

## BIBLIOGRAPHY

### BOOKS

Asshiddiqie, Jimly. *The Constitutional Law of Indonesia*. Petaling Jaya: Sweet & Maxwell Asia, 2009.

Bailey, Kenneth D. *Methods of Social Research*. New York: The Free Press, 1982.

Bath, Vivianne, Luke Nottage, ed. *Foreign Investment and Dispute Resolution Law and Practice in Indonesia*. New York: Routledge, 2011.

Bennert, A. and S. Granata. *When Private International Law Meets Intellectual Property Law-A Guide for Judges*. Geneva: World Intellectual Property Organization, 2019.

Berman, Paul Schiff. "From Legal Pluralism to Global Legal Pluralism." *GWU Law School Public Law Research Paper No. 2015-20*. Farnham: Ashgate Publishing Limited, 2014.

Bernstorff, Jochen Von and Thomas Dunlap. *The Public International Law Theory of Hans Kelsen Believing in Universal Law*. Cambridge: Cambridge University Press, 2010.

Blackaby, Nigel, et.al. *Redfern and Hunter on International Arbitration 6<sup>th</sup> Edition*. Oxford: Oxford University Press, 2015.

\_\_\_\_\_. *International Arbitration*. Oxford: Oxford University Press, 2015.

Bogdan, Michael. *Private International Law as Component of The Law of The Forum: General Course*. Hague: Academy of International Law, 2012.

- Bonnitcha, Jonathan. *Substantive Protection under Investment Treaties*. Cambridge: Cambridge University Press, 2014.
- Born, Gary B. *International Arbitration: Law and Practice*. Netherlands: Kluwer Law International, 2016.
- Bossche, Peter Van den, Werner Zdouc. *The Law and Policy of the World Trade Organization Third Edition*. New York: Cambridge University Press, 2014.
- Bradlow, Daniel D. Alfred Escher. *Legal Aspects of Foreign Direct Investment*. Alphen Aan den Rhijn: Kluwer Law International, 1999.
- Braun, Tillman Rudolf. *Globalization: The Driving Force in International Investment Law*. Netherlands: Kluwer Law International, 2010.
- Brierly, J.L. *The Law of Nations 5<sup>th</sup> Edition*. Oxford: Clarendon Press, 1955.
- Briggs, Adrian. *The Conflict of Laws 3<sup>rd</sup> Edition*. New York: Oxford University Press, 2013.
- Brown, Chester and Kate Mills. *Introduction: Evolution in Investment Treaty Law and Arbitration*. New York: Cambridge University Press, 2011.
- Budiningsih, Catharina. *Perjalanan Hukum Arbitrase Indonesia Hingga Disahkannya Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa*. Bandung: Lembaga Penelitian Universitas Katolik Parahyangan, 1999.
- Chand, Hari. *Modern Jurisprudence*. Kuala Lumpur: International Law Book Services, 1994.
- Cardozo, Benjamin N. *The Nature of the Judicial Process New Haven*. United States: Yale University Press, 1921.

- Conboy, Maria G.S. Soetopo. *Indonesia Getting Its Second Wind Law and Economics for Welfare Maximization*. Jakarta: Gramedia Pustaka, 2015.
- Crawford, James. *Brownlie's Principles of Public International Law*. Oxford: University Press, 8<sup>th</sup> Edition, 2012.
- Dezalay, Yves, Bryant G. Garth. *Dealing in Virtue: International Commercial Arbitration and the Construction of A Transnational Legal Order*. Chicago: The University of Chicago, 1996.
- Dolzer, Rudolf, Christoph Schreuer. *Principle of International Investment Law*. Oxford: Oxford University Press, 2008.
- \_\_\_\_\_. *Principle of International Investment Law 2<sup>nd</sup> Edition*, Oxford: Oxford University Press, 2012.
- Douglas, Zachary. *The Foundations of International Investment Law: Bringing Theory Into Practice*. Oxford: Oxford University Press, 2014.
- Eberhardt, Pia, Cecilia Olivet. *Profiting from Injustice*. Brussels/Amsterdam: Corporate Europe Observatory and the Transnational Institute, 2012.
- Friedman, Thomas L. *The Lexus and The Olive Tree*. New York: Picador, 2012.
- Gaillard, Emmanuel. *State Entities in International Arbitration, IAI Series on International Arbitration*. New York: Juris Publishing Inc., 2008.
- Garner, Bryan A. *Black's Law Dictionary, 7<sup>th</sup> Edition*. St. Paul: West Group, 1999.
- \_\_\_\_\_. *Black's Law Dictionary, 10<sup>th</sup> Edition*, St. Paul, MN: Thompson Reuters. 2014.

