



The Problem of Independence and Effectiveness of Arbitration in the Indonesian Legal System: An Analysis of the Position of Arbitral Awards and Their Enforcement Mechanisms

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Article Info	Abstract
Article History Received : 2024-04-15 Revised: 2024-04-17 Published: 2024-05-30 Keywords: <i>Arbitration, Indonesian Legal System, Arbitration Award, Execution, Legal Certainty.</i>	Arbitration has become one of the growing dispute resolution mechanisms in the Indonesian legal system because it offers a more flexible, fast, and confidential process than litigation resolution. However, behind the strengthening of the position of arbitration through Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, there are still issues regarding the independence of arbitration and the effectiveness of the implementation of its award, especially because of the court's involvement in the process of recognition and execution of arbitral awards. This research aims to analyze the position of arbitration in the Indonesian legal system and examine various problems that affect the effectiveness of the implementation of arbitral awards, especially related to the relationship between arbitration authority and judicial institutions. This study uses a normative juridical method with a legislative approach, a conceptual approach, and a case approach. Research data was obtained through a literature study of laws and regulations, legal doctrines, academic literature, and court decisions related to the recognition and execution of arbitral awards. The results of the study show that arbitration has gained strong legitimacy as an alternative dispute resolution mechanism, but its effectiveness still faces obstacles in the implementation stage of awards due to dependence on the courts, differences in legal interpretation, and institutional challenges of arbitration. The conclusion of this study emphasizes that strengthening arbitration in Indonesia not only requires adequate regulation, but also harmonization of the relationship between arbitration and the court as well as improving the professionalism of arbitration institutions to ensure legal certainty and the effectiveness of dispute resolution.

I. INTRODUCTION

The increasingly complex development of national and international economic activities has brought consequences to the increased potential for legal conflicts, especially in contractual relationships between business actors. The complexity of modern business transactions involving various economic, technological, and investment interests causes dispute resolution through conventional litigation mechanisms to often be considered incapable of meeting the needs of the business world that requires a fast, flexible, confidential, and legal certainty settlement process. In this context, arbitration is present as one of the alternative dispute resolution mechanisms that provides space for the parties to resolve disputes based on the principle of freedom of contract and the authority of the parties in determining the dispute resolution forum (Andani & Suyanto, 2021).

In Indonesia, the existence of arbitration gained legitimacy through Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. The presence of the regulation marks a paradigm shift in dispute resolution from an approach oriented towards the dominance of judicial institutions to a dispute resolution system that gives the public the option to use private mechanisms outside of court. Conceptually, arbitration has several fundamental characteristics that distinguish it from litigation processes, namely the freedom of the parties to choose arbitrators, the flexibility of the examination procedure, the closed nature of the trial process, and the character of the award which is final and has binding legal force.

Final and binding principle (*Final and binding*) is one of the fundamental aspects that is the main reason for the parties to choose arbitration. Arbitration awards theoretically no longer open up space for legal remedies like court decisions,

thus providing certainty and efficiency in dispute resolution. However, in practice in the Indonesian legal system, the principle of finality faces problems when an arbitral award enters the stage of execution or execution. Although arbitration is designed as a dispute resolution mechanism independent of the courts, the implementation of national and international arbitral awards still requires the involvement of the court through the registration mechanism, the issuance of an execution order (*exequatur*), as well as examination of applications for annulment of arbitral awards (Astuti & Tarantang, 2018).

This condition shows that there is a fundamental problem in the position of arbitration in Indonesia. On the one hand, arbitration is given the authority to produce a final and binding award based on the agreement of the parties. However, on the other hand, the effectiveness of the decision still depends on the legal mechanism that is under the authority of the judicial institution. This dependence raises questions about the extent to which arbitration independence can be realized in the Indonesian legal system, especially when there is a conflict between the principle of arbitration autonomy and the authority of the state through the judiciary (Rafika, 2022).

