

Penerapan stabilization clause dalam monetisasi liquefied natural gas (LNG) dalam rangka kegiatan usaha hulu minyak dan gas bumi di Indonesia = The implementation of stabilization clause in the monetization of liquefied natural gas (LNG) in the upstream business activities of petroleum and natural gas in Indonesia

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Abstrak

Monetisasi Liquefied Natural Gas (LNG) dalam rangka kegiatan usaha hulu minyak dan gas bumi di Indonesia, mendasarkan sistem usahanya pada kontrak, yaitu Kontrak Kerja Sama sebagai kontrak baku, yang membutuhkan perjanjian tambahan yaitu Principal of Agreement/Development Agreement dan Fiscal Agreement. Namun, monetisasi LNG cenderung menghadapi kendala berupa adanya tindakan sepihak Pemerintah Indonesia dalam mengubah kebijakan hukum, fiskal, tumpang tindih peraturan pusat dan daerah, maupun perizinan terhadap kontrak-kontrak yang telah disepakati oleh para pihak. Hal ini menimbulkan tidak adanya kepastian hukum bagi Kontraktor Kontrak Kerja Sama (KKKS) dalam melaksanakan kontrak, sehingga menghambat kegiatan monetisasi LNG. Stabilization Clause yang berkembang dalam kontrak konsesi kegiatan usaha minyak dan gas bumi di Amerika Serikat, hingga negara-negara produsen LNG lainnya, berperan untuk menjaga kontrak tetap berlaku sampai dengan batas waktu yang disepakati. Penelitian terhadap Stabilization Clause sangat diperlukan karena dapat dijadikan sebagai solusi terhadap permasalahan monetisasi LNG di Indonesia.

.....Liquefied Natural Gas (LNG) monetization in upstream business activities of petroleum and natural gas in Indonesia, based its business system on the contract, named Production Sharing Contract (PSC) as standart contract, which requires accesoir agreement, such as Principal of Agreement/Development Agreement and Fiscal Agreement. However, monetization of LNG tends to face constraint in form of unilateral action of the Government of Indonesia in changing the law, fiscal regime, overlapping central and local government regulation, as well as licensing of agreed contract by the parties. It creates no legal certainty for contractor of PSC to perform the contract, thereby inhibites LNG monetization activities. Stabilization Clause, which grows in concession agreement in business activities of petroleum and natural gas in United States of America to other LNG's producer countries, acts to remain the contract in force throughout the period agreed in the contract. Research on Stabilization Clause is vital because it can be used as a solution to the problem of LNG monetization in Indonesia.