



## INTERNATIONAL BUSINESS LAW BIP 1014

5 ECTS

### COURSE DESCRIPTION

The course covers both general and particular issues on Indonesia's legal tradition relating to trade and investment, such as:

### GENERAL ISSUES

- Indonesia's genuine legal tradition: trade and investment perspective;
- Indonesia's new (imported) legal tradition: the influence of Civil Law and Common Law over Indonesia's legal tradition;
- The fundamental (ideological, identity) and technical lag (dualism, unclarity, confusion, uncertainty, multi-practices, unjust);
- The solution: (a) the legal policy; (b) the common practices: the principle of konkordantie; the agreement-based practices: the principle of the freedom of contract, the principle of pacta sun servanda; the legislation;
- The Indonesia's legal tradition on trade activities: (a) the Civil Code, the Commercial Code;
- The Indonesia's legal tradition on investment activities: The Law Number 25 of 2007 concerning on Investment.

### PARTICULAR (TECHNICAL) ISSUES

- Property law: can foreigner obtain and hold property right over land in Indonesia;
- Transaction and Contract law: how to set a valid and strong (legally-based) contract in Indonesia;
- Leasing;
- Investment law: how to invest safely (legally perspective) in Indonesia;
- Settlement of dispute law: how to and where to go;
- some more actual issues (practical issues-based).

### OBJECTIVES

Upon the completion of the course the students are expected to have understanding over the issues, both theoretically and practically:

Á The students have a theoretical knowledge on Indonesia's legal tradition relating to trade and investment, including knowledge of Indonesia's constitutional law tradition, Indonesia's genuine legal tradition, Indonesia's civil law tradition, Indonesia's commercial law tradition, Indonesia's trade law tradition, Indonesia's Investment law tradition, and Indonesia's settlement of dispute law tradition;

Á The students have a practical skill (in general) of legal materials finding and using for legal practices such as for legal reasoning or argumentation, giving legal opinion, legal drafting, and legal proceedings.

### TEACHING METHODS



The course will be delivered under Problem Based Learning (PBL) method, covering: general overview, problem statement setting, issues setting, issues analysing (presentation and discussion), concluding or summarizing.

#### ASSESSMENT METHODS

Assignments and discussion 30%  
Middle Semester Test 30%  
Final Semester Test 40%

Classroom participation will also affect the grade

#### REFERENCES

- Glendon, Marry Ann, Gordon, Michael Wallace and Carroza, Paolo G., Comparative Legal Traditions in A Nutshell, West Group., St. Paul, Minn., USA, 1999.
- Klein, William A. and Coffee, Jr., John C., Business Organization and Finance, Fifth Edition, Foundation Press, Westbury, New York, 1993.
- Starke, J.G., and Higgins, P.F.P., Law of Contract, Butterworths, Sydney, 1969.
- Tan, Poh-Ling, Asian Legal Systems, Butterworths, Sydney, 1997.
- Wyasa Putra, Ida Bagus, Indonesian Trade and Investment Law, Lecturing Material, University of Technology Sydney, Sydney, 1996.

#### LEGAL MATERIALS

- Á The Constitution of the Republic of Indonesia 1945
- Á The Government of Bali's Law Number 3 of 2003 Concerning on Desa Pakraman
- Á The Property Law: Law Number 5 of 1960
- Á The Civil Code
- Á The Commercial Code
- Á Investment Law: Law Number 25 of 2007
- Á Alternative Dispute Resolution Law: Law Number 30 of 1999
- Á The Law of Civil Court Proceedings

#### LECTURERS

I Made Budi Arsika, S.H., L.L.M.  
Ni Gusti Ayu Dyah Satyawati, S.H., M.Kn., L.L.M.



LECTURE TOPICS

Week	Topics of Study
1	Introduction: Subject Preview
2	The Indonesian Legal System (I)
3	The Indonesian Legal System (II)
4	The Indonesian Legal Tradition on Trade Activities: The Civil Code and Its Development (I)
5	The Indonesian Legal Tradition on Trade Activities: The Civil Code and Its Development (II)
6	Related current issues
7	Review
8	Middle test
9	The Indonesian Legal Tradition on Trade Activities: The Commercial Code and Its Development (I)
10	The Indonesian Legal Tradition on Trade Activities: The Commercial Code and Its Development (II)
11	The Indonesian Legal Tradition on Investment Activities: The Law Number 25 of 2007 concerning on Investment (I)
12	The Indonesian Legal Tradition on Investment Activities: The Law Number 25 of 2007 concerning on Investment (II)
13	Related current issues
14	Settlement of Dispute
15	Final Review
16	Final Test

WORKLOAD

INTERNATIONAL BUSINESS LAW (BIP1014)

16 weeks

		Weeks per semester																TOTAL hrs	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		
<b>INDEPENDENT WORK</b>	Homework, assignments		2	2	2	2	2	2		2	2	2	2	2	2	2		26	
	Workshops		4															4	
	Exam preparation							5								5		10	
	Company visits, excursions												4					4	
	Preparation for presentations and papers	2									2							4	
	Preparation for class		2	2	2	2	2	2	2	2	2	2	2	2	2	2		28	
	Follow-up for class		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	
	Final essay paper																10	10	
	Course evaluation																	2	2
	Workshop and Excursion Paper			2										2					4
<b>HRS OF EXAMS</b>										2							2	<b>4</b>	
<b>MANDATORY CLASS ATTENDANCE</b>	<b>Class Weekly hrs ~2</b>	2	2	2	2	2	2	2		2	2	2	2	2	2	2	<b>28</b>		
		<b>TOTAL WORKLOAD PER COURSE (HOURS)</b>																<b>139</b>	
		<b>TOTAL ECTS</b>																<b>5</b>	

Udayana University reserves right to changes.

The syllabus is introductory and the latest version will be distributed in the beginning of the lectures.

Holiday schedules may vary depending on the public holidays.