

ABSTRAK

PENYELESAIAN HUKUM DAN AKIBAT HUKUM PENOLAKAN PEMBATALAN PUTUSAN ARBITRASE (Studi Putusan Nomor 996 B/Pdt.Sus-Arbt/2022)

Oleh

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Putusan arbitrase bersifat final dan mengikat para pihak sebagaimana ditentukan Pasal 60 Undang-Undang 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa namun disediakan upaya hukum pembatalan pada Pasal 70. Putusan Arbitrase Nomor 43050/VIII/ARB-BANI/2020 diajukan pembatalan putusan kepada Pengadilan Negeri Batam oleh PT PLN Batam dikarenakan adanya cidera janji/tipu muslihat. Kemudian dilakukan upaya hukum kasasi oleh PT EL Batam dan BANI sehingga Mahkamah Agung menolak permohonan pembatalan putusan arbitrase yang tertera pada Putusan Nomor 996 B/Pdt. Sus-Arbt/2022). Permohonan Pembatalan Putusan Arbitrase ini diajukan karena putusan tersebut adanya tindakan cidera janji. Penelitian ini akan mengkaji dan membahas tentang alasan hukum penolakan pembatalan putusan arbitrase dan akibat hukum penolakan pembatalan putusan arbitrase.

Jenis Penelitian ini adalah penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan masalah menggunakan pendekatan studi kasus yang telah berkekuatan hukum tetap (*inkracht*) dan pendekatan perundang-undangan. Data yang digunakan adalah data sekunder melalui studi dokumen (putusan) dan studi kepustakaan. Selanjutnya, data diolah melalui pemeriksaan data, rekonstruksi data, dan sistematisasi data, serta dianalisis secara kualitatif.

Hasil penelitian dan pembahasan menguraikan alasan hukum penolakan permohonan pembatalan putusan arbitrase yang diajukan oleh PT PLN Batam. Permohonan pembatalan putusan tersebut mengandung cacat formil, seperti kesalahan penempatan pihak (*error in persona*), ketidaktepatan dalam penggabungan pihak (*plurium litis consortium*), serta ketidakjelasan dalil dan tuntutan (*obscur libel*) sehingga Majelis Mahkamah Agung menolak permohonan pembatalan putusan arbitrase tersebut. Akibat hukumnya adalah bahwa putusan arbitrase tetap berlaku dan wajib dilaksanakan oleh para pihak. Penelitian ini menegaskan pentingnya prinsip finalitas dan kepastian hukum dalam penyelesaian sengketa melalui arbitrase serta batasan intervensi pengadilan terhadap putusan arbitrase.

Kata Kunci: Arbitrase, Penolakan Pembatalan, Akibat Hukum

ABSTRACT

LEGAL ANALYSIS AND LEGAL CONSEQUENCES OF THE REJECTION OF AN APPLICATION FOR ANNULMENT OF AN ARBITRAL AWARD

(Study of the Decision Number 996 B/Pdt.Sus-Arbt/2022)

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Arbitral awards are final and binding on the parties as stipulated in Article 60 of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. However, a legal remedy for annulment is provided in Article 70 of the same law. Arbitral Award Number 43050/VIII/ARB-BANI/2020 was submitted for annulment by PT PLN Batam to the Batam District Court on the grounds of breach of contract and fraudulent misrepresentation. Subsequently, a cassation appeal was filed by PT EL Batam and BANI, which led the Supreme Court to reject the annulment request, as stated in Decision Number 996 B/Pdt.Sus-Arbt/2022. The annulment request was filed based on allegations of breach of contract.

This study aims to examine and analyze the legal grounds for the rejection of the annulment request and the legal consequences arising from such rejection. The research method used is normative legal research with a descriptive approach. The problem approach includes a case study of a decision with permanent legal force (*inkracht*) and a statutory approach. The data used are secondary data obtained through document (court decision) study and literature review. The data were processed through verification, reconstruction, and systematization, and then analyzed qualitatively.

The results of this study outline the legal reasons for the Supreme Court's rejection of PT PLN Batam's annulment request. The request contained formal defects, such as misidentification of parties (*error in persona*), improper joinder of parties (*plurium litis consortium*), and vague claims (*obscur libel*), leading the Supreme Court to reject the annulment. The legal consequence is that the arbitral award remains valid and enforceable by both parties. This study emphasizes the importance of the principle of finality and legal certainty in arbitration and the limited scope of judicial intervention in arbitral awards.

Keywords: Arbitration, Rejection of Annulment, Legal Consequences