

Daftar Pustaka

Buku-buku

- Abdurrasyid, H. Priyatna, 2002, *Arbitrase dan Alternatif Penyelesaian Sengketa*, PT Fikahati Aneska, Jakarta.
- Adolf, Huala, 2005, *Hukum Ekonomi Internasional*, Cetakan keempat, Rajawali Pers, Bandung.
- Adolf, Huala, 2011, *Hukum Penyelesaian Sengketa Penanaman Modal*, CV. Keni Media, Bandung.
- Amin, Rahman, 2019, *Pengantar Hukum Indonesia*, Deepublish, Yogyakarta.
- Amriani, Nurhaningsih, 2019, *Prinsip Transparansi Putusan Arbitrase, Studi Penyelesaian Sengketa Investasi Melalui ICSID dan Pengalaman di Beberapa Negara*, Genta, Yogyakarta.
- Bishop, Doak dan Silvia Marchili, 2012, *Annulment under the ICSID Convention*, Oxford University Press, UK.
- Carter, Barry E., Allen S. Weiner dan Duncan B. Hollis, 2018, *International Law*, Aspen Publishing, Massachusetts.
- Cheng, Bin, 2021, *General Principles of Law as Applied by International Courts and Tribunals* dalam *British Contributions to International Law 1915-2015*, BRILL, Leiden.
- Dimopoulos, Angelos , 2011, *EU Foreign Investment Law*, OUP Oxford, Oxford.
- Dolzer, Rudolf dan Christoph Schreuer, 2012, *Principles of International Investment Law*, Edisi Ketiga, Oxford University Press, Oxford.
- Giorgetti, Chiara 2014, *Litigating International Investment Disputes: A Practitioner's Guide*, Brill, Leiden.
- Kryvoi, Yarik, Koepp, Johannes dan Jack Biggs, 2021, *Empirical Study: Annulment in ICSID Arbitration*, BIICL & Baker Botts, London.
- Harahap, M. Yahya, 2006, *Arbitrase*, Cet.4, Sinar Grafika, Jakarta.
- H. Salim dan Septian Nurbani, 2013. *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi*, Rajawali Press, Jakarta.

- Margono, Suyud, 2004, *ADR (Alternative Dispute Resolution) & Arbitrase: Proses Pelembagaan dan Aspek Hukum*, Ghalia Indonesia, Bogor.
- Rajaguguk, Erman, 2001, *Arbitrase dalam Putusan Pengadilan*, Candra Pratama, Jakarta.
- Schmitthoff, Clive M., 1981, *Commercial Law in A Changing Economic Climate*, Sweet and Maxwell, London.
- Schreuer, Christoph H, 2022, *Schreuer's Commentary on the ICSID Convention, Third Edition*, Cambridge University Press, Cambridge.
- Sheppard, Audley, 2009, *Arbitrator Independence in ICSID Arbitration dalam International Investment Law for the 21st Century: Essays in Honour of Christoph Schreuer*, Oxford University Press, Oxford.
- Soekanto, Soerjono dan Sri Mamudji, 2003, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Rajawali Pers, Jakarta.
- Sunggono, Bambang, 2003, *Metode Penelitian Hukum*, Cet 5, PT RajaGrafindo Persada, Jakarta.
- Tietje, Christian, 2014, *The Impact of Investor-State-Dispute Settlement (ISDS) in the Transatlantic Trade and Investment Partnership*. Ministry for Foreign Trade and Development Cooperation, Ministry of Foreign Affairs, The Netherlands.
- Ury, William L., Jeanne M. Brett dan Stephen B. Goldberg, 1988, *Getting Disputes Resolved*, Jossey-Bass, Inc., California.
- Velentina, Ruli Anita, 2019, *Penyelesaian Sengketa Penanaman Modal Asing Melalui Arbitrase ICSID: Antara Mitos dan Realita*, Disertasi Universitas Pelita Harapan, Tangerang.
- Waibel, Michael dan Yanhu Wu, 2017, *Are Arbitrators Political? Evidence from International Investment Arbitration*, University of Cambridge, Cambridge.
- Winarta, Frans Hendra, 2011, *Hukum Penyelesaian Sengketa Arbitrase Nasional Indonesia & Internasional*, Sinar Grafika, Jakarta.