This problem is even more complex when in practice there are obstacles to the implementation of the arbitration award. Some arbitral awards have difficulty being enforced due to rejection from the losing party, differences in interpretation of the reasons for the cancellation of the arbitration award, and administrative and juridical processes that require the involvement of the court. This situation has the potential to weaken the position of arbitration as a dispute resolution mechanism that offers legal certainty, since the success of arbitration is determined not only by the quality of its examination process, but also by the effectiveness of the implementation of the final outcome.

In addition to the issue of execution, another challenge relates to the level of public understanding and trust in arbitration. Although arbitration institutions such as the Indonesian National Arbitration Board (BANI) have developed as business dispute resolution institutions, the use of arbitration in Indonesia is still not entirely the preferred choice over settlement through the courts. Limited understanding of the arbitration mechanism, perception of costs, and concerns about the

execution process are some of the aspects that affect the effectiveness of arbitration in practice (Isnaini, 2020).

This problem shows that there is a gap between the normative construction of arbitration and the reality of its implementation. Normatively, Law No. 30 of 1999 has provided a fairly strong legal basis for the existence of arbitration as an independent dispute resolution mechanism. However, in practice, there are still problems regarding the relationship between the arbitral institution and the court, especially in ensuring the certainty and effectiveness of the implementation of the arbitral award. Therefore, it is not enough to study arbitration only by looking at aspects of its existence in the national legal system, but needs to be analyzed through the perspective of legal effectiveness and the institutional relationship between arbitration and judicial power (Grasia Kurniati, 2016).

Based on these problems, this study aims to analyze the position and effectiveness of arbitration in the Indonesian legal system by focusing on the issue of arbitration independence and the mechanism for implementing its judgments. This research uses a normative legal research method with a legislative approach and a conceptual approach to examine the arbitration arrangements in Law Number 30 of 1999 as well as the legal principles underlying the existence of arbitration. In addition, this study also analyzes various practices in the implementation of arbitral awards to find the factors that cause the gap between the purpose of the establishment of arbitration and the reality of its implementation. Through this research, it is hoped that a deeper understanding of the position of arbitration in the Indonesian legal system can be obtained as well as provide academic contributions to strengthening the arbitration mechanism as an effective dispute resolution instrument and has legal certainty.

II. RESEARCH METHODS

This research uses normative juridical legal research methods, which are research conducted by examining legal norms contained in laws and regulations, legal doctrines, and legal principles related to the position and effectiveness of arbitration in the Indonesian legal system (Ani Purwati et al., 2020). The normative juridical approach was chosen because this study focuses on the analysis of the construction of arbitration law as stipulated in Law Number 30 of 1999 concerning Arbitration and Alternative Dispute

Resolution, especially regarding the final and binding principles of the arbitration award, the authority of the arbitration institution, and the involvement of the court in the process of recognizing and implementing the arbitral award (Suyanto, 2023).

This research uses several legal approaches, namely the statute *approach*, the conceptual *approach*, and the *case approach*. The statutory approach is used to analyze various legal provisions that govern arbitration in the Indonesian legal system, especially the provisions in Law Number 30 of 1999 and other regulations related to the implementation of national and international arbitral awards. The conceptual approach is used to examine the legal concepts that are the basis of arbitration, such as the principle of freedom of contract (*party autonomy*), finality and binding, legal certainty, and the relationship between private dispute resolution mechanisms and state authority through judicial institutions. Meanwhile, the case approach is used to analyze the practice of applying arbitration law through several court decisions related to the annulment, recognition, and execution of arbitral awards in order to find out how these legal norms are applied in practice.

The sources of legal materials in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, related laws and regulations, and court decisions that have relevance to the issue of recognition and implementation of arbitration awards. Secondary legal materials are obtained through legal literature, academic books, scientific journals, and the opinions of legal experts who discuss arbitration, alternative dispute resolution, and the relationship between arbitration authority and judicial institutions. The tertiary legal materials are used as supporting materials in the form of legal dictionaries and other reference sources that provide explanations of the legal concepts used in research.

