# PhD Viva

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The oil and gas industry is risky, expensive and complicated. Such technology with high cost and high risk should be managed by experts in the field of oil and gas. In accordance with Law No. 44 (1960) regarding oil and gas mining and Law No. 8 (1971) regarding Pertamina, exploitation of oil and gas can be cooperated with the contractor in the form of a Production Sharing Contract. Meanwhile, the interest of foreign investors and national private entrepreneurs are to gain the profit as much as possible. With regard to the management of oil and gas in the Production Sharing Contract, there is problem of setting the tax on oil and gas sector particularly uplift policy relating to the taxation of income in the state revenue sources. This issue is related to the return of controversy of operational costs recognized by the contractor (cost recovery claim). Uplift tax culminated by this controversy is only levied at state-owned enterprises as partners in the oil and gas with contracting scheme of Joint Operation Body, especially the Enhanced Oil Recovery. The controversy in line with the declining number of production and increased production costs are recognized by the contractor with respect to the reasonableness of operational expenses charged by contractors, both in terms of quantity and cost classification.

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The underlying argument of the thesis is that international standards are not only the regulatory tool of global governance, but may also constitute a new type of sources of international law. This thesis begins by a systematic study of standards regulatory function in global governance (global health governance in particular). It identifies and summarizes four categories of standard-setting bodies, three levels of implementation field, public-private partnership regulation model and multiple cooperative governance system, to find a viable and progressive international mechanism for the development of global governance.

In a second step, it examines the question of whether international standards constitute a new type of sources of international law, and tries to determine their impact and limitations. This thesis argues that the sources of international law can be found beyond Article 38 of ICJ Statute. Article 38 of ICJ Statute is not a complete list of sources of international law. Essentially, whether the international legislative authority has changed (beyond the consent of States), is a more viable and possible assessment of sources of international law. According to this, international standards can not only come from sources of international law under Article 38 of ICJ Statute, but may also constitute a new type of sources of international law outside Article 38 of ICJ Statute.

The study concludes that international standards have a dual status in the sources of international law according to its different categories. "Market-based standards" may, at least, constitute sources of international law in a broad sense, whereas "voluntary best practice standards" derived from public-private hybrid model but obtained official recognition, can be seen as a new type of sources of international law.