

BAB V

KESIMPULAN DAN SARAN

5.1. Kesimpulan

Berdasarkan hasil penelitian yang dilakukan oleh penulis mengenai harmonisasi keabsahaan suatu kontrak perdagangan internasional yang berkeadilan pada hukum kontrak enam Negara anggota ASEAN dan sesuai dengan rumusan masalah yang dikaji pada penelitian ini, maka dapat ditarik beberapa kesimpulan, sebagai berikut :

1. Dalam harmonisasi syarat keabsahan kontrak perdagangan internasional pada enam Negara anggota ASEAN (Indonesia, Singapura, Malaysia, Vietnam, Thailand an Filipina), maka yang menjadi unsur keabsahan dari kontrak dagang di kawasan regional ASEAN harus memenuhi syarat kesepakatan (*consent of the party*) termasuk di dalamnya terkait dengan proses terjadinya kesepakatan itu melalui penawaran (*offer*) dan penerimaan (*acceptance*), ketentuan berikutnya yaitu kontrak tersebut harus terdapat *consideration* serta tidak bertentangan dengan hukum (*legal cause/a lawful cause*).
2. Demikian juga mengenai keadilan dalam suatu kontrak yang sah, maka selain unsur keabsahan kontrak sebagaimana disebutkan pada kesimpulan pertama, kontrak dagang internasional pada enam Negara anggota ASEAN itu harus ada syarat keadilan yang berdasarkan asas proporsionalitas, sehingga pada akhirnya dalam suatu kontrak dagang

internasional yang sah juga mengandung keadilan bagi para pihak yang terikat dalam kontrak tersebut.

5.2. Saran

Penelitian ini terkait dengan harmonisasi unsur keabsahan kontrak dagang internasional dari enam Negara anggota ASEAN, yang mana ke enam Negara itu memiliki sistem hukum yang berbeda. Perbedaan sistem hukum itu mempengaruhi ketentuan-ketentuan yang terkait dengan unsur keabsahan pada kontrak dagang internasional dari masing-masing Negara, sehingga pada enam Negara itu terdapat perbedaan dan persamaan pada unsur keabsahan kontrak dagang internasional. Berdasarkan hal tersebut melalui penelitian ini disampaikan beberapa saran untuk melengkapi hasil dari penelitian ini yaitu :

1. Perlu adanya sosialisasi pada enam Negara yang menjadi obyek penelitian ini, mengenai unsur keabsahan suatu kontrak dagang internasional pada enam negara itu yang terdiri dari kesepakatan (*consent of the party*), *consideration* dan tidak bertentangan dengan hukum (*lawful cause*). Sosialisasi ini diperlukan terlebih bagi Negara-negara yang tidak mengenal unsur *offer* dan *acceptance* dalam proses terbentuknya kesepakatan dan unsur *consideration*.
2. Demikian juga dengan sosialisasi mengenai unsur keadilan dalam menentukan keabsahan suatu kontrak dagang internasional, sehingga kontrak dagang internasional yang berlaku pada enam Negara tersebut tidak hanya sah tapi juga mengandung unsur keadilan di dalamnya.

DAFTAR PUSTAKA

Buku :

- A. Sonny Keraf & Mikhael Dua, Ilmu Pengetahuan, Kanisius, Yogyakarta, 2001.
- , Etika Bisnis Tuntutan dan Relevansinya, Yogyakarta , Kanisius, Cetakan ke 8, 2005.
- Abdul Ghofur Anshori, Filsafat Hukum Sejarah Aliran dan Pemaknaan, Gajah mada University press, Jogjakarta, 2006.
- Abdulkadir Muhamad, Hukum Perdata Indonesia, Citra Aditya Bakti, Bandung, 2010.
- Agus Santoso, Hukum, Moral dan keadilan, Sebuah Kajian Filsafat Hukum, Kencana Prenada Media Group, Jakarta, 2012.
- Agus Yudha handoko, Dasar-dasar Hukum Kontrak, Materi perkuliahan Teknik Perancangan Kontrak, Program Magister Kenotariatan Fakultas Hukum Universitas Airlangga, Surabaya, 2005.
- , Hukum Perjanjian: Asas Proporsionalitas dalam Kontrak Komersial, Laksbang Mediatama, Yogyakarta.
- Alan Watson. Legal Transplantation, : An Approach to Comparative Law, 2nd Ed, London, The University of Georgia Press, 1993.
- Andre Ata Ujan, Keadilan dan Demokrasi (Telaah Filsafat Politik John Rawls), Kanisius, Jakarta, 2004.
- Andre Phang Boon Leong, Law of Contract, First Singapore and Malaysian, LexisNexis, Singapura, 1998.
- Andrew B. L Phang dan Goh Yihan, Contract Law in Singapore, Wolter Kluwer, Singapura, 2012.
- Andrew Phang Boon Leong, Law of Contract, Singapore, Lexis Nexis, 2004.
- Annalisa Yahanan, Muhammad Syaifudin dan Yunial Laili Mutiari, Perjanjian Jual-beli Berklausa Perlindungan Hukum Paten, Tunggal Mandiri Publishing, Malang, 2009.

- Aristoteles, dalam Muchsin, *Iktisar Materi Pokok Filsafat Hukum*, STIH IBLAM, Jakarta, 2004.
- , *Ethics* ed. Betty Radice, Penguin books, 1948.
- ASEAN Document Series 1967-1985, ASEAN Secretariat, Jakarta, 1985.
- ASEAN Law Association, *ASEAN Legal System*, Butterworths Asia, Hongkong, 1995.
- Ashgar Ali Ali Mohamed, *Malaysia Legal System*, CLJ Publication, 2014.
- B Arief Sidharta, *Apakah Teori Hukum itu ?*, Laboratorium Hukum, Fakultas Hukum Universitas Katolik Parahyangan, Bandung, 2000.
- , *Meuwissen tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum dan Filsafat Hukum*, Refika Aditama, Bandung, 2009
- B. Markesinis, *The Gradual Convergence: Foreign Ideas, Foreign Influences and English Law on the Eve of the 21st Century*, Clarendon Press, Oxford, 1993.
- B.J Terwiel, *A window on Thai History*, Edisi D. K. 1989 pada Shaik Mohd, Noor Alam Bin S.M. Hussain, *Kontrak dan Kewajiban, Undang-undang di Negara Asean yang dipilih*, Dewan Bahasa dan Pustaka, Kuala Lumpur, 1998.
- Baker, E, *Greek Political Theory Plato and His Predecessors*, Ed.4, London, 1952.
- Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta : Rajawali Pers, 2001.
- Bartens, *Sejarah Filsafat Yunani*, Kanisius, Jakarta, 1999.
- Bastin, J. S. *The founding of Singapore 1819*, Singapore: National Library Board, 2012.
- Bayu Seto Hardjowahono, *Dasar-dasar Hukum Perdata Internasional*, Bandung :, PT. Citra Aditya Bakti, 2013.
- , *Naskah Akademik Rancangan Undang-undang Hukum Kontrak*, BPHN, 2013.
- Beauchamp dan Bowie, dalam J. van Kan dan J.H Beekhuis, *Pengantar Ilmu Hukum*, Ghalia Indonesia, Jakarta, 1990.

- Benny S Tabalujan, Valerie Du Toit Low dan Julie L. Y. Huan, Singapore Business Law, 7Ed, Businesslaw.sg, 2015.
- Bhandari, Reprint History of European Political Philosophy, Bangalore, Bappco, The Bangalore Press, 2002.
- Brian A. Blum, Contracts (fourth edition) Examples and Explanations, Aspen Publisher, Wolter Kluwer, New York ; 2007.
- Bruggink, Refleksi tentang Hukum, Alih bahasa Arief Sidharta, Citra Aditya Bakti, Bandung, 1999.
- Bryan A. Garner, Black's Law Dictionary 8th Ed., Thomson West, 2005.
- Budiono Kusumohamidjojo, Ketertiban yang Adil, Gramedia Widia Sarana Indonesia, Jakarta, 1999.
- , Perbandingan Hukum Kontrak, Manda Maju, Bandung, 2015.
- , Teori Hukum, Dilema antara Hukum dan Kekuasaan, Bandung, 2016
- C.S.T. Kansil dan Christine Kansil, Sejarah Hukum di Indonesia, Suara Harapan Bangsa, Jakarta, 2014.
- Carl F Goodman, The Rule of Law in Japan, Comparative Analysis 2nd Ed. 2008.
- Carl Joachim Friedrich, Filsafat Hukum Perspektif Historis, terj. Bandung: Nuansa dan Nusamedia, 2004.
- , The Philosophy of Law in Historical Perspective, University of Chicago Press.2004.
- Catherine Tay Swee Kian, Tang See Chim, Contract Law, Times Books International, Malaysia-Singapore, 1993.
- Chand, Hari. Modern Jurisprudence. Kuala Lumpur. International Law Book Services. 1994.
- Charles Phineas Sherman, Roman Law in The Modern Law, New Haven Law Book Company1922.
- Cheong May Fong, Contract Law in Malaysia.Sweet & Maxwell Asia.
- Clive Day, The Policy and Administrative of the Dutch in Java, Kualalumpur, Oxford University Press, 1972.
- CPF Luhulima, ASEAN menuju Postur Baru, CSIS, Jakarta 1997.

