

Priskila Penasthika on Unravelling Choice of Law in International Commercial Contracts

Priskila Pratita Penasthika has recently published her PhD thesis with Eleven titled Unravelling Choice of Law in International Commercial Contracts. Indonesia as an Illustrative Case Study

The abstract reads as follows:

Despite the paramount role of choice of law in international contractual relationships, its implementation in various countries remains disparate. Many countries have acknowledged and given effect to choice of law, but some other countries persist in opposing it. The lingering reluctance in enforcing choice of law remains a challenging impediment to cross-border commercial relationships.

Strict adherence to the territoriality principle, absence of special provisions or clear guidelines of choice of law, and difficulties in confirming the content of the chosen foreign law are among the reasons for the reluctance to give effect to choice of law. These circumstances are encountered by some countries, including Indonesia.

This book not only unravels the reasons for Indonesia's reluctance and its subsequent lack of advancement on choice of law, but also examines possible solutions to the problem. Building on in-depth doctrinal research, supported by qualitative interviews, this research will serve as an essential point of reference for academics, practitioners, and policymakers interested in private international law and cross-border commercial litigation.

About the author:

Priskila Pratita Penasthika is an Assistant Professor in Private International Law at the Faculty of Law, Universitas Indonesia. She graduated with a doctorate in law from Erasmus University Rotterdam.