

Analysis on the Fairness of Build-Operate-Transfer Compensation from PT B to PT A. Case Study = Analisa Kewajaran Kompensasi Bangun-Guna-Serah dari PT B kepada PT A. Studi Kasus

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Abstrak

Pada tahun 2004, PT A dan PT B menandatangani perjanjian bangun-guna-serah (BOT) proyek X. Kontrak berlaku selama 30 tahun dengan opsi perpanjangan 20 tahun. Selama periode BOT, PT A memperoleh kompensasi tahunan dari PT B. Studi kasus ini akan menganalisa kewajaran kompensasi berdasarkan benchmark dari PT A dan kepatuhan PT B terhadap legalitas kontrak dalam menjalankan proyek BOT. Kompensasi dapat dianggap wajar berdasarkan benchmark. Tetapi ketidak patuhan PT B terhadap legalitas kontrak dapat membuatnya menjadi tidak wajar bagi PT A.

.....In 2004, PT A and PT B signed an agreement to operate X project in CBD area. The contract was build-operate-transfer (BOT) in which PT B would act as the investor while PT A would be the land owner, for 30 years with extension option of 20 years. During the BOT period, PT A would receive yearly compensation from PT B. This study would analyze the fairness of the compensation based on PT A's benchmark and PT B's legal compliance in running the BOT project. The compensation could be considered fair for PT A based on the benchmark assessment. However PT B breached the legal boundaries in operating the project, which could make the compensation less fair.