

THE COMPLIANCE OF SPECIAL TREATMENT IN PRESIDENTIAL REGULATION NO.44 OF 2016 REGARDING NEGATIVE INVESTMENT LIST WITH THE INTERNATIONAL INVESTMENT PRINCIPLE OF MOST-FAVOURED NATION (MFN) AND ITS IMPACT IN: PROVINCE OF BALI

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ABSTRACT

This legal research has a purpose to understand the compliance of special treatment in Presidential Regulation No.44 of 2016 regarding Negative Investment List with the International Investment Principle of Most-Favoured Nation, and further the scope of impact for the Province in Bali.

During the research, the author has used the normative-empirical method to analyze the data. Normative legal research approach is the necessary basis obtained from legal instruments, books, journal and other literature which are relevant to the compliance of Presidential Regulation No.44 of 2016 with International Investment Principle of Most-Favoured Nation (MFN). Empirical legal research is aimed to gain data on the possibility impact of ASEAN and Non-ASEAN investors treatment in Province of Bali.

The result of the research concluded that the special treatment in Presidential Regulation No.44 of 2016 has been in compliance with International Investment Principle of Most-Favoured Nations. Yet, it is not the safest option for Indonesian Government. Meanwhile, the impact of the special treatment to foreign investors in Bali is a hypothetical situation where Non-ASEAN investor cannot compete with ASEAN Investors. Which may lead to action of investors may not develop the investment in Bali.

Keywords: Foreign Direct Investment, Negative Investment List, Most-Favoured Nation, Bali

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***KESESUAIN DARI PERLAKUAN KHUSUS INVESTOR DALAM
PERATURAN PRESIDEN NO.44 TAHUN 2016 TENTANG DAFTAR
INVESTASI NEGATIF DENGAN PRINSIP INVESTASI INTERNASIONAL
MOST-FAVOURED NATION (MFN) DAN DAMPAKNYA DI: PROVINSI
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INTISARI

Penelitian hukum ini bertujuan untuk memahami kepatuhan perlakuan khusus dalam Peraturan Presiden No.44 tahun 2016 tentang Daftar Negatif Investasi dengan Prinsip Investasi Internasional Most-Favoured Nation, dan selanjutnya ruang lingkup dampak untuk Provinsi di Bali.

Selama penelitian, penulis telah menggunakan metode normatif-empiris untuk menganalisis data. Pendekatan penelitian hukum normal adalah dasar yang diperlukan dari instrumen hukum, buku, jurnal dan literatur lain yang relevan dengan kepatuhan Peraturan Presiden No.44 tahun 2016 dengan Prinsip Investasi Internasional Bangsa Paling Disukai (MFN). Penelitian hukum empiris bertujuan untuk memperoleh data tentang kemungkinan dampak dari investor ASEAN dan Non-ASEAN di Bali.

Hasil penelitian menyimpulkan bahwa perlakuan khusus dalam Peraturan Presiden No.44 tahun 2016 telah sesuai dengan Prinsip Investasi Internasional Most-Favoured Nation. Namun, ini bukan pilihan teraman untuk Pemerintah Indonesia. Sementara itu, dampak perlakuan khusus kepada investor asing di Bali adalah situasi hipotetis di mana investor Non-ASEAN tidak dapat bersaing dengan Investor ASEAN. Yang pada akhirnya dapat menyebabkan investor asing tidak dapat mengembangkan investasi di Bali.

Kata Kunci: Penanaman Modal Asing, Daftar Negatif Investasi, Most-Favoured Nation, Bali

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