

Dampak Putusan Mahkamah Konstitusi nomor : 36/PUU-X/2012 terhadap kontrak kerja sama minyak dan gas bumi = The impact of Constitutional Court Decision number 36/PUU-X/2012 to the cooperation contract of oil and gas

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Abstrak

Putusan MK memberikan dampak terhadap pembubaran BP Migas, karena setiap pasal dan frasa yang berkaitan dengan Badan Pelaksana pada UU Migas dinyatakan bertentangan dengan UUD 1945 atau inkonstitusional. Tesis ini membahas mengenai tata kelola peraturan perundang-undangan tentang kegiatan hulu migas Indonesia, serta latar belakang dan dampak atas Putusan MK tersebut. Penelitian dilakukan dengan metode yuridis normatif, yaitu metode yang menitikberatkan penelitian dengan menggunakan data sekunder di bidang hukum yang terkait dengan Putusan MK dan keberadaan BP Migas.

Hasil penelitian menunjukkan bahwa Putusan MK berdampak pada kontrak kerja sama migas dan kegiatan usaha hulu migas di Indonesia. Putusan tersebut menyebabkan negara berposisi sebagai pihak yang berkontrak dalam setiap KKS. Selain itu, Putusan tersebut menghilangkan jaminan kepastian hukum migas, serta menghambat kegiatan operasional kontraktor.

.....The Constitutional Court Decision gives impact to the dissolution of BP Migas, due to every articles and phrases related to the Implementing Agency on Oil and Gas Law, was declared contrary to the 1945 Constitution or unconstitutional. The thesis discuss about laws and regulations related to upstream activities of oil and gas in Indonesia, and background and impact of the Constitutional Court Decision. The study was conducted with the normative juridicial method, a method that emphasizes research using secondary data in the areas of law related to the Constitutional Court Decision and the existence of BP Migas.

The study showed that the Constitutional Court Decision have impact to the cooperation contract of oil and gas and upstream activities of oil and gas in Indonesia. The decision cause the state become the contracting party in every cooperation contract of oil and gas. Moreover, the Decision has eliminated the rule of law guarantee in oil and gas, and has hampered to the operations of contractor.