

**KASASI YANG DIKABULKAN DALAM PERKARA PEMBATALAN
PUTUSAN ARBITRASE DIKARENAKAN ADANYA TIPU MUSLIHAT
(Suatu Studi Terhadap Putusan Nomor : 586 K/Pdt.Sus/2012 JO Putusan
Nomor : 194/Pdt.G/2012/PN.Jkt.Sel)**

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ABSTRAK

Arbitrase merupakan alternatif penyelesaian sengketa yang dinilai sebagai suatu penyelesaian sengketa yang independen. Putusan Arbitrase agar dapat dieksekusi harus didaftarkan ke Kepaniteraan Pengadilan Negeri domisili tergugat sesuai dengan Pasal 62 Undang – Undang Nomor 30 Tahun 1999 Tentang Arbitrase dan Alternatif Peyelesaian Sengketa (UUAAPS). Putusan arbitrase dapat dimohonkan pembatalan putusan arbitrase melalui Pengadilan Negeri domisili tergugat dengan alasan yang tertuang dalam Pasal 70 UUAAPS. Pihak yang merasa keberatan terhadap putusan mengenai pembatalan putusan arbitrase, dapat mengajukan upaya hukum banding atau kasasi ke Mahkamah Agung. Penelitian terhadap Putusan Nomor : 586 K/Pdt.Sus/2012 Jo Putusan Nomor : 194/Pdt.G/2012/PN.Jkt.Sel. Hakim Mahkamah Agung menerima dan mengabulkan permohonan kasasi dalam perkara pembatalan Putusan Arbitrase BANI Nomor 271/XI/ARB-BANI/2007 dikarenakan adanya tipu muslihat. Penelitian menggunakan yuridis normatif. Metode pendekatan perundang-undangan. Spesifikasi penelitian Deskriptif. Sumber data sekunder. Metode pengumpulan data yaitu studi Peraturan Perundang – Undangan dan studi kepustakaan. Metode penyajian data naratif. Hasil penelitian: 1) Pertimbangan hukum hakim Mahkamah Agung yang menerima dan mengabulkan permohonan kasasi dalam perkara pembatalan Putusan Arbitrase BANI Nomor 271/XI/ARB-BANI/2007 dalam Putusan Nomor : 586 K/Pdt.Sus/2012 Jo Putusan Nomor : 194/Pdt.G/2012/PN.Jkt.Sel karena dipenuhinya syarat formil dan materiil permohonan kasasi dan atas dasar adanya tipu muslihat yang dilakukan Termohon Kasasi, telah sesuai dalam menerapkan Pasal 70 UUAAPS. 2) Akibat hukum dari dikabulkannya permohonan kasasi yaitu keadaan menjadi seperti semula karena putusan Nomor : 194/Pdt.G/2012/PN.Jkt.Sel. dinyatakan batal dan dianggap tidak pernah ada atau tidak berkekuatan hukum yang mengikat.

Kata Kunci: Arbitrase, Kasasi, Tipu Muslihat

**CASE ACCOUNTED IN THE CANCELLATION OF ARBITRATION
JUDGMENTS DUE TO THE EXISTENCE OF TRICKERY (A Study Against
Decision Number: 586 K / Pdt.Sus / 2012 JO Decision Number: 194 / Pdt.G /
2012 / PN.Jkt.Sel)**

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ABSTRACT

Arbitration is an alternative dispute resolution which is considered as an independent dispute resolution. In order for an arbitration decision to be executed, it must be registered at the Registrar's Office at the District Court where the defendant resides in accordance with Article 62 of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution (UUAAPS). An arbitration award can be requested for cancellation of the arbitration award through the District Court where the defendant resides on the grounds stated in Article 70 of the UUAAPS. Parties who have objections to the decision regarding the annulment of the arbitration award can file an appeal or cassation to the Supreme Court. Research on Decision Number: 586 K / Pdt.Sus / 2012 Jo Decision Number: 194 / Pdt.G / 2012 / PN.Jkt.Sel. The Supreme Court Judge accepted and granted the appeal for cassation in the case of the cancellation of the BANI Arbitration Decision Number 271 / XI / ARB-BANI / 2007 due to a trickery. The research used normative juridical research. Legislative approach method. Prescriptive research specifications. Secondary data sources. The data collection method is the study of Laws and Regulations and literature study. Method of presenting narrative data. Research results: 1) Legal considerations of Supreme Court judges who received and granted cassation requests in the case of the cancellation of the BANI Arbitration Decision Number 271 / XI / ARB-BANI / 2007 in Decision Number: 586 K / Pdt.Sus / 2012 Jo Decision Number: 194 / Pdt.G / 2012 / PN.Jkt.Sel due to the fulfillment of the formal and material requirements for the cassation petition and on the basis of the deception carried out by the Cassation Respondent, was in accordance with Article 70 of the UUAAPS 2) The legal consequence of the grant of cassation is that the situation is back to normal because of the Decision Number: 194 / Pdt.G / 2012 / PN.Jkt.Sel. declared null and void and deemed to have never existed or had no binding legal force.

Keywords: Arbitration, Cassation, Trickery