

Pelaksanaan kewajiban divestasi bagi investor asing di bidang pertambangan mineral dan Batubara: studi kasus PT. Kaltim Prima Coal, PT. International Nickel Indonesia Tbk. dan PT. Newmont Nusa Tenggara

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Abstrak

Kewajiban divestasi bagi investor asing di bidang pertambangan mineral dan batubara sebelum berlakunya Undang-Undang Pertambangan Mineral dan Batubara No. 4 Tahun 2009 diatur dalam perjanjian yang dibuat antara perusahaan pertambangan dengan pemerintah. Namun ketentuan dalam perjanjian tersebut tidak secara jelas mengatur proses pelaksanaan divestasi bagi saham asing. Hal ini menimbulkan berbagai masalah yang mengakibatkan terhambatnya proses divestasi tersebut.

Analisis atas permasalahan yang menghambat proses divestasi ini dilakukan dengan metode yuridis normatif serta mengambil tiga contoh perusahaan pertambangan besar yang mengalami masalah dalam pelaksanaan proses divestasi tersebut, yaitu PT Kaltim Prima Coal, PT International Nickel Indonesia Tbk, dan PT Newmont Nusa Tenggara. Berbagai upaya dilakukan untuk mengatasi masalah atas ketiga kasus tersebut, namun hingga saat ini proses divestasi ketiga perusahaan tersebut masih bermasalah.

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Before the effectivity of Law No. 4 Year 2009 concerning Mineral and Coal Mining, the obligation of divestment for foreign investor in mineral and coal mining has been regulated in a contract between the mining corporation and the government. Nevertheless, those contract did not arrange the process of divestment clearly. Because of that, many problems that can obstruct the divestment process have been arise.

The analitical review of this problems is using the legal-normative method with explaining the cases of three big mining companies which have problems around the divestment process. The three companies are PT Kaltim Prima Coal, PT International Nickel Indonesia Tbk, and PT Newmont Nusa Tenggara. Various efforts have been tried to solve divestment problems in those companies, but until this time there are still problems around their divestment process.