

## BIBLIOGRAPHY

### Books:

- Abdulkadir, Muhammad, 2004, *Hukum dan Penelitian Hukum*, PT Citra Aditya Bakti, Bandung.
- Achmadi, Abu, *et al*, 2008, *Metode Penelitian*, Bumi Aksara, Jakarta
- Ali, H. Zainuddin, 2019, *Metode Penelitian Hukum*, Sinar Grafika, Jakarta.
- Blackaby, Nigel *et. al*. 2009. *Redfern and Hunter on International Arbitration*. Oxford U.P.
- Briner, Robert and Hamilton, Virginia, 2009. *The Creation of an International Standard to Ensure the Effectiveness of Arbitration Agreements and Foreign Arbitral Awards, in Enforcement of Arbitration Agreements and International Arbitral Awards: The New York Convention in Practice 3–21*, CMP Publishing.
- Garner, Bryan A. (ed.), *Black's Law Dictionary*, MN: Thomson Reuters, 9<sup>th</sup> ed
- Huala Adolf, 2022, *Arbitrase Komersial Internasional (International Commercial Arbitration)* (3d edition, RajawaliPers.
- M. Yahya Harahap, 1991, *Arbitrase (Arbitration)*, Pustaka Kartini.
- Mersky, R., M., Dunn D., J., 2002, *Legal Research Illustrated*, Foundation Press, New York
- Mukti Fajar Nur Dewata dan Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta
- Otto, Dirk, and Omaia Elwan. 2010. *Recognition and Enforcement of Foreign Arbitral Awards: A Global Commentary on the New York Convention*. Kluwer Law International
- Songgono, Bambang, 1998, *Metodologi Penelitian Hukum*, PT Raja Grafindo Persada, Jakarta

Suriasumantri, Jujun S. 1987. *Filsafat Ilmu Sebuah Pengantar Populer*, cet. 4. Sinar Harapan.

Tineke Louise Tuegeh Longdong, 1998, *Asas Ketertiban Umum & Konvensi New York 1958, Public Policy Principle and New York Convention*. PT. Citra Aditya Bakti, Bandung

Van den Berg, Albert J. *n.d. Chapter 2 of the Enforcement of Arbitration Agreements and International Arbitral Awards The New York Convention in Practice: The New York Convention of 1958 An Overview*.

Van den Berg, Albert Jan, 1981. *The New York Convention of 1958: Towards a Uniform Judicial Interpretation*, Kluwer Law and Taxation Publishers.

Harahap, M. Yahya, 2006, *Arbitrase*, Sinar Grafika.

### **Laws and Regulations:**

Article 1 (9) *jo.* Article 16(4) SCR 3/2023.

Article 1(9) of the SCR 3/2023.

Article 178 HIR reads

Article 189 paragraph (3)

Article 30 of Law No. 5/2004 regarding the amendments to Law No. 14/1985 on the Supreme Court.

Article 4(2) of SCR 1/1990.

Article 66 of Law No. 30/1999

Article I (1) of the NYC.

Article I (3) of the NYC.

Article II (3) of the NYC

Article III of the NYC.

Article IV of the NYC.

Article V(2) of the NYC.

Article VI of the NYC.

Article VII (1) of the NYC.

Central Jakarta District Court Decision No. 271/Pdt.G/2010/PN.Jkt.Pst

Central Jakarta District Court Decision No. 86/Pdt.G/2002/PN.JKT.PST

Central Jakarta District Court Decision No. 86/Pdt.G/2002/PN.Jkt.Pst. jo. No. 01/Banding/Wasit-Int/2002 jo. No. 444 PK/Pdt/2007

Central Jakarta District Court Decision No. 736/PDT.G/VI/1988/PN.JKT/PST

Decision No. 268 K/Pdt.Sus/2012

Decision No. 88 PK/Pdt.Sus-Arb

Decision of Appeal to the Supreme Court No. 219B/Pdt.Sus.Arbit/2016.