The technique of collecting legal materials is carried out through library *research* by inventorying, classifying, and analyzing various legal documents related to the object of research. The legal materials obtained are then analyzed qualitatively using the prescriptive analysis method, which is to provide legal arguments on the problems studied based on applicable legal provisions, legal theory, and judicial practice. The

analysis was carried out by comparing the ideal concept of arbitration as an independent and final dispute resolution mechanism with the reality of the implementation of arbitral awards that still involve the role of the court.

Through this method, this study is directed to find and explain the factors that cause the emergence of problems of the effectiveness of arbitration in the Indonesian legal system, especially related to the tension between the principle of arbitration autonomy and the authority of the court in the execution stage of the award. The results of the analysis are then used as a basis to provide a critical understanding of the position of arbitration in the national dispute settlement system and provide recommendations for strengthening the effectiveness of arbitration in Indonesia.

III. RESULTS AND DISCUSSION

A. The Existence of Arbitration as a Modern Dispute Resolution Mechanism in the Indonesian Legal System

Arbitration has undergone significant developments in the dispute resolution system in Indonesia in line with the increasing complexity of legal relations, especially in the field of trade and business activities. The presence of arbitration is no longer understood only as an alternative to the litigation mechanism in court, but has developed into a dispute resolution mechanism that has its own characteristics and principles. This development shows a change in the orientation of the legal community which has begun to consider effectiveness, flexibility, and certainty of time in dispute resolution as an important part of protecting the interests of the parties (Kurniawan, 2024).

The existence of arbitration in the Indonesian legal system gained legitimacy through Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. Through these regulations, the state provides recognition of the dispute resolution mechanism based on the agreement of the parties (*party autonomy*) by giving the authority to the arbitration institution to examine and decide disputes outside the general judicial institution. The arrangement shows that Indonesian law no longer places the court as the only forum for dispute resolution, but rather provides space for private mechanisms that are considered more in line with the needs of the development of the business world.

The increased use of arbitration is especially seen in disputes of a commercial, investment, construction, and international business relationship character. Business actors tend to choose arbitration because it offers a number of advantages over litigation, such as a more flexible review process, a closed nature of the trial, freedom to choose arbitrators based on specific competencies, and the ability to maintain the business relationship between the parties after the dispute has been resolved. These factors make arbitration an attractive legal instrument in a business environment that requires effective and professional dispute resolution (Harisa, 2018).

In practice, the existence of an arbitration institution such as the Indonesian National Arbitration Board (BANI) shows that arbitration has gained an important position in dispute resolution in Indonesia. Arbitration institutions provide an alternative for parties to obtain a more expertise-oriented resolution, especially when the dispute that arises has a technical aspect that cannot always be understood in depth through the common judicial mechanism (Hakim, 2022). This advantage strengthens the position of arbitration as part of the development of a modern legal system that provides space for dispute resolution based on trust and agreement of the parties.

However, the development of arbitration cannot be understood simply through the increasing number of uses or the wider public acceptance of this mechanism. There are fundamental issues related to the effectiveness of arbitration as an independent dispute resolution institution. Although the arbitral award is final and binding as affirmed in Law Number 30 of 1999, its implementation still requires the involvement of the court, especially when the losing party does not voluntarily implement the award. This shows that the success of arbitration is not only determined by the examination process and the quality of the award produced, but also depends on the ability of the national legal system to provide support for the implementation of the award (Nopiandri, 2018).

This condition shows the existence of a complex relationship between arbitration as a mechanism for resolving private disputes and courts as a representation of state power. On the one hand, arbitration is built on the principle of the freedom of the parties to determine the dispute resolution forum and produce a final award. However, on the other hand, the state still

has a role to play in giving legitimacy and executory power to arbitral awards. The relationship between the two mechanisms is one of the important issues in assessing the effectiveness of arbitration in the Indonesian legal system (Riza & Abduh, 2019).