- Gerungan, Alexandra F.M. *International Arbitration, First Edition*. London: Global Legal Group.
- Golding, Martin P. William A. Edmundson. *The Blackwell Guide to the Philosophy of Law and Legal Theory*. Main Street, Malden: Blackwell Publishing, 2005.
- Gottschalk, Eckart, *et.al.* *Conflict of Laws in A Globalized World* New York: Cambridge University Press, 2007.
- Harten, Gus Van. *Sovereign Choices and Sovereign Constraints*. Croydon: Oxford University Press, 2013.
- Held, David, Anthony McGrew, David Goldblatt. *Global Transformations; Politics, Economics and Culture*. United States: Stanford University Press, 1999.
- Holton, Robert J. *Making Globalization*. New York: Palgrave Macmillan, 2013.
- Ibrahim, Johny. *Teori & Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing, 2013.
- Jessup, Philip C. *Transnational Law*. New Haven: Yale University Press, 1956.
- Kelsen, Hans. *Principles of International Law*. New York: The Lawbook Exchange, Ltd. 2012.
- Kelsen, Hans. *General Theory of Law and State*. New Jersey: The Lawbook Exchange, Ltd., 2009.
- Kjos, Hege Elisabeth. *Applicable Law in Investor-State Arbitration*. Oxford: Oxford University Press, 2013.

- Kotera, Akira. ed. *International Investment Agreement, [Kokusai Tousei Kyoutei]*. Tokyo: Sanseidou, 2010.
- Levine, Judith. *Investor-State Arbitration under the UNCITRAL Rules, Evolution in Investment Treaty Law and Arbitration*. New York: Cambridge University Press, 2011.
- Loughlin, Martin. *The Idea of Public Law*. Oxford: Oxford University Press, 2003.
- Matsui, Yoshirou. *Seeing the world from International Law [Kokusaihoukara Sekaiwo Miru], 3<sup>rd</sup> ed.*. Tokyo: Toushindou, 2016.
- Marzuki, Peter Mahmud. *Penelitian Hukum Edisi Revisi*. Jakarta: Kencana, 2005.
- \_\_\_\_\_. *Penelitian Hukum*. Jakarta: Kencana 2009.
- McLeod, Ian, Marise Cremona. *Legal Theory, Second Edition*. London: Palgrave Macmillan, 2003.
- Moses, Margaret E. *The Principles and Practice of International Commercial Arbitration*. New York: Cambridge University Press, 2012.
- Miller, Scott, Gregory N. Hicks. *Investor-State Dispute Settlement, A Reality Check*. Washington D.C.: CSIS, 2015.
- Mills, Alex. *The Confluence of Public and Private International Law: Justice, Pluralism and Subsidiary in The International Constitutional Ordering of Private Law*. Cambridge University Press, 2009.
- Muchlinski, Peter, Federico Ortino, and Christoph Schreuer. *The Oxford Hand Book of International Investment Law*. Oxford: Oxford University Press, 2008.

- Neuman, Lawrence. *Social Research Methods, Qualitative and Quantitative Approaches, Fifth Edition*. New York: Pearson Education, Inc., 2003.
- Nitisastro, Widjojo. *Pengalaman Pembangunan Indonesia: Kumpulan Tulisan dan Uraian Widjojo Nitisastro*. Kompas: Jakarta, 2010.
- Nakatani, Iwao. *The World after Capitalism [Shihonshugi Igono Sekai]*, Tokyo: Tokuma Shoten, 2012.
- Nobles, Richard, David Schiff. *Law, Society and Community*. New York: Routledge, 2014.
- Ogus, Anthony. *Regulation Legal Form and Economic*. Oregon: Theory-Hart Publishing, 2004.
- Okuwaki, Naoya, Akira Kotera, “Legal nature of international law – Is international law a law? [Kokusaihou no Houteki Seishitsu – Kokusaihouwa Hou ka].” *International Law Key Words*, Tokyo: Yuuhikaku Soosho, 2006.
- Onuki, Masaharu. *Law and Practice of International Trade Dispute Resolution [Kokusai Shou Torihiki Funsou Kaiketsu no Hou to Jitsumu]*. Tokyo: Doubun Shuppan, 2018.
- Panchmatia, Raj, Meghna Rajadhyaksha. *Investment Arbitration in India: An Introduction to Concepts and Challenges in the White Industries Dispute*. 2017.
- Posner, Richard A., *The Economic of Justice*, Boston: Harvard University Press, 1983.
- \_\_\_\_\_. *Frontiers of Legal Theory*. Boston: Harvard University Press, 2004.
- \_\_\_\_\_. *Economic Analysis of Law, 8<sup>th</sup> Edition*, New York: Aspen Publishers, 2011.

