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## HARMONISASI HUKUM PENANAMAN MODAL INDONESIA DALAM RANGKA MENUJU KOMUNITAS EKONOMI ASEAN (*ASEAN ECONOMIC COMMUNITY*) PADA TAHUN 2015

(Ari Wirya Dinata, 1010112019, Fakultas Hukum Universitas Andalas, PK VII (Hukum Internasioanl,75 halaman, Tahun 2014)

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### ABSTRACT

Investment is one of important aspects for the development of a country, be it Host Investment, where the source of the investment is domestic, or foreign investment, where the source is from abroad. It becomes a condition *sine qua non* for a country, unexceptionally Indonesia, in embodying the ideals of the country itself. In the spirit of establishing the ASEAN Economic Community (KEA), which will be implemented by the end of 2015, the Government of Indonesia as one of ASEAN member states has to prepare various dimensions of Indonesian people to be able to compete with the citizens of other ASEAN countries in terms of employment. That includes preparing a rule which accommodates the interests of all parties, among which the interest of the country as lied in the fourth paragraph of the preamble of the amended 1945 Constitution of the Republic of Indonesia comes into a priority. Rules on investment in ASEAN can be found in *ASEAN Comprehensive Investment Agreement 2009* (ACIA), which was a codification of two preceding instruments, namely the *ASEAN Investment Area 1998* (IAI) and *ASEAN Investment Guarantee Agreement 2011* (IGA). Indonesia has ratified the ACIA through Presidential Decree No. 49 of 2011, meaning that Indonesia has committed to execute such provisions by synchronizing its national law with the ratified instrument. The law on investment in Indonesia is regulated in Law Number. 25 of 2007 which has repealed the previous regulation. The focus of this research is to analyze both relevant rules which have and which have not been harmonized as well as the implications of both. This research found that there are some provisions in The Law Number. 25 of 2007 on Investment which are in harmony with ASEAN legal instruments on investment, such as Article 3, Article 6 (1) and (2) which are in sync with Article 5, 6, 11, 21 and 23 of the ACIA. Provisions which are not yet in sync are found in Article 7 (2) and Article 8, for those are not in sync with Article 12 and Article 13 of the ACIA. The ratification of ACIA asks for new legal instruments to be regulated as a response to liberalization in investment.

Skripsi ini telah dipertahankan di depan tim penguji dan dinyatakan lulus pada tanggal 06 Mei 2014. Abstrak telah disetujui oleh penguji.

Penguji,

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