

Tipu muslihat sebagai alasan pembatalan putusan arbitrase = Fraud as a reason for the annulment of the arbitral award / Nabil Abduh Hilabi

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Abstrak

ABSTRAK

Tesis menjelaskan mengenai tipu muslihat sebagai alasan pembatalan putusan arbitrase, dimana akan dibahas mengenai pengertian tipu muslihat dalam alasan pembatalan, apakah alasan tipu muslihat dalam permohonan pembatalan putusan arbitrase harus dibuktikan dengan putusan pengadilan serta bagaimanakah pandangan hakim terhadap unsur tipu muslihat sebagai suatu alasan pembatalan putusan arbitrase. Metode penelitian yang dilakukan adalah dengan penelitian hukum normatif menggunakan bahan hukum primair berupa peraturan perundangan UU.Nomor 30/1999 dan bahan hukum sekunder berupa buku-buku tentang Arbitrase. Penelitian dilakukan dengan meneliti putusan Mahkamah Agung RI mengenai sengketa antara PT.Nikko Securities Indonesia dengan PT.Bank Permata untuk kasus pembatalan putusan arbitrase yang dibuat oleh Badan Arbitrase Pasar Modal Indonesia (BAPMI). Dari hasil penelitian ditemukan bahwa alasan pembatalan putusan arbitrase masih beragam dikalangan hakim baik di tingkat Pengadilan Negeri maupun ditingkat banding Mahkamah Agung.

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ABSTRACT

This thesis aims to explain Fraud as the reason for the annulment of the arbitral award, which will be discussed on the understanding of fraud as a reason, whether arbitral award must be proved by the decision of the court or not and how the judge opinion about fraud as a reason for the annulment of an arbitral award . The research method is the normative legal research using the primary legal materials in the form of legislation UU.Nomor 30/1999 and secondary legal materials such as books on Arbitration and other references . The study was conducted by examining the decision of the Supreme Court regarding the dispute between PT.Nikko Securities Indonesia and PT Bank Permata in case of annulment of the arbitral award made by the Indonesian Capital Market Arbitration Board (BAPMI) . From the results of the study found that the reason for the annulment of an arbitral award is varied among the judges at both the District Court and Supreme Court appeal level