

ABSTRACT

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THE EFFECTS OF EMERGENCY ARBITRATION AS A WAY TO OBTAIN PRE-ARBITRAL INTERIM MEASURES IN INTERNATIONAL COMMERCIAL ARBITRATION LAW

(xi+ 91 pages)

This thesis discusses the results of an analysis of the effects of the new procedures that is emergency arbitration as a way to obtain pre-arbitral interim measures in international commercial arbitration law. The interim measures are always important whether deliberated in arbitration or court. But for those who have chosen arbitration and requiring interim decision even before the Council has been formed, the parties had to go through court to get the interim decision. With the emergency arbitration the parties are able to submit it remained through the forum of their choice, namely arbitration. Emergency arbitration is a new procedure was found in 2006, and more and more institutions adopt the arbitration procedure to the regulations of each institution. This includes the ICC, ICSD, SIAC, and HKIAC. There should be particular emphasis on the application of the emergency HKIAC, and SIAC arbitration. Both these institutions work together with their Government in order to better the implementation of the decision of the Emergency Relief resulting from the Emergency Arbitration Procedure. Therefore, the Author shall evaluate the importance of interim measures first, followed by elaborating on the advantages and disadvantages of emergency arbitration and its application by the existing arbitration institutions. This procedure is considered as an important development in the field of commercial arbitration internasionala, and deserves to be studied.

Keywords: Arbitration, International Commercial Arbitration, Emergency Arbitration, Pre-arbitral interim measures, emergency relief

References: 58 (1972 – 2015)

ABSTRAK

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DAMPAK *EMERGENCY ARBITRATION* SEBAGAI PROSEDUR UNTUK MEMPEROLEH PUTUSAN SELA PRA-ARBITRASE DI DALAM HUKUM ARBITRASE KOMERSIL INTERNASIONAL

(xv+ 90 pages)

Skripsi ini mendiskusikan hasil analisis mengenai efek prosedur baru yaitu *emergency arbitration* sebagai cara untuk memperoleh putusan sela pra-arbitrase di dalam hukum arbitrase komersil internasional. Putusan sela itu selalu penting baik dalam arbitrase maupun pengadilan. Tetapi bagi mereka yang telah memilih arbitrase dan membutuhkan putusan sela bahkan sebelum Majelis telah terbentuk, pihak-pihak tersebut tadinya harus melalui Pengadilan untuk mendapatkan putusan sela tersebut. Dengan adanya *emergency arbitration* para pihak tersebut dapat mengajukannya tetap melalui forum pilihan mereka yaitu arbitrase. *Emergency arbitration* adalah prosedur baru ditemukan pada tahun 2006, dan semakin banyak institusi arbitrase yang mengadopsi prosedurnya ke dalam peraturan institusinya masing-masing. Ini termasuk ICC, ICSD, SIAC, dan HKIAC. Harus ada penekanan tertentu untuk aplikasi HKIAC dan SIAC terhadap *emergency arbitration*. Kedua institusi ini bekerja sama dengan Negara mereka agar pelaksanaan putusan *emergency relief* dapat berjalan dengan baik di Negara-negara tersebut. Maka dari itu, Penulis mengevaluasi keuntungan dan kerugian dari *emergency arbitration* dan aplikasinya oleh institusi arbitrase yang ada. Prosedur ini dianggap sebagai perkembangan yang penting di dalam bidang arbitrase komersil internasional, dan layak untuk dikaji.

Kata Kunci: Arbitrase, Arbitrase Komersil Internasional, Emergency Arbitration, Pre-Arbitral Interim Measures, Emergency Relief

Daftar Pustaka: 58 (1972 – 2015).