

Aspek hukum pembentukan dan pengoperasian badan operasi bersama (BOB) antara PT. Bumi Siak Pusako dengan Pertamina hulu beserta permasalahan hukumnya

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Abstrak

Skripsi ini menganalisis mengenai eksplorasi dan eksploitasi minyak dan gas bumi (yang dikategorikan sebagai kegiatan hulu menurut Undang-Undang Nomor 22 Tahun 2001) yang dilakukan melalui suatu Badan Operasi Bersama (BOB) antara PT Bumi Siak Pusako dan Pertamina Hulu. Temuan dari hasil penelitian meliputi permasalahan prosedur dan mekanisme pembentukan BOB beserta pembagian hak, kewajiban, tugas dan tanggung jawab berdasarkan hukum yang berlaku dan asas perjanjian pada umumnya. Lebih lanjut, bagaimana sifat hubungan hukum di dalam pengoperasian BOB tersebut.

Pokok-pokok permasalahan tersebut dijawab dengan menggunakan metode penelitian normatif yang menghasilkan kesimpulan bahwa BOB dibentuk melalui Joint Management Agreement (JMA) dan Joint Operating Agreement (JOA). Dimana kedua kontrak tersebut memuat tentang pembagian hak, kewajiban, tugas dan tanggung jawab di antara kedua pihak. Sedangkan sifat hubungan hukum di antara BOB dengan Negara dijelaskan lebih lanjut berdasarkan Production Sharing Contract (PSC) yang dapat memberikan kesimpulan mengenai kedudukan Negara yang kuat dalam Operasi Perminyakan tersebut.

.....This thesis analyzes the exploration and exploitation of oil and gas ? categorized as upstream activities under Indonesian Law No. 22 Year 2001 ? which is executed by Joint Operating Body (JOB) between PT Bumi Siak Pusako dan Pertamina. Findings from the research include issues regarding the procedure and mechanism in establishing the JOB and the classification of its rights, obligations, duties and responsibilities according to the applicable law and basic principles in general agreement. Furthermore, it elaborates the nature in refer to the legal relationship between JOB and the State with respect to the operation of JOB. These main issues will be answered and resolved by using the method of normative research which leads to the conclusion that the JOB is formed through a Joint Management Agreement (JMA) and Joint Operating Agreement (JOA). Where both contracts contained the division of rights, obligations, duties and responsibilities between the parties, while on the other hand, the nature of the legal relationship between the JOB with the State are further explained based on the Production Sharing Contract (PSC) which could be concluded that the position of State is superior in such Petroleum Operation.