

Pembatalan putusan arbitrase Internasional di Indonesia (studi kasus: putusan MA No. 273PK/Pdt/2007 dan putusan MA No. 56PK/PDT.SUS/2011 = Annulment of International arbitral award in Indonesia (case study: supreme court resolution No. 273 PK/Pdt/2007 and No. 56PK/PDT.SUS/2011

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Abstrak

ABSTRAK

Penelitian ini bertujuan untuk menjelaskan dan menganalisis peraturan pembatalan putusan arbitrase internasional disertai praktek yang dilakukan lembaga peradilan di Indonesia berdasarkan teori-teori HPI. Penulis mempergunakan metode penelitian yuridis normatif dengan studi kepustakaan. Hasil penelitian menunjukkan bahwa pengaturan mengenai pembatalan putusan arbitrase internasional dalam UU Arbitrase belum jelas dan lengkap. Hal tersebut dapat dilihat dalam perdebatan mengenai pengaturan pelaksanaan putusan arbitrase internasional dan alasan pembatalan putusan arbitrase. Lembaga peradilan di Indonesia pun pada prakteknya masih inkonsisten dalam menerapkan aturan-aturan tersebut. Sebagai contoh ialah kasus antara Yemen Airways melawan PT Comarindo Tama Tour&Travel dan kasus antara PT Pertamina(Persero) dan PT Pertamina EP melawan PT Lirik Petroleum

ABSTRACT

This research aimed to describe and analyze the regulation about annulment of international arbitral award with the practice of Indonesian Court in accordance with International Private Law. Author use juridical-normative research method with literature studies. The research shows that the regulation about annulment of international arbitral award in Law of Arbitration has not been clear and sufficient. It can be seen from the articles about the enforcement of international arbitral award and the ground for annulment of arbitral award. In accordance with that, Indonesian Court has been inconsistent to implement those regulations. For examples is case between PT Comarindo Tama Tour&Travel v. Yemen Airways and case between PT Pertamina (Persero) and PT Pertamina EP v. PT Lirik Petroleum.