

## ABSTRACT

Fenyo Ezra Tania (01051180010)

### **JURIDICAL ANALYSIS OF COURT LEGAL CONSIDERATION IN DECIDING THE ANNULMENT SOLICITATION OF ARBITRATION AWARDS IN INDONESIA**

(xii + 180 pages)

Arbitration is an alternative dispute settlement institution that provides a final and binding decision. However, to that decision, an annulment solicitation can be filed to the District Court on any of the following grounds: the award was decided using false document, a significant document's hidden by one of the parties, and the award was decided by intrigue. In the implementation, various legal consideration of the court in deciding the annulment solicitation of arbitration awards being made and it leads to inconsistency that affected the finality of arbitration awards. This research aim to knowing the regulations about the annulment arbitration awards which scattered in various legal provisions and their specificities and also to know court legal consideration on deciding the annulment solicitation of arbitration. This research uses normative legal methods by studying various law and regulations regarding arbitration, judicial power, and civil procedural law. The annulment of arbitration award is regulated in Articles 70-72 of the AAPS Law, and in progress, Constitutional Court and the Jurisprudence of Supreme Court regulated the provision more clearer including the specificity. Various legal consideration being made especially in some of the annulment aspects, such as: 1) annulment reason on court decision number 220 B/Pdt.Sus-Arbt/2016 *jo* 207/Pdt.G/2015/PN.Jkt.Pst, 62 B/Pdt.Sus-Arbt/2017 *jo* 332/Pdt.G/Arb/2016/PN Jkt.Pst, 104 B/Pdt.Sus-Arbt/2019 *jo* 513/Pdt.G/Arb/2018/PN.JKT.SEL, and 89/Pdt.G/BPSK/2014/PN-Jkt.PST. 2) parties on the solicitation as seen on court decision number 739 B/Pdt.Sus-Arbt/2020 *jo* 173/Pdt.Sus-BANI/2019/PN Jkt Utr, 460 B/Pdt.Sus-Arbt/2020 *jo* 754/Pdt.Arb/2019/PN.Jkt.Sel, 132/Pdt.G/Arb/2016/PN.Jkt.Pst, and 807 B/Pdt.Sus-Arbt/2016 *jo* 163/Pdt.G/Arb/2016/PN.Jkt.Pst. and 3) appeal act on court decision number 1019 B/Pdt.Sus-Arbt/2020 *jo* 4/Pdt.Sus-Arb/2020/PN Bna, 869 B/Pdt.Sus-Arbt/2018 *jo* 615/Pdt.G.Arb/2017/PN.Jkt.Utr, 1052 B/Pdt.Sus-Arbt/2016 *jo* 132/Pdt.G/Arb/2016/PN.JKT.PST, and 1024 B/Pdt.Sus-Arbt/2019 *jo* 421/Pdt.G/2018/PN.Jkt.Sel. *jo* 693/Pdt.G-ARB/2017/PN.Jkt.Pst. The various considerations arise because the use of different principles, such as analytical jurisprudence, progressive law theory, and *rechtsvinding* theory.

**Keyword:** Arbitration Award, Annulment, Court Legal Consideration

**References:** 152 (1945-2021)