

**INTERPRETASI HAKIM TERHADAP ALASAN PEMBATALAN PUTUSAN
BADAN ARBITRASE NASIONAL INDONESIA**
(Studi Putusan BANI Nomor : 809/III/ARB-BANI/2016 dan Putusan BANI
Nomor : 854/V/ARB-BANI/2016)

INTISARI

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Tujuan penelitian ini adalah untuk memahami dan menganalisis bagaimana hakim menafsirkan dan membuktikan unsur-unsur Pasal 70 UU No. 30 Tahun 1999 dalam dua putusan arbitrase BANI, yaitu Putusan BANI No. 809/III/ARB-BANI/2016 dan Putusan BANI No. 854/V/ARB-BANI/2016. Selain itu, penelitian ini bertujuan untuk menganalisis bagaimana majelis hakim menilai bukti dalam memutuskan permohonan pembatalan putusan arbitrase, khususnya terkait penggunaan bukti yang sah dalam konteks penipuan dan integritas proses arbitrase.

Metode penelitian yang digunakan adalah metode penelitian hukum normatif dengan pendekatan deskriptif. Penelitian hukum normatif dilakukan melalui kajian literatur dan data sekunder, termasuk undang-undang, putusan pengadilan, dan bahan hukum lainnya. Pengumpulan data dilakukan melalui studi pustaka serta wawancara dengan narasumber ahli di bidang hukum arbitrase. Analisis data dilakukan secara kualitatif, menghubungkan berbagai data dengan permasalahan hukum yang dibahas, untuk menghasilkan kesimpulan yang sistematis dan logis.

Kesimpulan penelitian menunjukkan bahwa hakim menggunakan berbagai metode interpretasi hukum dalam memutuskan perkara pembatalan putusan arbitrase, seperti interpretasi gramatikal, sistematis, dan teleologis. Dalam kasus Putusan PN Jakarta Selatan No. 513/Pdt.G.ARB/2018/PN.Jkt.Sel, hakim menafsirkan bahwa meskipun bukti penipuan tidak didukung oleh putusan hukum tetap, putusan arbitrase dapat dibatalkan jika terdapat indikasi manipulasi bukti. Sementara itu, dalam Putusan PN Jakarta Selatan No. 244/Pdt.G.ARB/2017/PN.Jkt.Sel, hakim menegaskan bahwa pengadilan tidak berwenang memeriksa pokok perkara arbitrase, melainkan hanya aspek proseduralnya. Hakim juga menekankan pentingnya bukti yang kuat dalam kasus penipuan dan menjaga integritas proses arbitrase.

Kata Kunci : Interpretasi Hakim, Alasan Pembatalan, Putusan Arbitrase.

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*THE JUDICIAL INTERPRETATION ON THE GROUNDS FOR ANNULMENT
OF THE INDONESIAN NATIONAL ARBITRATION BOARD AWARD
(A Case Study of BANI Award No. 809/III/ARB-BANI/2016 and BANI Award No.
854/V/ARB-BANI/2016)*

ABSTRACT

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The objective of this research is to understand and analyze how judges interpret and substantiate the elements of Article 70 of Law No. 30 of 1999 in two BANI arbitration awards, namely BANI Award No. 809/III/ARB-BANI/2016 and BANI Award No. 854/V/ARB-BANI/2016. Furthermore, this research aims to examine how the panel of judges assesses the evidence in deciding applications for annulment of arbitration awards, particularly concerning the use of valid evidence in the context of fraud and the integrity of the arbitration process.

The research method employed is normative legal research using a descriptive approach. Normative legal research is conducted through a literature review and secondary data, including laws, court decisions, and other legal materials. Data collection was carried out through literature studies as well as interviews with experts in the field of arbitration law. Data analysis was performed qualitatively, connecting various data with the legal issues discussed, to produce systematic and logical conclusions.

The conclusions of this research indicate that judges use various methods of legal interpretation in deciding cases for the annulment of arbitration awards, such as grammatical, systematic, and teleological interpretation. In the case of South Jakarta District Court Decision No. 513/Pdt.G.ARB/2018/PN.Jkt.Sel, the judges interpreted that although fraud evidence was not supported by a final and binding decision, an arbitration award can be annulled if there is an indication of evidence manipulation. Meanwhile, in South Jakarta District Court Decision No. 244/Pdt.G.ARB/2017/PN.Jkt.Sel, the judges affirmed that the court does not have jurisdiction to examine the merits of an arbitration case, but only its procedural aspects. The judges also emphasized the importance of strong evidence in fraud cases and maintaining the integrity of the arbitration process.

Keyword : *Judicial Interpretation, Grounds for Annulment, Arbitration Award.*

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