Analisis Ketentuan Pembatalan Putusan Arbitrase dalam Undang-Undang No. 30 Tahun 1999 dengan Perspektif United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration
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ANALISIS KETENTUAN PEMBATALAN PUTUSAN ARBITRASE DALAM UNDANG-UNDANG NO. 30 TAHUN 1999 DENGAN PERSPEKTIF *UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL) MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION*

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INTISARI

Penelitian ini bertujuan untuk menganalisis ketentuan pembatalan putusan arbitrase dalam Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa dengan mengacu pada UNCITRAL Model Law on International Commercial Arbitration serta menganalisis implikasi perbedaannya terhadap kepastian penyelesaian sengketa melalui arbitrase. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus yang didukung wawancara dengan arbiter dan akademisi.

Hasil penelitian menunjukkan bahwa Undang-Undang Nomor 30 Tahun 1999 dan UNCITRAL Model Law sama-sama mengakui pembatalan sebagai upaya hukum yang bersifat terbatas terhadap putusan arbitrase. Akan tetapi, UNCITRAL Model Law mengatur alasan pembatalan yang lebih komprehensif, menegaskan prinsip *limited court intervention*, serta secara eksplisit menghubungkan kewenangan pembatalan dengan *seat of arbitration*. Sebaliknya, Undang-Undang Nomor 30 Tahun 1999 hanya mengatur tiga alasan pembatalan dan belum mengatur secara tegas prinsip *seat of arbitration* maupun akibat hukum setelah putusan arbitrase dibatalkan.

Penelitian ini menyimpulkan bahwa perbedaan tersebut berpotensi memengaruhi tingkat kepastian penyelesaian sengketa melalui arbitrase. Oleh karena itu, diperlukan penyempurnaan pengaturan nasional melalui harmonisasi secara selektif terhadap prinsip-prinsip UNCITRAL Model Law tanpa mengabaikan karakteristik sistem hukum Indonesia.

Kata kunci: pembatalan putusan arbitrase, *seat of arbitration, limited court intervention,* kepastian hukum.

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ANALYSIS OF THE PROVISIONS ON THE ANNULMENT OF ARBITRAL AWARDS UNDER LAW NUMBER 30 OF 1999 FROM THE PERSPECTIVE OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL) MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION

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ABSTRACT

This research aims to analyze the annulment of arbitral awards under Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution from the perspective of the UNCITRAL Model Law on International Commercial Arbitration and to examine the implications of the differences between the two frameworks for legal certainty in arbitration proceedings. This study employs a normative legal research method using statutory and case approaches, supported by interviews with an arbitrator and an academic expert.

The research finds that both Law Number 30 of 1999 and the UNCITRAL Model Law recognize annulment as an exceptional remedy against arbitral awards. However, the UNCITRAL Model Law provides a more comprehensive set of annulment grounds, expressly adopts the principle of limited court intervention, and clearly links annulment jurisdiction to the seat of arbitration. In contrast, Law Number 30 of 1999 limits annulment to three specific grounds and does not explicitly regulate the concepts of seat of arbitration or the legal consequences following the annulment of an arbitral award.

This research concludes that these differences may affect the degree of legal certainty in arbitration-based dispute resolution. Accordingly, selective harmonization of Indonesian arbitration law with relevant principles of the UNCITRAL Model Law should be considered, particularly with respect to limited court intervention, seat of arbitration, and the legal consequences of annulled arbitral awards.

Keywords: annulment of arbitral awards, seat of arbitration, limited court intervention, legal certainty.

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