- Reed, Lucy, Jan Paulsson and Nigel Blackaby. *Guide to ICSID Arbitration, 2<sup>nd</sup> Edition*. Alphen aan den Rhijn: Kluwer Law International, 2011.
- Ranjan, Prabhash, Harsha Vardhana, Kevin James. *India's Model Bilateral Investment Treaty*. New Delhi: Brookings Institution India Centre, 2018.
- Rodrik, Dani. *The Globalization Paradox*. New York: W.W. Norton & Company Ltd., 2011.
- Ruskhan, Abdul Gafar. *Kamus Besar Bahasa Indonesia Pusat Bahasa*. Jakarta: PT Gramedia. 2012.
- Sacerdoti, Giorgio, et.al. *General Interests of Host States in International Investment Law*. Cambridge: Cambridge University Press, 2014.
- Salim, Peter. *Contemporary Bahasa Indonesia Dictionary*. Jakarta: Modern English Press, 2020.
- Salter, Michael, Julie Mason. *Writing Law Dissertation: An Introduction and Guide to the Conduct of Legal Research*. New York: Pearson, 2007.
- Salter. Michael, Julie Mason. *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research*. New York: Pearson, 2007.
- Sanada, Yoshiaki. *Jurisprudence [Hogaku Nyuumon], 4<sup>th</sup> Edition*, Tokyo: Chuo University Press, 2001.
- Schneiderman, David, *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise*. Cambridge: Cambridge University Press, 2008.
- Shibata, Junji. *Westphalia Never Ends [Westphalia Ha Owaranai]*, Tokyo: Koyusha, 2012.

- Strange, Susan. *States and Markets*. London: Bloomsbury Academic, 2015.
- Soekanto, Soerjono, Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat, Edisi 9*. Jakarta: PT Raja Grafindo Persada, 1983.
- Sornarajah M. "Evolution or Revolution in International Investment Arbitration? The Descent Into Normlessness" in Chester Brown and Kate Miles, eds., *Evolution in Investment Treaty Law and Arbitration*, Cambridge: Cambridge University Press, 2011.
- \_\_\_\_\_. *The International Law on Foreign Investment*. Cambridge: Cambridge University Press, 2010.
- \_\_\_\_\_, Sornarjanah. M. *The Settlement of Foreign Investment Disputes*. Alphen Aan den Rhijn: Kluwer Law International, 2000.
- Sugiura, Noriyuki. *Transnational Governance and Legal Order [Ekkyoutekina Kihanno Keisei to Shikkou]*. Tokyo: Keiou Gijuku University Press, 2011.
- \_\_\_\_\_. *Transnational Governance and Legal Order [Ekkyoutekina Kihanno Keisei to Shikkou]*. Tokyo: Keio Gijuku Daigaku Shuppankai, 2014.
- Tistje, Christian, Alan Brouder, & KarsteNowrot (eds). *Philip C. Jessup's Transnational Law Revisited on the Occasion of the 50th Anniversary of its Publication*. Transnational Economic Law Research Center: Faculty of Law, Marthin Luther University Halle Wittenberg, 2006.
- Wälde, T. W., "International Investment under the 1994 Energy Charter Treaty— Legal, Negotiating and Policy Implications for International Investors within Western and Commonwealth of Independent States/Eastern European Countries", *Journal of World Trade*. Alphen Aan den Rhijn: Kluwer Law International, 1995.

Wignjosuebrotto, Sutandyo. *Hukum: Paradigma, Metode dan Dinamika Masalahnya Cetakan I*, Jakarta: ELSAM, 2002.

Yaqin, Anwarul. *Legal Research and Writing*. Malaysia: Lexis Nexis, 2007.

## JOURNAL

Ali, Salim Ibrahim, Zuryati Mohamed Yusoff, Zainal Amin Ayub. "Legal Research of Doctrinal and Non-Doctrinal". *International Journal of Trend in Research and Development (IJTRD)*. Vol. 4, Issue 1. February 2017.

Arato, Julian. "The Private Law Critique of International Investment Law." *American Journal of International Law*. Vol. 113, No. 1. 2018.

Arikaki, Emily A. "Treaties of Friendship, Commerce and Navigation and Their Treatment of Service Industries". *Michigan Journal of International Law*. Vol. 7, Issue 1. 1985.

Banerjee, Abhijit V., Esther Duflo. "How Poverty Ends." *Foreign Affairs*. Vol. 99, No. 1. 2020.

Borm-Reid, Marussia. "Recognition and Enforcement of Foreign Judgments". *The International and Comparative Law Quarterly*. Vol. 3, No. 1. 1954.

Borchard, E. "Limitations on Coercive Protection". *American Journal of International Law*. Vol. 21, Issue 2. 1927.

Broches, Aron. "The Convention on the Settlement of Investment Disputes: Some Observations on Jurisdiction". *Selected Essays: World Bank, ICSID, and Other Subjects of Public and Private International Law*. Netherlands: Martinus Nijhoff Publishers, 1995.

