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MODEL PERATURAN HUKUM TENTANG YURISDIKSI INTERNASIONAL PENGADILAN INDONESIA

Bagian Kesatu Kewenangan Pengadilan Indonesia

Pasal 1

- (1) Warga negara asing yang berdomisili atau bertempat tinggal di Indonesia dapat digugat di pengadilan Indonesia.
- (2) Untuk kepentingan gugatan sebagaimana dimaksud dalam ayat (1):
 - a. Warga negara asing berdomisili atau bertempat tinggal di Indonesia apabila memiliki izin tinggal atau menetap di Indonesia berdasarkan peraturan perundang-undangan yang berlaku di bidang keimigrasian dan/atau administrasi kependudukan.
 - b. Warga negara asing atau orang yang tidak diketahui kewarganegaraannya yang berdasarkan fakta berada di dan menunjukkan keterikatan sosial-ekonomi dengan Indonesia sedemikian rupa sehingga menurut kewajaran dianggap bertempat tinggal di Indonesia meskipun ketentuan sebagaimana dimaksud dalam huruf a tidak terpenuhi.

Pasal 2

Badan hukum asing dapat digugat di pengadilan Indonesia apabila badan hukum asing tersebut memiliki kantor cabang, agen, atau bentuk perwakilan lainnya di Indonesia dan gugatan itu memiliki hubungan dengan kegiatan yang dilakukan oleh kantor cabang, agen, atau bentuk perwakilan lainnya itu di Indonesia.

Pasal 3

- (1) Pengadilan Indonesia berwenang untuk memeriksa dan mengadili perkara dalam hal perkara itu melibatkan sekurang-kurangnya satu tergugat yang berdomisili atau bertempat tinggal di Indonesia dan satu atau lebih tergugat yang berdomisili atau bertempat tinggal di negara lain, sepanjang para tergugat itu berdasarkan hukum adalah bertanggung gugat dalam kedudukan yang sama atas suatu perikatan.
- (2) Ketentuan dalam ayat (1) tidak berlaku apabila tergugat atau para tergugat yang berdomisili atau bertempat tinggal di Indonesia berkedudukan atau kesemuanya berkedudukan sebagai penanggung atau turut tergugat.

Pasal 4

Warga negara asing atau badan hukum asing yang tidak berdomisili atau bertempat tinggal di Indonesia digugat di hadapan pengadilan Indonesia dalam hal:

- a. perkara mengenai status suatu benda tidak bergerak yang berada di dalam wilayah Indonesia;
- b. perkara mengenai hak yang didaftarkan dalam daftar umum menurut hukum Indonesia;