

Perbandingan konsep pembatalan putusan arbitrase internasional di Malaysia, Singapura, dan Indonesia = Comparative study of the concept of international arbitral award annulment in Malaysia, Singapura and Indonesia

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Abstrak

Penelitian ini bertujuan untuk mengidentifikasi perbedaan konsep pembatalan putusan arbitrase internasional di Malaysia, Singapura, dan Indonesia. Penelitian ini juga menganalisis praktek yang dilakukan oleh lembaga peradilan di Malaysia, Singapura, dan Indonesia melalui putusan Pengadilan setempat. Penulis mempergunakan metode penelitian yuridis normatif dengan studi kepustakaan. Hasil penelitian menunjukkan walaupun Malaysia dan Singapura merupakan negara yang mengadopsi UNCITRAL Model Law namun terdapat perbedaan dalam hal pengaturan pembatalan putusan arbitrase internasional di kedua negara tersebut. Perbedaan pengaturan pembatalan putusan arbitrase internasional juga akan terlihat kontras jika konsep pembatalan di kedua negara tersebut dibandingkan dengan Indonesia. Praktek di lembaga peradilan sudah tepat dalam menerapkan peraturan arbitrase di negara setempat. Hal tersebut tercermin dalam putusan Court of Appeal Malaysia antara TLL HLL melawan Laos, High Court Singapore JVL melawan Agritrade, dan putusan MA PT.Indiratex melawan Everseason.

.....This research aimed to identify the difference of the concept of international arbitral award annulment in Malaysia, Singapore, and Indonesia. This research also analyze the practice of the national courts in Malaysia, Singapore, and Indonesia through the court judgment. Author use juridical normative research method with literature studies.

The research shows although Singapore and Malaysia are the Model Law Countries, they still have differences on the regulation of international arbitral award annulment. The differences contrastingly will be shown if we compare those regulations with Indonesia regulation in the international arbitral award annulment.

The practice of the courts have been appropriate in applying the rules of arbitration of the country concerned. It was proved on the Malaysia Court of Appeal award between TLL HLL vs. Laos Government, Singapore High Court award JVL vs. Agritrade, and Indonesia Supreme Court PT. Indiratex vs. Everseason.