

ABSTRACT

TRADE DISPUTE SETTLEMENT BY INDONESIA NATIONAL BOARD OF ARBITRATION (BANI)

By

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Indonesia National Board of Arbitration (BANI) is one of institutional arbitration which is having an authority to commit dispute settlement in trading area. As arbitration institutional, BANI existence is regulated by Law Number 30 of 1999 regarding Arbitration and Alternative Dispute Resolution. BANI can be worked as a forum of choice in trading dispute settlement with written contract that already agreed by the parties. BANI has own arbitration procedural that can be used as a choice of law for the parties which is regulated within BANI rules and procedures. This research inspected and discussed about trade dispute settlement by Indonesian National Board of Arbitration (BANI) with purposed to get completely, specifically, clearly and systematically description of settlement procedure by BANI.

The kind of research used applied normative law research with descriptive type. Problem approach that used is applied law approach with non judicial case study type. The data as used in this research were primary data which was obtained from written interview in BANI's secretariat center and secondary data consist of primary law material, secondary law material and tertiary law material. The data were processed by editing, coding and systematizing data. Then, entire data were analyzed by using qualitative analysis.

The result of research show that trade dispute settlement by BANI can be done according to BANI's arbitration rules and procedures, which is started by registration requirement such as the parties point to BANI as a settlement dispute forum by arbitration clause in written agreement and the settlement include in trading area scope. Settlement procedures of trade dispute by BANI is committed according to provision within BANI's arbitration rules and procedures and Law Number 30 of 1999, which consist of some phase, such as registration phase, investigation and assembly phase, and decision taking and perusal phase by arbitration committee. BANI's arbitration decision is final, binding and vonnis by judgement. Therefore, the decision is enforceable by the parties after the decision

is registered in the district court, either voluntarily or forcible. Decision execution is bringing upon legal consequences to the parties such as arbitration costs and compensation loading accord with decision earning which is set by arbiter or arbitration committee.

Key words: Arbitration Rules and Procedures, Trade Dispute, Arbitration, BANI