Peraturan Perundang-Undangan

Convention on the Settlement of Investment Disputes Between States and Nationals of other States

ICSID Administrative and Financial Regulations

ICSID Rules of Procedure for The Institution of Conciliation and Arbitration Proceedings (Institution Rules)

Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase Dan Alternatif Penyelesaian Sengketa

United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958)

United Nations Commission on International Trade Law Model Law on International Commercial Arbitration (1985)

Karya Ilmiah

Bottini, Gabriel, 2016, *Present and Future of ICSID Annulment: The Path to an Appellate Body?*, ICSID Review - Foreign Investment Law Journal. Vol. 31 No. 3, <https://doi.org/10.1093/icsidreview/siw025>.

Connery, Andrew 2020, Finality, Fairness, And Consistency: Striking A Balance In ICSID Annulment Proceedings Concerning Arbitrator Bias. Columbia Business Law Review, Vol 2020, No. 1. <https://doi.org/10.52214/cblr.v2020i1.7160>.

Delaume, Georges, 1989, The Finality of Arbitration Involving States: Recent Developments. Arbitration International, Vol. 5 No. 1, <https://doi.org/10.1093/arbitration/5.1.21>.

Eklesia, Martines, 2022, *Penyelesaian Sengketa Investor Asing dalam Mekanisme Investor State Dispute Settlement (ISDS) dan Implikasinya dalam Sistem Hukum Indonesia*, Artikel Skripsi, Universitas Sam Ratulangi, Sulawesi.

Haiban, M. Azka, 2023, *Subjek Hukum Investasi Internasional dalam Forum ICSID: Teori dan Praktiknya*, Unes Law Review, Vol. 6 No. 1.

Pauker, Saar, Benny Winston, 2021, *Eiser v Spain – Unprecedented Annulment of an ICSID Award for Improper Constitution of the Tribunal*, The Journal of

World Investment & Trade, Vol. 22 No, 2,
<https://doi.org/10.1163/22119000-12340205>.

Pinsolle, Philippe, 2000 *The Annulment of ICSID Arbitral Awards*, *The Journal of World Investment & Trade*, Vol. 1 No.1, <https://doi.org/10.1163/221190000X00087>.

Popov, Nikolay, 2020, *The Effectiveness of the Grounds for the Annulment of ICSID Awards*, *Tesis*, Uppsala Universitet, Uppsalam.

Schreuer, Christoph, 2011, *From ICSID Annulment to Appeal Half Way Down the Slippery Slope*", *The Law & Practice of International Courts and Tribunals*, Vol. 10 No. 2, <https://doi.org/10.1163/157180311X582125>.

Sumber lainnya

<https://icsid.worldbank.org/cases/content/tables-of-decisions/annulment> diakses pada tanggal 1 Maret 2023 pukul 13.45 WIB.

<https://icsid.worldbank.org/about>, diakses pada tanggal 1 Maret 2023 pukul 13.00 WIB.

<https://globalarbitrationreview.com/guide/the-guide-challenging-and-enforcing-arbitration-awards/2nd-edition/article/icsid-awards> diakses pada tanggal 1 Maret 2023 pukul 14.00 WIB.

<https://icsid.worldbank.org/procedures/fact-finding/registration-process-initial-steps-after-registration>, diakses pada tanggal 20 Juni 2023 pukul 20.00.

https://www.oed.com/dictionary/constitute_adj?tab=factsheet#8392696properly, diakses pada tanggal 30 August 2023 pukul 13.40 WIB.

https://www.oed.com/dictionary/properly_adv?tab=factsheet#28230856, diakses pada tanggal 30 August 2023 pukul 13.55 WIB.

<https://www.acerislaw.com/interest-in-international-investment-arbitration/>, diakses pada tanggal 20 Desember 2023 pukul 08.00.

ICSID, 2004, *Possible Improvement of the Framework for ICSID Arbitration*. ICSID Secretariat. Washington, DC.

ICSID, 2012, *Background Paper on Annulment For the Administrative Council of ICSID*, ICSID Secretariat, Washington.

ICSID, 2021, *The ICSID Case Load - Statistics Issue 2021*, ICSID Secretariat, Washington,

ICSID, 2022, *The ICSID Caseload - Statistics, Issue 2022 -2*, ICSID Secretariat, Washington.

Adriano Gardella SpA v Côte d'Ivoire (ICSID Case No. ARB/74/1), Award, 29 August 1977.

Amco Asia Corporation & Ors v Republic of Indonesia (I) (ICSID Case No. ARB/81/1), 20 November 1984.

