



Satuan Acara Pengajaran

LWIN601004 - Transaksi Bisnis Internasional

Pengajar

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Prof. Achmad Zen Umar Purba S.H., LL.M.

Dr. Mutiara Hikmah S.H., M.H.

Minggu 1

Materi 9 Februari 2017

Kuliah Pembuka:

1. Penjelasan tentang ruang lingkup perkuliahan;
 2. Literatur perkuliahan dan komponen penilaian.
 3. Aturan Perkuliahan
-

Media Komputer

LCD Proyektor

Referensi Ralph H. Folsom, et.al., International Business Transactions: A Problem-oriented Coursebook (American Casebooks), Minnesota:West Publishing Co, 2009

Ralph H. Folsom, et.al., International Business Transaction: in a Nutshell, Minnesota:West Publishing Co, 1996.

Carolyn Hotchkiss, International Law for Business, Singapore: McGraw-Hill Inc, 1994, Chapter 1 & 2.

Bacaan Tambahan:

Kenneth C. Randall dan John E. Norris, "A New Paradigm for International Business Transaction":

http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1790&context=law_lawreview

Claire Cutler, "Artifice, Ideology and Paradox: The Public/Private Distinction in International Law": <http://www.jstor.org/stable/4177225?origin=JSTOR-pdf>

Aktivitas Diskusi Kelas

Minggu 2

Materi 16 Februari 2017

Subyek/Aktor TBI I: Pribadi Kodrati dan Badan Hukum

Media Komputer
LCD Proyektor

Referensi Sudargo Gautama, Pengantar Hukum Perdata Internasional Indonesia (Bandung: Binacpta, 1987), Bab 3 - Prinsip Kewarganegaraan dan Prinsip Domisili.

Sudargo Gautama, Hukum Perdata Internasional Indonesia, (Bandung: PT Eresco, 1979), Jilid Ke-2, Bagian Pertama (Buku Seri Ke-2).

Margareth Blair, "The Four Functions of Corporate Personhood":
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2037356

Hussein Nuaman Soufraki v. United Arab Emirates, ICSID Case No. ARB/02/7, 7 Juli 2004.

Aktivitas Diskusi Kelas

Minggu 3

Materi 23 Februari 2017

Subyek/aktor TBI II:

Multinational Companies/Transnational Corporations

Media Komputer
LCD Proyektor

Referensi UN Draft Code of Conduct on Transnational Corporations

Peter T. Muchlinski, *Mutinalional Enterprises and the Law*, New York: Oxford University Press Inc, 2007.

Carolyn Hotchkiss, *International Law for Business*, Singapore: McGraw-Hill Inc, 1994, Chapter 15.

Yitzhak Hadari, "The Structure of the Private Multinational Enterprise":
<http://www.jstor.org/stable/1287788>

Yitzhak Hadari, "The Choice of National Law Applicable to the Multinational Enterprise and the Nationality of Such Enterprise":
<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2473&context=dlj>

Geoffrey G. Jones, "Nationality and Multinationals in Historical Perspective":
<http://www.hbs.edu/faculty/Publication%20Files/06-052.pdf>

Barcelona Traction, Light, and Power Co., Ltd (Belgium v. Spain). 5 Februari 1970.

F.A. Mann, "The Protection of Shareholders' Interest in the Light of Barcelona Traction Case", *The American Journal of International Law*, Vol 67 No. 2, Apr 1973.

Aktivitas Diskusi Kelas

Minggu 4

Materi 2 Maret 2017

Subyek/Aktor TBI III:

Negara

Media Komputer

LCD Proyektor

Referensi Sudargo Gautama, Soal-Soal Aktual Hukum Perdata Internasional, Bandung: Penerbit Alumni, 1981, Bab V.

Ralph H. Folsom, et.al., International Business Transaction: in a Nutshell, Minnesota: West Publishing Co, 1996. Chapter 9 & 10.

Richard Bardos, "Judicial Abstention Through the Act of State Doctrine. International Association of Machinists v. Organization of Petroleum Exporting Countries, 649 F.2.D 1354 (9th Cir. 1981)", Maryland Journal of International Law, Vol. 7 Issue 1, 1981.
<http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1186&context=mjil>

Jasper Finke, "Sovereign Immunity: Rule, Comity or Something Else", The European Journal of International Law Vol. 21 No. 4, 2011.
<http://ejil.oxfordjournals.org/content/21/4/853.full#fn-20>

Christian Tomuschat, "The International Law of State Immunity and Its Development at National Institutions", Vanderbilt Journal of Transnational Law, Vol 44: 1105
<https://wp0.its.vanderbilt.edu/wp-content/uploads/sites/78/Tomuschat-cr.pdf>

United Nations Convention on Jurisdictional Immunities of States and Their Property 2005

ICJ Decision on Elettronica Siccula S.p.A (ELSI) United States of America v. Republic of Italy, Judgement of 20 July, 2989.

