

Creeping expropriation dalam sengketa penanaman modal antara negara dengan penanam modal asing di international centre for settlement of investment dispute (ICSID) = Creeping expropriation in state investor dispute in international centre for settlement of investment dispute (ICSID)

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Abstrak

Sebagai salah satu bentuk ekspropriasi tidak langsung, creeping expropriation kerap menimbulkan permasalahan dalam penyelesaian sengketa antara negara dan penanam modal. Creeping expropriation sering digunakan negara dalam mengambil alih penanaman modal asing. Empat putusan ICSID yang dibahas dalam skripsi ini telah mempertimbangkan mengenai konsep creeping expropriation. Meskipun demikian, tidak terdapat suatu konsep yang jelas dan konsisten mengenai creeping expropriation. Untuk menganalisis permasalahan ini, digunakan penelitian hukum normatif yang dilakukan secara deskriptif analisis. Hasil dari penelitian menunjukkan terdapat perbedaan pemahaman dan penerapan konsep creeping expropriation dalam sengketa penanaman modal asing di ICSID.

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As one form of indirect expropriation, creeping expropriation often rises problems in investor-state investment dispute. Creeping expropriation is often used by a state to undertake foreign investment. Four ICSID awards used in this thesis have acknowledged and put creeping expropriation into consideration. However, there is no clear and consistent understanding regarding creeping expropriation concept. This research is analyzed through normative legal research done through descriptive-analytic method. The research shows the different implementation of creeping expropriation concept in foreign investment dispute in ICSID.