

## ABSTRAK

Mekanisme penyelesaian sengketa ICSID sebagaimana tertera dalam Konvensi ICSID berhasil mengungkap bahwa Churchill Mining PLC telah melakukan penipuan dan pemalsuan dokumen-dokumen gugatan, serta dokumen perizinan pertambangan yang kemudian hal itu menjadi akar permasalahan kasus sengketa yang dibahas pada penelitian ini. Sehingga berdasarkan putusan akhir dari pengadilan ICSID, Churchill Mining PLC tidak dapat memperoleh perlindungan atas investasinya di Indonesia. Berdasarkan hal tersebut, penulis dalam penelitian ini mengangkat sebuah rumusan masalah yaitu bagaimana upaya dan strategi yang dilakukan *International Centre for Settlement of Investment Disputes* (ICSID) dalam menyelesaikan sengketa penanaman modal antara Pemerintah Indonesia dan Churchill Mining PLC. Penulis meneliti permasalahan ini menggunakan Teori Resolusi Konflik dan Teori Penyelesaian Sengketa Investasi. Hasil penelitian menunjukkan bahwa putusan akhir ICSID dalam sengketa ini menurut teori resolusi konflik telah mencerminkan prinsip keadilan yang substantif, yaitu hasil yang didasarkan pada kebenaran dan keadilan. Meskipun pihak Churchill Mining PLC tidak memenangkan kasus sengketa ini, keputusan tersebut diterima dan dihormati oleh kedua belah pihak, hal tersebut menunjukkan efektivitas putusan pengadilan ICSID dalam mengakhiri sengketa tanpa menimbulkan ketegangan lebih lanjut. Kesimpulan dalam penelitian ini adalah bahwasanya penyelesaian sengketa investasi asing melalui ICSID (*International Centre for Settlement of Investment Disputes*) tidak hanya menyelesaikan sengketa saat itu, tetapi juga menciptakan perubahan positif untuk mencegah konflik serupa di masa yang akan datang.

**Kata Kunci:** Sengketa Investasi Asing, Penyelesaian Sengketa, Teori Resolusi Konflik, ICSID

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*The ICSID dispute resolution mechanism as stated in the ICSID Convention has successfully revealed that Churchill Mining PLC has committed fraud and falsified lawsuit documents, as well as mining permit documents, which then became the root of the dispute case discussed in this study. So that based on the final decision of the ICSID court, Churchill Mining PLC cannot obtain protection for its investment in Indonesia. Based on this, the author in this study raises a problem formulation, namely how the efforts and strategies carried out by the International Centre for Settlement of Investment Disputes (ICSID) in resolving investment disputes between the Indonesian Government and Churchill Mining PLC. The author examines this problem using Conflict Resolution Theory and Investment Dispute Settlement Theory. The results of the study show that the final ICSID decision in this dispute according to the conflict resolution theory has reflected the principle of substantive justice, namely results based on truth and justice. Although Churchill Mining PLC did not win this dispute case, the decision was accepted and respected by both parties, this shows the effectiveness of the ICSID court decision in ending the dispute without causing further tension. The conclusion of this study is that the settlement of foreign investment disputes through ICSID (International Centre for Settlement of Investment Disputes) not only resolves disputes at that time, but also creates positive changes to prevent similar conflicts in the future.*

**Keywords:** *Foreign Investment Dispute, Dispute Settlement, Conflict Resolution Theory, ICSID*