

Pemeriksaan claim yang didasari beberapa kontrak dalam satu proses persidangan arbitrase pada lembaga international centre for settlement of investment disputes (ICSID) = The settlement of claim based on several contracts in a single proceeding in international centre for settlement of investment dispute (ICSID)

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Abstrak

ABSTRACT

Dalam proyek investasi lintas negara, proyek investasi seringkali dilakukan melalui beberapa kontrak. Pada saat terjadi sengketa atas proyek investasi yang dilaksanakan melalui beberapa kontrak, tidak jarang claimant mengajukan claim yang didasari beberapa kontrak yang berbeda dalam satu proses persidangan arbitrase. Pengaturan mengenai pemeriksaan claim yang didasari beberapa kontrak dalam satu proses persidangan arbitrase tidak ditemukan dalam aturan arbitrase pada lembaga ICSID. Untuk menganalisis permasalahan ini, digunakan penelitian hukum normatif dengan metode deskriptif analitis. Hasil dari penelitian menunjukkan penerapan prinsip-prinsip pemeriksaan claim yang didasari beberapa kontrak dalam satu proses persidangan arbitrase yang diterapkan dalam praktik arbitrase internasional oleh majelis arbitrase ICSID.

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ABSTRACT

In cross-border investment projects, it is common to find an investment project made through several contracts. When dispute over an investment project made through several contracts arises, the claimant in some case submitted a claim based on several contracts in a single proceeding. The rules regarding the hearing of claim based on several contracts in a single proceeding cannot be found in the arbitration rules of ICSID. Normative research with descriptive-analysis method is used to analyse this matter. The result of the research shows the application of principles of the hearing of claim that based on several contracts in a single proceeding that are applied in international arbitration practice