

# Kepastian hukum penanaman modal asing di Indonesia : perbandingan undang-undang penanaman modal antara Indonesia dan Vietnam = The legal certainty of foreign investment in Indonesia : the comparison of investment laws between Indonesia and Vietnam

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## Abstrak

Penelitian ini membahas mengenai kepastian hukum penanaman modal asing di Indonesia kemudian membandingkan Undang-Undang Penanaman Modal di Indonesia dan Vietnam. Pokok permasalahan yang diangkat dalam penelitian ini adalah bagaimana kepastian hukum penanaman modal asing di Indonesia serta bagaimana perbandingan undang-undang penanaman modal di Indonesia dan Vietnam. Tujuan penelitian ini adalah untuk mengetahui, memahami dan menganalisis masalah kepastian hukum Penanaman Modal Asing di Indonesia, dan perbandingan Undang-Undang Penanaman Modal antara Indonesia dan Vietnam. Penelitian ini merupakan penelitian hukum yang bersifat yuridis normatif dengan menggunakan data sekunder diantaranya peraturan perundang-undangan dan buku-buku.

Penanaman Modal Asing memberi manfaat dan dampak yang positif untuk pertumbuhan ekonomi suatu negara, begitu juga untuk Indonesia dan Vietnam yang masih dianggap sebagai destinasi investasi Asia dan dunia. Banyak faktor yang menjadi bahan pertimbangan bagi penanam modal untuk menanamkan modalnya pada suatu negara, salah satunya adalah jaminan kepastian hukum. Masalah kepastian hukum seringkali menjadi penghambat masuknya investasi, khususnya di Indonesia karena ketidakpastian hukum menyebabkan iklim investasi menjadi tidak kondusif. Penelitian ini membandingkan Undang-Undang Penanaman Modal antara Indonesia dan Vietnam, kemudian menemukan beberapa persamaan dan perbedaan didalamnya. Undang-Undang Penanaman Modal harus bisa mengakomodir kepentingan penanam modal asing dengan memberi kepastian hukum, diikuti dengan penegakan hukum, tanpa mengurangi kepentingan nasional.

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This research examines the legal certainty of foreign investment in Indonesia and subsequently compares the investment laws between Indonesia and Vietnam. The principal issue raised in this research is about the legal certainty of foreign investment in Indonesia as well as how the Indonesian laws of investment are compared to the laws of investment in Vietnam. As for the purpose of this research is to discover, comprehend and analyze the legal certainty problem of Foreign Investment in Indonesia, and the comparison of Investment Laws between Indonesia and Vietnam. This research is a legal research which is juridical normative using secondary data such as legislation and books.

Foreign investment gives benefits and impact which are positive for economic growth of a country, as well as to Indonesia and Vietnam which are still regarded as the investment destination in Asia and in the world. There are many factors taken into consideration for investors to invest in a country, one of them is legal certainty assurance. Legal certainty problem often obstructs the entry of investment, especially in Indonesia because the legal uncertainty made it inconducive for investment. This research attempts to compare the laws of investment between Indonesia and Vietnam, and subsequently locate the similarities and differences between them. Investment laws should be able to accommodate the interests of foreign investors by

providing legal certainty, followed by law enforcement, without jeopardizing national interest.