

Renegosiasi perjanjian karya perusahaan pertambangan batubara = Renegotiation of coal contract of work

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Abstrak

[ABSTRAK

Permasalahan Renegosiasi Perjanjian Karya Pengusahaan Pertambangan Batubara PKP2B di Indonesia berdasarkan adanya perubahan terhadap payung hukum pengelolaan pertambangan di Indonesia dari UU No 11 1967 menjadi UU No 4 2009 Penelitian tesis ini bertujuan untuk mengetahui bagaimana pertimbangan hukum terhadap proses Renegosiasi PKP2B dikaitkan dengan tindakan Negara menurut Hukum Administrasi Negara serta untuk mengetahui implikasi hukum dari pasal 169 b UU No 4 2009 terhadap Renegosiasi PKP2B bagi kelangsungan usaha pertambangan di Indonesia Penulisan tesis ini merupakan penelitian dengan tinjauan hukum secara yuridis normatif terhadap amanat pasal 169 UU No 4 tahun 2009 terhadap proses Renegosiasi di dalam pengelolaan sumber daya alam antara Pemerintah dengan Perusahaan pengelola pertambangan batubara Jenis data yang digunakan adalah data primer yang diperoleh secara langsung dari pihak ataupun dari sumber yang berkaitan dengan pokok permasalahan di dalam penelitian ini kemudian data sekunder berupa bahan bahan kepustakaan yang berkaitan dengan masalah penelitian ini sehingga informasi yang didapatkan dapat lebih komprehensif Hasil penelitian menunjukkan lambatnya proses Renegosiasi Perjanjian Karya Pengusahaan Pertambangan Batubara diakibatkan lemahnya posisi Pemerintah menurut ruang lingkup hukum kontrak Akibatnya Pemerintah hanya mampu melakukan pendekatan persuasive sesuai dengan sitem hukum kontrak tanpa mampu muncul sebagai regulator pertambangan yang mempunyai wewenang publik yang bersifat memaksa.

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ABSTRACT

Renegotiation issues for Coal Contract of Work CCOW in Indonesia are based on the changes of the legal framework of Mining management in Indonesia according to the Law No 11 1967 to Law No 4 2009 This study is to determine how the legal considerations of the CCOW Renegotiation process attributed to the State action according to the State Administration Law as well as to know the legal impact of Article 169 b of Law No 4 2009 to the Renegotiation process for the continuity of mining in Indonesia This thesis study is a normative juridical legal review of the mandate of Article 169 of Law No 4 2009 to the process of Renegotiation in natural resource management between the Government and the coal mining company The type of data that used is primary data obtained directly from the parties or from sources that related to the subject matter in this study then the secondary data is library materials related to the research problem so that the information obtained can be more comprehensive The results showed that the slow process of renegotiating agreements Coal Mining caused the weak position of the Government according to the scope of contract law As a result the Government is only able to do a persuasive approach in accordance with contract law system without being able to emerge as a mining regulator which having the authority coercive public. , Renegotiation issues for Coal Contract of Work CCOW in Indonesia are based on the changes of the legal framework of Mining management in Indonesia according to the Law No 11 1967 to Law No 4

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