

## DAFTAR PUSTAKA

### A. Buku-buku

- Abu Daud Busroh, *Ilmu Negara*, Bumi Aksara, Jakarta, 2009.
- Anna-Lenna Svensson-Mc Carthy, *The International law of Human Rights and States of Exception: With Special Reference to The Travaux Preparatoires and Case-Law of the International Monitoring Organs*, Martinus Nijhoff Publishing, The Hague, 1998.
- Anthony Aust, *Modern Treaty Law and Practice*, Cambridge University Press, Cambridge, 2007.
- Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum*, Mandar Maju, Bandung, 2008.
- Boer Mauna, *Hukum Internasional: Pengertian, Peranan, dan Fungsi dalam Era Dinamika Global*, PT. Alumni, Bandung, 2008.
- Eric Suy, *The Vienna Convention on the Law of Treaties Volume II*, Oxford University Press, Oxford, 2015.
- F. A. Whisnu Sutemi, *Identifikasi dan Reformulasi Sumber-Sumber Hukum Internasional*, CV. Mandar Maju, Bandung, 1989.
- Frans E. Likadja dan Daniel Frans Bessie, *Desain Instruksional Dasar Hukum Internasional*, Ghalia Indonesia, Jakarta, 1988.
- Franz Magnis-Suseno, *Etika Dasar – Masalah-masalah Pokok Filsafat Moral*, Kanisius, Yogyakarta, 1987.
- Friedman, *The Economic Analysis of Law*, Penerbit Bhratara, Jakarta, 1987.
- Hans Kelsen, *Principles of International Law*, New York, 1952.
- \_\_\_\_\_, *Teori Umum tentang Hukum dan Negara*, diterjemahkan dari *General Theory of Law and State*, Nusamedia dan Penerbit Nuansa, Bandung, 2006.
- Hercules Booyesen, *International Trade Law on Goods and Services*, Interlegal, Pretoria, 1999.
- Huala Adolf, *Hukum Perdagangan Internasional*, Rajawali Pers, Jakarta, 2004.
- \_\_\_\_\_, *Aspek-aspek Negara dalam Hukum Internasional*, CV. Rajawali Pers, Jakarta Utara, 1991.

- I. M. Sinclair, *The Vienna Convention on the Law of Treaties*, The University Press, Manchester, 1973.
- I Wayan Parthiana, *Hukum Perjanjian Internasional – Bagian 1*, Penerbit Mandar Maju, Bandung, 2002.
- \_\_\_\_\_, *Hukum Perjanjian Internasional – Bagian 2*, Penerbit Mandar Maju, Bandung, 2002.
- Ian Brownlie, *Instrumen-Instrumen Penting Hukum Internasional*, Sinar Baru, Jakarta, 1992.
- J. G. Starke, *Pengantar Hukum Internasional*, Sinar Grafika, Jakarta, 1992.
- James Crawford, *the Creation of States in International Law (Second Edition)*, Clarendon Press, Oxford, 2006.
- Karl Zemanek, *The Law of Treaties Beyond the Vienna Convention*, Oxford University Press, Oxford, 2011.
- Kenneth J. Vandeveld, *A Brief History Of International Investment Agreements*, *U.C. Davis Journal of International Law and Policy*, Regents of the University of California, California, 2005, hlm. 4.
- Lalu Husni, *Pengantar Hukum Ketenagakerjaan Indonesia (Edisi Revisi)*, P.T. Rajagrafindo Persada, Depok, 2012.
- Lili Rasjidi dan Liza Sonia, *Dasar-dasar Filsafat dan Teori Hukum*, P.T. Citra Aditya Bakti, Bandung, 2012.
- Lilik Mulyadi, *Teori Hukum Pembangunan Prof. Dr. Mochtar Kusumaatmadja, S.H., LL.M. – Sebuah Kajian Deskriptif Analitis*, Kajian Hukum, Fakultas Hukum Universitas Padjadjaran, Bandung, Tanpa Tahun.
- Lise Johnson, *International Investment Agreements And Climate Change: The Potential For Investor-State Conflicts And Possible Strategies For Minimizing It*, *Environmental Law Reporter News & Analysis*: by Environmental Law Institute, 2009.
- M. Sonarajah, *The International Law On Foreign Investment*, dalam Ralph H. Folsom, Michael Wallace Gordon, John A. Spanogle, *International Business Transactions (A Problem- Oriented Coursebook) (Fourth Edition)*, West Group, U.S.A., 1999.
- Mochtar Kusumaatmadja, *Pengantar Ilmu Hukum – Suatu Pengenalan Pertama Ruang Lingkup Berlakunya Ilmu Hukum (Buku 1)*, P.T. Alumni, Bandung, 1999.
- \_\_\_\_\_, *Konsep-konsep Hukum Dalam Pembangunan (Kumpulan Karya Tulis)*, Penerbit Alumni, Bandung, 2002.

