

## BIBLIOGRAPHY

### BOOKS

- Asrilhant B, 2005, *A Program for Excellence in the Management of Exploration and Production Projects*, Proceeding of Offshore Technology Conference, Houston Texas
- Babusiaux Denis, 2007, *Oil and Gas Exploration and Production: Reserves, Costs, Contracts*, IFP Publications, Paris
- Barak Abaron, 2005, *Purposive Interpretation in Law*, Princeton University Press, New Jersey
- Barnett Randy, 1986, *A Consent Theory of Contract*, Georgetown University Law Center, Georgetown
- Black, Henry Campbell, 1990, *Black's Law Dictionary 6<sup>th</sup> edition*
- Black, Henry Campbell, 1990, *Black's Law Dictionary 6<sup>th</sup> edition*, West Publishing, St.Paul,MN
- Boundy Charles, 2010, *Business Contract Handbook*, Gower Publishing Company, Burlington
- Cane Peter, 1997, *The Anatomy of Tort Law*, Hart Publishing, Oxford
- Coordinating Committee for Geoscience Programmes in East and South East Asia(CCOP EPF), 2002, *Indonesia Contract Terms*, Bangkok
- Emilia Onyema, 2010, *International Commercial Arbitration and the Arbitrator's Contract*, Routledge, New York
- Fauzan H.M., 2014, *Kaidah Penemuan Hukum Yurisprudensi Bidang Hukum Perdata*, Prenadamedia Group, Jakarta
- Fauzi A, 2007, *Mail Merge: Solusi Praktis Untuk Surat-Surat Bisnis*, PT Elex Media Komputindo, Jakarta
- Fergus Ryan, 2003, *Contract Law (Nutshells)*, Thomson Round Hall, Dublin
- Fried Charles., 1981, *Contract as Promise: A Theory of Contractual Obligations*, Harvard University Press, Cambridge
- Gary Born, 2009, *International Commercial Arbitration*, Kluwer law International, The Hague

- H.J. Schlochhauer, 1981, *Arbitration*, in R. Bernhardt (ed.), “*Encyclopedia of Public International Law*”, Installment 1
- Hamzah, Andi, 2000, *Hukum Acara Pidana Indonesia*, Sinar Grafika, Jakarta
- Harahap, M. Yahya , 2003, *Arbitrase Second Edition*, Sinar Grafika, Jakarta
- Hart Herbert L.A, 1961, *The Concept of Law*, Oxford University Press, London
- Hasan, Achmad Madjedi, 2005, *Pacta Sunt Servanda: The Principle and its application in Petroleum Production sharing contract*, Fikahati Aneska, Jakarta
- Hiariej, Eddy. O.S, 2012, *Teori Hukum dan Hukum Pembuktian*, Erlangga, Jakarta
- James A Holland and Julian S. Webb, 1991, *Learning Legal Rules*, Blackstone Limited, London
- Kachel Markus J, 2008, *Particularly Sensitive Sea Areas The IMO’s Role in Protecting Vulnerable Marine Areas*, Springer, Hamburg
- Kelleher Thomas J, Corgan Brian G, Dorris William E., 2002, *Construction Disputes: Practice Guide With Forms Second Edition*, Aspen Publishers, New York
- Kraus Richard S, 2012, *Encyclopedia of Occupational Health and Safety Fourth Edition*, International Labor Office, Ontario
- Larenz K, 1967, *Pure Theory of Law 2<sup>nd</sup> edition*, Knights Trans, Germany  
Learning Commons Fast Facts Series, 2004, *Writing a Literature Review*, University of Guelph, Ontario
- Lionberger Richard L., 2013, *Backdating The Contract Effective Date; Pitfalls And Practices*, Lionberger & Associates, Houston Texas
- Locke John, 1690, *Two Treatises of Government*, Awnsham Churchill, London
- Machmud Tengku Nathan, 2000, *The Indonesian Production Sharing Contract: An Investor Persepctive*, Kluwer Law International, The Hague
- Margaret L. Moses, 2008, *The Principles and Practice of International Commercial Arbitration*, Cambridge University Press, Cambridge
- Mersky, R., M, Dunn, D., J., 2002, *Legal Research Illustrated*, Foundation Press, New York

