

ABSTRACT

LEGAL ANALYSIS OF CASE NO.234.B/PDT.SUS-ARBT/2024 REGARDING THE ANNULMENT OF ARBITRATION AWARD

BY

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This research is entitled “Legal Analysis of Case No. 234 B/Pdt.Sus-Arbit/2024 concerning Cancellation of Arbitration Award”. The dispute in this study arises from the different views between PT Bintang Express Sarana and PT Wijaya Karya Realty regarding the decision taken by the Indonesian National Arbitration Board (BANI). In the development of dispute resolution in Indonesia, arbitration is known as an alternative mechanism that offers time and cost efficiency as well as finality in the decision. However, the analyzed dispute shows a request for annulment of the arbitration award to the court on the grounds of new evidence found and alleged violations of the principles of justice. This research aims to analyze the position of the case, the judge's consideration, and the legal consequences of the Supreme Court Decision regarding the annulment of arbitration awards.

The research method used is normative juridical with a case approach. This research examines various legal documents, including Law No. 30/1999 on Arbitration and Alternative Dispute Resolution, as well as an analysis of Supreme Court Decision No. 234 B/Pdt.Sus-Arbit/2024. Data was collected through a literature study, and the analysis focused on the principle of finality of arbitration, the provisions of Article 70 of the Arbitration Law, as well as the relevance of new evidence in the context of annulment of arbitral awards. The research also looked at the judge's reasoning and the impact of the court's decision in this case.

The results showed that the Supreme Court upheld the principle of finality of arbitration by annulling the decision of the East Jakarta District Court that was not in accordance with legal provisions. The decision emphasizes that annulment can only be done under certain conditions, such as the existence of forged documents, discovery of new evidence, or deceit. This decision strengthens the integrity of arbitration as an efficient and final dispute resolution mechanism, while providing legal certainty for the parties. This research contributes to the understanding of the role of arbitration in the Indonesian legal system and the importance of maintaining the principles of fairness and transparency in the dispute resolution process.

Keywords: Arbitration, Supreme Court Decision, Annulment of Arbitral Award.

ABSTRAK

ANALISIS HUKUM TERHADAP PERKARA NO.234.B/PDT.SUS-ARBT/2024 TENTANG PEMBATALAN PUTUSAN ARBITRASE

OLEH

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Penelitian ini berjudul “Analisis Hukum terhadap Perkara No. 234 B/Pdt.Sus-Arbt/2024 tentang Pembatalan Putusan Arbitrase”. Sengketa dalam penelitian ini muncul dari perbedaan pandangan antara PT Bintang Express Sarana dan PT Wijaya Karya Realty terkait putusan yang diambil oleh Badan Arbitrase Nasional Indonesia (BANI). Dalam perkembangan penyelesaian sengketa di Indonesia, arbitrase dikenal sebagai mekanisme alternatif yang menawarkan efisiensi waktu dan biaya serta finalitas dalam putusan. Namun, sengketa yang dianalisis menunjukkan adanya permohonan pembatalan putusan arbitrase ke pengadilan dengan alasan adanya bukti baru yang ditemukan dan dugaan pelanggaran prinsip keadilan. Penelitian ini bertujuan untuk menganalisis posisi kasus, pertimbangan hakim, dan akibat hukum yang ditimbulkan atas Putusan Mahkamah Agung terkait pembatalan putusan arbitrase.

Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan kasus. Penelitian ini mengkaji berbagai dokumen hukum, termasuk Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa, serta analisis putusan Mahkamah Agung No. 234 B/Pdt.Sus-Arbt/2024. Data dikumpulkan melalui studi pustaka, dan analisis difokuskan pada prinsip finalitas arbitrase, ketentuan Pasal 70 UU Arbitrase, serta relevansi bukti baru dalam konteks pembatalan putusan arbitrase. Penelitian juga memperhatikan pertimbangan hakim dan dampak dari putusan pengadilan dalam kasus ini.

Hasil penelitian menunjukkan bahwa Mahkamah Agung menguatkan prinsip finalitas arbitrase dengan membatalkan putusan Pengadilan Negeri Jakarta Timur yang tidak sesuai dengan ketentuan hukum. Putusan ini menegaskan bahwa pembatalan hanya dapat dilakukan dalam kondisi tertentu, seperti adanya dokumen palsu, penemuan bukti baru, atau tipu muslihat. putusan ini memperkuat integritas arbitrase sebagai mekanisme penyelesaian sengketa yang efisien dan final, sekaligus memberikan kepastian hukum bagi para pihak. Penelitian ini berkontribusi pada pemahaman tentang peran arbitrase dalam sistem hukum Indonesia dan pentingnya menjaga prinsip keadilan dan transparansi dalam proses penyelesaian sengketa.

Kata kunci: Arbitrase, Putusan Mahkamah Agung, Pembatalan Putusan Arbitrase.