

FOREWORD

Preliminarily, the Author shall clarify at the outset that this thesis is written to fulfil the last academic requirement to obtain the Bachelor of Laws degree from the Faculty of Law of Universitas Pelita Harapan. The Author is frankly humbled to have arrived at this point; understanding very well, that she would not have been able to embark on and complete this academic journey had it not been for the constant guidance of, and continuous support from several notable figures.

First and above all, however, the Author wants to dedicate all glory and praise to Christ alone. *My Lord, and my God, it is by Your sufficient grace that I am able to do anything at all.* In addition, the Author also wants to extend her heartfelt gratitude to the following individuals:

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At last, the Author wish to deliver her final remarks in regard to the final outcome of this thesis, in that she fully acknowledges all the flaws and deficiencies of the analysis contained herein. Notwithstanding, the Author is always with the hope that this thesis will be of any use to its readers, and will be of contribution to the collective attempts of many legal scholars in initiating, and furthering discussions revolving around the topic of this thesis.

Karawaci, 21 January 2018

Author,
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TABLE OF CONTENTS

THESIS COVER PAGE	I
STATEMENT OF THESIS AUTHENTICITY.....	II
APPROVAL OF THESIS SUPERVISORS.....	III
APPROVAL OF THESIS EXAMINERS.....	IV
ABSTRAK.....	V
FOREWORD	VI
TABLE OF CONTENTS	IX
LIST OF ABBREVIATIONS.....	XIV
CHAPTER I INTRODUCTION	1
1.1 Background of the Problem	1
1.2 Formulation of Issues.....	10
1.3 Objective of Research	10
1.4 Benefits of Research.....	11
1.4.1 Academic Benefits.....	11
1.4.2 Practical Benefits.....	12
1.5 Systematic of Writing.....	12
CHAPTER II THEORITICAL FRAMEWORK	15
2.1 Theoretical Framework	15
2.1.1 Expropriation in International Investment Law	16
2.1.1.1 Definition of Expropriation	16
2.1.1.2 Legality of Expropriation.....	18

2.1.1.3	Forms of Expropriation.....	19
2.1.2	Indirect Expropriation in International Investment Law	22
2.1.2.1	Definition and Scope of Indirect Expropriation	22
2.1.2.2	Crucial Elements of Indirect Expropriation.....	25
2.1.2.2.1	The object of the regulatory measure must constitute an 'investment' under international investment law.....	26
2.1.2.2.2	The regulatory measure must have exerted 'sole effect' on the investor.....	28
2.1.2.2.3	The regulatory measure must have betrayed legitimate investor expectations.....	31
2.1.3	Indirect Expropriation in Indonesian Law	34
2.1.3.1	Expropriation in Indonesian Investment Law.....	35
2.1.3.2	Expropriation in Indonesian BITs.....	37
2.2	Conceptual Framework	40
CHAPTER III RESEARCH METHODOLOGY		43
3.1	Introduction	43
3.2	Types of Legal Research	45
3.3	Procedures in Collecting Research Materials.....	47
3.3.1	Primary Legal Sources.....	47
3.3.2	Secondary Legal Sources.....	49
3.3.3	Tertiary Legal Sources.....	49
3.4	Characters of Analysis	50
3.5	Obstacles During Research and Their Solutions.....	52

3.5.1 The Recent and Ongoing Nature of The Dispute	52
3.5.2 The Inseparability of The Political Aspect from The Legal Aspect.....	53
3.5.3 The Time Constraints	53
CHAPTER IV ANALYSIS.....	55
4.1 The Regulatory Frameworks Governing Indirect Expropriation under Indonesian Law and International Investment Law.....	55
4.2 The Analysis on Whether the Government’s New Regulations Were Tantamount to Indirect Expropriations of Freeport’s Investments	57
4.2.1 Whether Freeport’s Contractual Rights under CoW Constitute an ‘Investment’	57
4.2.2 Whether the New Regulations’ Impact Amounts to a Substantial Deprivation	60
4.2.2.1 Economic and Effective Control Impacts of the Measure.....	61
4.2.2.2 Duration of the Measure	66
4.2.3 Whether the Government’s Enactment of the New Regulations Betrays The Legitimate Expectations of Freeport	68
4.3 The Implications of Possible Indirect Expropriation Claims by Freeport	71
CHAPTER V CONCLUSIONS AND SUGGESTIONS	74
5.1 Conclusions	74
5.2 Suggestions.....	77
BIBLIOGRAPHY.....	79
ANNEX 1: CONTRACT OF WORK	89

ANNEX 2: GR1/2017.....	117
ANNEX 3: MEMR5/2017	124
ANNEX 4: MEMR6/2017	160



LIST OF ABBREVIATIONS

BIT	Bilateral Investment Treaty
BKPM	Indonesian Investment Coordinating Board
CIL	Customary International Law
CoW	Contract of work (<i>Kontrak Karya</i>)
EMRM	The Ministry of Energy and Mineral Resources of the Republic of Indonesia
FDI	Foreign Direct Investments
Freeport	Freeport McMoran Inc.
GDP	Gross Domestic Product
GR1/2014	Indonesian Government Regulation No. 1 of 2014 on the Third Amendment to the Government Regulation No. 23 of 2010 on the Implementation of Mineral and Coal Mining Business Activities
GR1/2017	Indonesian Government Regulation No. 1 of 2017 on the Fourth Amendment to Government Regulation No. 23 of 2010 on the Implementation of Mineral and Coal Mining Business Activities
ICSID	International Centre for Settlement of Investment Disputes
IIA	International Investment Agreement
ILC	International Law Commission
Indonesian Investment Law	Law of the Republic of Indonesia No. 25 of 2007 concerning Capital Investment, as the amendment to both Law No. 1 of 1967 on Foreign Capital Investment and Law No. 6 of

	1968 on Domestic Capital Investment
Indonesian Mining Law	Law of the Republic of Indonesia No. 4 of 2009 concerning the Mining of Minerals and Coals.
IUPK	Special Production Operation Mining Business Permits (<i>Izin Usaha Pertambangan Khusus</i>)
MEMR 5/2017	Regulation of the Indonesian Minister of Energy and Mineral Resources No. 5 of 2017 on Increasing Added Value Through Domestic Processing and Refining of Minerals, as amended in March 31, 2017
MEMR 6/2017	Regulation of the Indonesian Minister of Energy and Mineral Resources No. 6 of 2017 on Procedures and Requirements to Obtain Recommendations for Export Sale of Minerals Resulting from Processing and Refining, as amended in May 15, 2017
NAFTA	North American Free Trade Agreement
New Regulations	GR1/2017, MEMR 5/2017, and MEMR 6/2017
OECD	Organisation for Economic Co-operation and Development
PSNR	Permanent Sovereignty Of Natural Resources
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development