- Mertokusumo Sudikno, 1995, *Mengenal Hukum: Suatu Pengantar*, Liberty, Yogyakarta
- Mitchell Catherine, 2015, *Interpretation of Contracts*, Routledge, Oxford
- Nicholas Waliman, 2004, *Your Undergraduate Dissertation*, Sage Publication, London
- O'Sullivan, Arthur , Sheffrin Steven M, 2003, *Economics: Principles in Action* , Pearson Prentice Hall , Upper Saddle River, New Jersey
- Peter Mahmud Marzuki, 2007, *Penelitian Hukum*, Kencana, Jakarta
- Rahman Sabri Haris Abd, Abdul Rahim Abd. Rahman, Kuan Yew Wong, Ismail Syuhaida, 2017, *Project Management in Oil and Gas Industry: a Review*, UTM Razak School of Engineering and Advanced Technology, Kuala Lumpur
- Redfern Alan, Hunter Martin, Blackaby Nigel, Partasides Constantine, 2004, *Law and Practice of International Commercial Arbitration*, Sweet & Maxwell, London
- Rubiandini Rudi, 2018, *Industri Hulu Migas dan Dana Bagi Hasil*, Bandung Sukaprinting, Bandung
- Salim H.S, 2010, *Perkembangan Hukum Kontrak Innominaat di Indonesia*, Sinar Grafika, Jakarta
- Salim H.S., 2003, *Hukum Kontrak: Teori dan Teknik Penyusunan Kontrak*, Penerbit Sinar Grafika, Jakarta
- Satrio J., 1992, *Hukum Perjanjian*, PT Citra Aditya Bakti, Bandung
- Serge Moscovici and Willem Doise, 1994, *Conflict and Consensus: A General Theory of Collective Decisions*, Sage Publications Ltd, London
- Slocum Brian G., 2017, *The Nature of Legal Interpretation: What Jurist Can Learn About Legal Interpretation from Linguistics and Philosophy*, The University of Chicago Press, Chicago
- Soerjono Soekanto, 2011, *Pengantar Penelitian Hukum*, UI-Press, Depok
- Soesilo R. , 1995, *RIB/HIR Dengan Penjelasan*, Politeia, Bogor

Suharsini Arikunto, 1996, *Prosedur Penelitian: Suatu Pendekatan Praktek*, Rineka Cipta, Yogyakarta

Sunarya Wahyudin, Taufik Giri Ahmad, 2017, *Penghantar Hukum Minyak dan Gas Indonesia*, Kantor Hukum Wibowo & Rekan, Depok

Vietzen Laurel A, 2013, *Practical Contract Law for Paralegals: An Activities-Based Approach*, Walters Kluwer Law and Business, New York

Wing Hong Chui, 2007, "Quantitative Legal Research", in McConville and Chui (eds.), *Research Methods for Law*, Edinburgh University Press, Edinburgh

### **LEGAL INSTRUMENTS**

Indonesia Government Regulation number 33 of 1994 concerning *Syarat-Syarat dan Pedoman Kerjasama Kontrak Bagi Hasil Minyak dan Gas Bumi*, in State Gazette of the Republic of Indonesia number 64 of 1994, and supplement of State Gazette of the Republic of Indonesia number 4435

Indonesia Government Regulation number 41 of 1982 concerning *Obligations and Procedures for Depositing Government Revenues from Pertamina's Own Operating Results and Production Sharing Contracts*, in State Gazette of the Republic of Indonesia number 68 of 1982, and supplement of State Gazette of the Republic of Indonesia number 3239

Indonesia Government Regulation number no. 42 of 2002 concerning *Executive Agency for Upstream Oil and Gas Business Activities*, in State Gazette of the Republic of Indonesia number 81 of 2002, and supplement of State Gazette of the Republic of Indonesia number 4216

Indonesia HIR (*Herzien Inlandsch Reglement*)

Indonesia Presidential Decree number 169 of 2000 concerning the principles of Pertamina organization

Indonesia Presidential Decree number 42 of 1989 concerning the Cooperation between Pertamina and the Oil and Gas Purification and Processing Business Entity

Indonesia RBG (*Rechtreglement Buitengewesten*)

Indonesia RV (*Reglement of de Rechtvordering*)

Indonesian Civil Code, Kitab Undang-undang Hukum Perdata KUHPER,  
(*Burgerlijk Wetboek voor Indonesie*)

Law number 22 of 2001 concerning Oil and Gas, in in State Gazette of the Republic of Indonesia number 136 of 2001, and supplement of State Gazette of the Republic of Indonesia number 4152

Law number 30 of 1999 concerning *Arbitration and Alternative Dispute Resolution (Arbitration Law)*, in State Gazette of the Republic of Indonesia number 138 of 1999, and supplement of State Gazette of the Republic of Indonesia number 3872