Thus, the existence of arbitration in the Indonesian legal system not only shows the success of the recognition of alternative dispute resolution mechanisms, but also shows the challenges in ensuring the independence and effectiveness of its implementation. Arbitration already has a normatively strong legal basis, but its effectiveness is still influenced by how the relationship between the arbitration institution and the court is built in practice. Therefore, the discussion of arbitration does not stop at the aspect of its existence, but must be directed to the issue of how to ensure that arbitration is truly able to carry out its function as an independent, effective, and legal dispute resolution mechanism.

B. The Problematics of the Position of Arbitral Awards in the Mechanism of Recognition and Execution by the Court

One of the fundamental issues in the application of arbitration in Indonesia is related to the position of the arbitral award when it enters the stage of recognition and implementation through judicial institutions. Normatively, Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution has emphasized that the arbitration award is final and has binding legal force for the parties. This principle is the main character of arbitration that distinguishes it from the litigation mechanism, because the parties have agreed from the beginning to submit the resolution of their disputes to the arbitrator and accept the outcome of the award given without going through the appeal mechanism as applicable in the general judicial process (Mantili, 2021).

However, in practice, such final, binding properties do not always work effectively. An arbitration award still requires the involvement of the court, especially in the registration process, the issuance of an enforcement order, and settlement if the losing party does not carry out its obligations voluntarily. This condition indicates the existence of structural problems in the relationship between arbitration and the court. On the one hand, arbitration is built on the principle of the autonomy of the parties and the independence of dispute resolution, but on the

other hand the effectiveness of the award still depends on the authority of the state through the judiciary.

Problems arise when parties who do not accept the results of the arbitration award try to hinder its implementation through various available legal mechanisms. In some cases, the losing party submits an application for cancellation or objection based on the reason for the alleged violation of procedures, the authority of the arbitrator, or other formal aspects. Although in principle the court does not have the authority to reassess the substance or subject matter that has been decided by the arbitration, practice shows that the examination process of the reason for cancellation can provide room for delays in the implementation of the arbitral award (Nurhamidah et al., 2024).

This phenomenon shows that there is tension between two legal principles that both have legitimacy. The first principle is the principle of arbitration finality which requires that the arbitration award be respected as the result of the agreement of the parties and not easily disturbed by other legal mechanisms. The second principle is the authority of the courts as a state institution to ensure that the implementation of decisions remains within the legal corridor and does not conflict with the interests of public law. The problem arises when the court's supervisory authority shifts to a form of intervention on the substance of the arbitration, thus potentially reducing the independence of the arbitration institution.

In addition to the issue of recognition, the execution stage of the arbitration award is also an important challenge in determining the effectiveness of arbitration in Indonesia. An arbitration award that theoretically has binding legal force can lose its effectiveness if it is not able to be realized in the form of real implementation. Obstacles to execution can come from various factors, such as non-compliance of the losing party, lengthy administrative procedures, coordination between institutions that are not optimal, and differences in the understanding of law enforcement officials on the special character of the arbitration award (Nurhamidah et al., 2024).

This condition shows that the main problem of arbitration in Indonesia no longer lies in the aspect of normative recognition of its existence, but in how to ensure that arbitration awards can be implemented effectively. The execution

mechanism that still depends on court procedures causes arbitration to not fully achieve its original purpose as a fast, efficient, and legal certainty dispute resolution mechanism. When the enforcement of an arbitral award is subject to lengthy obstacles, the advantage of arbitration over litigation is diminished as the parties still have to face additional legal proceedings after the dispute is decided (Maharani et al., 2020).

Therefore, the relationship between arbitration and the courts needs to be placed within the framework of proper balance. The courts are still necessary as an instrument of the state to confer executory power and ensure compliance with the law, but such authority must be limited so as not to deprive the independent character of arbitration. The effectiveness of arbitration in the Indonesian legal system is highly dependent on the ability of national law to maintain a balance between respect for the finality of arbitral awards and proportionate judicial oversight functions.