- Daniel S. Lev. *Hukum dan Politikdi Indonesia*, LP3ES, Jakarta, 1990.
- Darji Darmodiharjo, Shidarta, *Penjabaran nilai-nilai Pancasila dalam Sistem Hukum Indonesia*, Raja Grafindo Persada, Jakarta, 1996.
- . *Pokok-Pokok Filsafat Hukum*. Jakarta. PT Gramedia Pustaka Utama. 1995.
- Dato Seri Visu Sinnadurai, *Law of Contract 3rd ED*, Butterworths, 2003.
- De Gaay Fortman, *Rahasia Hukum*, alih bahasa Notohamidjojo, Gunung Mulia, Jakarta, 1973.
- Deklarasi ASEAN CONCORD II terkait dengan ASEAN Security Community (ASC) 7 Oktober 2003
- Djaja S. Meliala, *Hukum Perdata Dalam Perspektif BW*, Nuansa Aulia, Bandung, 2013.
- Djaja S. Meliala, *Perkembangan Hukum Perdata Tentang Orang dan Hukum Keluarga*, Nuansa Aulia, 2015.
- Djasadin Saragih, *Sekilas Perbanding hukum Kontrak Civil Law dan Common Law*, *Hukum Kontrak di Indonesia*, Seri Dasar Hukum Ekonomi 5, ELIPS, 1998.
- Donnel Barnes Metzger dalam Ricardo Simanjuntak, *Hukum Kontrak, Teknik Perancangan Kontrak Bisnis*, Kontan Publishing, Jakarta, 2011.
- Ducan Kennedy, *Three Globalizations of Law and Legal Thought: 1850-2000. The New Law and Economic Development. A Critical Appraisal*, Cambridge: Cambridge University Press, 2006.
- E. Allan Farnsworth, *Contract*, 2 nd Ed, Little Brown & Company Limited, 1990.
- E. Sumaryono, *Etika Hukum : Relevansi Teori Hukum Kodrat Thomas Aquinas*, Kanisius, Yogyakarta.
- Edward Allent kent, *Law and Philosophy, Reading in Legal Philosophy*, New york Meredith Corporation, 1970.
- Elmer Doonan & Charle Foster, *Drafting*, Cavendish Publishing Limited, Londong, 2011.
- Ewan McKendrik, *Contract Law*, Palgrave Macmillan, Fifth edition, 2003.
- F.P. WALTON, *The Scope and Interpretation of the Civil Code*, Wilson & Lafleur Ltée, Montreal (1907), Butterworths, Toronto (1980).

- Goh Yihan, *History of The Singapore Legal System pada The Legal System of Singapore*, Institution, principles and Practices, LexisNexis, Singapore, 2015.
- Gunawan Widjaja dan Ahmad Yani, *Transaksi Bisnis Internasional (ekspor-impor dan Imbal Beli)*, Jakarta, PT. Raja Grafindo Persada, 2000.
- H. Salim, Erlies Septiana Nurbani, *Penerapan Teori Hukum dalam Penelitian Disertasi dan Tesis*, Jakarta, Raja Grafindo Perkasa, 2014.
- H.E. Egerton, Sir Stamford Raffles, London, 1900, hlm. 221; *Report on The Administration of Justice 1823*, (1968).
- H.F.A.Vollmar, *Pengantar Studi Hukum Perdata jilid II*, terjemahan oleh I.S Adiwimarta, Raja Grafindo Persada, Jakarta, 1995.
- H.L.A Hart, *The Concept of Law*, Second Edition, Clarendon Press, Oxford, 1994
-----, *Konsep Hukum*, Nusa Media, Bandung, 2010.
- Hamid & Salleh, *Contract Act 1950*, Central Law Book, Kuala Lumpur, 1993.
- Hans Kelsen, *Hukum Murni*, Dasar-dasar Ilmu Hukum Normatif, terjemahan dari buku Hans Kelsen *Pure Theory of Law*, Bandung ; Nusa Media, 2014.
- Hans Warendorf, Richard Thomas, Ian Curry Sumner, *The Civil Code of The Netherlands*, Wolter Kluwer Law & Business, 2009.
- Hardijan Rusli, *Hukum Perjanjian Indonesia dan Common Law*, Pustaka Sinar Harapan, Jakarta, 1993.
- Harry Hamersma. *Tokoh-tokoh Filsafat Barat Modern*. Jakarta: Gramedia, 1992.
- Henry Pandapotan Panggabean, *Hukum Perikatan, Peranan Mahkamah Agung Melalui Putusan-putusan*, Alumni, Bandung, 2012.
-----, *Penyalahgunaan Keadaan Sebagai Alasan (Baru) untuk Pembatalan Perjanjian*, Liberty, Yogyakarta, 2010.
- Henry R. Cheeseman, *Business Law, Ethical, International & E Commerce Environment*, 4th Ed, Prentice Hall, Upper Saddle, New Jersey 07458, 2001.
-----, in P. Schlechtriem (ed.), *Commentary on the UN Convention on International Sale of Goods (CISG)*, 2nd ed. Oxford University Press, Oxford 1998.

- Herbert M.Kritzer, *Legal System of The World, A Political, Social and Cultural Encyclopedia, Volume III : M-R*, Pentagon Press, 2005.
- Herlien Budiono, *Ajaran Umum Hukum Perjanjian dan Penerapannya di Bidang Kenotariatan*, Citra Aditya Bakti, Bandung, 2011.
- , *Asas Keseimbangan bagi Hukum Perjanjian Indonesia, Hukum Perjanjian Berlandaskan Asas-asas Wigati Indonesia*, Citra Aditya Bakti, Bandung, 2006.
- , *Kumpulan Tulisan Hukum Perdata di Bidang Kenotariatan Buku Kedua*, Citra Aditya Bakti, Bandung, 2013.
- , *Kumpulan Tulisan Hukum Perdata di Bidang Kenotariatan*, Citra Aditya Bakti, Bandung, 2007.
- Hiroshi Oda, *Japanese Law, 3 rd Ed*, Oxford, Oxford University Press 2009.
- Hooker, *A Concise Legal History of South East Asia*, Oxford University Press, 1978.
- The Laws of South east Asia, 2nd ed, European Laws in South East Asia*, Butterwort, 1988.
- Huala Adolf, *Dasar-dasar Hukum Kontrak Internasional*, Bandung , PT.Refika Aditama : 2014.
- , *Perancangan Kontrak Internasional*. Keni Media, Bandung, 2011.
- Hugo Grotius, *On The Rights of war and Peace dalam Clarence Morris. The Great Legal Philosophers ; Selected reading in Jurisprudence*, Philadelphia : University of Pennsylvania Press, 1959.
- Ida Bagus Rahmadi Supancana, *Berbagai Perspektif Harmonisasi Hukum Nasional dan Hukum Internasional*, Jakarta ; Penerbit Universitas Atma Jaya Jakarta, 2012.
- Irma Johana Mosquera Valderrama, *Legal Transplannts and Comparative Law, International Law : Revista Colombiana de Derecho International*, Bogota, Colombia, 2003.
- J. Satrio, *Hukum Perjanjian (Perjanjian pada Umumnya)*, Citra Aditya Bakti, Bandung, 1992.
- J. van Kan dan J.H Beekhuis, *Pengantar Ilmu Hukum*, Ghalia Indonesia, Jakarta, 1990.

