

Analisis yuridis kontrak bagi hasil gross split ditinjau dari aspek kedaulatan negara = Juridical analysis of production sharing contract gross split viewed from date sovereignty aspect

Erwin Erlangga Atmaja, author

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Abstrak

ABSTRAK

Kontrak bagi hasil gross split merupakan salah satu bentuk pengelolaan usaha hulu minyak dan gas bumi yang baru saja diberlakukan di Indonesia selain kontrak bagi hasil dengan cost recovery. Terdapat tiga permasalahan di dalam penelitian ini. Pertama, bagaimanakah konsep penguasaan Negara atas sumber daya minyak dan gas bumi di Indonesia ?. Kedua, bagaimanakah pengaturan mengenai kontrak bagi hasil gross split yang berlaku di Indonesia ?. Terakhir, bagaimanakah pemberlakuan kontrak bagi hasil gross split di Indonesia ?. Dalam penelitian ini penulis menggunakan metode peneitian hukum normatif, dengan melakukan studi kepustakaan. Hasil penelitian menunjukkan bahwa ditinjau dari aspek penguasaan Negara, terdapat degradasi peran pengawasan dan pengendalian Negara di dalam kontrak bagi hasil gross split dibandingkan dengan kontrak bagi hasil dengan cost recovery. Kesimpulannya adalah kontrak bagi hasil gross split masih tidak lebih baik dibanding kontrak bagi hasil dengan cost recovery yang telah digunakan di Indonesia ditinjau dari aspek penguasaan negara. Kata Kunci: kontrak bagi hasil gross split, penguasaan Negara, minyak dan gas bumi

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ABSTRACT

Gross split production sharing contract is one form of upstream oil and gas business management that has just been implemented in Indonesia besides production sharing contract with cost recovery basis. There are three issues in this research. First, how the state control concept of natural oil and gas resources in Indonesia . Second, how the regulation of gross split production sharing contract in Indonesia . Last, how the enforcement of gross split production sharing contract in Indonesia . In this research, the writer uses normative legal research method by conducting literature studies. The results show that viewed from the state control aspect, there are degradations of State s supervision and control role in gross split production sharing contract compared with production sharing contract with cost recovery. The conclusion is the gross split production sharing contract is still no better than production sharing contract with cost recovery basis that has been used in Indonesia viewed from state control aspect. Keywords gross split production sharing contract, state control, oil and gas