- Burfisher, Mary, Sherman Robinson, and Karen Thierfelder. "The Impact of NAFTA on the United States." *Journal of Economic Perspectives*, Vol. 15, No. 1. 2001.
- Cardozo, Benjamin N. "The Nature of the Judicial Process". *Philip C. Jessup's Transnational Law Revisited on the Occasion of the 50<sup>th</sup> Anniversary of its Publication*. Transnational Economic Law Research Center: Faculty of Law, Marthin Luther University Halle Wittenberg.
- Chen, Sherry Xin, Kirrin Hough. "Researching Third-Party Funding in Investor-State Dispute Settlement". *GlobaLex*, 2019.
- Conboy, Maria G.S. Soetopo. "Integrating Law and Economics in Indonesia. *Law Review*. Vol. XVIII, No. 3. 2019.
- Corrie, Clint A. and Akerman LLP. "International Commercial Arbitration in Brazil", *Comparative Law Yearbook of International Business*. Vol. 35, 2013.
- Devere, Heather, Mark Simon, & Verbitsky Jane. "A History of the Language of Friendship in International Treaties". *International Politics*. Vol. 48, No. 1. 2011.
- Gaillard, Emmanuel. "State Entities in International Arbitration". *IAI Series on International Arbitration*. No.4. Juris Publishing, 2008.
- Giusti, Gilberto and Adriano Drummond. "International Arbitration in Investment Disputes: The Washington Convention, ICSID, and The Position of Brazil". *Revista de Arbitragem Mediacao*. Vol. 2, No. 7, 2005.
- Hamida, Walid Ben. "A Fabulous Discovery: The Arbitration Offer under the Organization of Islamic Cooperation Agreement Related to Investment". *Journal of International Arbitration*. Vol. 30, Issue 6. 2013.

- Harnay, Sophie and Alain Marciano, Posner. "Economics and the Law: From "Law and Economics" To An Economic Analysis of Law." *Journal of the History of Economic Thought*, Vol. 31, No.1. June 2009.
- Jagusch, Stephen, Jeffrey Sullivan. "A Comparison of ICSID and UNCITRAL Arbitration." *The Backlash Against Investment Arbitration*. Alphen Aan den Rhijn: Wolters Kluwer, 2010.
- Johnson, Lise, Lisa Sachs. "The Outsized Costs of Investor-State Dispute Settlement." *AIB Insights*. Vol. 16, No. 1. 2016.
- Johnson, O. Thomas Jr., Jonathan Gimblett. "From Gunboats to BITs: The Evolution of Modern International Investment Law". *Yearbook on International Investment Law & Policy*. December 2011.
- Kingsbury, Benedict. "Sovereignty and Inequality". *European Journal of International Law*. Vol. 9, 1998.
- Krische, Nico, Richard B. Stewart, Jonathan B. Wiener. "Forward: Global Governance as Administration – National and Transnational Approaches to Global Administration Law". *Law and Contemporary Problems*. Vol. 68, No. 3-4, 2005.
- Kometani, Kazumochi. "Applicable Law–Direct Application of International Law and Its Meaning". *International Investment Agreement, [Kokusai Tousei Kyoutei]*. Tokyo: Sanseidou, 2010
- Leshner, M. "The OECD Regulatory Reform Review of Indonesia: Market Openness". *OECD Trade Policy Paper Number 138*. Paris: OECD Publishing, 2012.
- Magiera, Stephen L. "International Investment Agreement and Investor-State Disputes: A Review and Evaluation for Indonesia." *ERIA Discussion Paper Series*, 2017.

- Michaels, Ralf. "The Re-Statement of Non-State Law: The State, Choice of Law, and the Challenge from Global Legal Pluralism". *The Wayne Law Review*. Vol. 51, 2005.
- Mills, Alex. "The Public-Private Dualities of International Investment Law and Arbitration." *Evolution in Investment Treaty Law and Arbitration*. Cambridge: Cambridge University Press, 2011.
- \_\_\_\_\_. "The Balancing (and Unbalancing?) of Interests in International Investment Law and Arbitration." *The Foundations of International Investment Law*. Oxford: Oxford University Press, 2014.
- Nottage, Luke, Ana Ubilaya. "Cost, Outcomes and Transparency in ISDS Arbitration: Evidence for an Investment Treaty Parliamentary Inquiry." *International Arbitration Law Review*. Vol. 21, Issue 4. 2018.
- Okitsu, Yukio, "Global Administration Law and Accountability [*Global Gyouseihou to Accountability*]". *Globalization and re-arrangement of Public Law and Private Law [Global-ka to Kouhou Shihou Kankei no Saihen]*. Tokyo: Koobundou, 2015.
- O. Thomas Johnson Jr. and Jonathan Gimblett, "From Gunboats to BITs: The Evolution of Modern International Investment Law". *Yearbook on International Investment Law & Policy*. Vol. 2010-2011, 2011.
- Olin, John M., Law & Economics Working Paper No.53. University of Chicago, 1998.
- Pauwelyn, Joost. "Rational Design or Accidental Evolution? The Emergence of International Law". *The Foundations of International Investment Law*. Oxford: Oxford University Press, 2014.
- Park, Wiliam W. "Arbitrator Integrity". *The Backlash against Investment Arbitration*. London: Kluwer Law International, 2010.

