

Analisis hak dan kewajiban para pihak dalam perjanjian joint operating body (JOB) beserta status hukumnya = Analysis on the rights and obligations between parties in a joint operating body agreement with its legal status

Devitri Anita Harun, author

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Abstrak

ABSTRACT

Skripsi ini membahas mengenai pengaturan hak dan kewajiban yang terdapat di dalam Perjanjian Kerjasama Joint Operating Body (JOB) beserta status hukumnya. Perjanjian JOB merupakan perjanjian turunan dari Kontrak Bagi Hasil yang diatur di dalam Undang-Undang No. 22 Tahun 2001. Metode penelitian yang digunakan adalah metode penelitian yuridis-normatif. Perjanjian yang dijadikan studi kasus di dalam penelitian ini pada dasarnya telah memenuhi prinsip kebebasan berkontrak yang terdapat di dalam hukum perikatan, walaupun terdapat ketimpangan dalam pembagian hak dan kewajiban di dalam perjanjian tersebut. Selanjutnya, Perjanjian JOB mewajibkan para pihaknya untuk membuat sebuah badan operasi bersama/Joint Operating Body untuk menjalankan kegiatan operasi. Namun, status hukum dari badan tersebut belum jelas karena tidak diatur di dalam perjanjian. Oleh karenanya diperlukan pengaturan khusus terhadap status hukum dari JOB tersebut, agar dapat memudahkan para pihak apabila terjadi perselisihan di antara pihak atau terhadap pihak ketiga ke depannya.

ABSTRACT

This thesis examines the division between rights and obligations amongst the parties in a Joint Operating Body agreement with its legal status. Joint Operating Body agreement is a derivative of a Production Sharing Contract, which is regulated under Law No. 22/2001. This research is conducted with a normative legal method. In general, the agreement has reflected the freedom of contract principle that is the basis of the contract law, but there is an imbalance between rights and obligations on this agreement. Moreover, the agreement stated that both parties must form a Joint Operating Body that will carry out all operational activities. However, the legal status of said body is still not defined, as it is not governed by the agreement. Therefore, there needs to be a specific clause in the agreement that regulates the formation of Joint Operating Body and its legal status, in order to avoid disputes between the parties involved or with any third parties in the future.