

ABSTRAK

PEMBATALAN PUTUSAN ARBITRASE BANI BERDASARKAN DOKUMEN YANG DISEMBUNYIKAN DAN TIPU MUSLIHAT (Studi Perkara BreadTalk Pte., Ltd. dan PT. Talkindo Selaksa Anugrah)

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Arbitrase dipilih karena putusannya bersifat final dan mengikat, serta prosesnya cepat dan rahasia. Namun, Pasal 70 Undang-Undang Nomor 30 Tahun 1999 membuka kemungkinan pembatalan putusan arbitrase jika terdapat pelanggaran dalam proses pemeriksaan. Penelitian ini mengkaji sengketa antara BreadTalk Pte. Ltd. dan PT Talkindo Selaksa Anugrah yang berujung pada pembatalan putusan arbitrase BANI oleh Pengadilan Negeri Jakarta Barat melalui Putusan Nomor 861/Pdt.Sus-Arbt/2023/PN Jkt.Brt, yang kemudian dikuatkan oleh Mahkamah Agung melalui Putusan Nomor 941 B/Pdt.Sus-Arbt/2024. Tujuan penelitian ini adalah untuk menganalisis pertimbangan majelis hakim, penerapan Pasal 70 UU AAPS, serta asas transparansi dan itikad baik dalam proses arbitrase, sekaligus menilai dampaknya terhadap para pihak, BANI, dan terhadap kepastian hukum.

Jenis penelitian yang digunakan adalah penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan masalah menggunakan pendekatan perundang-undangan dan studi kasus dengan menggunakan sumber data primer, sekunder, dan tersier melalui studi kepustakaan. Selanjutnya pengolahan data dilakukan melalui pemeriksaan data, rekonstruksi data, dan sistematisasi data, serta dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa pembatalan putusan arbitrase dalam kasus ini didasarkan pada terbuktinya disembunyikannya dokumen yang bersifat menentukan, yakni dokumen pengalihan hak atas merek “*BreadTalk*” dari BreadTalk Pte., Ltd. kepada BTG Vault Pte., Ltd., yang berdampak langsung terhadap *legal standing*. dalam mengajukan permohonan arbitrase. Selain itu, ditemukan adanya unsur tipu muslihat, di mana BreadTalk Pte., Ltd. tetap mengklaim sebagai pemilik merek dan dasar sah dalam hubungan waralaba, sebab secara hukum hak atas merek telah beralih sejak tahun 2012. Tindakan tersebut dinilai tidak hanya melanggar asas transparansi dan itikad baik dalam proses arbitrase. Dalam konteks ini, peran pengadilan sebagai mekanisme korektif terhadap penyimpangan dalam proses arbitrase, guna menjaga prinsip keadilan dan kredibilitas arbitrase sebagai alternatif penyelesaian sengketa yang layak dipercaya oleh pelaku bisnis.

Kata Kunci : Arbitrase. Pembatalan, Putusan

ABSTRACT**ANNULMENT OF BANI ARBITRATION AWARD BASED ON HIDDEN
DOCUMENTS AND DECEPTION
(BreadTalk Pte., Ltd. dan PT. Talkindo Selaksa Anugrah Case Study)**

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Arbitration was chosen because its decision is final and binding, and the process is fast and confidential. However, Article 70 of Law Number 30 of 1999 opens the possibility of annulment of arbitration awards if there are violations in the examination process. This study examines the dispute between BreadTalk Pte., Ltd. and PT Talkindo Selaksa Anugrah which resulted in the annulment of the BANI Board's decision by the West Jakarta District Court through Decision Number 861/Pdt.Sus-Arbt/2023/PN Jkt.Brt, which was then upheld by the Supreme Court through Decision Number 941B/Pdt.Sus-Arbt/2024. The purpose of this study is to analyze the judge's considerations, the application of Article 70 of the AAPS Law, and the principles of transparency and good faith in the arbitration process, while also assessing their impact on the parties, BANI, and legal certainty.

The type of research used is normative legal research with a descriptive research type. The problem approach uses a statutory and case study approach using primary and secondary data sources through literature study. Furthermore, data processing is carried out through data examination, data reconstruction, and data systematization, and analyzed qualitatively.

The research results show that the annulment of the arbitration award in this case is based on the proven concealment of decisive documents, namely the document of transfer of rights to the "BreadTalk" trademark from BreadTalk Pte., Ltd. to BTG Vault Pte., Ltd., which directly affects the legal standing in filing the arbitration request. In addition, there was an element of deceit, where BreadTalk Pte., Ltd. continued to claim ownership of the trademark and a legitimate basis in the franchise relationship, as legally the trademark rights had been transferred since 2012. This action was considered not only a violation of the principles of transparency and good faith in the arbitration process. In this context, the role of the court is as a corrective mechanism against deviations in the arbitration process, to maintain the principles of justice and the credibility of arbitration as a dispute resolution alternative that is trustworthy for business actors.

Keywords: Arbitration, Annulment, Award