Astaldi S.p.A. v Republic of Honduras (ICSID Case No. ARB/07/32).

Burlington Resources Inc. v Republic of Ecuador (ICSID Case No. ARB/08/5).

CMS Gas Transmission Company v The Argentine Republic (ICSID Case No. ARB/01/8), 12 May 2005.

Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. (formerly Compañía de Aguas del Aconquija, S.A. and Compagnie Générale des Eaux) v Argentine Republic (I) (ICSID Case No. ARB/97/3), 21 November 2000.

Decision of the ad hoc Committee on the Application for Annulment, Maritime International Nominees Establishment v. Republic of Guinea (ICSID Case No. ARB/84/4), 22 December 1989.

Decision of the ad hoc Committee on the Application for Annulment, Poštová banka, a.s. and Istrokapital SE v. Hellenic Republic (ICSID Case No. ARB/13/8), 29 September 2016.

Decision of the ad hoc Committee on the Application for Annulment, Cube Infrastructure Fund SICAV and others v. Kingdom of Spain (ICSID Case No. ARB/15/20), 28 March 2022.

Decision of the ad hoc Committee on the Application for Annulment, S.A., Peter de Sutter and Kristof De Sutter v Republic of Madagascar (II), (ICSID Case No ARB/17/18), 14 Oktober 2022.

Decision of the ad hoc Committee on the Application for Annulment, Orascom TMT Investments S.à r.l. v. People's Democratic Republic of Algeria (ICSID Case No. ARB/12/35), 17 September 2022.

Decision of the ad hoc Committee on the Application for Annulment, *Sempra Energy International v. Argentine Republic* (ICSID Case No. ARB/02/16), 29 June 2010.

Decision of the ad hoc Committee on the Application for Annulment, *EDF International S.A., SAUR International S.A. and León Participaciones Argentinas S.A. v. Argentine Republic* (ICSID Case No. ARB/03/23), 5 February 2016.

Decision of the ad hoc Committee on the Application for Annulment, *Klößner Industrie-Anlagen GmbH and others v United Republic of Cameroon and Société Camerounaise des Engrais* (ICSID Case No. ARB/61/2), 1984 .

Decision of the ad hoc Committee on the Application for Annulment, *OI European Group B.V. v. Bolivarian Republic of Venezuela* (ICSID Case No. ARB/11/25), 6 December 2018.

Decision of the ad hoc Committee on the Application for Annulment, *Suez, Sociedad General de Aguas de Barcelona S.A., and InterAgua Servicios Integrales del Agua S.A. v. The Argentine Republic* (ICSID Case No. ARB/03/17), 17 April 2003.

Decision of the ad hoc Committee on the Application for Annulment, *CDC Group plc v. Republic of Seychelles* (ICSID Case No. ARB/02/14), 29 June 2005.

Decision of the ad hoc Committee on the Application for Annulment, *Carnegie Minerals (Gambia) Limited v. Republic of the Gambia* (ICSID Case No. ARB/09/19), 7 July 2020.

Decision of the ad hoc Committee on the Application for Annulment, *Compagnie d'Exploitation du Chemin de Fer Transgabonais v. Gabonese Republic* (ICSID Case No. ARB/04/5), 11 May 2010, para. 130.

Decision of the ad hoc Committee on the Application for Annulment, *Mobil Exploration and Development Inc. Suc. Argentina and Mobil Argentina S.A. v. Argentine Republic* (ICSID Case No. ARB/04/16), 8 May 2019,.

Decision of the ad hoc Committee on the Application for Annulment, *RSM Production Corporation v. Saint Lucia* (ICSID Case No. ARB/12/10), 29 April 2019.

Decision of the ad hoc Committee on the Application for Annulment, Border Timbers Limited, Timber Products International (Private) Limited, and Hangani Development Co. (Private) Limited v. Republic of Zimbabwe (ICSID Case No ARB/10/25), 21 November 2018.

Decision of the ad hoc Committee on the Application for Annulment, Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. v. Argentine Republic (ICSID Case No. ARB/97/3) (formerly Compañía de Aguas del Aconquija, S.A. and Compagnie Générale des Eaux v. Argentine Republic), 5 May 2017.

Decision of the ad hoc Committee on the Application for Annulment, Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. v. Argentine Republic (ICSID Case No. ARB/97/3) (formerly Compañía de Aguas del Aconquija, S.A. and Compagnie Générale des Eaux v. Argentine Republic), 10 Augustus 2010.