- Mochtar Kusumaatmadja dan Etty R. Agoes, *Pengantar Hukum Internasional*, P.T. Alumni, Bandung, 2003.
- N.A. Maryan Green, *International Law: Law and Peace*, Mac Donald & Evans Ltd., London, 1973.
- Oliver Dorr dan Kirsten Schmalenbach (ed.), *Vienna Convention on the Law of Treaties A Commentary*, Springer-Verlag Berlin Heidelberg, New York, 2012.
- Romli Atmasasmita, *Pengantar Hukum Pidana Internasional*, PT. Refika Aditama, Bandung, 2000, hlm. 82 – 94
- Ronny Hanitijio, *Metode Penelitian Hukum dan Jurimetri*, Ghalian Indonesia, Jakarta, 1990.
- Sidik Suraputra (ed.), *Hukum Internasional dan Berbagai Permasalahannya (Suatu Kumpulan Karangan)*, Diadit Media, Jakarta, 2006, hlm. 182.
- Soehino, *Ilmu Negara*, Penerbit Liberty, Yogyakarta, 1998.
- Soerjono Soekanto, *Kesadaran Hukum dan Kepatuhan Hukum*, CV Rajawali, Jakarta, 1982.
- Sudikno Mertokusumo, *Mengenal Hukum – Suatu Pengantar*, Penerbit Liberty, Yogyakarta, 2003.
- Sumaryo Suryokusumo, *Hukum Perjanjian Internasional*, Tata Nusa, Jakarta, 2008.
- Sunaryati Hartono, *Hukum Ekonomi Pembangunan Indonesia*, Percetakan Binacipta, Bandung, 1988.
- Syahmin A.K., *Hukum Perjanjian Internasional (Menurut Konvensi Wina 1969)*, Amico, Bandung, 1985.
- Wirjono Prodjodikoro, *Asas-asas Hukum Publik Internasional*, PT Pembimbing Masa, Jakarta, 1967.

## **B. Peraturan Perundang-undangan**

- Undang-undang Dasar Negara Republik Indonesia Tahun 1945
- Undang-undang Republik Indonesia Nomor 37 Tahun 1999 tentang Hubungan Luar Negeri
- Undang-undang Republik Indonesia Nomor 24 Tahun 2000 tentang Perjanjian Internasional
- Undang-undang Republik Indonesia Nomor 4 Tahun 2009 tentang Pertambangan;
- Undang-undang Republik Indonesia Nomor 7 Tahun 2014 tentang Perdagangan;

Keputusan Presiden Republik Indonesia Nomor 58 Tahun 1994 tentang *Pengesahan Agreement Between the Government of the Republic of Indonesia and the Government of the Kingdom of the Netherlands on Promotion and Protection of Investment, Beserta Protocol*

Amanat Presiden Republik Indonesia kepada Ketua Dewan Perwakilan Rakyat Nomor 2826/HK/1960 tanggal 22 Agustus 1960 tentang *Pembuatan Perjanjian-perjanjian dengan Negara Lain*

*Vienna Convention on the Law of Treaties 1969*

*Agreement on Economic Cooperation between the Republic of Indonesia and the Kingdom of the Netherlands (with protocol and exchanges of letters dated on 17 June 1968)*