- J.H. Niewenhuis, Pokok-pokok Hukum Perikatan, Terjemahan oleh Djasadin Saragih, Unair Press, Surabaya, 1985.
- J.J Rousseau, The Contract Social, Terjemahan oleh Sumardjo, Jakarta, Erlangga, 1996.
- J.J.H. Bruggink, Refleksi tentang Hukum, alih bahasa: Arief Sidharta, Bandung: Citra Aditya Bakti.
- Jacques Du Plessis, Comparative Law and The Study of Mixed Legal Systems, The Oxford Handbook of Comparative Law Reimann & Reinhard, 2006.
- James G Apple dan Robert P Deyling, A Primer The Civil Law System, Federal Judicial Center, United States, 1995.
- James Muirhead, Henry Goudy, Historical Introduction to the Private Law of Rome, 1916, Reprinted 2010 by The Lawbook Exchange, Ltd.
- Jean Claude Piris, Walter Woon, Towards a Rules Based Community : An ASEAN Legal Service, Integration Through Law, The Role of Law and The Rule of Law in ASEAN Integration, Cambridge University Press, 2015.
- JG Starke, Introduction to International Law, London, Butterworths, 1984.
- Jianzhong Dai, On Several Problem in Legal Transplantation, Journal of Politics and Law, vol. 2 No. 3, 2009.
- Jimly Asshiddiqie dan M .Ali Safa'at, Teori Hans Kelsen tentang Hukum, Konstitusi Press, Jakarta ; 2012.
- John Bell,Sophie Byron, dan Simon Whittaker, Principles of French Law, Oxford University Press, 1998.
- John Edward Murray, Murray on Contracts Charlottesville, The Michie Company, 1990.
- John Henry Merryman, The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America. 2nd ed., Stanford: Stanford University Press, 1985.
- , The Loneliness of the Comparative Lawyer and Other Essays in Foreign and Comparative Law, Kluwer Law International, 1999.
- John Rawls, A Theory of Justice, Teori Keadilan Dasar-dasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara,

diterjemahkan oleh Uzair Fauzan, Heru Prasetyo, Pustaka Pelajar, Yogyakarta :, 2011.

-----, Teori Keadilan, Dasar-dasar Filsafat Politik Untuk Mewujudkan Kesejahteraan Sosial dalam Negara, Pustaka Pelajar, Yogyakarta, 2011.

-----, A Theory of Justice, Oxford University Press, Oxford, New York 1992.

Joseph M. Ganado, Malta: A Microcosm of International Influences, in Studie in Legal System: Mixed and Mixing, Esin Orticoi, Elspeth Attwooll & Sean Coyle 1996.

Julie Shackford, Vietnam An Historical Perspective, Center for Southeast Asian Studies School of Hawaiian, Asian and Pacific Studies, Honolulu, 2000.

K. Zweigert dan H. Kotz, An introduction to Comparative law. 3rd ed, Oxford, Clarendon Press, 1998.

Kanesh Sundrum, General Paper, 2 Ed, Lexis Nexis, Kuala Lumpur, 2005.

Kanya Satyani Sasradipoera, ASEAN Trade In Goods Agreement, ASEAN Life After The Charter, Institute of Southeast Asian Studies (ISEAS), Singapore, 2010.

Kenneth Pennington, Roman and Secular Law in The Middle Ages, Washington DC, Catholic University Press of America, 1996.

Knapp, Charles L., Crystal, Nathan M., Prince, Harry. G, Rules of Contract Law – 2011-2012, Wolter Kluwer – Law and Business, New York, 2011.

Komisi Etik Penelitian Universitas katolik Indonesia Atma Jaya Jakarta, Pedoman Penelitian, Lembaga Penelitian dan Pengabdian Kepada Masyarakat Unika Atma Jaya Jakarta, 2010.

Konrat Zweigert dan Hens Kotz, Introduction to Comparative Law, Claderon Press Oxford, New York, 1998.

Krishnan Arjunan & Abdul Majid Bin Nabi Baksh, Contractual Law in Malaysia, LexiNexis, 2008.

Kronman dalam Roger Contterell, Jurisprudence : A Critical Introduction to Legal Philosophy, University of Pensylvania Press. 1992.

- Lawrence M. Friedman, *American Law*, New York, W.W. Norton & Company, 1984.
- , *American Law An Introduction (Hukum Amerika Sebuah Pengantar) Terjemahan Wishnu Basuki edisi ke dua*, Tata Nusa Indonesia, Jakarta, 2001.
- Le Net, *Contract Law In Vietnam*, Walter Kluwer, Netherland, 2012.
- Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, Remaja Rosdakarya, Bandung 2002.
- Lon Fuller, *The Morality of Law*, New Haven, Yale University Press, 1974.
- Lorens Bagus, *Kamus filsafat*. Jakarta: Gramedia.1996.
- Luhulima, Dewi Fortuna Anwar, *Ikrar Nusa Bhakti, Masyarakat Asia Tenggara Menuju Komunitas ASEAN 2015*. Pustaka Belajar, 2008.
- M.Bogdan, *Comparative Law*, Deventer, Kluwer Law International, 1994.
- Mahfud MD, *Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi*, LP3ES, Jakarta, 2007.
- Maria Paula Reyes Gaitan, *The Challenges of Legal Transplant in a Globalized Context*, Dissertation of University of Warwick, 2014.
- Mariam Darus Badruzaman, *Perjanjian Kredit Bank*, Bandung, Citra Aditya bakti, 1991.
- Mark Anderson dan Victor Warner, *Drafting and Negotiating Commercial Contracts*, west Sussex, Tottel, 2nd Ed, 2007.
- Mary Ann Glendon, Michael W. Gordon dan Paolo G. Carozza, *Comparative Legal Tradition*, West Publishing, London, 1999.
- Melquides J. Gamboa, *An Introduction to Philippines Law 7th Ed.* ,Central Law Book PUB, CO , Quezon City, Philippines, 1969.
- Meuwissen, *Tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum dan Filsafat Hukum*, diterjemahkan oleh B. Arief Sidharta, Bandung : Refika Aditama, 2009.
- Michael Bogdan *Comparative Law*, Deventer, Kluwer Law International, 1994.
- Mixed Jurisdiction : Common lawVs. Civil Law (codified and Uncodified)* ,Ref. 1993.

- Mochtar Kusumaatmadja, Fungsi Dan Perkembangan Hukum Dalam Pembangunan Nasional, Lembaga Penelitian Hukum Dan Kriminologi Fakultas Hukum Universitas Padjadjaran, Binacipta, Bandung, 1976.
- , Pengantar Hukum Internasional, Bandung, Bina Cipta, 1978.
- Morris Ginsberg, Keadilan dalam masyarakat, Pondok Edukasi, Yogyakarta, 2002, hlm. 6
- Muhammad Syaifuddin, Hukum Kontrak, Memahami Kontrak dalam Perspektif Filsafat, Teori, Dogmatik dan Praktik Hukum, Mandar Maju, Bandung, 2012.
- , Hukum Kontrak, Memahami Kontrak dalam Perspektif Filsafat, Teori, Dogmatik dan Praktik Hukum, Mandar Maju, Bandung, 2012.
- Mulyana W. Kusumah, Perspektif, Teori, dan Kebijakan Hukum, Rajawali, Jakarta, 1986.
- Munir Fuady, Konsep Hukum Perdata, Rajawali Pers, Jakarta, 2015.
- , Perbandingan Hukum Perdata, Citra Aditya Bakti, Bandung, 2005.
- , Perbandingan Ilmu Hukum, Refika Aditama, Bandung, 2014.
- M.W. Hesselink & G.J.P. de Vries, principles of European Contract Law, Kluwer, 2001.
- Nanik Trihastuti, Hukum Kontrak Karya, Setara Press, Malang, 2013.
- Nguyen Thi Thu Trang, UNIDROIT Working Group for The Preparation of a Legal Guide on Contract Farming Legal Policies and Regulations Governing Contract Farming in Vietnam, 2014
- Nicholas HD Foster, Comparative Legal Studies a Topic for The 21st Century, The Journal of Comparative Law : A new Scholarly Resources, JCL.
- O. Notohamidjojo, Masalah Keadilan, : Tirta Amerta, Semarang 1971, hlm. 7.
- P.S Atijah, An Introduction to The Law of Contract, 5th ed, Clarendon Press, Oxford, 1995.
- , An Introduction to The Law of Contract, 4th Ed, Oxford University Press Inc., New York, 1995.
- , An Introduction to the Law of Contract, Oxford : Clarendon Press, Fifth Edition, 2004.