- Penusliski, Ilija Mitrev. "A Dispute Systems Design Diagnosis of ICSID". *The Backlash against Investment Arbitration*. London: Kluwer Law International, 2010.
- Posner, Richard A. *The Economic Approach to Law*, Texas Law Review 53 (XX).  
\_\_\_\_\_. *Values and Consequences: An Introduction to Economic Analysis of Law*.  
*Economics Working Paper No.53* University of Chicago, 1998.
- Roa, C.F. Romero. "What Are the Consequences of the Denunciation of the ICSID Convention to Investor-State Arbitration in Latin America?". *Transnational Dispute Management*. Vol. 13, Issue 5. 2016.
- Rodrik, Dani. "Globalization's Wrong Turn And How It Hurt America". *Foreign Affairs*. Vol. 98. 2019.
- Samples, Tim. "Winning and Losing in ISDSs". *American Business Law Journal*. Vol. 56, Issue 1. Spring 2019, 2019.
- Schill, Stephan W. "Private Enforcement of International Investment Law: Why We Need Investor Standing in BIT Settlement". *The Backlash Against Investment Arbitration*. London: Kluwer Law International, 2010.
- Shihata, I. F. Shihata, A. R. Parra, "Applicable Substantive Law in Disputes Between States and Private Foreign Parties: The Case of Arbitration under the ICSID Convention", *ICSID Review—Foreign Investment Law Journal*, Vol. 9, Issue 2, 1994.
- Silva, Eduardo. "Are States Liable for the Conduct of their Instrumentalities? ICC Case Law". *IAI Series on International Arbitration*. No.4. New York: Juris Publishing, 2008.

- Vidigal, Geraldo. “Brazil’s New Model of Dispute Settlement for Investment: Return to the Past or Alternative for the Future?”. *Journal of World Investment and Trade*, Vol. 19, Issue 3, 2018.
- Villareal, M. Angeles and Ian F. Fergusson. *The North American Free Trade Agreement (NAFTA)*. Congressional Research Service, 2017.
- Wells, Louis T. “Backlash to Investment Arbitration: Three Causes”. *The Backlash against Investment Arbitration*. Alphen aan den Rhijn: Wolters Kluwer, 2010.
- Yokomizo, Dai. “Conflict of Law in the Globalization Era [*Global-ka Jidai no Teshokuhou*]”. *Globalization and re-arrangement of Public Law and Private Law [Global-ka to Kouhou Shihou Kankei no Saihen]*. Tokyo: Koobundou, 2015.
- \_\_\_\_\_. “Aspect of Non-State order in Internet [*Internet Niokeru Hi Kokka Chitsujo no Yousou*]”. *Globalization and re-arrangement of Public Law and Private Law [Global-ka to Kouhou Shihou Kankei no Saihen]*. Tokyo: Koobundou, 2015.
- Yuki Asano. “From Theory of Private Law to Legal Pluralism [*Shihou Riron kara Houtagenshugi he*]”. *Globalization and re-arrangement of Public Law and Private Law [Global-ka to Kouhou Shihou Kankei no Saihen]*. Tokyo: Koobundou, 2015.

## INSTITUTION

- General Agreement on Tariffs and Trade. *Report of the Panel, Japan-Trade in Semi-conductors*, 24 March 1988, paras 110-111; and WTO, Report of the Panel, Japan-Measures affecting Consumer Photographic Film and Paper (WT/DS44/R), paras. 10.12-10.16.

- Policy Paper of The Columbia Center on Sustainable Investment dated May 2015.
- Procedural Order No.3 Provisional Order dated March 4, 2013 filed by RI dated 22 November 2012.
- The World Bank. International Investment Agreement Report of United Nations Conference on Trade and Development, November 2017.
- The World Bank. Annual Report of International Centre for Settlement of Investment Disputes on 2018.
- United Nations Commission International Trade Law. *Model Conciliations*, 2002.
- United Nations Conference on Trade and Development. *World Investment Report of 2014*. Geneva: United Nations Publication, 2014.
- United Nations Conference on Trade and Development. *World Investment Report of 2015*. Geneva: United Nations Publication, 2015.
- United Nations Conference on Trade and Development. *World Investment Report of 2017*. Geneva: United Nations Publication, 2017.
- United Nations Conference on Trade and Development. *World Investment Report of 2018*. Geneva: United Nations Publication, 2018.
- United Nations Conference on Trade and Development. *World Investment Report of 2019*. Geneva: United Nations Publication, 2019.
- United States International Trade Commission. Potential Impact on the U.S. Economy and Selected Industries of the North American Free-Trade Agreement. USITC Publication 2596, January 1993.
- United States Executive Office. Fact Sheet: Investor-State Dispute Settlement (ISDS), 2015.