*Agreement Between the Government of The Kingdom of The Netherlands And the Government of The Republic of Indonesia On Promotion and Protection of Investment 1994 and Protocol*

*Contract of Work Between the Government of the Republic of Indonesia and PT Newmont Nusa Tenggara 1986*

*Memorandum of Understanding between Directorate General of Mineral and Coal the Ministry of Energy and Mineral Resources and PT Newmont Nusa Tenggara on Adjustment of the Contract of Work* atau Nota Kesepahaman antara Direktorat Jenderal Mineral dan Batubara Kementerian Energi dan Sumber Daya Mineral dan PT Newmont Nusa Tenggara tentang Penyesuaian Kontrak Karya.

### **C. Jurnal Ilmiah dan Makalah**

Eddy Damian, *Beberapa Pokok Materi Konvensi Wina Tahun 1969 tentang Hukum International Law Commission, Yearbook of the International Law Commission 1966, Volume II A/CN.4/SER.A/1966/Add.1., 1966.*

Ivan Ferdiansyah A., *Konsekuensi Yuridis Terhadap Ratifikasi Perjanjian Internasional Dalam Sistem Hukum Nasional Indonesia*, Fakultas Hukum Universitas Indonesia, Depok, 2010.

Paula I. Rochwerger, *Trade And Investment: Foreign Direct Investment Through Bilateral And Multilateral Treaties*, Article, New York International Law Review: Winter, 2005.

*Perjanjian Internasional*, Jurnal Hukum Internasional, Vol. 2 No. 3, Desember 2003.

Prasetyo Hadi Purwandoko, *Implementasi Ratifikasi Perjanjian Internasional Di Indonesia Setelah Berlakunya Uu Nomor 24 Tahun 2000*, *Majalah Yustisia*, Edisi Nomor 60, Januari-Maret 2003.

Sefriani, *Pengakhiran Sepihak Perjanjian Perdagangan Internasional*, Jurnal Ilmu Hukum Padjadjaran, Volume 2, Bandung, 2015.

Sigit Setiawan, *Paradigma Kebijakan Ekonomi Internasional Menuju Kemandirian & Kesejahteraan Indonesia*, Peneliti Madya pada Pusat Kebijakan Regional dan Bilateral – Badan Kebijakan Fiskal, Kementerian Keuangan, Jakarta, 2015.

Ulf Linderfalk, *The Effect of Jus Cogen Norms: Whoever Opened Pandora's Box, Did You Ever Think About the Consequences?*, The European Journal of International Law Vol. 18 No. 5, 2007.

#### **D. Kamus**

Bryan A. Garner, *Black's Law Dictionary (Eighth Edition)*, Thomson West, U.S.A., 2004.

Pusat Bahasa, *Kamus Besar Bahasa Indonesia Edisi Keempat*, Gramedia Pustaka Utama, Jakarta, 2008

#### **E. Majalah dan Surat Kabar**

Badan Koordinasi Penanaman Modal Indonesia, *Domestic and Foreign Direct Investment Realization in Quarter I (January –March) 2015*, dalam Press Release Investment Realization in Indonesia, Selasa 28 April 2015.

---

\_\_\_\_\_, *Domestic and Foreign Direct Investment Realization in Quarter II and January – June 2015*, dalam Press Release Investment Realization in Indonesia, Kamis 02 Juli 2015.

---

\_\_\_\_\_, *Domestic and Foreign Direct Investment Realization in Quarter III and January – September 2015*, dalam Press Release Investment Realization in Indonesia, Kamis 22 Oktober 2015.

---

\_\_\_\_\_, *Domestic and Foreign Direct Investment Realization in Quarter IV and January – December 2015*, dalam Press Release Investment Realization in Indonesia, Kamis 21 Januari 2016.

---

\_\_\_\_\_, *Domestic and Foreign Direct Investment Realization in Quarter IV and January – December 2016*, dalam Press Release Investment Realization in Indonesia, Senin 25 April 2016.

