

# Hak ingkar dan tuntutan ingkar dalam arbitrase di Indonesia : analisis yuridis-praktis = Denial claim against formation of arbitrator tribunal in Indonesia : legal and practical-analysis / Yan Darmawan

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## Abstrak

[<b>ABSTRAK</b><br>

Bertujuan menganalisa alasan-alasan yang digunakan dalam permohonan tuntutan ingkar terhadap arbiter, menganalisa prosedur tuntutan ingkar dalam arbitrase, dan menganalisis sikap pengadilan terhadap tuntutan ingkar dalam arbitrase. Penelitian ini menggunakan metode yuridis normatif, dengan studi kepustakaan. Kesimpulan penelitian ini menunjukkan bahwa batasan alasan pengajuan tuntutan ingkar terlalu luas, dan dalam prosedur pengajuan tuntutan ingkar tidak diatur mengenai kewenangan pengadilan dalam tuntutan ingkar terhadap arbiter/majelis arbitrase. Berdasar putusan yang diteliti pengadilan menyatakan dirinya tidak berwenang mengadili dalam hal arbiter/majelis arbiter yang bersangkutan diangkat oleh institusi arbitrase, atau membiarkan dan sama sekali tidak mengeluarkan produk hukum.

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<b>ABSTRACT</b><br>

This study aims to analyze the reasons used in the petition on claims to deny against arbitrators, analyzing the procedures, and to analyze court's verdict on such claims. This study uses normative juridical method, with the study of literature. It concludes that grounds to file claims to deny is too far-reaching, and the procedures regarding the court's authority to adjudicate claim to deny on arbitrator/arbitrator tribunal is not regulated appropriately. Of the cases analyzed, the courts's is to declares himself not competent to judge in terms of arbitrator/ arbitrator tribunal appointed by the arbitrary institution, or did not issue a legal product altogether., This study aims to analyze the reasons used in the petition on claims to deny against arbitrators, analyzing the procedures, and to analyze court's verdict on such claims. This study uses normative juridical method, with the study of literature. It concludes that grounds to file claims to deny is too far-reaching, and the procedures regarding the court's authority to adjudicate claim to deny on arbitrator/arbitrator tribunal is not regulated appropriately. Of the cases analyzed, the courts's is to declares himself not competent to judge in terms of arbitrator/ arbitrator tribunal appointed by the arbitrary institution, or did not issue a legal product altogether.]