Aktivitas Diskusi Kelas

Minggu 5

Materi 9 Maret 2017

Tanggung Jawab Negara I

Media Komputer

LCD Proyektor

Referensi ILC Draft on Responsibility of States for Internationally Wrongful Acts 2001

Pierre Klein, et al., "The State of State Responsibility", American Society of International Law, Proceeding of the Annual Meeting of ASIL, Vol. 96, March 2002 (via JSTOR)

Robert Rosenstock, "The ILC and State Responsibility", American Journal of International Law Vol 96 No. 4, Cot. 2002.

http://www.jstor.org/stable/3070678?seq=1#page_scan_tab_contents

Wladyslaw Czaplinski, "UN Codification of Law State Responsibility", Archiv des Volkerrechts, March 2003.

Elizabeth A. Martinez, "Understanding the Debate Over Necessity: Unanswered Questions and Future Implications of Annulments in the Argentine Gas Cases", Duke Journal of International Law Vol. 23. 149.

<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1385&context=djCIL>

Aktivitas Diskusi Kelas

Minggu 6

Materi 16 Maret 2017

Tanggung Jawab Negara II

Media Komputer

LCD Proyektor

Referensi ILC Draft on Responsibility of States for Internationally Wrongful Acts 2001

Pierre Klein, et al., "The State of State Responsibility", American Society of International Law, Proceeding of the Annual Meeting of ASIL, Vol. 96, March 2002 (via JSTOR)

Robert Rosenstock, "The ILC and State Responsibility", American Journal of International Law Vol 96 No. 4, Cot. 2002.

http://www.jstor.org/stable/3070678?seq=1#page_scan_tab_contents

Wladyslaw Czaplinski, "UN Codification of Law State Responsibility", Archiv des Volkerrechts, March 2003.

Elizabeth A. Martinez, "Understanding the Debate Over Necessity: Unanswered Questions and Future Implications of Annulments in the Argentine Gas Cases", Duke Journal of International Law Vol. 23. 149.

<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1385&context=djCIL>

Aktivitas Diskusi Kelas

Minggu 7

Materi 30 Maret 2017

Hukum yang Berlaku dalam Kontrak Internasional

Pilihan Hukum dalam Kontrak Bisnis Internasional

Media Komputer

LCD Proyektor

Referensi Huala Adolf, Perancangan Kontrak Internasional, Bandung:Keni Media, 2011

Karla C. Shippey, Kontrak Bisnis Internasional - Panduan Menyusun Draft Kontrak Bisnis Internasional, Hesti Widyaningrum (Pen), Jakarta: PPM, 2004.

Carolyn Hotchkiss, International Law for Business, Singapore: McGraw-Hill Inc, 1994, Chapter 6 & 7.

Jurgen Basedow, Klaus Hopt & Reinhard Zimmermann (eds), Choice of Law by the Parties, Max Planck Encyclopedia of European Private Law, Oxford University Press 2012.

Mo Zhang, Party Autonomy and Beyond: An International Perspective of Contractual Choice of Law, Emory International Law Review. 511, 2006.

Aktivitas Diskusi Kelas

Minggu 8

Materi 30 Maret 2017

Media

Referensi

Aktivitas UTS

Minggu 9

Materi 6 April 2017

Hukum yang Berlaku dalam Kontrak Internasional

UN Convention on the Use of Electronic Communication in International Contracts (ECC Convention)

Media Komputer

LCD Proyektor

Referensi http://www.uncitral.org/uncitral/en/uncitral_texts/electronic_commerce/2005Convention.html

http://www.uncitral.org/pdf/english/texts/electcom/06-57452_Ebook.pdf

Aktivitas Diskusi Kelas

Minggu 10

Materi 13 April 2017

Investasi

Media Komputer

LCD Proyektor

Referensi Jeswald L. Salacuse, *The Three Laws of International Investment*, Oxford: Oxford University Press, 2013.

Robert Pritchard, *Economic Development, Foreign Investment and the Law: Issues of Private Sector Involvement Foreign Investment and the Rule of Law in New Era*, London: Kluwer Law International, 1996.