High Court Decision No. . 485/Pdt/1989/PT.DKI

Official Commentary of Article 66(b) of the Indonesian Arbitration Law.

Penetapan Pengadilan Negeri Jakarta Pusat No. 12/Pdt.Arb.Int/2011/PN.Jkt.Pst

Section 71 of the CRA

Supreme Court Decision No. 268 K/Pdt.Sus/2012

Supreme Court Decision No. 877K/Pdt.Sus/2012

Supreme Court Decision No. 1205K/Pdt/1990

The Reservation Declaration of Presidential Decree No. 34/1981; Article 1(3) of the NYC.

### **Research and Reports:**

Adolf, Huala. 2021. "The Meaning of Public Policy Under Indonesian Arbitration Law and Practice". *Transnational Business Law Department*.

Amalia, Prita. *n.a*. "Penerapan Asas Ketertiban Umum dan Pembatasannya dalam Pengakuan dan Pelaksanaan Putusan Arbitrase Asing di Indonesia Berdasarkan Konvensi New York 1958", Universitas Padjajaran, p. 8

Andrea Bonomi, 'Chapter 13: The Concept of Public Policy under the 1958 New York Convention: An Autonomous Interpretation?', in *Franco Ferrari and Friedrich Jakob*

- Born, Gary B. 2021. "Chapter 1: Introduction to International Arbitration" in *International Arbitration: Law and Practice (Third Edition)*, © Kluwer Law International.
- Born, Gary. 2021. "Chapter 22: Legal Framework for International Arbitral Awards (Updated September 2022)" in *International Commercial Arbitration (Third Edition)*, © Kluwer Law International; Kluwer Law International.
- Born, Gary. 2022. Chapter 26: Recognition and Enforcement of International Arbitral Awards" in *International Commercial Arbitration (Third Edition)*, © Kluwer Law International; Kluwer Law International.
- Choi, Susan. 1997. "Judicial Enforcement of Arbitration Awards under the ICSID and New York Convention". *New York University Journal of International Law and Politics* 28 (Fall 1995-Winter 1996), p. 205,
- Collins, James, *et al.* 2024. "The Guide to Challenging and Enforcing Arbitration Awards – Third Edition", *Global Arbitration Review*, p. 7.
- Ewangga, Sandy O. "Comparison of Public Policy Defenses Implementation in Indonesia with USA and UK". *Transnational Business Law Journal* Vol. 3 No. 2, 2022.
- Grion, Renato Stephan and Zanelato, Thiago Del P., "Historical Aspects of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and Perspectives on the Resolution of International Commercial Disputes", in Stavros Brekoulakis (ed), *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, © Kluwer Law International; Kluwer Law International 2021, Volume 87, Issue 2), pp. 153 - 169.
- Inglot, Magdalena. 2017. "Separability of or Overlap between Public Policy and Procedural Grounds for Refusal of Enforcement of Foreign Arbitral Awards under the New York Convention", *Polish Review of International and European Law*, 2017, p. 67.
- Junita, Fifi. "Experience of Practical Problems of Foreign Arbitral Awards Enforcement in Indonesia". *Macquarie Journal of Business Law* Vol. 5, 2008, p. 159.
- Kristy, Michelle Ayu Chinta and Jing, Zhengzheng. 2013. "Public Policy Violation under New York Convention,". *Mimbar Hukum* Vol. 25, No. 1, p. 146.
- Kronke, Herbert. 2010. "Introduction: The New York Convention Fifty Years on: Overview and Assessment", in Herbert Kronke, Patricia Nacimiento, et al.

