

Hak partisipasi daerah di sektor usaha hulu migas analisis kemungkinan penerapan golden share pemerintah daerah melalui skema participating interest dalam kegiatan pengusahaan hulu migas di Indonesia = Regional participation rights in the upstream oil and gas sector application possibility analysis of golden share of local government through the scheme of participating interest in the oil and gas upstream activities in Indonesia

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Abstrak

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Berdasarkan penelitian yang telah dilakukan, diperoleh hasil bahwa pelaksanaan Hak Partisipasi/participating interest yang dilakukan oleh Daerah melalui BUMD (Badan Usaha Milik Daerah) terdapat beberapa kelemahan yang akan mempengaruhi kemungkinan penerapan Golden Share. Beberapa kelemahan tersebut antara lain tidak adanya pengaturan yang rigid dan jelas mengenai teknis pelaksanaan Hak Partisipasi/participating interest, minimnya rasio kecukupan modal pemerintah daerah dalam kewajiban penyertaan modal sebesar 10%, rendahnya penguasaan teknologi dan kemampuan sumber daya manusia di sektor pengusahaan hulu Migas. Possibilitas penerapan Golden Share dalam skema Hak Partisipasi/participating interest sangat dipengaruhi oleh model pengaturan yang diterbitkan oleh pihak otoritas dan pemenuhannya terhadap prinsip-prinsip nondiskriminasi, non-diskresional dan proporsionalitas yang berkeadilan bagi seluruh pihak terkait dalam industri Migas di negara yang bersangkutan. Golden Share dalam praktiknya memungkinkan untuk diterapkan di Indonesia dengan tetap memperhatikan aspek-aspek kelaziman bisnis agar dalam pelaksanaannya tidak mendistorsi kebijakan operasional perusahaan.

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ABSTRACT

Based on the research that has been done, the result that the implementation of the Participation Rights/participating interests carried out by the Region through ROE (Regional Enterprise/BUMD) there are some weaknesses that will affect the possibility application of Golden Share. Some disadvantages include the absence of rigid and clear arrangements/regulation regarding the technical implementation of the Participation Rights/participating interests, minimum capital adequacy ratio of local governments in liabilities equity participation of 10%, low mastery of technology and human resource capacity in the upstream oil and gas exploitation sector. Golden Share for the possibility of the application of the scheme Participation Rights / participating interest is strongly influenced by the model regulation issued by the authorities and fulfillment of the principles of nondiscrimination,

non-discretionary and proportionality equitable for all parties involved in the oil and gas industry in the country concerned. Golden Share in practice allows to be applied in Indonesia with regard to aspects of normal business practices so as to not distort the implementation of operational policy of the company., Based on the research that has been done, the result that the implementation of the Participation Rights/participating interests carried out by the Region through ROE (Regional Enterprise/BUMD) there are some weaknesses that will affect the possibility application of Golden Share. Some disadvantages include the absence of rigid and clear arrangements/regulation regarding the technical implementation of the Participation Rights/participating interests, minimum capital adequacy ratio of local governments in liabilities equity participation of 10%, low mastery of technology and human resource capacity in the upstream oil and gas exploitation sector. Golden Share for the possibility of the application of the scheme Participation Rights / participating interest is strongly influenced by the model regulation issued by the authorities and fulfillment of the principles of nondiscrimination, non-discretionary and proportionality equitable for all parties involved in the oil and gas industry in the country concerned. Golden Share in practice allows to be applied in Indonesia with regard to aspects of normal business practices so as to not distort the implementation of operational policy of the company.]