M. M. Azhar Lubis, *Domestic and Foreign Direct Investment Realization Steadily Increased, Beyond The Annual Target of 2014*, dalam Press Release Badan koordinasi Penanaman Modal Indonesia, Jakarta, Rabu 28 Januari 2015.

---

\_\_\_\_\_, *BKPM Susun Template Perjanjian Investasi*, dalam Press Release Badan koordinasi Penanaman Modal Indonesia, Jakarta, Senin 16 Mei 2015.

Rubi W. Purnomo, *Arbitration Filed Over Export Restrictions in Indonesia*, dalam Press Release PT. Newmont Nusa Tenggara, Jakarta, Selasa 01 Juli 2014.

Victor Maulana, *Indonesia dan Belanda Gencarkan Kerja Sama 4 Bidang*, dalam Harian Sindo, Bandung, Kamis 24 Maret 2016

## F. Internet

Craig Tevendale (*et. al*), *Indonesia indicates intention to terminate all of its bilateral investment treaties?*, <<http://www.lexology.com/library/detail.aspx?g=96317cf9-e366-4877-b00c-a997ed3389c5>,> diakses Bulan Oktober 2016.

David Price, *Indonesia's Perspectives on ISDS: Seeking a Panacea or Playing with a Ticking Time Bomb?*, <<http://www.lawasia.asn.au/PRICE.pdf>,> diakses Bulan Oktober 2016.

Gustidha Budiartie, *Sengketa Churchill vs Pemerintah Masuk Arbitrase*, <<https://m.tempo.co/read/news/2012/06/25/090412812/sengketa-churchill-vs-pemerintah-masuk-arbitrase>,> diakses Bulan Oktober 2016.

International Centre for Settlement of Investment Disputes, <<http://investmentpolicyhub.unctad.org/Download/TreatyFile/1646>,> diakses pada Bulan Oktober 2016.

Jared Heath (*et.al*), *Farewell Indonesia's BITs: economic nationalism or sensible reform?*, <<http://www.lexology.com/library/detail.aspx?g=cf024d43-350e-40c4-8d11-d235f86144fc>,> diakses Bulan Oktober 2016.

Media Profesi, *Langkah Berani, Indonesia Akhiri Perjanjian Investasi Bilateral dengan Belanda*, <<http://mediaprofesi.com/ekonomi/2753-langkah-berani-indonesia-akhiri-perjanjian-investasi-bilateral-dengan-belanda.html>,> diakses Bulan Oktober 2016.

Pandji R. Hardinoto, *Perjanjian Perdagangan Bebas Indonesia – Uni Eropa (CEPA) Di Tengah Propaganda Nasionalisme Ekonomi Menjelang Pemilihan Presiden 2014*, <<https://jakarta45.wordpress.com/tag/trading/>,> diakses Bulan Oktober 2016.

Press Release the Transnational Institute, *After South Africa, Indonesia takes a brave decision to terminate its Bilateral Investment Treaty with the Netherlands – PRESS RELEASE: Indonesia for Global Justice - Both ENDS - Centre for Research on Multinational Corporation (SOMO) - Transnational Institute (TNI)*, <<https://www.tni.org/en/pressrelease/after-south-africa-indonesia-takes-brave-decision-terminate-its-bilateral-investment>,> diakses Bulan Oktober 2016.

Situs Resmi Kedutaan Besar Belanda di Indonesia, *Termination Bilateral Investment Treaty*, <<http://indonesia.nlembassy.org/organization/departments/economic->

