

ABSTRACT

Patricia Novia Gunawan (00000005829)

“The Commercial Court’s Authority on Settling an Ongoing Case in BANI Arbitration Centre (Case Study: 45 K/Pdt.Sus/2013)”
(ix+69 pages+4 attachments)

In Indonesia, business parties are free to determine what they will write in a contract as long as it is not contrary to Indonesian rules. Business parties in a contract usually tend to include arbitration clause in the settlement of business disputes. According to arbitration principle, arbitration may override the authority of commercial court, but it does not apply in bankruptcy cases. The purpose of this research are to understand the authority of commercial court in examining and deciding ongoing case in BANI and to find out the continuation of the case in BANI if the party that filling a lawsuit in BANI has been declared bankrupt by Supreme Court. This research use normative legal research methods of statue and case approach. Data sources are obtained through interview and literature study. The analytical technique that is used is qualitative analysis techniques. Based on the research results, Commercial Courts are authorized to examine and decide ongoing case in BANI as long as bankruptcy requirements are fulfilled. Furthermore, if the party that filling a lawsuit in BANI has been declared bankrupt by Supreme Court, then the curator can take over the case. The case can be still ongoing or dismissed.

Keywords: Commercial Court, Bankruptcy, BANI Arbitration Center.

References: 31 (1991-2011)