United States International Trade Commission. Potential Impact on the U.S. Economy and Selected Industries of the North American Free-Trade Agreement, USITC Publication 2596, January 1993.

## REGULATION

Articles on State Responsibility for Internationally Wrongful Acts with Commentary, UN Doc. A/56/10, 2001.

Convention on the Settlement of Investment Disputes between States and Nationals of Other States, 1966.

Statute of the International Court of Justice, June 26, 1945, 59. Stat. 1055, 33 U.N.T.S. 993, 3 Bevens 1179.

The Republic of Indonesia, The 1945 Constitution of The Republic of Indonesia.

The Republic of Indonesia, Law Number 24 of 2003 on The Constitutional Court (State Gazette of the Republic of Indonesia of 2003 Number 98, Supplement to the State Gazette of the Republic of Indonesia Number 4316).

The Republic of Indonesia, Law Number 5 of 1999 on The Prohibition of Monopolistic Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia of 2003 Number 70, Supplement to State Gazette of the Republic of Indonesia Number 4297).

The Republic of Indonesia, Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution (State Gazette of the Republic of Indonesia

of 1999 Number 138, Supplement to the State Gazette of the Republic of Indonesia Number 3872).

The Republic of Indonesia, Law Number 25 of 2007 on Investment Law (State Gazette of the Republic of Indonesia of 2007 Number 67, Supplement of the State Gazette of the Republic of Indonesia Number 4724).

Treaties of Westphalia, 1648.

## CASES

*AAPL v. Sri Lanka*, ICSID Case No. ARB/87/3, Final Award, 27 June 1990.

*Amco Asia Corporation and others v. Republic of Indonesia*, ICSID Case No. ARB/81/1, Award, 20 November 1984; Decision on Annulment, 16 May 1986; (resubmitted case), Decision on Jurisdiction, 26 September 1983; Award, 5 June 1990.

*Anglo-Iranian Oil Co. Case (United Kingdom v. Iran)*, The Oil Concession Agreement, 29 April 1933; ICJ Judgement 22 July 1952.

*Apotex Holdings Inc. and Apotex Inc. v. United States of America*, ICSID Case No. ARB (AF)/12/1, Final Award, 25 August 2014.

*Capital India Power Mauritius I and Energy Enterprises (Mauritius) Company v. India*, ICC Case No. 12913/MS, IIC (2005), Award, 27 April 2005.

*Cemex Asia Holdings Ltd v Republic of Indonesia*, ICSID Case No. ARB/04/3, 23 February 2007.

*Churchill Mining PLC (Churchill) and Planet Mining Pty Ltd (Planet) v. Republic of Indonesia*, ICSID Case No. ARB/12/14 and 12/40, 6 December 2016; Decision on Annulment, 18 March 2019.

*CME Czech Republic BV v. Czech Republic, Partial Award, 13 September 2001; Final Award, 14 March 2003.*

*Colt Industries Operating Corporation v. Republic of Korea, ICSID Case No. ARB/84/2, Order Taking Note of the Discontinuance, 3 August 1990.*

*Himpurna California Energy Ltd (Bermuda) v. Perusahaan Listrik Negara (PLN), Final Award, 4 May 1999.*

*Hertzberg v. Finland (Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 40 (A/37/40), 1982.*

*Hesham Al Warraq v. Republic of Indonesia (UNCITRAL 2011), Final Award, 15 December 2014.*

*Indian Metal & Ferro Alloys Limited (IMFA) v. Republic of Indonesia, PCA Case No. 2015-40, Final Award, 29 March 2019.*

*Karaha Bodas Company v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara, UNCITRAL Case No. 0203 03768, Final Award, 18 December 2000.*

*Klöckner v. Cameroon, ICSID Case No. ARB/81/2, Award, 21 October 1983.*

*Mobil Oil v. New Zealand, ICSID Case No. ARB/87/2, Judgement of the High Court of New Zealand, 1 October 1987; Decision on Liability, 6 January 1988.*

*National Oil Corporation of Libya (NOCL) v. American company, Sun Oil (SO), ICC Case No. 4462 of 1985, ICC Arbitration Award, 23 February 1987; ICC Arbitration Award 15 March 1990.*

*Oleovest Pte., LTD v. Republic of Indonesia, ICSID Case No. ARB/16/26, Procedural Order, 19 March 2018.*

*Patuha Power Ltd v PLN (UNCITRAL 1999).*

*Rafat Ali Rizvi v. Republic of Indonesia*, ICSID Case No. ARB/11/13, Award on Jurisdiction, 16 July 2013.

