

## BIBLIOGRAPHY

### BOOKS

- Adolf, Huala, 2004, *Hukum Penyelesaian Sengketa Internasional*, Sinar Grafika, Bandung.
- Akyüz' Sule, 2001, *The Jurisdiction of ICSID: The Application of the Article 25 of Convention on the Settlement of Investment Disputes Between States and Nationals of Other States*, American University.
- Ali, Zainuddin, 2009, *Metode Penelitian Hukum*, Sinar Grafika, Jakarta.
- Amiruddin and Asikin, Zainal, 2004, *Pengantar Metode Penelitian Hukum*, Raja Grafindo Persada, Jakarta.
- Ariadno, Melda Kamil, 2004, *Hukum Internasional dan Berbagai Permasalahannya (Suatu Kumpulan Karangan)*, Lembaga Pengkajian Hukum Internasional Fakultas Hukum UI, Jakarta.
- Boudreaux, Donald J., 2008, *Globalization*, Greenwood Press, Westport.
- De Jonge, Alice, 2011, *Transnational Corporations and International Law, Accountability in the Global Business Environment*, Edward Elgar, Cheltenham, UK.
- Dulupçu, Murat Ali and Isparta, Onur Demirel, 2005, *Globalization and Internationalization*, Research report under The project funded with support from the European Commission (226388-CP-1-2005-1-DECOMENIUS-C21).
- Faindez, Julio and Tan, Celine, et. al., 2010, *International Economic Law, Globalization and Developing Countries*, Edward Elgar, Cheltenham.
- Faisal Salam, 2007, *Penyelesaian Sengketa Bisnis Secara Nasional dan Internasional*, Mandar Maju, Bandung.
- Fuady, Munir, 2008, *Pengantar Hukum Bisnis: Menata Bisnis Modern di Era Global*, PT. Citra Aditya Bakti, Bandung.
- Garner, Bryan A., 1999, *Black Law Dictionary, 7<sup>th</sup> Edition*, West Group, St. Paul, Minnesota.
- Harjono, Dhaniswara K., 2007, *Hukum Penanaman Modal: Tinjauan terhadap Pemberlakuan UU No. 25 Tahun 2007 Tentang Penanaman Modal*, PT. Raharja Grafindo Persada, Jakarta.
- Holland, James A. and Webb, Julian S., 1991, *Learning Legal Rules*, Blackstone limited, Great Britain.

- Kanowitz, Leo, 1985, *Cases and Materials on Alternative Dispute Resolution*, American Casebook Series, West Publishing Co, University of California
- Mann, Howard, *et. Al.*, 2006, *IISD Model International Agreement on Investment for Sustainable Development, Negotiator's Handbook, Second edition*, International Institute for Sustainable Development.
- Mertokusumo, Sudikno, 1995, *Mengenai Hukum: Suatu Pengantar*, Liberty, Yogyakarta.
- Muchlinski, P.T., 1999, *Multinational Enterprises and the Law*, Blackwell, Oxford.
- \_\_\_\_\_, 2010, *Oxford Dictionary of English*, Oxford: University Press.
- Panjaitan, Hulaman and Sianipar, Anner, 2008, *Hukum Penanaman Modal Asing*, CV. Indhill Co, Jakarta.
- Prasetiantono, Tony, 2003, *Implementasi Foreign Direct investment (FDI) di Indonesia (Sebelum dan Setelah diundangkan Undang-Undang Nomor 25 Tahun 2007 Tentang Penanaman Modal)*, Pustaka Rakyat Cerdas, Yogyakarta
- Rahardjo, Satjipto, 1986, *Ilmu Hukum*, Alumni Bandung, Bandung.
- Rakhmawati, N. Rosyidah, 2003, *Hukum Penanaman Modal di Indonesia Dalam Menghadapi Era Global*, Bayumedia Publishing, Malang.
- Salim, H. S. and Sutrisno, Budi, 2008, *Hukum Investasi di Indonesia*, PT. Raja Grafindo Persada, Jakarta.
- Schill, Stephan W., 2009, *The Multilateralization of International Investment Law*, Cambridge University Press, Cambridge.
- Schreuer, Christopher H., 2009, *The ICSID Convention: A Commentary*, Cambridge University Press, Cambridge.
- Sembiring, Sentosa, 2010, *Hukum Investasi (Pembahasan Dilengkapi dengan Undang-Undang Nomor 25 Tahun 2007 tentang Penanaman Modal)*, Nuansa Aulia, Bandung.
- Shaw, Malcolm N., 2003, *International Law*, Fifth Edition, Cambridge University Press, Cambridge.
- Shearer, 1984, *Starke's International Law*, 11<sup>TH</sup> ed., Butterworths, USA.
- Soekanto, Soerjono, 1984, *Pengantar Penelitian Hukum*, UI Press, Jakarta.
- Soekanto, Soerjono, 1986, *Pengantar Penelitian Hukum*, Penerbit Universitas Indonesia, Jakarta.

