

Indonesia Law Review

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20356249&lokasi=lokal>

Abstrak

The national character of public policy indicates that the decision is up to the court of national country concerned. Therefore, each country can rule whether public policy and its related issues are part of the country's public policy. Courts around the world have recognized that Article V of the Convention is discretionary. The courts of Civil Law countries appear to be interpreting public policy broadly. This is quite evident from decisions made by courts in Indonesia, The People's Republic of China, Japan and Korea. The Indonesian Court considered Article V(2) (b) of the New York Convention which states that the court may deny the enforcement of an arbitral award if enforcement would violate public policy of the place of enforcement. In addition, before the enactment of Law No. 30 of 1999, which provides that the enforcement of foreign arbitral awards in Indonesia imitatively applies to awards which do not violate public policy order in terms of all underlying principles of the Indonesian legal system and society.