- Patrick Glenn, *Legal Traditions of the World*, 5th ed. Oxford: Oxford University Press, 2014.
- Peter De Cruz, *Comparative Law in a Changing World*, Cavendish Publishing Limited, 1995.
- Peter De Cruz, *Perbandingan Sistem Hukum, Common Law, Civil Law dan Socialist Law*, diterjemahkan oleh Narulita Yusron, Nusa Media, Bandung, 2010.
- Peter Huber, Alastair Mullis, *The CISG n New Textbook for Student and Practitioners*, European Law Publisher, 2007.
- Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta : Kencana Predana Media Group, 2007.
- Peter Siviglia, *Writing Contracts : A Distinct Discipline*, Carolina, Carolina Academic Press 2ed, 2001.
- Peter Wesley-Smith, *The Content of the Common lawin Hong Kong*, in *The New Legal Order In Hong Kong*, Raymond Wacks ed., 1999, hlm. 9;
- Pierre Legrand, *What Legal Transplants? In Adapting Legal Cultures*, edited by David Nelken and Johannes Feest, Oxford University Press , 2001.
- Plato, *Republic* ed. London, Oxford University Press, 1941.
- Popper, Karl R, Alfons Taryadi, *Epistemologi Pemecahan Masalah*, Jakarta ; PT. Gramedia, 1989.
- Prajudi Atmosudirdjo, *Sejarah Ekonomi Indonesia dari segi Sosiologi*, Pradnya Paramita, Jakarta, 1985.
- Purwahid Patrik, *Dasar-dasar Hukum Perikatan*, Mandar Maju, Bandung, 1994.
- R. Emerson, *Malaysia : A study in Direct and Indirect Rule*, University of Malaya Press, Kuala Lumpur, 1979.
- R. EVANS-JONES, *Receptions of Law, Mixed Legal Systems and the Myth of the Genius of Scots Private Law*“ (1998).
- R. Sacco, *Legal Formants: A Dynamic Approach to Comparative Law (Installment II of II)*, *American Journal of Comparative Law*, Vol. 39, 1991.
- R. Soeroso, *Perbandingan Hukum Perdata*, Sinar Grafika, Jakarta, 1999.
- R. Wirjono Prodjodikoro, *Asas-asas Hukum Perjanjian*, Subur, Bandung, 1991.

- Rau & Kumar, *General Principles of The Malaysian Legal System*, International Law Books Services, Petaling Jaya, 2014.
- Ravi Chandra, *Introduction to Business Law in Singapore*, 5th Ed, Mc Graw Hill, Singapore, 2015.
- Raymond Wacks, *Jurisprudence*, Blackstone Press Limited, London, 1995.
- Reimon Wacks, *Jurisprudence*, London ; Blackstones Press Limited, 1995.
- Rene David & John C. Brierly, *Mayor Legas System in The World Today*, 2nd Ed. London, Steve & Sons, 1978.
- , *Major Legal System of The World*, Edisi 3, Stevenson & Sons, London 1985.
- Rianto Adi, *Aspek Hukum dalam Penelitian*, Yayasan Pustaka Obor Indonesia, Jakarta, 2015.
- , *Metode Penelitian Sosial dan Hukum*, Granit, Jakarta, 2010.
- Ricardo Simanjuntak, *Hukum Kontrak, Teknik Perancangan Kontrak Bisnis*, Kontan Publishing, Jakarta, 2011.
- , *Teknik Perancangan Kontrak Bisnis, Mingguan Ekonomi dan Bisnis Kontan*, Jakarta, 2006.
- Richard Stone, *The Modern Law of Contract*, Fifth Edition, Cavendishpublishing, Great Britain.2011.
- Ridwan Khairandy, *Tiga Problem Hukum dalam Transaksi Bisnis Internasional di Era Globalisasi Ekonomi*, *Jurnal Hukum Bisnis*, Vol. 27 No. 4, 2008.
- Robert A. Hillman, *The Richness of contract Law : An Analysis and Critique Contemporary Theories of Contract Law*, Kluwer Academic Publisher, London, 1997.
- Robert Reiner, *Justice dalam James Penner, Introduction to Jurisprudence and Legal Theory (commentary and Materials)*, Butterworth, London, 2002.
- Roscoe Pound, *An Introduction to The Philosophy of Law*, New Haven, USA, Yale University Press, 1954.
- Roy Goode, *Commercial Law in the Millenium*, Sweet & Maxwell, London, 1998.

- Ruben F Balane, *Civil Law Florilegium Essay on The Philippines Variant of The Civil Law Tradition*, University of Philippines College of Law, Quezon City, 2012.
- S. Santhana Dass, *General Principles Contract Law in Malaysia*, Marsden Law Book, Kuala Lumpur, 2005.
- Salim HS dan Erlies Septiana Nurbani, *Perbandingan Hukum Perdata, Comparative Civil Law*, Rajawali Pers, 2014.
- Saleh Buang dan Nordin Torji, *Undang-undang Kontrak di Malaysia 2nd Ed*, Ampang Jaya, Selangor Central Law Book Company , 1992.
- Satijto Rahardjo, *Ilmu Hukum*, PT. Citra Aditya Bakti, Bandung, 2000.
- Scherer, Klaus R. *Issues in the Study of Justice in Justice : Interdisciplinary Perspectives*, 1992.
- Sekretariat Nasional ASEAN Departemen Luar Negeri Republik Indonesia, *ASEAN Selayang Pandang*, Jakarta, 1992.
- Shaik MD, Noor Alam S.M. Hussain, *Contractual Justice in ASEAN : Comparative view of Coercion*, Syarahan Inaugural, Putra Malaysia, 2002.
- Sharif, M.M, *History of Muslim Philosophy*, Delhi, Adam Publisher Vol.1, 2001.
- Silvia Fazio, *The Harmonization of International Commercial Law*, Deventer , Boston Kluwer Law International, 2007.
- Sinco, V.G. *Philippine Political Law : Principles and Concept*, 11th ed. Manila : Community Publishers, Manila, 1962.
- Sir Thomas Smith, *International Encyclopedia of Comparative Law, Property and Trust*, Vol. 6 no. 228, F.H. Lawson (ed) 1974.
- Soedarmayanti & Syarifudin Hidayat, *Metodelogi Penelitian*, Mandar Maju, Bandung, 2002.
- Soediman Kartohadiprodjo, *Pancasila sebagai Pandangan Hidup Bangsa Indonesia*, Gatra Pustaka, Jakarta, 2010.
- Soenarjati Hartono, *Kembali ke Metode Penelitian Hukum*, dalam Kumpulan Bahan Bacaan Penataran Metode Penelitian Hukum, Jakarta : FH UI, 1997.
- , *Kapita Selekta Perbandingan Hukum*, Alumni, Bandung, 1986.

- Soerjono Soekanto dan Sri Mamudji, Penelitian Hukum Normatif; Suatu Tinjauan Singkat, Jakarta, Rajawali Pers, 1985.
- , Pengantar Penelitian Hukum, Jakarta : UI Pers, 1986.
- Soetandyo Wignjosoebroto, Hukum Kolonial ke Hukum Nasional, Dinamika Sosial Politik dalam Perkembangan Hukum di Indonesia, Raja Grafindo, Persada, Jakarta, 1994.
- Sophar Maru Hutagalung, Kontrak Bisnis di ASEAN, Jakarta : Sinar Grafika, 2013.
- Sri Gambir Melati Hatta, Beli Sewa sebagai Perjanjian tak Bernama : Pandangan masyarakat dan sikap Mahkamah Agung Indonesia, Alumni, Bandung, 2000.
- Sikap mahkamah Agung Republik Indonesia, Alumni, Bandung, 1999.
- Stanley Karnow, VIETNAM: a history, Ho Chi Minh, Penguin Books, 1997.
- Steven J Burton, Melvin A Eisenberg, Contract Law : Selected Sources Materials, 2002 Edition, West Group Thomson Company, 2002.
- Steven Vago, Law and Society 4th Ed. Prentice Hall Inc, Eaglewood Cliffs, New Jersey, 1994.
- Subekti, Hukum Perjanjian, Intermasa, Jakarta, 2001.
- , Perbandingan Hukum Perdata, Pradya Paramita, Jakarta, 1993.
- Sudargo Gautama, Kontrak Dagang Internasional, Bandung : Alumni , 1975.
- , Kontrak Dagang Internasional, Bandung : Alumni, 1976
- , Kontrak Dagang Internasional, Alumni, Bandung, 1977.
- Sudikno Mertokusumo, Mengenai Hukum, Liberty, Yogyakarta, 1998.
- , Rangkuman Kuliah Hukum Perdata, Fakultas Hukum Pascasarjana Universitas Gadjah Mada, Yogyakarta, 1987.
- Suharnoko, Hukum Kontrak dalam Perspektif Komparatif, tulisan pada Seri Unsur-unsur Penyusun Bangunan Negara Hukum, Pustaka Larasan ; Denpasar, 2012.
- Sumadi Suryabrata, Metodologi Penelitian, Jakarta, Rajawali Pers, 1987, hlm. 16
- Sumantoro, Hukum Ekonomi, Jakarta ; UI Press, 1986.