*Republic of Indonesia v. Newmont (UNCITRAL 2009)*, ICSID ARB/14/15, Award 31 March 2009.

*Sedco, Inc. v. National Iranian Oil Company*, Award, 27 March 1986.

*Schrening Corporation v. The Islamic Republic of Iran*, IUSCT Case No. 38.

*Swedish Engine Drivers' Union v. Sweden*, Eur. Court H.R., Series A, No. 20, 1976.

*Tradex v. Albania*, ICSID Case No. ARB/94/2, Final Award, 27 June 1990.

*United Parcel Service of America Inc. v. Canada*, ICSID Case No. UNCT/02/1, Award on Jurisdiction, 22 November 2002; Award on the Merits, 24 May 2007.

## **COURT DECISIONS**

Constitutional Court Decision Number 13/PUU-XVI/2018.

## **INTERNET**

Cambridge University. "From the Ius Gentium to International Law." <[http://assets.cambridge.org/97805211/93870/excerpt/9780521193870\\_excerpt.pdf](http://assets.cambridge.org/97805211/93870/excerpt/9780521193870_excerpt.pdf)>. February 6, 2020.

- Congressional Research Service. “NAFTA and the United States-Mexico-Canada Agreement (USMCA).” <<https://fas.org/sgp/crs/row/R44981.pdf>>. 28 June 2019.
- Corrier, Clint A. “International Commercial Arbitration in Brazil, Akerman LLP.” <<https://documents.akerman.com>>. 4 May 2019.
- Gera, Iris. “OJK Resmi Ambil Alih Tugas Pengawasan Perbankan dari BI” <<https://voaindonesia.com/a/ojk-resmi-ambil-alih-tugas-pengawasan-perbank-an-dari-bi/1820703.html>>. 6 June 2020.
- HHCH. “A World Organization.” <<https://www.hcch.net/en/about/>>, accessed on 21 January 2020. ICSID 2018 Annual Report, <<https://icsid.worldbank.org/en/Documents/icsiddocs/List%20of%20Contracting%20States%20and%20Other%20Signatories%20of%20the%20Convention%20-%20Latest.pdf>>. 19 October 2018.
- Hukumonline. “Guru Besar Hukum Minta Indonesia Keluar Dari ICSID”, <<https://www.hukumonline.com/berita-baca/lt5145a99083b4d/guru-besar-hukum-minta-indonesia-keluar-dari-icsid-dated-17-March-2013>>. 2 February 2020.
- Hukumonline. “Sering Dirugikan, Indonesia Harus Moratorium BIT”, <<https://www.hukumonline.com/berita/baca/lt539abacadb117/sering-dirugikan-indonesia-harus-moratorium-bit>>. 2 February 2020
- India Brand Equity Foundation. “Foreign Direct Investment”. <<https://www.ibef.org/economy/foreign-direct-investment.aspx>>. 20 May 2020.
- International Court of Justice. “Permanent Court of International Justice.” <<https://icj-cij.org/en/pcij>>. 21 January 2020.

International Court of Justice. "Permanent Court of International Justice." <<https://icj-cij.org/en/pcij>>. 21 January 2020.

Investment Coordinating Board. "Indonesia Arbitration Update." <[www.apragbali2016.baniarbitration.org/filepaper/Session%203/Fritz%20S%20ilalahi.pdf](http://www.apragbali2016.baniarbitration.org/filepaper/Session%203/Fritz%20S%20ilalahi.pdf)>. 12 March 2020.

Jose Henrique Vieira Martins. "Brazil's Cooperation and Facilitation Investment Agreements (CFIA) and Recent Developments". <<http://iisd.org/itn/06/12/brazils-cooperation-facilitation-investment-agreements-cfia-recent-developments-jose-henrique-vieira-martins/>>. May 4, 2019.

Jovanic, Miodrag. "Legal Methodology and Legal Research and Writing". <<https://ius.bg.ac.rs/prof/Materijali/jovmio/mei/Legal%20methodology%20and%20legal%20research%20and%20writing.pdf>>. 28 February 2020.

Komisi Pengawas Persaingan Usaha (KPPU). "Kompetisi." <[https://www.kppu.go.id/docs/majalahpersen20/kompetisi\\_2011\\_ed26.pdf](https://www.kppu.go.id/docs/majalahpersen20/kompetisi_2011_ed26.pdf)>. 6 June 2020.

Landicho, Robert, Andrea Cohen. "What's in a Name Change? For Investment Claims Under the New USMCA Instead of NAFTA, Nearly Everything." <[www.arbitrationblog.kluwerarbitration.com/2018/10/05/](http://www.arbitrationblog.kluwerarbitration.com/2018/10/05/)>. 10 October 2018.

