasal 1338 KUHPerdata." *Lex Privatum* 7, no. 1 (2019): 1–10. https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/25866.

Uçaryılmaz, Talya. "The Principle of Good Faith in Public International Law." *Estudios de Deusto: Revista de Derecho Público*68, no. 1 (2020): 43–59.

Elvardi, J., Fajri Hasan, and A. P. R. Pratama. "The Use of Language in International Agreements according to the 1969 Vienna Convention and Its Implementation in Indonesian National Law." *Yuridika* 37, no. 3 (2022): 515–538. https://doi.org/10.20473/ydk.v37i3.28448.

Yuningsih, Dwi Cahya. "Penerapan Prinsip Itikad Baik dalam Perjanjian Jual Beli Tanah di Indonesia." *Jurnal Hukum IUS QUIA IUSTUM* 25, no. 2 (2018): 214–33. Accessed May 12, 2025. https://novateurpublication.org/index.php/np/article/download/67/61/78.

Thesis, Online/World Wide Web, and Others

ADCO Law. "Legal Research Methods in Legal Problem Solving." ADCO Law, March 7, 2022. https://adcolaw.com/blog/legal-research-methods-in-legal-problem-solving/.

UNIVERSITAS GADJAH MADA
Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of Investment Lawfulness as Seen in Churchill v. Indonesia
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Arifin, Miftah. "Membangun Konsep Ideal Penerapan Asas Iktikad Baik dalam Hukum Perjanjian." *Jurnal Ius Constituendum* 5, no. 1 (2020): 66–82. https://doi.org/10.26623/jic.v5i1.2119.

Djajic, Sanja. "Mapping the Good Faith Principle in International Investment Arbitration: Assessment of Its Substantive and Procedural Value." SSRN, December 11, 2012. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3502511.

Elvardi, Jean, Firman Hasan, and Arya Putra Rizal Pratama. "The Use of Language in International Agreements according to the 1969 Vienna Convention and Its Implementation in Indonesian National Law." *Yuridika* 37, no. 3 (September 1, 2022): 515–38. https://doi.org/10.20473/ydk.v37i3.28448.

.

Gazzini, Tarcisio. "Authentic (or Authoritative) Interpretation of Investment Treaties by the Treaty Parties." EJIL: Talk!, August 17, 2020. https://www.ejiltalk.org/authentic-or-authoritative-interpretation-of-investment-treaties-by-the-treaty-parties/.

Kadelbach, Stefan. "International Law Commission and Role of Subsequent Practice as a Means of Interpretation under Articles 31 and 32 VCLT - QIL QDI," January 31, 2018.

Shirlow, Esmé, and Kiran Nasir Gore. "Celebrating 50 Years of the VCLT: An Introduction." Kluwer Arbitration Blog, 2019.

UNIVERSITAS
GADJAH MADA
**Suiting Up Good Faith: Good Faith Through the Lens of Investors vs. Host States in the Assessment of
Investment Lawfulness as Seen in Churchill v. Indonesia**
Amelda Sabrina Law, Ibrahim Hanif, S.H., LL.M.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

https://arbitrationblog.kluwerarbitration.com/2019/12/02/celebrating-50-years-of-the-vclt-an-introduction.

UNCTAD. "International Investment Agreements Navigator | UNCTAD Investment Policy Hub." investmentpolicy.unctad.org. Accessed March 25, 2025. https://investmentpolicy.unctad.org/international-investment-agreements.

Zwolankiewicz, Agata. "The Principle of Clean Hands in International Investment Arbitration | Website." The Principle of Clean Hands in International Investment Arbitration | Website, n.d. https://itainreview.org/articles/2021/vol3/issue1/the-principle-of-clean-hands-in-international-investment-arbitration.html.