Carolyn Hotchkiss, *International Law for Business*, Singapore: McGraw-Hill Inc, 1994, Chapter 12.

World Bank, *Doing Business Report 2016 Measuring Regulatory Quality and Efficiency*

<http://www.doingbusiness.org/~/media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB16-Full-Report.pdf>

Jennifer Tobin and Susan Rose-Ackerman, "Foreign Direct Investment and the Business Environment in Developing Countries: The Impact of Bilateral Investment Treaties", Yale Law School. Center for Law, Economics and Public Policy, Research Paper No. 293. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=557121

Susan D. Franck, *Foreign Direct Investment, Investment Treaty Arbitration, and the Rule of Law*, *Global Business & Development Law Journal* Vol. 19, 2007.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=882443

Kenneth J. Vandeveld. "The Political Economy of a Bilateral Investment Treaty", *American Journal of International Law*, Vol. 92 No.4, Oct 1998.

Aktivitas Diskusi Kelas

Minggu 11

Materi 20 April 2017

Perjanjian Lisensi dan Hak Kekayaan Intelektual

Media Komputer

LCD Proyektor

Referensi chmad Zen Umar Purba, Perjanjian TRIPs dan Beberapa Isu Strategis, Jakarta-Bandung: Badan Penerbit Fakultas Hukum UI & PT Alumni, 2011.

Carolyn Hotchkiss, International Law for Business, Singapore: McGraw-Hill Inc, 1994, Chapter 12 & 14.

TRIPs Agreement

Keith E. Maskus, Intellectual Property Rights and Foreign Direct Investment, CIES Policy Discussion Paper 0022, May 2000

Aktivitas Diskusi Kelas

Minggu 12

Materi 27 April 2017

Alih Teknologi

Media Komputer

LCD Proyektor

Referensi Achmad Zen Umar Purba, Perjanjian TRIPs dan Beberapa Isu Strategis, Jakarta-Bandung: Badan Penerbit Fakultas Hukum UI & PT Alumni, 2011.

Ralph H. Folsom, et.al., International Business Transaction: in a Nutshell, Minnesota:West Publishing Co, 1996, Chapter 5.

TRIPs Agreement

Robert P. Morgan, "Transfer of Technology", Proceeding of the Academy of Political Science Vol.30 No. 4, Aug 1972.

B.J. Bard, "The Transher of Technoogy", Acta Economica, Vol 6 No.1/2 1971

Aktivitas Diskusi Kelas

Minggu 13

Materi 4 Mei 2017

Alternatif Penyelesaian Sengketa

1. Negosiasi
2. Mediasi, dan
3. Konsiliasi

Media LCD dan Komputer

Referensi Sudargo Gautama, Pengantar Hukum Perdata Internasional Indonesia, (Bandung: Binacipta, 1987), Bab 8 - Pilihan Hukum.

Sudargo Gautama, Hukum Perdata Internasional Indonesia, Jilid Ke-2, Bagian Ke-4, Buku Seri Ke-5, Bab Pilihan Hukum.

Sudargo Gautama, Hukum Perdata Internasional Indonesia, Jilid Ke-3, Bagian Ke-2, Buku Seri Ke-8, Bab Hukum Perjanjian.

Ralph H. Folsom, et.al., International Business Transaction: in a Nutshell, Minnesota: West Publishing Co, 1996, Chapter 8.

Susan D. Franck, "Using Investor-State Mediation Rules to Promote Conflict Management: An Introductory Guide", Washington & Lee Public Legal Studies and Research Paper Series No. 2014 - 13, February 2014

Aktivitas Diskusi Kelas

Minggu 14

Materi 11 Mei 2017

Arbitrase sebagai Proses Penyelesaian Sengketa Bisnis Internasional

Media Komputer

LCD Proyektor

Referensi Sudargo Gautama, Arbitrase Dagang Internasional, Bandung: Penerbit Alumni, 1986

Tin Zuraida, Prinsip Eksekusi Putusan Arbitrase Internasional di Indonesia, Teori dan Praktek yang Berkembang, Surabaya: Wastu Lanas Grafika, 2009.

Gary B. Born, International Arbitration: Law and Practice, Wolters & Kluwer, 2012.

Chester Brown and Kate Miles (ed), Evolution in Investment Treat Law and Arbitration, Cambridge: Cambridge University Press, 2011

Aktivitas Diskusi Kelas

Minggu 15

Materi (Tentatif tergantung jadwal dari Fakultas)

Ujian Akhir Semester

Media

Referensi

Aktivitas