C. The Role of Arbitration Institutions in Ensuring the Independence and Effectiveness of Dispute Resolution

The effectiveness of arbitration in the Indonesian legal system is not only determined by the existence of regulations that give legitimacy to the out-of-court dispute resolution mechanism, but also greatly influenced by the institutional quality of arbitration as an institution that carries out dispute resolution functions. The arbitration institution has a strategic position because it is the main space for the application of arbitration principles, starting from the case administration process, the selection of arbitrators, the examination of disputes, to the formation of judgments that have binding legal force for the parties.

The existence of arbitration institutions such as the Indonesian National Arbitration Board (BANI) shows that the Indonesian legal system already has institutional instruments that support the development of arbitration as a modern dispute resolution mechanism. The arbitration institution not only serves as a provider of dispute resolution forums, but also has a responsibility to maintain the quality of the arbitration process through the application of standards of professionalism, procedural transparency, and arbitrator independence. The quality of the institution is an important factor because the legitimacy of arbitration basically comes not only

from the recognition of the law, but also from the level of trust of the parties in the integrity of the institution that conducts it (Grasia Kurniati, 2016).

The independence of the arbitration institution is a fundamental aspect in ensuring that the dispute resolution process is completely free from outside intervention. Unlike the court, which is a state institution with a public institutional structure, arbitration derives its authority based on the agreement of the parties. Therefore, the arbitration institution must be able to maintain a balance between the flexibility of private mechanisms and the demands of objectivity and impartiality in the decision-making process. If the arbitration institution is unable to guarantee the independence of the arbitrator and the integrity of the review process, then trust in arbitration as an alternative to dispute resolution will be reduced (Mangei, 2020).

In addition to the independence aspect, the professionalism of human resources in the arbitration institution is also an important factor in determining the effectiveness of arbitration. Modern business disputes often involve complex issues, such as investment, construction, technology, and international transactions, so they require arbitrators who not only understand the legal aspects, but also have an understanding of the characteristics of the disputes being examined. The competence of the arbitrator will affect the quality of legal considerations, the accuracy of the application of legal principles, and the ability to produce a decision that is acceptable to the parties.

However, strengthening the arbitration institution in Indonesia still faces a number of challenges. One of the problems that arises is the uneven capacity of arbitration institutions in providing professional dispute resolution services that have international standards. In addition, the level of public understanding of the arbitration mechanism is also still a factor that affects the use of arbitration institutions. The lack of understanding of the characteristics of arbitration causes some parties to still view arbitration as a complex and less familiar mechanism than the litigation process in court.

These institutional issues are closely related to the effectiveness of the implementation of arbitration awards. A quality award produced through a professional arbitration process will more easily gain legitimacy from the parties and reduce the potential for further disputes at the

implementation stage. On the other hand, weaknesses in the institutional aspect can have an impact on the emergence of objections to the arbitral award, including attempts to delay or hinder its implementation through available legal mechanisms.

Thus, the existence of an arbitration institution cannot be seen only as a complement to the national dispute resolution system, but as one of the main factors that determine the success of arbitration in providing legal certainty. Strengthening institutional capacity, improving the professionalism of arbitrators, and maintaining the principle of independence are important aspects so that arbitration is able to carry out its function as an effective, credible, and competitive dispute resolution mechanism in the modern legal system.

D. Strengthening Arbitration Institutions in Realizing the Independence and Effectiveness of Dispute Resolution

The effectiveness of arbitration in the Indonesian legal system is not only determined by the existence of regulations that provide recognition of the out-of-court dispute resolution mechanism, but also by the quality and capacity of the arbitration institutions that carry out these functions. Arbitration institutions have a strategic role in ensuring that the dispute resolution process takes place independently, professionally, and is able to produce a decision that has legal legitimacy and trust from the parties. Therefore, strengthening the arbitration institution is one of the important aspects in answering various problems that still arise in arbitration practice in Indonesia (Mayangsari et al., 2020).

The existence of arbitration institutions such as the Indonesian National Arbitration Board (BANI) shows that arbitration already has an institutional structure that supports the development of alternative dispute resolution in Indonesia. The arbitration institution not only functions as a place for dispute resolution, but also has the responsibility of providing administrative mechanisms, determining examination procedures, and ensuring that the arbitrator handling the case has adequate competence and integrity. The quality of this institution is a factor that determines whether arbitration is able to carry out its function as a more effective dispute resolution mechanism than litigation (Rafika, 2022).