Supreme Court decision no.1904/K/sip/1982 (19 January 1984)

The 1945 Indonesian Constitution

#### **COURT DECISIONS**

Court decision no.2178/K/Pdt/2008, between PT Dwi Damai v. PT Philips Indonesia and PT Philips Electronics Singapore Pte. Ltd (12 September 2009)

South Africa Court Decision City of Cape Town (CMC Administration) v Bourbon – Leftley (15 September 2005)

United State of America court decision Nelson v. Pearson Ford Co (15 July 2010)

#### **ARBITRAL AWARDS**

PT Asia Petrocom Services v.JOB Pertamina Medco E&P Tomori Sulawesi (26 November 2015)

#### **JOURNALS**

Bernard Hanotiau, 2011, *Consent to Arbitration: Do We Share a Common Vision?*, Arbitration International, Vol. 27

Budiono Herlien, 2010, *Ajaran Umum Hukum Perjanjian dan Penerapannya di Bidang Kenotariatan*, Citra Aditya, Bandung

Irianto Sigit, Wardani W.I. 2015, *Promissory Estoppel, Doctrine and Indonesia Contract law Development*, South East Asia Journal of Contemporary Business, Economics, and Law, Vol 7, Issue 4

Paliashvili Irina, 1998, *The Concept of Production Sharing*, Journal on the Legislation by The President of the Russian-Ukrainian Legal Group

Podesta Costa and Ruda, 1991, *Derecho International Public*, Vol. 2 pg. 397 quoted in Jose Sette-Law: *Methods of Obligatory Settlement of*

*Disputes, in Bedjaoui (ed.), "International Law: Achievements and Prospects", UNESCO*

Skubiszewski Krzysztof, 1995, *International Legislation Vol II*, EPIL, the Hague

Stavros Brekoulakis, 2009, *The Relevance of the Interests of Third Parties in Arbitration: Taking a Close Look at the Elephant in the Room*, Penn State Law Review, vol. 113, No.4

Waqas Muhammad, 2014, *Joint Operating Agreements: History and Development of JOAS In the Oil and Gas Industry*, Oil and Gas Financial Journal, United Arab Emirates

#### INTERNET SOURCES

Allen R. Clayton, 2009, *Arbitration: Advantages and Disadvantages*, at <https://www.allenandallen.com/arbitration-advantages-and-disadvantages/> (accessed on 19 July 2018)

Al-Tamimi & Co, *is Backdating Legal?* at <https://www.tamimi.com/law-update-articles/is-backdating-legal/> (accessed on 9 October 2018)

Arnold David, *Integrated Project Management: What it Means (& Proven Tips for Success)*, at <https://www.workamajig.com/blog/what-is-integrated-project-management-2> (accessed on 31 July 2018)

Association of Corporate Counsel Delaware Valley Chapter, *The implied Covenant of Good Faith and Fair Dealing*, at [https://www.acc.com/chapters/del/upload/2014-02-12\\_Stradley-Ronon\\_Good\\_Faith\\_Presentation.pdf](https://www.acc.com/chapters/del/upload/2014-02-12_Stradley-Ronon_Good_Faith_Presentation.pdf) (accessed on 1 October 2018)

Auto Dealer Law, *Proper Dating of Contracts: Avoiding Liability After Nelson v. Pearson Ford*, at <http://www.autodealerlaw.com/2011/09/proper-dating-of-contracts/> (accessed on 21 September 2018)

BANI, *About Badan Arbitrase Nasional Indonesia*, at <http://www.baniarbitration.org> (accessed on 19 July 2018)

Bloomberg LP, *Asia Petrocom Services PT*, <https://www.bloomberg.com/profiles/companies/1053017D:IJ-asia-Petroxx-services-pt> (accessed on 19 July 2018)

Direktorat Jenderal Administrasi Hukum Umum, *Profil Perusahaan di Indonesia* at <https://ahu.go.id/profil-pt/cari?type=perseroan&nama=asia+Petroxx+services>, (accessed on 19 July 2018)

