ABSTRACT

Nabillah Erischa Cyndita (00000004307)

The Legal Protection of Churchill Mining and Planet Mining Based on Indonesia-United Kingdom BIT and Indonesia-Australia BIT

( xxxi + 136 pages: 2 Pictures, 1 Table)

Foreign investment in Indonesia is not a new phenomenon. It is given that foreign investment has an important role in the development and growth of the national economy. Basically, national development needs more funds. Funds needed for economic development cannot be satisfied from the national government and the private sector, but its also requires foreign investors. This is why foreign investment participation in national development has an important role embodied in the form of foreign investment. Investment in Indonesia has two types, (a) direct investment and (b)indirect investment. Bilateral Investment Treaty made (BIT) is one way in which the Indonesian government with other countries to support the implementation of foreign investment in Indonesia. BIT made by the recipient country as capital (host state) with a country where investors infuse their capital (home state). With the hope of creating a mutually beneficial situation for both countries, especially with the existence of principles regarding the standard of treatment in a BIT that is expected to provide protection for both of state. The problem a rise when British Company Churchill Mining Plc (“Churchill”) and Australian Company Planet Mining Pty Ltd (“Planet”) who have a Investment dispute with Indonesian Government filed a lawsuit against the government of Indonesia at the International Centre for Settlement of Investment Disputes (ICSID) with the filing of objections over the revocation effort undertaken by the Government of Indonesia. Business license revocation is one kind of indirect expropriation. Expropriation is not directly an issue that can be done by the Indonesian government in controlling the foreign companies operating in Indonesia, thus expected to reduce losses suffered by Indonesia in the implementation of foreign investment so that the welfare of the people will be realized.

Keywords: Foreign Investment, BIT, Churchill Mining, ICSID, Expropriation

References: 54 (1967-2016)