- Soekanto, Soerjono and Mamudji, Sri, 2006, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Rajawali Pers, Jakarta.
- Sornarajah, M., 2010, *The International Law on Foreign Investments*, Third Edition, Cambridge University Press, Cambridge.
- Subedi, Surya P., 2008, *International Investment Law, Reconciling Policy and Principle*, Hart Publishing, Oxford and Portland, Oregon.
- Suny, Ismail, and Rudiro, Rochmat, 1998, *Tinjauan dan Pembahasan Undang-Undang Penanaman Modal Asing dan Kredit Luar Negeri*, Pradjna Paramita, Jakarta.
- Sutiyoso, Bambang, 2006, *Penyelesaian Sengketa Bisnis: Solusi dan Antisipasi bagi Peminat Bisnis dalam Mengadapi Sengketa Kini dan Mendatang*, Cetakan 1, Citra Media, Yogyakarta.
- Umar, Aminudin, 2004, *Hukum Penanaman Modal di Indonesia*, Kencana, Jakarta.
- Voss, Jan Ole, 2011, *The Impact of Investment Treaties on Contracts between Host States and Foreign Investors*, Martinus Nijhoff, Leiden.
- United Nations, 1974, *Impacts of Multinational Corporations on Development and on International Relations*, American Society of International Law.
- UNCTAD, 2007, *Bilateral Investment Treaties 1995-2006: Trends in Investment Rulemaking*, United Nations, New York and Geneva.

#### **AGREEMENTS, TREATIES, AND CONVENTIONS**

- Agreement between the Government of the Kingdom of Norway and the Government of the Republic of Lithuania on the Promotion and Mutual Protection of Investments.
- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Indonesia for the Promotion and Protection of Investments.
- Agreement between the Republic of Austria and Malta on the Promotion and Mutual Protection of Investments
- Deed of Beneficial Control and Ownership between (1) PT Ridlatama Steel, PT Ridlatama Power, PT Ridlatama Tambang Mineral, PT Ridlatama Trade Powerindo and PT Techno Coal Utama Prima and (2) PT Indonesia Coal Development dated 22 May 2007.
- ICSID Convention.
- ICSID Rules of Procedure for Arbitration Proceedings.

Law No. 1 of 1967 regarding Foreign Investment (Additional explanation in the State Gazette of the Republic of Indonesia Number 2818)

Law No. 30 of 1999 regarding Arbitration and Alternative Dispute Resolution.

Law No. 25 of 2007 regarding Investment (State Gazette of the Republic of Indonesia Year 2007 No. 67, Supplement State Gazette of the Republic of Indonesia No. 4724)

Presidential Decree No. 33 of 1981 regarding the Capital Investment Coordinating Board.

Presidential Regulation No. 27 of 2009 regarding One Stop Services in the Field of Investment.

Treaty Between United States of America and the Argentine Republic concerning the Reciprocal Encouragement and Protection of Investment.

UNCITRAL Arbitration Rules 1976.

Vienna Convention on the law of treaties 1969.

## INTERNATIONAL INVESTMENT ARBITRATION AWARDS

*Amco Asia Corporation and others v. Republic of Indonesia*, Award on Jurisdiction, 25 September 1983.

*Asian Agricultural Products Ltd. v. Republic of Sri Lanka*, ICSID Case No. ARB/87/3.

*Apotex Holdings Inc. and Apotex Inc. v. United States of America*, ICSID Case No. ARB(AF)/12/1, Procedural Order Deciding Bifurcation and Non-Bifurcation, 25 January 2013.

*Churchill Mining Plc. v. Republic of Indonesia*, ICSID Case No. ARB/12/14 and 12/40, Decision on Jurisdiction, of 24 February 2014.

*ConocoPhillips Petrozuata BV, ConocoPhillips Hamaca BV and ConocoPhillips Gulf of Paria BV v Bolivarian Republic of Venezuela*, ICSID Case No ARB/07/30.

*Daimler Financial Services AG v. Argentine Republic*, ICSID Case No. ARB/05/1, Award, 22 August 2012.

*Desert Line Projects LLC v. Yemen*, ICSID Case No. ARB/05/17, Award, 6 February 2008.

*Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines.*, ICSID Case No. ARB/03/25, Award, 16 August 2007.

*Millicom International Operations B.V. and Sentel GSM S.A. v. Republic of Senegal* (“*Millicom*”), ICSID Case No. ARB/08/20, Decision on Jurisdiction, 16 July 2010.

*Perenco Ecuador Limited v Republic of Ecuador*, ICSID Case No ARB/08/6, Decision on Reconsideration Motion, 10 April 2015.

*Philippe Gruslin v. Malaysia*, ICSID Case No. ARB/99/3, Award, 28 November 2000.

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

*Plama Consortium Limited v. Republic of Bulgaria*, ICSID Case No. ARB/03/24, Decision on Jurisdiction, 8 February 2005.

*Swiss Aluminium Limited and Icelandic Aluminium Company Limited v. Iceland*, ICSID Case No. ARB/83/1.

*Tokios Tokelés v. Ukraine*, ICSID Case no. ARB / 02/18, Decision on Jurisdiction, 29 April 2004.

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

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

*SGS Société Générale de Surveillance S.A. v. Islamic Republic of Pakistan*, ICSID Case No. ARB/01/13.

## JOURNALS AND PAPERS

Adiastuti, Anugrah, “*Implementasi Foreign Direct Investment (FDI) di Indonesia (Sebelum dan Setelah diundangkannya Undang-Undang Nomor 25 Tahun 2007 Tentang Penanaman Modal)*”, *Pandecta*, Vol. 6, No. 2, Juli 2011.

Brahmana, Sophie Dhinda Auliam et al., “*Penyelesaian Sengketa Penanaman Modal Melalui Arbitrase Internasional (Studi Kasus Pencabutan Izin Kuasa Pertambangan Churchill Mining oleh Pemerintah Daerah Kabupaten Kutai Timur)*”, *Transparency, Jurnal Hukum Ekonomi*, Vol. 1 No. 2, Feb-Mei 2013

Bergman, Mark s., “*Bilateral Investment Protection Treaties: An Examination Of The Evolution And Significance Of The U.S. Prototype treaty*”, *New York University Journal of International Law and Politics* 1, 1983.

Christie, R. H., “*International Arbitration: Protection of Foreign Direct investment and Foreign Investment Dispute Settlement under ICSID and Bilateral Investment Treaties*”, PhD diss., University of Cape Town, 2007.

- Egli, Gabriel, “Don’t Get BIT: Addressing ICSID’s Inconsistent Application of Most Favoured- Nation Clauses to Dispute Resolution Provisions”, *Pepperdine Law Review*, 34 *Pepp. L. Rev.* 2007.
- Elkins, Zachary, *et al.*, “Competing for Capital: The Diffusion of Bilateral Investment Treaties”, *University of Illinois Law Review*, Vol. 2008, No. 1, 1960-2000.
- Frederika Clarissa, Ranggalawe Suryasaladin, *et. Al.*, “Permasalahan Hukum Expropriation atas Kepemilikan Investor Asing dalam Hukum Penanaman Modal Indonesia”, *Fakultas Hukum Universitas Indonesia*, 2014.
- Gill, *et al.*, “Contractual Claims and Bilateral Investment Treaties: A Comparative Review of the SGS Cases”, *Journal of International Arbitration*, Vol. 21 Issue 5, 2004.
- Gunawan, Yordan, 2017, “Arbitration Award of iCSID on the Investment Disputes of Churchill Mining PLC v. Republic of Indonesia”, *HARLEV*, Vol. 3 Issue 1, April 2017.
- Guzman, Andrew T., “Why LDCs Sign Treaties that Hurt Them: Explaining the Popularity of Bilateral Investment Treaties,” *Virgina Journal of International Law*, Vol. 38, 1998.
- Hidayati, Eka Husnul, *et. al.*, “Akibat Penghentian Bilateral Investment Treaty Indonesia-Belanda yang Dilakukan Secara Sepihak oleh Indonesia”, *USU Law Jurnal*, Vol. 5 No. 2, April 2017.
- Hodgson, Mélida, 2016, “Case Comment: Churchill Mining PLC and Planet Mining Pty Ltd v Republic of Indonesia: Procedural Order No 15” *ICSID Review*, Vol. 31, No. 1.
- Mann, Howard, “International Investment Agreements, Business and Human Rights: Key Issues and Opportunities”, *OECD Global Forum VII on International Investment*, International Institute for Sustainable Development, 27-28 March 2008.
- Nowrot, Karsten, “Transnational Corporations as Steering Subjects in International Economic Law: Two Competing Visions of the Future?”, *Indiana Journal of Global Studies*, Ind. J. Global Legal Studies, 2011.
- OECD, Interpretation of the Umbrella Clause in Investment Agreements, Working papers on International Investment Number 2006/3, 2006.
- Oegroseno, Ariv Havas, “Indonesia’s Bilateral Investment Treaties: Modernising for the 21st Century”, *RSIS Commentary*, No. 140, 15 July 2014.
- Salacuse, Jeswald W., “The Emerging Global Regime for Investment,” *Harvard International Law Journal*, Vol. 51, No. 2, 2010.