- Sunaryati Hartono, Penelitian Hukum di Indonesia Pada Akhir Abad ke 20, Alumni, Bandung, 2006.
- Supomo, Sistem Hukum di Indonesia sebelum Perang Dunia ke II, Padnya Paramita, 1982.
- Sutan Remy Sjahdeini, Kebebasan Berkontrak dan perlindungan yang Seimbang Bagi para Pihak dalam Perjanjian kredit bank di Indonesia, Grafiti, Jakarta, 2009.
- Sutan Remy Sjahdeini, Asas Kebebasan Berkontrak dan Perlindungan yang Seimbang bagi para Pihak dalam Perjanjian Kredit Bank di Indonesia, Grafiti, Jakarta, 2009.
- Sutarjo A. Wiramihardja. Pengantar filsafat; sistematika filsafat, sejarah filsafat, logika dan filsafat ilmu, metafisika dan filsafat manusia, aksiologi. Bandung: Refika Aditama., 2006.
- Syahmin AK, Hukum Dagang Internasional, Rajawali Pers, Jakarta, 2006.
- , Masalah-Masalah Aktual Hukum Organisasi Internasional, Bandung : CV ARMICO, 1988.
- , Hukum Kontrak Internasional, Jakarta : PT. Raja Grafindo Persada, 2006.
- Syed Ahmad Alsagaff, Principles of The Law Of Contract in Malaysia 4th Ed, LexisNexis, Singapura, 2015.
- Thomas Aquinas, dalam Dardjil Darmodihardjo dan Sidharta, Pokok-pokok Filsafat Hukum, Gramedia Pustaka Utama, Jakarta, 1995.
- TIM Pengajar Pengantar Ilmu Hukum Fakultas Hukum Unpar, Diktat Pengantar Ilmu Hukum, Bandung, 1995.
- Timothy Lindsey, An overview of Indonesia Law, In Indonesia Law and Society, Sydney : The Federation Press, 1999.
- Tom Ginsburg, Judicial Review in New Democracies : Constitutional Courts in Asian Cases, Cambridge, Cambridge University Press, 2003.
- Tommy Hendra Purwaka, Metodologi Penelitian Hukum, Penerbit Universitas Atma Jaya, 2007.
- Treitel, On the Law of Contract 13th ed, Sweet & Maxwell, London, 2011.

- Ugo A. Matrei, Teemu Ruskola & Antonio Gidi, *Comparative Law*, 7th ed , Schlessinger, 2009.
- UNCITRAL, *Legal Guide on Drawing Up International Contract for the Construction of Industrial Works*, New York : United Nations, 1988.
- Uwanno and S. Sathirathai, "Introduction to the Thai legal system," in *Legal systems in the ASEAN Region Bangkok*, Amarin Printing Group Co., Ltd., 1978.
- Vernon Valentine Palmer, *Mixed Jurisdiction Worldwide : The Third Legal Family*, Cambridge University Press, 2006.
- Vivienne O'Connor, *Common law and Civil Law Tradition*, Inprol, 2012.
- W Friedmann, *Teori & Filsafat Hukum, Telaah Kritis Atas teori Hukum (Susunan I)*, Raja Grafindo Persada, Jakarta, 1993.
- Weber Alfred, *History of Philosophy, Indian*, Terjemahan Frank, Thilly, Surjeet Publication, Ed.2, 2000.
- William F. Fox, *International Commercial Agreements (second edition)*, Kluwer law and Taxation Publisher, Boston ;1991.
- , *International commercial Agreement A Primer on Drafting, Negotiation and Resolving Disputes*, Third Edition, The Hague, Kluwer Law International, 1998.
- William Twining, *General Jurisprudence Understanding Law from a Global Perspective*, Cambridge University Press, 2009.
- Wolfgang Friedman, *Legal Theory*, Steven & Sons, London, 1944, hlm. 319.
- Peter Mahmud Marzuki, *An Introduction to Indonesia Law*, Setara Press, Jakarta, 2011.
- Wu Min Aun, *The Malaysian legal System*, Second Edition. Longman, 1999.
- Y. Sogar Simamora, dalam disertasinya, *Prinsip Hukum Kontrak dalam pengadaan Barang dan jasa oleh Pemerintah*, Program Pasca Sarjana, Universitas Airlangga, Surabaya, 2005.

Artikel/Jurnal/Prosiding :

- A Phang, Theoretical Conundrums and Practical Solution in Singapore Commercial law, A Review and Application of Section 5 of the Civil Law Act, *Anglo-American Law Review*, 17, 1988.
- A. H Kastely, Unification and Community: A Rhetorical Analysis of the United Nations Sales Convention' *Northwestern Journal of International and Business* , Vo. 8, 1988.
- A. Stone Sweet and J. Matthews, "Proportionality balancing and global constitutionalism", (2009) *47 Columbia Journal of Transnational Law*
- Afifeh Hamedi, The Concept of Justice In Greek Philosophy, *Mediterranean Journal of Social Sciences*, MCSER Publishing, Rome Italy, Vol. 5 No..27, Desember, 2014.
- Ahmad. A. Alshorbagy, The Failure of Legal Transplant : The Case of Egyptian Takeover Law, *Indiana International & Comparative Law Review*, Vol. 22 : 2, 2012.
- Ahmadi Miru, Prinsip-prinsip Perlindungan Hukum bagi Konsumen di Indonesia. Disertasi Program Pasca Sarjana, Universitas Airlangga, Surabaya, 2004.
- Alan Uzelac, Survival of The Third Legal Tradition ?, *Supreme Court Law Review*, 49 SCLR (2d) 2010.
- Alan Watson *Legal Transplants and European Private Law. Ius Commune Lectures on European Private Law*, 2 (electronic version). Dutch Institute of Comparative Law.
- Alan Watson, Legal Culture v. Legal Tradition, Paper presented at the Conference of Epistemology and Methodology of Comparative Law in the Light of European Integration, Brussels, October 24- 26th 2002.
- Alan Watson, *Legal Transplants and European Private Law*, *Electronic Journal of Comparative Law*, Vol. 4 article 4, 2000.
- Alice Erh dan Soon Tay, Struggle for law in China, *21 UBC Law Review*, 1987.

- Andrew L. Odell dan Marlene F. Castillo, Vietnam in a Nutshell: An Historical, Political and Commercial Overview, NYSBA International Law Practicum, Autumn 2008, Vol. 21 , No. 2.
- Andrew Pang, The Singapore Legal System, History, Theory and Practice, Singapore Law Review Journal (2000-1).
- Andrew Pang, The Singapore Legal System, History, Theory and Practice, Singapore Law Review Journal (2000-1).
- Anton Herman Chroust, David L Osborn, Aristoteles Conception of Justice, Notre Dame Law Review, Article 2 Volume 17, 1942.
- Arthur S. HARTKAMP, Modernisation and Harmonisation of Contract Law: Objectives, Methods and Scope”, Acts of the Congress to Celebrate the 75th Anniversary of the Founding of the International Institute for the Unification of Private Law (UNIDROIT), Unif. L. Rev. / Rev. dr. unif. 2003.
- Basic Law Buletin Issue, The Principle of Proportionality and The Concept of Margin of Appreciation in Human Rights, 15 Desember 2013.
- Bayu Seto Hardjowahono, Asas-asas hukum Perdagangan Internasional Otonom dan Upaya Harmonisasi Hukum Kontrak Internasional Regional di Kawasan ASEAN, Jurnal Hukum Pro Justitia, Volume 26 No. 3, Juli 2008.
- Bayu Seto Hardjowahono, Asas-asas Hukum Perdagangan Internasional Otonom dan Upaya Unifikasi dan harmonisasi hukum Kontrak Internasional di kawasan ASEAN, Oratio Dies Disampaikan pada Dies natalis ke 49 Fakultas Hukum Universitas Katolik Prahyanan
- Bayu Seto Hardjowahono, Aspek-Aspek Teoretik Jual-Beli Internasional berdasarkan CISG Dalam Perbandingan Dengan Hukum Jual-Beli Indonesia. Makalah lepas disampaikan pada acara Workshop on the Future Prospect of Indonesian’s Accession to the CIG, yang diselenggarakan oleh Badan Pembinaan Hukum Nasional, 8 July 2010.
- Berkowitz, Daniel, Katharina Pistor, and Jean-Francois Richard. The Transplant Effect. American Journal of Comparative Law 51(1), 2003.
- Bocconilegalpapers.org, di akses 13 Juni 2015.
- Borwonsak Uwano dan Surakiart Sathirathai, Introduction to Thai Legal System, Shulalongkorn Law Review, edisi IV, 1985-1986.