One of the key aspects of strengthening the arbitration institution is to ensure the independence and professionalism of arbitrators. In contrast to judges in the state judicial system which is in the institutional structure of the judiciary, arbitrators obtain authority based on the agreement of the parties. Consequently, the legitimacy of the arbitrator is highly dependent on the parties' trust in the competence, objectivity, and ability of the arbitrator to render a fair award. Therefore, the quality of human resources in the arbitration institution is an important factor to ensure that the arbitration process is not only fast and flexible, but also meets the principles of justice and legal certainty.

In practice, an arbitration institution that has a good administrative system, a competent list of arbitrators, and a clear examination procedure tends to be able to result in more effective dispute resolution. The existence of arbitrators with special expertise is also one of the advantages of arbitration over litigation, especially in handling disputes that have technical complexity such as investment, construction, international trade, and modern business transactions. Through this expertise-based approach, arbitration can provide a settlement that is more in accordance with the characteristics of the dispute faced by the parties (Mantili, 2021).

Nevertheless, the effectiveness of arbitration institutions in Indonesia still faces several challenges. One of the problems that arises is the uneven quality and capacity of arbitration institutions in providing dispute resolution services. In addition, the number of arbitrators who actually have specialized expertise in a particular field is still limited, so it can affect the choice of the parties in determining the arbitrator that is appropriate to the complexity of the case. Another issue is related to the perception of the independence of the arbitrator, because the nature of arbitration based on the choice of the parties still requires a supervisory mechanism that is able to ensure that there is no conflict of interest in the review process (Prayuti et al., 2024).

These institutional limitations have a direct relationship with the issue of the execution of the arbitral award as previously explained. An arbitration award produced through a professional and credible process will make it easier to obtain acceptance from the parties and reduce the possibility of attempts to annul or refuse to implement the award. Conversely,

weaknesses in the arbitration process can open up space for the losing party to question the validity of the award through legal mechanisms in court, thereby prolonging dispute resolution and reducing the effectiveness of arbitration (Hombokau, 2024).

In addition to the internal aspects of the arbitration institution, the relationship between the arbitration institution and the court is also an important factor in determining the success of the arbitration system in Indonesia. The court retains an important function in giving legitimacy and executory power to arbitral awards, but this role must be exercised proportionately so as not to diminish the principle of arbitration independence. Thus, strengthening arbitration requires not only improving the quality of the arbitration institution, but also a better understanding of the judicial institutions regarding the special characteristics of arbitration as an alternative dispute resolution mechanism (Asokawati, 2023).

Based on this description, it can be understood that the effectiveness of arbitration in the Indonesian legal system is greatly influenced by its institutional ability to maintain independence, professionalism, and quality of dispute resolution. It is not enough for arbitration to have a legal basis through Law Number 30 of 1999, but also requires institutions that are able to carry out the arbitration process credibly and support the creation of legal certainty for the parties. With the strengthening of these institutions, arbitration can increasingly play a role as an effective dispute resolution mechanism and be able to compete with the litigation system in meeting the needs of the modern legal community.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusion

Arbitration has an important position in the Indonesian legal system as an alternative dispute resolution mechanism that provides flexibility, efficiency, and certainty for the parties, especially in commercial disputes. The existence of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution has provided a strong legal basis for the final and binding principle of arbitration awards. However, in practice, the effectiveness of arbitration still faces various problems, especially related to the dependence of the implementation of the award on the authority of the court. Although arbitration is designed as an independent dispute resolution

mechanism, the process of recognition and enforcement of awards can still be hampered by differences in interpretation, procedural issues, and limited understanding of the characteristics of arbitration. In addition, the institutional quality of the arbitration and the professionalism of the arbitrator are important factors in determining the credibility and effectiveness of the arbitration. Therefore, the main issue of arbitration in Indonesia is no longer about the recognition of its existence, but how to ensure a balance between the authority of the court as an instrument of the state and the principle of arbitration independence so that arbitral awards can be implemented effectively and provide legal certainty for the parties.