Sarwedi, “*Investasi Asing Langsung di Indonesia dan Faktor yang Mempengaruhinya*”, *Akuntansi & Keuangan*, Vol. 4, No. 1, Mei 2002.

Schill, Stephen W., “System-Building in Investment Treaty Arbitration and Lawmaking”, *German Law Journal*, Vol. 12 No. 5, 1 Mei 2011.

Schreuer, Christoph, “Travelling the BIT route (Of Waiting Periods, Umbrella Clauses and Forks in the Road)”, *The Journal of World Investment & Trade*, Vol 5 No. 2, 2004.

Schwebel, Stephen M., “A BIT about ICSID”, *ICSID Review, International Centre for Settlement of investment Disputes*, 2008.

Tambunan, Tulus, “*Daya Saing Indonesia dalam Menarik Investasi Asing*”, Seminar Bank Indonesia, Jakarta, 19 Desember 2007.

Temitayo, Bello Adesina, “The Rules of Procedure for Conciliation Proceedings in International Investment Law”, *Arabian Journal of Business and Management Review (OMAN Chapter)*, Vol. 4, No. 2, September 2014.

## REPORTS, GUIDELINES, AND OTHER DOCUMENTS

Commission on Human Rights, 9 February 2007, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises: “Business and Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts”, A/HRC/4/035.

Export.gov, “Indonesia Bilateral Investment Agreements” at <https://www.export.gov/article?id=Indonesia-bilateral-investment-agreements> (Accessed on October 20, 2017)

Hansen, Henrik and Rand, John, “On the Causal Links between FDI and Growth in Developing Countries”, at <http://www.econ.ku.dk/wpa/pink/2004/0430.pdf> (Accessed on 16 June 2017).

Globalization 101, “*What is Globalization?*”, at <http://www.globalization101.org/what-is-globalization/>, (Accessed on 14 June, 2017).

ICC, “Who We Are”, at <https://iccwbo.org/about-us/who-we-are/> (Accessed on July 6, 2017).

ICSID, “Concluded Cases with Details”, at <https://icsid.worldbank.org/en/Pages/cases/concludedcases.aspx?status=c> (Accessed June 19, 2017)

ICSID, *Convention on the Settlement of Investment Disputes between States and Nationals of Other States: Documents concerning the Origin and Formulation of the Convention*, Convention History, Vol.II, Part 1, 1968.

ICSID, “ICSID Convention Arbitration Rules”, at <https://icsid.worldbank.org/en/Pages/icsiddocs/ICSID-Convention-Arbitration-Rules.aspx>, (Accessed on August 14, 2017).

IMF, “IMF and the World Bank”, at <http://www.imf.org/en/About/Factsheets/Sheets/2016/07/27/15/31/IMF-World-Bank> (Accessed 17 August 2017).

Kementrian Perindustrian Republik Indonesia “Statistik Industri”, at <http://kemenperin.go.id/statistik/peran.php?ekspor=1> (Accessed July 25, 2017)

LCIA, “Introduction”, at <http://www.lcia.org/LCIA/introduction.aspx> (Accessed on July 6, 2017).

World Bank, Report of the Executive Directors on the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, published at 4 ILM 524 (18 March 1965).

UNCTAD, 2012, *World Investment Report 2012 Towards a New Generation of Investment Policies*, United Nations, New York and Geneva.

UNCTAD Denunciation of the ICSID Convention and BITs: Impact on Investor-State Claims Issue Note No. 2 December 2010.

UNCTAD, “Draft Code of Conduct on Transnational Corporations”, at <http://investmentpolicyhub.unctad.org/Download/TreatyFile/2891> (Accessed on June 18, 2017).

\_\_\_\_\_, “Mengulas Jejak IMF di Indonesia, Intervensi Tanpa Henti”, at [http://kau.or.id.20.masterwebnet.com/index2.php?option=com\\_content&do\\_pdf=1&id=48](http://kau.or.id.20.masterwebnet.com/index2.php?option=com_content&do_pdf=1&id=48) (Accessed 17 August 2017).