- Brooke & R Braddell, *One Hundred Years of Singapore* Vol. 1, Walter Makepeace, 1921.
- Carol V. Rose, *The “New” Law and Development Movement in the Post-Cold Era: A Vietnam Case Study*, *Law & Society Review*, 1998.
- Caroline Cauffman, *The Principles of Proportionality and European Law*, Maastricht Private Law Institute, Working Paper No. 2013/5, Januari 2013.
- Caslav Pejovic, *Civil Law and Common law: Two Different Paths Leading to The same Goal*, *VUWLR*, no. 32, 2001.
- Catharine P. Wells, *Thought on Duncan Kennedy’s Third Globalization*, *Comparative Law Review* Vol. 3, tanggal 4 Januari 2012, Boston College Law School.
- Christie Warren, *Introduction to the Major Legal Systems* unpublished, 2005.
- Daniel Berkowitz, *Economic Development, Legality and the Transplant Effect*, Centre for International Development, Harvard University. Unpublished working draft paper dated April 2001.
- David Cummiskey, *Justice and Kant’s Social and Revolution in Kant’s Political Philosophy*, Chapter Nine.
- David Cummiskey, *Justice and Kant’s Social and Revolution in Kant’s Political Philosophy*, Chapter Nine.
- David J Gerber , *Globalisation and Legal Knowledge: Implications for Comparative Law*, *Tulane Law Review*, Vol. 75, 2001.
- E. ÖRÜCÜ, *Family Trees for Legal Systems: Towards a Contemporary Approach*, paper presented at the Conference of Epistemology and Methodology of Comparative Law in the Light of European Integration, Brussels, October 24-26th 2002.
- Eman Suparman, *Harmonisasi Hukum di Era Global Lewat Nasionalisasi Kaidah Transnasional*, *Jurnal Ilmu Hukum Universitas Islam Bandung*, Vol.XI, November 2009.
- Esin Orucu, *What is a Mixed Legal System: Exclusion or Expansion?*, *Electronic Journal of Comparative Law*, vol. 12.1 (May 2008).
- Frank J. Garcia, *Globalization and The Theory of International Law*, *International Legal Theory* Vol. 11, Boston College Law School faculty papers, 13 Juni 2005.

- Frederic William Maitland, *The Collected Papers Vol. 1*, Cambridge University Press, 1911.
- Frederick Rauscher, *Stanford Encyclopedia of Philosophy, Kant's Social and Political Philosophy*, The Metaphysics Research Lab, Stanford, 2012.
- Frederick Schauer, *The Politics and Incentives of Legal Transplantation*, Center for International Development (CID) of Harvard University, working papers No. 44, *Law and Development papers No. 2*, 2000.
- Gabriele Ruscilla, *Harmonization of International Commercial Contract Law : The Case of International Distribution Agreement*, Bocconi School of Law Student Edited Paper, Paper No. 2011-07/EN.
- Garry F. Bell, *Harmonisation of Contract Law in ASIA Harmonizing Regionally or Adopting Global Harmonization The Example of CISG*, *Singapore Journal of Legal Studies*, 2005.
- Goldring, J., 'Unification and Harmonization of the Rules of Law', *Federal Law Review* , 1978 Vol. 9 .
- Grace Xavier, *Global Harmonisation of Contract law, Fact or Fiction? , Const L J*, 2004, vol.20.
- Hannu Honka, *Harmonization of Contract Law Through International Trade, A Nordic Perspective*, *Tulane European and Civil law Forum*, 1996.
- Hannu Honka, *Harmonization of Contract Law Through International Trade : A Nordic Perspective*, 1996, *Tulane European and Civil Law Forum*.
- Hannu Honka, *Harmonization of Contract Law Through International Trade A Nordic Perspective*, articles pada *Tulane European & Civil Law Forum*, Volume 11, 1996.
- Hikmahanto Juwana, *Law and Development under Globalization: The Introduction and Implementation of Competition Law in Indonesia*, *Forum of International Development Studies*, 2004.
- Imre Matyas, *Current Issues in the Unification of European Contract Law*, articles *European Integration Studies*, University of Miskole, Volume 6 No. 1, 2008.
- Ingeborg Schwenzer, *Global Unification of Contract Law*, *Uniform Law Review*, *Oxford Law Journal Vol. 21*, 2016.
- Jan M. Smith, *Comparative Law and its Influence on National Legal Systems*, p. 9
This paper is based on the lecture delivered at the Second worldwide

congress on mixed jurisdictions, Edinburgh 27-30 June 2007. It is appearing in the *Journal of Comparative Law* (JCL, ISSN 1477-0814) and is published in the EJCL with the permission of the JCL Editorial Board.

Jans Smits, *A European Private Law as a Mixed System*, *Maastricht Journal of European and Comparative Law* Vol. 5 1998.

Jenny Clift, *UNCITRAL and The Goal of Harmonization of Law*, Montreal, Canada, 1999.

JH Merryman, *Comparative Law and Scientific Explanation dalam North American Report for the IXth Congress of Comparative Law*, Teheran, 1974.

Joanne Wong, *On Legal Harmonization Within ASEAN*, *Singapore Law Review*, Paper Published 10 Oktober 2013.

Joaquin R & Toubes Muniz *Legal Principles and Legal Theory*. *Ratio Juris*. Vol. 10 No. 3 September 1997.

Johanes Gunawan, *Metode Penelitian Hukum, Bahan Perkuliahan Doktoral Ilmu Hukum Pascasarjana Universitas Katolik Parahyangan*, Bandung, 2013.

Johannes Gunawan, *Kajian Hukum Tentang Kebebasan Berkontrak, Butir-butir Pemikiran dalam Hukum Memperingati 70 tahun Prof. Dr. B Arief Sidharta, SH., Refika Aditama, Bandung*, 2008.

John Goldring, *Unification and Harmonisation of Rules of Law*, *Federal Law Review*, Vol. 9, 1978.

Jori Munukka, *Harmonisation of Contract Law : In Search of Solution to the Good Faith Problem*, *Stockholm Institute Scandinavian Law Journal*, 2010.

Jose Angelo Estella Faria, *Future Direction of Legal Harmonisation and Law Reform : Stormy Seas or Prosperous Voyage ?*, *Rev. dr. Unif*, 2009.

Joseph Daiwon, *The Civil Law and The Common law Some Points of Comparison*, *The American Journal of Comparative Law*, Vol. 15.

Jürgen BASEDOW, "Worldwide Harmonization of Private Law and Regional Economic Integration – General Report", *Acts of the Congress to Celebrate the 75th Anniversary of the Founding of the International*

Institute for the Unification of Private Law (UNIDROIT), *Unif. L. Rev. / Rev. dr. Unif.*, 2003.

Komar Kantaatmadja, *Harmonisasi Hukum Negara-negara ASEAN Kertas Kerja Pada Simposium Nasional Aspek-aspek Hukum Kerjasama antara Negara-negara ASEAN dalam rangka AFTA ; Fakultas Hukum Unpad, Bandung, 1 Februari 1993.*

Komar Kantaatmadja, *Harmonisasi Hukum Negara-negara ASEAN, Kertas Kerja Pada Simposium Nasional Aspek-aspek Hukum Kerjasama Ekonomi antar negara-negara ASEAN dalam rangka AFTA ; Fakultas Hukum UNPAD, Bandung, 1 Februari 1993.*

Laura – Christian Spataru-Negura, *Exporting Law or the Use Legal Transplant, Challenges of the Knowledge Society, Legal Science journal, Volume 2, 2012, Rumania.*

Lim Yew Nghee, *Unidroit- A Model for the Harmonisation of ASEAN Contract Law, Faculty of Law, National University of Singapore, 1997.*

Lord Justice KENNEDY, “The Unification of Law”, *Journal of the Society of Comparative Legislation*, vol. 10, 1909.

M. C. Abad, Jr., adalah seorang Direktur Sekretariat ASEAN Jakarta. *Constructing the Social ASEAN* tulisan ini dibuat dan dipresentasikan pada Asia Pacific Roundtable dilaksanakan di Kuala Lumpur on 4-8 June 2007.

Macneil I. , *Relational Contract: What We Do and Do Not Know, Wisconsin Law Review*, 1985.