- affairs/termination-bilateral-investment-treaty.html,> diakses Bulan Oktober 2016.
- Bastiaan Scherpen, *Dutch FM: Confront Painful Parts of Indonesia-Netherlands History*, <<http://jakartaglobe.id/news/dutch-fm-confront-painful-parts-indonesia-netherlands-history/>> diakses Bulan November 2016.
- Ben Allen dan Aart Loubert, *History and Identity: Moluccans in the Netherlands*, <<http://www.safecom.org.au/dutch-moluccans.htm>> diakses Bulan November 2016.
- Burghard Ilge, *To change a BIT is not enough - On the need to create sound policy frameworks for investment*, <[http://www.s2bnetwork.org/wp-content/uploads/2015/09/To\\_Change\\_a\\_BIT\\_is\\_not\\_enough\\_sept\\_2015\\_HR.pdf](http://www.s2bnetwork.org/wp-content/uploads/2015/09/To_Change_a_BIT_is_not_enough_sept_2015_HR.pdf)> diakses Bulan November 2016.
- Herlina, *Awal Kedatangan Belanda di Indonesia*, <<http://herlinaherli.blogspot.co.id/2013/12/awal-kedatangan-belanda-di-indonesia.html>> diakses pada Bulan November 2016.
- Hilde van der Pas dan Riza Damanik, *The case of Newmont Mining vs Indonesia: Netherlands – Indonesia BIT rolls back implementation of new Indonesian mining law*, <<https://www.tni.org/en/briefing/netherlands-indonesia-bit-rolls-back-implementation-new-indonesian-mining-law>> diakses Bulan November 2016.
- The Jakarta Post, *Netherlands to put new emphasis on ties with Indonesia*, <<http://www.thejakartapost.com/news/2013/02/21/netherlands-put-new-emphasis-ties-with-indonesia.html>> diakses Bulan November 2016.
- ICSID CASE No. ARB/14/15 29 August 2014, <<http://www.italaw.com/sites/default/files/case-documents/italaw4005.pdf>> diakses Bulan November 2016.
- Natalia Santi, *Tingkatkan Perdagangan-Investasi, PM Belanda Kunjungi RI*, <<https://dunia.tempo.co/read/news/2016/10/16/117812631/tingkatkan-perdagangan-investasi-pm-belanda-kunjungi-ri>> diakses Bulan November 2016.
- Pemerintah Republik Indonesia dan Pemerintah Kerajaan Belanda, *Dokumen Joint Declaration by the Government of the Republic of Indonesia and the Government of the Netherlands on a Comprehensive Partnership*, <<http://www.kemlu.go.id/Documents/Joint%20Declaration%20PM%20Belanda/Joint%20Declaration%20PM%20Belanda.pdf>> diakses Bulan November 2016.
- Rafael Nieto-Navia, *International Peremptory Norms (Jus Cogens) and International Humanitarian Law*, <<http://www.iccnw.org/documents/WritingColombiaEng.pdf>> diakses Bulan November 2016.

- Randi Wirayudha, *52 Tahun Pemulihan Hubungan Indonesia-Belanda*, <<http://news.okezone.com/read/2015/03/13/337/1118019/52-tahun-pemulihan-hubungan-indonesia-belanda>>, diakses Bulan November 2016.
- Situs Resmi Pemerintah Belanda, *Relations between the Netherlands and Indonesia*, <<https://www.government.nl/topics/international-relations/contents/indonesia>>, diakses Bulan November 2016.
- Victor Maulana, *Indonesia dan Belanda Gencarkan Kerjasama 4 Bidang*, <<http://international.sindonews.com/read/1095543/40/indonesia-dan-belanda-gencarkan-kerjasama-4-bidang-1458814759>>, diakses Bulan November 2016.
- Widi Agustian, *Belanda Pertanyakan Keputusan RI Soal Perjanjian Investasi*, <<http://economy.okezone.com/read/2014/03/24/20/959924/belanda-pertanyakan-keputusan-ri-soal-perjanjian-investasi>>, diakses Bulan November 2016.
- The Asia Foundation, *Analisis Dampak Regulasi (RIA)*, <<https://asiafoundation.org/resources/pdfs/IndonesiaFY2011RIAbahasa.pdf>>, diakses Bulan April 2017.
- Bosman Batubara, *Indonesian government continues to serve extractive companies*, <[https://www.asienhaus.de/uploads/tx\\_news/asienhaus-hintergrundinformation4-2014.pdf](https://www.asienhaus.de/uploads/tx_news/asienhaus-hintergrundinformation4-2014.pdf)>, diakses Bulan April 2017.
- Centraal Bureau voor de Statistiek (CBS), *Fact Sheet Netherlands and Indonesia Merchandise Trade*, <[https://www.cbs.nl/-/media/\\_pdf/2016/16/factsheet%20indonesi.pdf](https://www.cbs.nl/-/media/_pdf/2016/16/factsheet%20indonesi.pdf)>, diakses Bulan April 2017.
- Christopher Schreuer, *Investments, Internasional Protection*, <[http://www.univie.ac.at/intlaw/wordpress/pdf/investments\\_Int\\_Protection.pdf](http://www.univie.ac.at/intlaw/wordpress/pdf/investments_Int_Protection.pdf)>, diakses Bulan April 2017.
- Collins Dictionary, <<https://www.collinsdictionary.com/dictionary/english/sunset-clause>>, diakses Bulan April 2017.
- Desy Setyowati dan Maria Yuniar Ardhiati (ed.), *Investasi Prancis ke Indonesia Tertinggal dari Belanda*, <<http://databoks.katadata.co.id/datapublish/2017/03/30/investasi-prancis-ke-indonesia-tertinggal-dari-belanda>>, diakses Bulan April 2017.
- Dinah Shelton (Ed.), *Jus Cogens and Obligations Erga Omnes, The Oxford Handbook on Human Rights (OUP 2013) Forthcoming*. Available at SSRN: <<https://ssrn.com/abstract=2279563>>, diakses Bulan April 2017.
- Estu Soryawati dan Aprilia Ika (ed.), *Dengan atau Tanpa Freeport, Medco Janji Bangun "Smelter" Newmont*, <<http://bisniskeuangan.kompas.com/read/2016/11/24/135209726/dengan>>.