Oxford Bibliographies. "Peace of Westphalia (1648)." <<https://www.oxfordbibliographies.com/view/document/obo9780199743292/obo-9780199743292-0073.xml#:~:text=The%20Peace%20of%20Westphalia%20concluded,the%20state%20system%20of%20Europe>>. February 6, 2020.

Oxford Islamic Studies Online. "Pancasila". <<http://www.oxfordislamicstudies.com/article/opr/t125/e1818>>. 5 February 2020

- Pramuk, Jacob. "Senate passes new North American trade deal, sending it to Trump." <[www.cnn.com/2020/01/16/senate-passes-usmca-trade-deal-sends-it-to-trump.html](http://www.cnn.com/2020/01/16/senate-passes-usmca-trade-deal-sends-it-to-trump.html)>. 23 January 2020.
- Robert Landicho, Andrea Cohen. "What's in a Name Change? For Investment Claims Under the New USMCA Instead of NAFTA, Nearly Everything". *Kluwer Arbitration Blog*, Vinson & Elkins LLP, 2018. <<https://arbitrationblog.kluwerarbitration.com/2018/10/05/>>. 10 October 2018.
- Stanford Encyclopedia of Philosophy. "The Economic Analysis of Law." <<https://www.plato.stanford.edu/cgi-bin/encyclopedia/archinfo.cgi?entry=legal-econanalysis>>. 13 March 2019.
- Singapore International Mediation Centre. "SIMC and CCPIT Mediation Center Establish International Mediator Panel to Resolve BRI-related Disputes." <<http://simc.com.sg/blog/2019/01/25/simc-and-ccpit-mediation-center-establish-international-mediator-panel-to-resolve-bri-related-disputes>>. 21 June 2019.
- Swaargodeep Sarkar. "Brazil India Investment Cooperation and Facilitation Treaty (2020)". <<https://isds.bilaterals.org/?brazil-india-investment>>. 20 May 2020.
- Tambunan, Tulus, et. al. "Daya Saing Indonesia dalam Menarik Investasi Asing (Indonesia's Competitiveness in Attracting Foreign Investment)". <<http://kadin-indonesia.or.id/enm/images/dokumen/KADIN-98-2495-06022008.pdf>>. 28 February 2020.
- The Jakarta Post. "Indonesia Should Not Withdraw from the ICSID." <<https://www.thejakartapost.com/news/2014/04/24/indonesia-should-not-withdraw-icsid.html>>. July 4, 2018.

University of Chicago Law. "School Senior Lecturer." accessed on February 6th 2020. <<https://www.law.uchicago.edu/faculty/posner-r>>. February 6 2020.

United Nations. "Office of Legal Affairs (OLA)." <<https://legal.un.org/ilc/texts/instruments/english/commentaries/962001.pdf>>. 5 February 2020.

UNCTAD. "Dispute Settlement." <[http://unctad.org/en/docs/edmmiscn232add5\\_en.pdf](http://unctad.org/en/docs/edmmiscn232add5_en.pdf)>. 16 November 2015.

US Legal. "Ex Aequo Et Bono Law and Legal Definition." <<http://definitions.uslegal.com/e/ex-aequo-et-bono/>>. 16 November 2015.

US Legal. "Non Liqueur Law and Legal Definition." <<http://definitions.uslegal.com/n/non-liqueur/>>. 16 November 2015.

United Nation. "The State Responsibility of Internationally Wrongful Acts." <[https://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf)>. 23 March 2019.

## **MAGAZINES AND NEWSPAPER**

Febriani, Rika, Rachmi Hertani. "Mining Permit Revocation Leads to the 1 Billion Lawsuit." *ISDS Lawsuit: When Corporations Ignores State Sovereignty*. Jakarta: Indonesia for Global Justice, 2019.

Irianto, Sulistyowati. "Metode Penelitian Kualitatif dalam Metodologi Penelitian Ilmu Hukum". *Majalah Hukum dan Pembangunan* No. 2 Tahun XXXII (April-Juni 2022).

Nugroho, Aryanto. "Lawsuit Inhibits the Enforcement of Mining Policies in Indonesia". *ISDS Lawsuit: When Corporations Ignores State Sovereignty*. Jakarta: Indonesia for Global Justice, 2019.

The Jakarta Post Daily Newspaper, "Indonesia should withdraw from the ICSID!", accessed April 2<sup>nd</sup>, 2014.

\_\_\_\_\_, "Indonesia vindicated in international arbitration", accessed 9 December 2016.

The World Bank in India. (2019). Vol. 17/No. 14. available at: <http://documents.worldbank.org/curated/en/826171554467359079/pdf/The-World-Bank-in-India-Newsletter-vol-17-no-4.pdf>

