

Tinjauan hukum mengenai kewajiban divestasi saham dalam rangka penanaman modal asing di bidang pertambangan mineral menurut undang undang nomor 4 tahun 2009 tentang pertambangan mineral dan batubara studi kasus renegotiasi kontrak karya PT Freeport Indonesia = Legal consideration on share divestment obligation in foreign investment in mineral mining area according to law no 4 of 2009 on mineral and coal mining case study renegotiation of contract of work of PT Freeport Indonesia

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Abstrak

Skripsi ini membahas mengenai ketentuan kewajiban divestasi saham bagi perusahaan asing di bidang pertambangan mineral menurut UU No. 4 Tahun 2009 dan peraturan pelaksanaannya serta sinkronisasinya dengan hasil renegotiasi kontrak karya PT. Freeport Indonesia. Setelah melewati proses renegotiasi, pada akhirnya tercapai kesepakatan antara Pemerintah Republik Indonesia dan PT. Freeport Indonesia yang menentukan bahwa kewajiban divestasi saham PT. Freeport Indonesia adalah sebesar 30%.

Dengan menggunakan jenis penelitian yuridis normatif, hasil penelitian ini menunjukkan bahwa hasil renegotiasi kontrak karya PT. Freeport tidak sinkron dengan peraturan yang berlaku pada saat itu yaitu PP No. 24 Tahun 2012, yang mengatur perusahaan asing di bidang pertambangan mineral untuk mendivestasikan sahamnya paling sedikit sebesar 51%. Setelah PP No. 24 Tahun 2012 diubah dengan PP No. 77 Tahun 2014, maka ketentuan kewajiban divestasi saham hasil renegotiasi kontrak karya PT. Freeport Indonesia dengan peraturan perundang-undangan telah sinkron.

*This thesis examines the provisions regarding share divestment obligation for foreign mineral mining company according to Law No. 4 of 2009 and its implementing regulations, and the synchronisation with the result of contract of work renegotiation of PT. Freeport Indonesia. After going through the process of renegotiation, the Government of Republic of Indonesia and PT. Freeport Indonesia eventually reached an understanding that PT. Freeport Indonesia is obliged to divest 30% of its share.*

*By using normative juridical research, this study shows that the result of contract of work renegotiation of PT. Freeport Indonesia is not in sync with the applicable regulation i.e. Government Regulation No. 24 of 2012 which requires foreign mineral mining company to divest at least 51% of its share. After Government Regulation No. 24 of 2012 is amended by Government Regulation No. 77 of 2014, the provisions regarding share divestment obligation between the result of contract of work renegotiation of PT. Freeport Indonesia and Law No. 4 of 2009 and its implementing regulations has synchronised.*