Maduabuchi Dukor, *Conception of Justice, Indian Philosophical Quaterly Journal, Vol XXIV No. 4, Oktober 1997.*

Malgorzata Krol, *Legal Culture and Legal Transplants, Report to International Congress Comparative Law, Vol. 1, Special Issue 1, Article 22, 2011.*

Martin Shapiro, *The Globalization of Law, Indiana Journal of Global Legal Studies, Vol. 1, Issue1, Bloomington: Indiana University School of Law, 1993.*

Micahel Joachim Bonell, *UNIDROIT, the Principles of International Commercial Contract, 1994 P. XI- XIV*

Michael Joachim Bonell, *An International Restatement of Contract Law, 3rd Ed, Incorporating The Unidroit Principle s, 2004.*

- Michael Joachim Bonnel, *The Unidroit in Principle second edition incorporating the Unidroit Principles 2004.*
- Nani Suryani, *Harmonisasi Hukum ekonomi Negara-negara ASEAN dalam Menghadapi Pasar Bebas 2010*, Wacana Paramarta, Vol. VIII No. 1, Mei 2009.
- Nuno Garoupa dan Carlos Gomez liguerre, *The Efficiency of Common law: The Puzzle of Mixed Legal System*, *Wisconsin International Law Journal*, Vol. 29 No. 4, 2012.
- P. Delimatsis, *Protecting public morals in a digital age: revisiting the WTO rulings on US – Gambling and China – publications and audiovisual products*, *Journal of International Economic Law* 257, 2011.
- Paul B. Stephan, *The Futility of unification and harmonization International Commercial Law*, Working Papers no. 99-10, University of Virginia School of Law, 1999.
- Peter Gilles, *Thai-German respective Asian-European Problems*, (Working Paper No. 19, Chulalongkorn University European Studies Program and the European Commission, School of Law, Chulalongkorn University, 1999.
- Phang ABL, *Commenting The Foundations : The Singapore Application of English Law Act 1993*, *University of British Columbia Law Review*, 1994.
- Philip James Osborne, *Unification or Harmonisation: A Critical Analysis of the United Nations Convention on Contracts for the International Sale of Goods 1980*, A Dissertation submitted in partial fulfilment of the requirements for the Degree of LLM International Business Law in the University of Hull, 2006.
- Pierre Legrand, *The Impossibility of Legal Transplants*. *Maastricht J.Eur. & Com. L.*111 1997.
- Rachana Kamtekar, *Ethic and Politic in Socrates' Defense of Justice*, Chapter 4, Working Paper Gatoos, 6 Agustus 2010.
- Ricardo Simanjuntak, *Asas-asas Utama Hukum Kontrak dalam Kontrak Dagang Internasional : sebuah Tinjauan Hukum*, *Jurnal Hukum Bisnis* Vol 27 No. 4 tahun 2008.
- Rodolfo Sacco, *Legal Formants: A Dynamic Approach to Comparative Law*, *The American Journal of Comparative Law*, Vol. 39, 1991.

- Rosset, Unification, Harmonization, Restatement, Codification and Reform in International Commercial Law, *American Journal of Comparative Law* Vol. 40, 1992.
- Sabino Cassese, The Globalization of Law, This Paper integrates the opening of doctoral program at the Italian Institute for Human Sciences, on March 11, 2005 at the Federico II University of Naples, and the lecture given on March 23, 2006 at the University of Rome "La Sapienza" to inaugurate the 2004-2005 academic year.
- Saravuth Pitiyasak, Adapting Laws of Contract, Tax, and IP to accommodate E-Commerce in Thailand: Problems and Recommendations, A Thesis submitted in partial fulfillment of the requirements for the Degree of Doctor of Legal Science at the University of Hong Kong, August 2005.
- Scott N Carlson, Intro to Civil Law Legal System, International Network to Promote The Rule of Law (INPROL), United States, 2009 .
- Setiawan, Azas Kebebasan berkontrak dan kedudukan yang Seimbang dari Para Pihak dalam Perjanjian, *Media Notariat* no. 28-29, Tahun VIII, Juli-Oktober, 1993.
- Shaik Mohd Noor Alam S.M.Hussain, Contract Law of Malaysia and Indonesia : Some Basic Comparison
- Shaohong Zhuang, Legal Transplantation in the People's Republic of China: A Response to Alan Watson, *European Journal of Law Reform* Volume 7, 2005.
- Shiyuan Han, Principles of ASIAN Contract Law : An Endeavor of Regional Harmonization of Contract Law in East ASIA. *Villanova Law Review*, Vol. 58, 2013.
- Simmons, Beth A., and Zachary Elkins. The Globalization of Liberalization: Policy Diffusion in the International Political Economy. *American Political Science Review* 98. (1), 2004.
- Soetandyo Wignyoebroto, Hukum dan Metoda-metoda Kajiannya, dalam *Kumpulan Bahan Penataran Metode Penelitian Hukum*, Jakarta : FH UI, 1997.
- Ted L. McDorman, The Teaching of the Law of Thailand, *Dalhousie Law Journal* 11 no. 3, 1988.

- Tran Thi Thu Phuong, Vietnam's New Law on the Right of Parties to Choose Applicable Law in Civil Relations Involving Foreign Elements, *Journal of Politic and Law*, Vol. 9, No. 4 tanggal 29 Mei 2016, Canadian Center of Science and Education.
- Tran Thi Thu Phuong, Vietnam's New Law on the Right of Parties to Choose Applicable Law in Civil Relations Involving Foreign Elements, *Journal of Politics and Law*; Vol. 9, No. 4; 2016.
- Van Dunne, Diktat Kursus Hukum Perikatan, Terjemahan oleh Sudikno Mertokusumo, Universitas gadja Mada, Yogyakarta, 1987.
- Viktor Purba, Kontrak Jual Beli Barang Internasional (konvensi Vienna 1980), Disertasi Doktor Universitas Indonesia, Jakarta, 2002.
- W.J.Kamba, *Comparative Law, International and Comparative Law Quarterly*, Vol. 23, 1974.
- Y Goh dan P Tan, *An Empirical Study on The Development of Singapore Law*, Singapore Academy of Law Journal 23, 2011.
- Yood Sangauthai, *Introduction of Laws 14 Ed*, Bangkok, 1999.
- Yustinus Suhardi Ruman, Keadilan Hukum dan Penerapannya dalam Pengadilan, tulisan pada jurnal Humaniora HUMANIORA Vol.3 No.2 Oktober 2012.
- Z. Asikin Kusuma Atmadja dan Cohen dalam Setiawan, *Undue Influence BOVAG Arrest II HR*, 11 Januari 1957, NJ 1959 No. 37, *Varia Peradilan* No. 14 November 1986.

Penelusuran Internet :

- Tran Anh Duc of VILAF, Amendments to Vietnam's Commercial Law and Civil Code, <http://www.vilaf.com.vn/en/news-a-legal-updates/news/154-amendments-to-vietnams-commercial-law-and-civil-code-.html>, diakses tanggal 20 April 2015.
- New Civil code and Criminal Code, <http://vietlaw4u.com/new-civil-code-and-criminal-code-2015/>, diakses tanggal 3 Juli 2016.
- Vietnam Law Insight, Civil Transactions under the new Civil Code 2015 – Vietnam Law Insight, <https://vietnamlawinsight.com/2015/12/31/civil-transactions-under-the-new-civil-code-2015-vietnam-law-insight/>, diakses tanggal 3 Juli 2016.

Philippines has a civil legal tradition, <http://www.lawteacher.net/free-law-essays/international-law/regionalisation-is-evident-in-the-philippines-in-different-manners-international-law-essay.php>, diakses tanggal 3 Juli 2016.

Philip James Osborne, Unification or Harmonisation: A Critical Analysis of the United Nations Convention on Contracts for the International Sale of Goods 1980, <http://www.cisg.law.pace.edu/cisg/biblio/osborne.html>, diakses tanggal 13 Juni 2015.

Ralf Michaels, Globalization and Law: Law Beyond the State, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5540&context=faculty_scholarship, diunduh pada tanggal 18 Mei 2016.

Alex Hunt & Brian Wheeler, Brexit: All you need to know about the UK leaving the EU, <http://www.bbc.com/news/uk-politics-32810887>, diakses tanggal 3 Juli 2016.

The World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/ee.html>. Di akses tanggal 27 Januari 2015.

Why We Still Need ASEAN, <http://www.bt.com.bn/news-national/2016/08/08/why-we-still-need-asean#sthash.shM8s8wm.dpuf>, diakses tanggal 13 Agustus 2016.

Tang Siew Mun, What's next for Asean as it turns 49 ?, <http://www.todayonline.com/commentary/49-whats-next-asean>. Diakses tanggal 8 Agustus 2016.

Chheang Vannarith, Brexit a Wake-up Call For Asean, <http://www.khmertimeskh.com/news/26528/brexit-a-wake-up-call-for-asean/>. Diakses tanggal 27 Juni 2016.

Asean people should participate, contribute towards community-building: Najib, <http://www.thesundaily.my/news/1928764>, diakses tanggal 8 Agustus 2016.

Amcham, Singapore dan US Chamber of Commerce of International Affair, ASEANBusinessOutlookSurvey2015, www.uschamber.com/sites/default/files/asean_business_outlook_survey_2015.pdf diunduh 10 Juni 2015.

International Labour Organisation and The ASIAN Development Bank, ASEAN Community 2015, Managing Integration for Better Job and Share Prosperity,

<https://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf>, diunduh tanggal 20 April 2016.

The Star, Firms Urged To Make Asean Focal Point Of Growth Plan, www.nationmultimedia.com/business/firms-urgedto-to-make-asean-focal-point-of-growth-pl302605, diakses tanggal 10 Juni 2015.

Joe Leeds, Introduction to the Legal System and Legal Research of the Kingdom of Thailand, <http://www.nyulawglobal.org/globalex/Thailand.htm>, diakses tanggal 1 Mei 2015.

