

CHAPTER FIVE

CONCLUSION AND RECOMENDATION

A. Conclusion

1. Based on the Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, it can be concluded that the mechanism of annulment of an arbitration award have been regulated in article 71 and 72, started from the registration of application of annulment of an arbitration award until the process of appeal to Supreme Court. In the hearing, the District Court even the Supreme Court are not allowed to reexamine the dispute but only reexamine the validity of taking decision procedure such as the appointment of arbiter and the enactment of law in the dispute.
2. The researcher also concluded that the legal considerations of Supreme Court Decision No. 26 B/Pdt.Sus-Arbt/2014 which annuls the arbitration award of BANI No. 442/I/ARB-BANI/2012 based on the general elucidation of the Law No. 30 of 1999 of Arbitration Law and the jurisprudence of Supreme Court Decision No. 03/Arb.Btl/2015. The Supreme Court Judges annul that arbitration award refers to reason outside Article 70 of Arbitration Law uses Progressive legal theory.

B. Recommendation

In line with the problem discussed in this research, the researcher provides recommendation that is there should be additional point in article 70 of Arbitration Law which provides guidance what extent of using the reason out of content of article 70 of Law No. 30 of 1999 in the annulment of the arbitration award, because the Supreme Court Decision No. 26 B/Pdt.Sus-Arbt/2014 annuls arbitration award based on the general elucidation of the Law No. 30 of 1999 of Arbitration Law and the jurisprudence of Supreme Court Decision No. 03/Arb.Btl/2015. So, that additional point is believed to prevent misinterpretation on article 70 of Law No. 30 of 1999.