- (eds), *Recognition and Enforcement of Foreign Arbitral Awards: A Global Commentary on the New York Convention*, © *Kluwer Law International*; *Kluwer Law International*, p. 7.
- Li Hu. 2004. "Enforcement of Foreign Arbitral Awards and Court Intervention in the People's Republic of China", *Arbitration International*, Vol. 20, No. 2, p. 176.
- Park, William W. 1991. "When the Borrower and the Banker are at Odds: The Interaction of Judge and Arbitration in Trans-Border Finance", *Tulane Law Review* 65, p. 1354.
- Paulsson, Jan. 1998. "Awards set aside at the place of arbitration", in *Enforcing Arbitration Awards under the New York Convention: Experience and Prospect*, United Nations Publication.
- Peerenboom, Randall. 2000. "The Evolving Regulatory Framework for Enforcement of Arbitral Awards in the People's Republic of China". *Asia-Pacific Law & Policy Journal* 1, p. 65,
- Prodromou, Zena. 2020. "Chapter 6: The Public Policy Exception in International Commercial Arbitration", in "The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes", *International Arbitration Law Library*, Volume 56, © Kluwer Law International; Kluwer Law International 2020, p. 137.
- Rajagukguk, Erman. 2008. "Implementation of the 1958 New York Convention in Several Asian Countries: The Refusal of Foreign Arbitral Awards Enforcement on the Grounds of Public Policy". *Jurnal Hukum Internasional* Vol. 5 No. 2.
- Rosenfeld (eds), 2021. *Autonomous Versus Domestic Concepts under the New York Convention*, *International Arbitration Law Library*, Volume 61, © Kluwer Law International; Kluwer Law International.
- Sitorus, Santa L. 2021. "Qualitative Method (Case Study Research)". *JOCE IP* Vol. 15 No. 1.
- Subagyono, Bambang Sugeng A. *et al.* "Kajian Penerapan Asas Ultra Petita Pada Petitum Ex Aequo et Bono". *Yuridika: Volume 29 No. 1*, January-April 2014, p. 104.
- Suparman, Erman. 2004. "Pilihan Forum Arbitrase dalam Sengketa Komersial untuk Penegakkan Keadilan". Tatanusa, p. 3, quoted in Wijaya, Esther E. 2021. "Penerapan Konsep Public Policy Sebagai Alasan Penolakan Pengakuan dan Eksekusi Putusan Arbitrase Internasional di Indonesia dan Singapura". *Jurnal Hukum Visio Justisia* Vol. 1 No. 1, p. 52.

Taqwa, Muhammad D. 2024. *Inconsistency in Recognition and Enforcement of Foreign Arbitral Awards: Non-Compliance or Normative Factors?*. *Jurnal Bina Mulia Hukum* Vol. 8 No. 2, p. 260. Available from: <http://jurnal.fh.unpad.ac.id/index.php/jbmh/issue/archive>

### Online References and Other Documents:

1958 New York Convention Guide on Article V(1)(c). Available from: [https://newyorkconvention1958.org/index.php?lvl=cmspage&pageid=10&menu=623&opac\\_view=-1](https://newyorkconvention1958.org/index.php?lvl=cmspage&pageid=10&menu=623&opac_view=-1), Accessed on June 2<sup>nd</sup>, 2024.

Adolf, Huala. 2018. *Public Policy under Indonesian Arbitration Law*. Global Arbitration Review. Available from: <https://globalarbitrationreview.com/review/the-asia-pacific-arbitration-review/2019/article/public-policy-under-indonesian-arbitration-law#endnote-003>

Denise, Jansen. “New York Convention: Public Policy Exception”, <https://jusmundi.com/en/document/publication/en-new-york-convention-public-policy-exception>, Accessed on May 19<sup>th</sup>, 2024.

Fitrianggraeni, Setyawati. “The International Arbitration Review: Indonesia”. <https://www.ap-lawsolution.com/actio/the-international-arbitration-review-indonesia>, Accessed on May 28<sup>th</sup>, 2024.

Fries, Sébastien. “Grounds to Refuse Enforcement”. <https://globalarbitrationreview.com/guide/the-guide-challenging-and-enforcing-arbitration-awards/3rd-edition/article/grounds-refuse-enforcement>, Accessed on May 28<sup>th</sup>, 2024.

Herbert Smith Freehills. “English Commercial Court takes rare decision to refuse enforcement of arbitration award only public policy grounds in crypto case”, <https://hsfnotes.com/arbitration/2023/07/17/english-commercial-court-takes-rare-decision-to-refuse-enforcement-of-arbitration-award-on-public-policy-grounds-in-crypto-case/>, Accessed on May 6<sup>th</sup>, 2024.