- Easo Jubilee, *UK: Product Sharing Agreements-Practice and Trends*, at <http://www.mondaq.com/uk/x/390528/Oil+Gas+Electricity/Production+Sharing+Agreements+Practice+And+Trends> (accessed on 2 August 2018)
- Erni Herawati, *Konsensus dalam Perjanjian*, at <http://business-law.binus.ac.id/2016/07/25/konsensus-dalam-perjanjian/> (accessed on 5 October 2018)
- Fishman Stephen, *Pros and Cons of hiring Independent Contractor*, at <https://www.nolo.com/legal-encyclopedia/pros-cons-hiring-independent-contractors-30053.html> (accessed on 6 August 2018)
- Halliburton, *Integrated Project Management*, at <http://www.halliburton.com/en-US/ps/project-management/project-management/integrated-project-management.page> (accessed on 2 August 2018)
- Handscomb Christopher, *The Oil and Gas Organization of the Future*, at <https://www.mckinsey.com/industries/oil-and-gas/our-insights/the-oil-and-gas-organization-of-the-future> (accessed on 31 July 2018)
- Investopedia, *Annual Percentage Rate – APR*, at <https://www.investopedia.com/terms/a/apr.asp> (accessed on 4 October 2018)
- Investopedia, *Spud*, at <https://www.investopedia.com/terms/s/spud.asp> (accessed on 4 July 2018)
- Lavis jason, *Drilling operators, contractors, and service companies*, at <https://drillers.com/drilling-operators-contractors-service/> (accessed on 4 July 2018)
- Le Roux Brink Cohen, *Some Terms of a contract may be tacit*, at [http://bclr.com/Some\\_Terms\\_May\\_Be\\_Tacit.htm](http://bclr.com/Some_Terms_May_Be_Tacit.htm), (accessed on 24 September 2018)
- Lioudis Nickolas, *How long do oil and gas producers need to go from drilling to production?* at <https://www.investopedia.com/ask/answers/061115/how-long-does-it-take-oil-and-gas-producer-go-drilling-production.asp> (accessed on 31 July 2018)
- MedcoEnergi, *CompanyProfile*, at <http://www.medcoenergi.com/en/page/view/244> (accessed on 19 July 2018)

- Merriam-Webster dictionary, *definition of Inference*, at <https://www.merriam-webster.com/dictionary/inference> (accessed on 11 October 2018)
- NPS Law Office, *Perbedaan Das Sollen dan Das Sein* at <http://www.npslawoffice.com/perbedaan-das-sollen-dan-das-sein/> (accessed on 26 March 2018)
- PT Pertamina (Persero), *Siapa Kami*, at <https://www.pertamina.com/id/siapa-kami> (accessed on 19 July 2018)
- Shietra Hery, *Legal opinion: Hakim Memiliki Kekuasaan Untuk Mencampuri Isi Perjanjian*, at <https://www.hukum-hukum.com/2016/07/iustum-pretium-dalam-kontrak.html> (accessed on 22 September 2018)
- Supra Indodrill, *how long does it take to drill a well?* At <https://www.quora.com/How-long-does-it-take-to-drill-a-well> (accessed on 31 July 2018)
- Supriyanto Simon, *SPK (Surat Perintah Kerja)*, at <https://katalisindonesia.com/wp/2013/01/17/spk-surat-perintah-kerja/> (accessed on 14 August 2018)
- The Complex Litigator, *In Nelson v. Pearson Ford Co., Court of Appeal reviews judgement in class action clarifies "causation" in UCL "omission" cases*, at <http://thecomplexlitigator.com/post-data/2010/7/15/in-nelson-v-pearson-ford-co-court-of-appeal-reviews-judgment.html> (accessed on 20 September 2018)
- US Court Decision, *Nelson V. Pearson Ford Co.* at <https://caselaw.findlaw.com/ca-court-of-appeal/1531498.html> (accessed on 25 September 2018)
- USLegal, *definitions*, at <https://definitions.uslegal.com/t/tacit-acceptance/> (accessed on 23 September 2018)
- USLegal, *definitions*, at <https://definitions.uslegal.com/t/tacit-acceptance/> (accessed on 23 September 2018)
- USLegal, *Freedom of Contract and Legal Definition*, at <https://definitions.uslegal.com/f/freedom-of-contract/> (accessed on 3 October 2018)
- Vorys, Sater, Seymour and Pease LLP, *Oil and Gas Alert: Pros and Cons: Use of Independent Contractors in the Oil and Gas Industry*, at <https://www.vorys.com/publications-1367.html> (accessed on 31 July 2018)



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**LEGAL ANALYSIS TOWARDS CONTRACT INTERPRETATION REGARDING BACKDATED  
AMENDMENT OF CONTRACT AND TACIT  
ACCEPTANCE (CASE STUDY: BANI ARBITRAL AWARD PT ASIA PETROXX SERVICES V. JOB  
PERTAMXX MEDCXX E&P  
TOMORI SULAWESI)**

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