Sommanat Juaseekoon, Recent Developments of Legal System in Thailand, <http://www.aseanlawassociation.org/10GAdocs/Thailand3.pdf>, diunduh tanggal 5 Mei 2015.

Singapore Jurisdiction & Law, <http://www.singaporelaw.sg/sglaw/singapore-legal-system/singapore-jurisdiction-law>, diakses tanggal 14 Mei 2015.

E.Cruz Pafio dan D. T.Martinez, Justice and Freedom The Supreme Court Story From Arellano to Fernan, <http://www.supremecourt.gov.ph/>. Diakses tanggal 10 Juli 2016.

Joana Breidenbach & Ina Zukrigl, The Dynamics of Cultural Globalization. The myths of cultural globalization <http://www.inst.at/studies/collab/breidenb.htm> Diakses tanggal 26 Mei 2016.

<http://definitions.uslegal.com/c/comparative/>, Diakses tanggal 10 Juli 2016

How to Find the Law, Williams KF240 .C5383 1989, <http://guides.ll.georgetown.edu/ForeignandComparativeLaw>. diakses 10 Juli 2016

Ch.08 The Law of Contract, <http://www.singaporelaw.sg/sglaw/laws-of-singapore/commercial-law/chapter-8>. Diakses tanggal 14 Mei 2015.

Joanne Wong, On Legal Harmonisation Within ASEAN, <http://www.singaporelawreview.org/2013/10/on-legal-harmonisation-within-asean/>. Diakses tanggal 4 Juni 2015.

<http://dictionary.cambridge.org/dictionary/english/theory>. Diakses 3 Juli 2016.

Immanuel Kant Retributive Theories Of Justice Philosophy Essay, <https://www.ukessays.com/essays/philosophy/immanuel-kant->

[retributive-theories-of-justice-philosophy-essay.php](#). Diakses tanggal 24 Maret 2016.

Dr. Jordan DACI, Legal Principles, Legal Values and Legal Norms: are they the same or different?, <http://www.academicus.edu.al/nr2/Academicus-MMX-2-109-115.pdf>, diunduh tanggal 11 April 2016.

Albert H. Kritzer, CISG: Table of Contracting States, <http://www.cisg.law.pace.edu/cisg/countries/cntries.html>, diakses 13 Juni 2015.

Legal Systems of the World, <http://chartsbin.com/view/aq2>, diakses tanggal 20 April 2016.

What is the Civil Law? <https://www.law.lsu.edu/clo/civil-law-online/what-is-the-civil-law/>, diakses tanggal 21 April 2016.

Judicial Reform in China, http://www.china.org.cn/government/whitepaper/node_7169026.htm, diunduh tanggal 08 Mei 2016.

Several Issue On The Formation of a Socialist Legal System with China Characteristic, http://link.springer.com/chapter/10.1007/978-3-642-39663-2_10#page-1, diunduh 08 Mei 2016

Noppramart PRASITMONTHON, A Comparative Legal Study Between The Common Law And The Civil Legal Tradition Of Thailand, http://www.oocities.org/elaw_edu/papers/comparative_law.pdf, Diunduh tanggal 2 Oktober 2016.

Jean Frederic Morin & Edward Richard Gold, An Integrated Model of Legal Transplantation: The Diffusion of Intellectual Property Law in Developing Countries, https://www.mcgill.ca/law/files/law/gold_morin_legal_transplantation_2014.pdf, diakses tanggal 26 Mei 2016.

United Nations Commission on International Trade Law, <http://www.uncitral.org/en-index.htm>, diakses tanggal 23 Februari 2016.

Justin James, Socratis vs Platonic Justice www.thesophist.com/philosophy/socratic_vs_platonic_justice.html, diakses tanggal 23 Februari 2016.

- Firdaus M. Yunus, Filsafat Barat Modern, <http://e-okumen.kemenag.go.id/files/TrL4kHFM1339045469.pdf>, diunduh 27 Februari 2016.
- Firdaus M. Yunus, Filsafat Barat Modern, https://www.academia.edu/5466203/Aliran_dalam_Filsafat_Barat_Modern. diunduh 28 Februari 2016.
- Shaiful Rizal Mohd Sani, Kebebasan, Kesamaan Dan Keadilan - Jean Jacques Rousseauoleh,<http://www.scribd.com/doc/48390034/Kebebasan-Kesamaan-dan-Keadilan-Rousseau#scribd>, diunduh tanggal 16 Maret 2016.
- Immanuel Kant, Internet Encyclopedia of Philosophy,<http://www.iep.utm.edu/kantview/>,diakses tanggal 24 Maret 2016.
- Kant's Social and Political Philosophy, <http://plato.stanford.edu/entries/kant-social-political/#SocCon>, diakses tanggal 24 Maret 2016.
- Piera Loi, The Reasonableness and Proportionality Principles in Labour Law,https://www.upf.edu/gredtiss/_pdf/2013-LLRNConf_Loi.pdf, diunduh tanggal 10 April 2016.
- European Commission, *Humanitarian Aid and Civil Protection*, http://dgecho-partners-helpdesk.eu/actions_implementation/procurement_in_humanitarian_aid/procurement_mandatory_principles/proportionality, diakses tanggal 11 April 2016.
- World Development Indicators database, <http://databank.worldbank.org/data/download/POP.pdf>, diakses tanggal 1 Juli 2016
- Dr. Bayu Seto hardjowahono, SH., LL.M, Naskah Akademik Rancangan Undang Undang Hukum Kontrak, http://www.bphn.go.id/data/documents/hukum_kontrak.pdf, diunduh tanggal 20 September 2016.
- Dr Sharifah Suhanah Syed Ahmad, Introduction to the Sources of Law in Malaysia,http://www.nyulawglobal.org/globalex/Sources_Law_Malaysia.html, diakses tanggal 20 September 2016.

World Bank, Country At A Glance, <http://www.worldbank.org/en/country/Malaysia>, diakses tanggal 19 September 2016.

The Straits Settlements, <http://www.britishempire.co.uk/maproom/straitsettlemnts.htm>. Diakses tanggal 20 September 2016.

Cooperatieve Centrale Raiffeisen-Boerenleenbank BA (Trading as Rabobank International), Singapore Branch v Motorola Electronics Pte Ltd [2010] SGCA 47, <http://www.singaporelaw.sg/sglaw/laws-of-singapore/case-law/free-law/court-of-appeal-judgments/14393->, diakses tanggal 1 Oktober 2016.

The Singapore Legal System, <http://www.singaporelaw.sg/sglaw/laws-of-singapore/overview/chapter-1>, diakses tanggal 1 Oktober 2016.

Offer & Acceptance, <http://www.duhaime.org/LegalResources/Contracts/LawArticle-89/Part-4-Offer-Acceptance.aspx>. diakses tanggal 1 Oktober 2016.

G Brooke & R Braddell, One Hundred Years of Singapore, http://eresources.nlb.gov.sg/infopedia/articles/SIP_1583_2009-10-10.html, diakses tanggal 29 September 2016.

Thai Culture and Traditions, <http://welcome-to.chiangmai-chiangrai.com/01culture.htm>, diakses tanggal 3 Oktober 2016.

Dr. Jumpita Ruangvichathorn, Thai CISG, http://www.egat.co.th/legal_CISG/thaicisg.html, diakses tanggal 3 Oktober 2016.

Naiyana Guerin, A Comparison Of Contract Formation In The Thai Civil And Commercial Code And The Convention On International Sale Of Goods (CISG), <http://cisg.spu.ac.th/ThaiTCCCCISG.pdf>, diunduh tanggal 3 Oktober 2016.

<http://www.merriam-webster.com/dictionary/barangay>, diakses tanggal 4 Oktober 2016.

Legal System of The Philippines, http://www.aseanlawassociation.org/papers/phil_chp1.pdf, diunduh tanggal 4 Oktober 2016.

Republic of the Philippines, SUPREME COURT, Manila, G.R. No. L-13403 March 23, 1960,

http://www.lawphil.net/judjuris/juri1960/mar1960/gr_1-13403_1960.html, diakses tanggal 6 Oktober 2016.

French colonialism in Vietnam, <http://alphahistory.com/vietnamwar/french-colonialism-in-vietnam/>, diakses tanggal 7 Oktober 2016.

Putusan mahkamah Agung Filipina kasus *Manila Banking Corporation v. Silverio*, 504 *Phil. 17*, 25-26 (2005), citing *Suntay v. Court of Appeals*, 321 *Phil. 809* (1995) and *RULES OF COURT*, Rule 131, Sec. 3 (r) and (p), <http://sc.judiciary.gov.ph/jurisprudence/2011/september2011/165748.htm>, diakses tanggal 6 oktober 2016.