Decision of the ad hoc Committee on the Application for Annulment, Blue Bank International & Trust (Barbados) Ltd. v. Bolivarian Republic of Venezuela, (ICSID Case No. ARB 12/20) , 22 Juni 2020.

Decision on Stay of Enforcement of the Award Bernhard von Pezold & Others v Republic of Zimbabwe (ICSID Case No. ARB/10/15).

Decision on Stay of Enforcement of the Award Border Timbers Limited & Others v Republic of Zimbabwe (ICSID Case No. ARB/10/25).

Decision on Stay of Enforcement of the Award, Bernhard von Pezold & Others v Republic of Zimbabwe (ICSID Case No. ARB/10/15), para. 84.

Decision on Stay of Enforcement of the Award, Border Timbers Limited & Others v Republic of Zimbabwe (ICSID Case No. ARB/10/25).

Decision on Stay of Enforcement of the Award, Burlington Resources Inc. v Republic of Ecuador (ICSID Case No. ARB/08/5).

Decision on Stay of Enforcement of the Award, Burlington Resources Inc. v Republic of Ecuador (ICSID Case No. ARB/08/5).

Enron Creditors Recovery Corporation (formerly Enron Corporation) and Ponderosa Assets, L.P. v Argentine Republic (ICSID Case No. ARB/01/3), 22 May 2007.

Fraport AG Frankfurt Airport Services v Republic of the Philippines (I) (ICSID Case No. ARB/03/25), 16 August 2007.

Helnan International Hotels A/S v Arab Republic of Egypt (ICSID Case No. ARB/05/19), Award, 3 July 2008.

Holiday Inns S.A. and others v Morocco (ICSID Case No. ARB/72/1), 1972.

Joy Mining Machinery Limited v Arab Republic of Egypt (ICSID Case No. ARB/03/11).

KT Asia Investment Group B.V. v Republic of Kazakhstan (ICSID Case No. ARB/09/8).

LG&E Energy Corp., LG&E Capital Corp., and LG&E International, Inc. v Argentine Republic (ICSID Case No. ARB/02/1).

Malaysian Historical Salvors, SDN, BHD v Malaysia (ICSID Case No. ARB/05/10), 17 May 2007.

Maritime International Nominees Establishment v Republic of Guinea (ICSID Case No. ARB/84/4), 6 January 1988.

Mobil Cerro Negro Holding, Ltd., Mobil Cerro Negro, Ltd., Mobil Corporation and others v Bolivarian Republic of Venezuela (ICSID Case No. ARB/07/27), 9 October 2014.

Occidental Petroleum Corporation and Occidental Exploration and Production Company v Republic of Ecuador (II) (ICSID Case No. ARB/06/11), 5 October 2012.

Patrick Mitchell v Democratic Republic of the Congo (ICSID Case No. ARB/99/7), 9 February 2004 .

Renée Rose Levy and Gremcitel S.A. v Republic of Peru (ICSID Case No. ARB/11/17).

RSM Production Corporation v Saint Lucia (ICSID Case No. ARB/12/10), Award, 15 July 2016.

Sempra Energy International v Argentine Republic (ICSID Case No. ARB/02/16), 28 September 2007, dan (6) Award, *Eiser Infrastructure Limited and Energía Solar Luxembourg S.à r.l. v Kingdom of Spain* (ICSID Case No. ARB/13/36), 4 May 2017.

TECO Guatemala Holdings LLC v Republic of Guatemala (ICSID Case No. ARB/10/23), 19 December 2013.

Tidewater Investment SRL and Tidewater Caribe, C.A. v Bolivarian Republic of Venezuela (ICSID Case No. ARB/10/5), 13 May 2015.

Victor Pey Casado & President Allende Foundation v Republic of Chile (ICSID Case No. ARB/98/2), 8 May 2008.

Vivendi Universal S.A. v. Argentine Republic (ICSID Case No. ARB/97/3) (formerly *Compañía de Aguas del Aconquija, S.A. and Compagnie Générale des Eaux v. Argentine Republic*), 5 May 2017.

Interview

Wawancara dengan Gavan Griffith KC, *President of the Ad Hoc Annulment Committees in Azurix v Argentina*, pada tanggal 02 April 2023.

Wawancara dengan Dominique T. Hascher, *Member of ad hoc committee in Eiser v. Spain*, pada tanggal 24 May 2023.