

TABLE OF CONTENTS

APPROVAL.....	I
ENDORSEMENT	II
DISCLAIMER.....	III
ACKNOWLEDGEMENTS.....	IV
TABLE OF CONTENTS.....	V
ABSTRACT	VIII
Chapter I.....	1
A. Background	1
B. Research Questions.....	7
C. Research Purpose	7
D. Benefit of the Study	7
E. Originality of Research	8
Chapter II	10
A. Production Sharing Contract in Upstream Oil and Gas Business Activity.....	10
A.1. History of Oil and Gas Business Activity Management in Indonesia ...	10
A.1.a. Concession System	10
A.1.b. Services Contract (Kontrak Karya)	12
A.1.c. Production Sharing Contract	13
A.2. Upstream Oil and Gas Businesses	14
A.3. Production Sharing Contract Mechanism	16
B. General Overview on Domestic Market Obligation	19
B.1. General Understanding of Domestic Needs.....	19
B.2. Domestic Market Obligation in Indonesian Regulation	19
B.3. Mechanism of Domestic Market Obligation.....	22
C. Theoretical Review on Export Restriction in Quantitative Restriction	23
C.1. The World Trade Organization and GATT.....	23
C.2. Quantitative Restriction in GATT.....	25
C.3. Export Restriction	27

C.3.a. Quota.....	29
C.3.b. Export License.....	29
C.3.c. Through State-Trading Operation.....	30
C.3.d. Others	31
D. General Overview on the implementation of Validity of Contract in Indonesia	32
D.1. Agreement.....	32
D.2. Validity of contract in Indonesia through Civil Code.....	33
Chapter III.....	37
A. Type of Research.....	37
B. Type of Data.....	37
C. Data Collection.....	38
D. Data Analysis	39
E. Overcome the challenge	40
Chapter IV	41
A. Domestic Market Obligation Clause in Production Sharing Contract and Quantitative Restriction in GATT 1994.....	41
A.1. Analysis on Domestic Market Obligation Clause.....	42
A.1.a. Domestic Market Obligation Clause Position	42
A.1.b. Domestic Market Obligation in Indonesian Law	43
A.1.c. Implementation of Domestic Market Obligation Regulation in the Production Sharing Contract.....	45
A.2. Application of Article XI on General Elimination of Quantitative Restriction upon Domestic Market Obligation.....	47
A.2.a. Understanding Quantitative Restriction Article XI(1)	47
A.2.b. Domestic Market Obligation and Article XI (1) GATT 1994 on General Elimination on Quantitative Restriction.....	48
A.3. Exceptions Available in GATT 1994 upon the Implementation of Domestic Market Obligation Contractual arrangements in oil and gas mining enterprises in Indonesia	51
A.3.a. Exception in Article XI (2).....	51
A.3.b. Domestic Market Obligation and GATT's General Exception Article XX.....	54

B. Validity of Production Sharing Contract in Comprising Domestic Market Obligation Clause	62
B.1. Determining Production Sharing Contract Position as an Agreement...	63
B.1.a. Production Sharing Contract as an Agreement in Indonesian Contract Law	63
B.1.b. Determining Production Sharing Contract as International Agreement.....	66
B.1.c. Production Sharing Contract under Investment Law.....	69
B.2. Analysis on the Validity of Production Sharing Contract towards GATT Compliances.....	71
B.2.a. Validation Measurement towards Article 1320 Civil Code	71
B.2.b. Measurement on 'Legal Clause' of Domestic Market Obligation Clause in Production Sharing Contract	74
Chapter V	84
A. Conclusion.....	84
B. Recommendation.....	85
Bibliography.....	87