

Aspek HPI terhadap PMH yang terjadi di Indonesia tetapi diadili di forum asing (studi kasus perkara Beanal v Freeport dan Doe v Exxon) = Private international law aspect of tort occurred in Indonesia but litigated before the foreign forum case studies Beanal v Freeport and Doe v Exxon

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Abstrak

ABSTRAK

Skripsi ini membahas perkara PMH yang terjadi di Indonesia berupa pelanggaran HAM yang dimintakan ganti kerugiannya dengan Alien Tort Statute di Pengadilan Federal Amerika Serikat. Dua perkara yang dianalisis adalah perkara Tom Beanal v. Freeport-McMoran Inc, and Freeport MrMoran Copper and Gold, Inc., Civil Action No.96-1474 section "K", United States District Court For the Eastern District Court of Lousiana dan Doe v. Exxon Mobile Corp., No. Civ.A 01-1357 (LFO), United States District Court of Columbia. Hasil penelitian ini menunjukkan metode penentuan hukum yang berlaku yang digunakan oleh hakim tidak memuaskan.

ABSTRACT

This thesis analyzes the Tort in the form of the violation of human rights occurred in Indonesia but litigated before the Federal Court of United States of America using Alien Tort Statute. The Cases discussed in this thesis are Tom Beanal v. Freeport-McMoran Inc, and Freeport MrMorran Copper and Gold, Inc., Civil Action No.96-1474 section "K", United States District Court For the Eastern District Court of Lousiana and Doe v. Exxon Mobile Corp., No. Civ.A 01-1357 (LFO), United States District Court, District Court of Columbia. The Result of this research shows that the method used by the Judge in determining applicable law is unsatisfying.