

“LOCAL GOVERNMENT INVOLVEMENT IN THE 10 PERCENT PARTICIPATING INTEREST MECHANISM DUE TO THE EXPIRATION OF COOPERATIVE CONTRACT WITH TOTAL E&P INDONESIA AND INPEX IN MAHAKAM BLOCK”

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ABSTRACT

Due to the expiration of Cooperative Contract at the end of 2017 between Indonesian Government and Total E&P Indonesia and Inpex in Mahakam Block, an oil and gas refinery in East Kalimantan, Pertamina through its subsidiary, PT Pertamina Hulu Mahakam has become the new contractor as well as the operator of Mahakam Block. Based on Minister of Energy and Mineral Resources Regulation No. 37 Year 2016 PT Pertamina Hulu Mahakam has the obligation to offer 10% Participating Interest to oil and gas working area which later had been accepted by PT Migas Mandiri Pratama, the East Kalimantan's Regional-Owned Enterprise. This legal research aims to know and analyze whether the mechanism of the 10% Participating Interest offer by Pertamina to the Regional-Owned Enterprise has done based on the Ministerial Regulation mentioned above also to know and analyze the obstacles in implementing the 10% Participating Interest offer which resulted in delay in receiving profit by the local government of East Kalimantan.

Type of research will be applied by the author on this legal research is normative-empirical legal research. Normative legal research is needed to analyze the laws and regulations, books, and other literature related to the 10% Participating Interest Offer. As for the empirical legal research will be useful to understand the practice and mechanism of the 10% Participating Interest Offer done by Pertamina to Regional-Owned Enterprise owned by Regional Government of East Kalimantan.

The implementation of 10% Participating Interest mechanism has been implemented based on the Ministerial Regulation mentioned above. However, until today the Local Government of both East Kalimantan Province and Kutai Kartanegara Regency have not able to enjoy the profit from the 10% Participating Interest. The obstacles faced in implementing the 10% Participating Interest offer are due to the ownership of the Regional-Owned Enterprise's share that was once not in accordance with the regulation, existence of signature bonus, conflict of interest of the receiving regions, and the absence of regulations regarding the certainty of the distribution of 10% Participating Interest portions.

Keywords: 10% Participating Interest, Local Government, Regional-Owned Enterprise, Mahakam Block.

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**“KETERLIBATAN DAERAH DALAM MEKANISME PARTICIPATING
INTEREST 10% PASCA BERAKHIRNYA KONTRAK KERJA SAMA
TOTAL E&P INDONESIA DAN INPEX
DI BLOK MAHAKAM”**

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INTISARI

Pasca berakhirnya Kontrak Kerjasama di akhir tahun 2017 antara Pemerintah Indonesia dengan Total E&P Indonesia dan Inpex di Blok Mahakam, sebuah kilang migas di Kalimantan Timur, Pertamina melalui anak perusahaannya, PT Pertamina Hulu Mahakam telah menjadi kontraktor sekaligus operator baru Blok Mahakam. Berdasarkan Peraturan Menteri ESDM No. 37 Tahun 2016, PT Pertamina Hulu Mahakam berkewajiban untuk menawarkan Participating Interest 10% kepada wilayah kerja minyak dan gas bumi yang kemudian diterima oleh PT Migas Mandiri Pratama sebagai BUMD milik Kalimantan Timur. Penulisan hukum ini bertujuan untuk mengetahui dan menganalisa apakah mekanisme penawaran Participating Interest 10% oleh Pertamina kepada BUMD telah dilaksanakan berdasarkan Peraturan Menteri di atas juga untuk mengetahui dan menganalisa hambatan dalam pelaksanaan penawaran Participating Interest 10% yang mengakibatkan tertundanya penerimaan keuntungan oleh pemerintah daerah Kalimantan Timur.

Jenis penelitian yang akan penulis gunakan dalam penulisan hukum ini adalah jenis penelitian hukum normatif-empiris. Penelitian hukum normatif dibutuhkan untuk menganalisa peraturan perundang-undangan, buku, dan literatur lainnya yang berkaitan dengan Penawaran Participating Interest 10%. Sedangkan jenis penelitian empiris berguna untuk memahami praktek atau implementasi dari Penawaran Participating Interest 10% yang dilakukan oleh Pertamina kepada BUMD milik Pemerintah Kalimantan Timur.

Implementasi mekanisme Participating Interest 10% telah dilaksanakan berdasarkan Peraturan Menteri di atas. Namun, hingga saat ini baik Pemerintah Provinsi Kalimantan Timur maupun Pemerintah Kabupaten Kutai Kartanegara belum bisa menikmati keuntungan dari Participating Interest 10%. Hambatan yang dihadapi dalam menjalankan penawaran Participating Interest 10% adalah kepemilikan saham dari BUMD yang sempat tidak bersesuaian dengan Peraturan Menteri yang ada, adanya pengenaan signature bonus, konflik kepentingan dari daerah penerima tawaran, dan belum adanya peraturan mengenai kepastian pembagian porsi Participating Interest 10%.

Kata kunci: *Participating Interest 10%, Pemerintah Daerah, BUMD, Blok Mahakam*

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