atau.tanpa.freeport.medco.janji.bangun.smelter.newmont.>, diakses Bulan April 2017.

Kt. Diara Astawa, *Sistem Hukum Internasional Dan Peradilan Internasional*, <[journal.um.ac.id/index.php/jppk/article/view/5513/2168](http://journal.um.ac.id/index.php/jppk/article/view/5513/2168)>, diakses Bulan April 2017.

Muhammad Yazid dan Yudho Winarto (ed.), *Newmont akhirnya sepakat revisi kontrak*, <<http://industri.kontan.co.id/news/newmont-akhirnya-sepakat-revisi-kontrak/>>, diakses Bulan April 2017.

Newmont Mining Corporation, *About Newmont*, <<http://www.newmont.com/about-us/default.aspx#sthash.GRFwVy1Z.dpuf>>, diakses Bulan April 2017.

---

*Sale of Indonesian Assets*, *Newmont Successfully Completes Sale of Indonesian Assets*, <<http://www.newmont.com/newsroom/newsroom-details/2016/Newmont-Successfully-Completes-Sale-of-Indonesian-Assets/default.aspx>>, diakses Bulan April 2017.

UK Thomson Reuters' Practical law Dictionary, <[https://uk.practicallaw.thomsonreuters.com/4-502-2491?\\_\\_lrTS=20170402153248590&transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/4-502-2491?__lrTS=20170402153248590&transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1)>, diakses Bulan April 2017.

United Nations Commissions on Trade Internasional Law, <[http://www.unctadxi.org/templates/Page\\_\\_\\_1006.aspx](http://www.unctadxi.org/templates/Page___1006.aspx)>, diakses Bulan April 2017.

United Nations Commissions on Trade Internasional Law, *United Nations Treaty Collection: Treaty Reference Guide*, <<http://untreaty.un.org/English/guide.asp#ratification>>, diakses Bulan April 2017.

Wiel Packbier, *More imports from Indonesia*, <<https://www.cbs.nl/en-gb/news/2002/44/more-imports-from-indonesia>>, diakses Bulan April 2017.

Kantor Staf Presiden Republik Indonesia, *Indonesia dan Belanda Perkuat Kerja Sama di Bidang Perdagangan dan Pembangunan Infrastruktur*, <http://ksp.go.id/indonesia-dan-belanda-perkuat-kerja-sama-di-bidang-perdagangan-dan-pembangunan-infrastruktur/>, diakses Bulan April 2017