Hikmah, Mutiara. 2013. *The Roles of the Supreme Court of the Republic of Indonesia in Enforcement of International Arbitral Awards in Indonesia*. *Indonesia Law Review*, p. 246. Available from: <https://media.neliti.com/media/publications/26899-EN-the-roles-of-the-supreme-court-of-the-republic-indonesia-in-enforcement-of-inter.pdf>

Huzaini, Moch. Dani Pratama. “Tafsir Pengadilan tentang Ketertiban Umum dalam Eksekusi Putusan Arbitrase Internasional.”, <https://www.hukumonline.com/stories/article/lt60fe724e4c2d3/tafsir-pengadilan-tentang-ketertiban-umum-dalam-eksekusi-putusan-arbitrase-internasional>, Accessed on April 28<sup>th</sup>, 2024.

Jewell, Dan & Howell, Rachel. “Crypto, consumers, and arbitration: English public policy grounds for refusing enforcement of arbitral awards”, <https://www.dlapiper.com/es-pr/insights/publications/arbitration-matters/2023/crypto-consumers-and-arbitration>, Accessed on May 21<sup>st</sup>, 2024.

Leo/Apr. “Menyoal Pembatalan Putusan Arbitrase Internasional oleh Pengadilan”. <https://www.hukumonline.com/berita/a/menyoal-pembatalan-putusan-arbitrase-internasional-oleh-pengadilan-hol6566/>, Accessed on May 28<sup>th</sup>, 2024.

Limond, Katrina and Tan, Justin. “English High Court refuses to enforce Californian crypto arbitration award on public policy grounds”, <https://www.aoshearman.com/en/insights/ao-shearman-on-arbitration/english-high-court-refuses-to-enforce-californian-crypto-arbitration-award-on-public-policy-grounds>, Accessed on May 28<sup>th</sup>, 2024.

Moses, Margaret. “Public Policy: National, International and Transnational”. <https://arbitrationblog.kluwerarbitration.com/2018/11/12/public-policy-national-international-and-transnational/>. Accessed on May 14<sup>th</sup> 2024.

New York Convention. “Contracting States”. <https://www.newyorkconvention.org/contracting-states>, Accessed on June 25<sup>th</sup>, 2024.

Sanitt, Adam. “Court Refuses to Enforce Foreign Arbitration Award Against Cryptocurrency Exchange User”, <https://www.nortonrosefulbright.com/en/inside-disputes/blog/202309-court-refuses-to-enforce-foreign-arbitration-award-against-cryptocurrency-exchange-user>, Accessed on May 29<sup>th</sup>, 2024.

Umar, M. Husseyn. “Pokok-pokok Masalah Pelaksanaan Putusan Arbitrase Internasional di Indonesia.”, <https://www.hukumonline.com/berita/a/pokok-pokok-masalah-pelaksanaan-putusan-arbitrase-internasional-di-indonesia-lt4bbd785494fc7/>, Accessed on April 29<sup>th</sup>, 2024.

Wahyuni, Willa. “Mengenal Prinsip Ultra Petita”, <https://www.hukumonline.com/berita/a/mengenal-prinsip-ultra-petita-lt63f335f902f77/?page=2>, Accessed on May 28<sup>th</sup>, 2024.

Widyawan & Partners in association with Linklaters. “Unveiling Supreme Court Regulation No. 3 of 2023: Does it Really Bring Indonesia Closer to Becoming an Arbitration-Friendly Jurisdiction?”, [https://www.wnplaw.com/uploads/pdf/Unveiling%20Supreme%20Court%20Regulation%20Client%20Alert\\_V2.pdf](https://www.wnplaw.com/uploads/pdf/Unveiling%20Supreme%20Court%20Regulation%20Client%20Alert_V2.pdf), Accessed on May 28<sup>th</sup> 2024.