B. Suggestions

It is necessary to strengthen the arbitration system through increasing the understanding of judicial institutions on the characteristics of arbitration, improving the mechanism for implementing arbitral awards, and improving the professionalism and independence of the arbitration institution in order to be able to provide more effective, credible, and legal certainty dispute resolution.

REFERENCE LIST

- Andani, S. M., & Suyanto, H. (2021). Penyelesaian Sengketa Perdata Melalui Mediasi, Menurut Perma Nomor 1 Tahun 2016 (Studi Kasus Putusan Pengadilan Negeri Jakarta Selatan Nomor 971/Pdt. G/2019). *Jurnal Ilmu Hukum Dan Humaniora*, 8(3).
- Asokawati, A. R. (2023). Icsid Sebagai Lembaga Arbitrase Penyelesaian Sengketa Penanaman Modal Asing Bagi Indonesia Dan Praktikanya. *Jurnal Pengabdian Masyarakat Sains Dan Teknologi*, 2(2), 1-19.
- Astiti, N. N. A., & Tarantang, J. (2018). Penyelesaian Sengketa Bisnis Melalui Lembaga Arbitrase. *Jurnal Al-Qardh*, 3(2), 110-122.
- Grasia Kurniati, S. H. (2016). Studi Perbandingan Penyelesaian Sengketa Bisnis Dan Implementasinya Antara Lembaga Badan Arbitrase Nasional Indonesia Dan Singapore International Arbitration Centre. *Jurnal Ilmiah Hukum De'jure: Kajian Ilmiah Hukum*, 1(2), 201-234.
- Hakim, M. A. (2022). Efektivitas Pasal 9 Undang-Undang Nomor 30 Tahun 1999 Terhadap Penyelesaian Sengketa Bisnis Di Badan Arbitrase Nasional Indonesia. *Sakina: Journal Of Family Studies*, 6(1).
- Harisa, N. (2018). Asas Itikad Baik Dalam Perjanjian Arbitrase Sebagai Metode Penyelesaian Sengketa. *Jurnal Aktualita*, 1(1).
- Hombokau, T. C. M. (2024). Penyelesaian Sengketa Arbitrase Internasional Dalam Sengketa Kapal Marina Bay. *Jurnal Ilmu Hukum: Alethea*, 8(1), 53-68.
- Isnaini, A. M. (2020). Batas Kewenangan Penyelesaian Sengketa Syariah Antara Badan Arbitrase Syariah Nasional (Basyarnas) Dengan Pengadilan Agama. *Unizar Law Review (Ulr)*, 3(2), 237-249.
- Kurniawan, I. D. (2024). Tantangan Hukum Dalam Penyelesaian Sengketa E-Commerce: Pendekatan Arbitrase Dan Litigasi. *Al-Mikraj Jurnal Studi Islam Dan Humaniora (E-Issn 2745-4584)*, 4(02), Hlm. 554-566.
- Maharani, N. M. I., Dewi, A. A. S. L., & Suryani, L. P. (2020). Penyelesaian Sengketa Para Pihak Yang Telah Terikat Dalam Perjanjian Arbitrase (Studi Kasus Di Pengadilan Negeri Denpasar). *Jurnal Analogi Hukum*, Vol.2(No.1), Hlm.119-123. <https://doi.org/10.22225/Ah.2.1.1615.119-123>
- Mangei, R. B. (2020). Penyelesaian Sengketa Melalui Badan Arbitrase Nasional Indonesia Ditinjau Dari Undang-Undang Nomor 30 Tahun 1999. *Lex Privatum*, 8(3).
- Mantili, R. (2021). Konsep Penyelesaian Perselisihan Hubungan Industrial Antara Serikat Pekerja Dengan Perusahaan Melalui Combined Process (Med-Arbitrase). *Jurnal Bina Mulia Hukum*, 6(1), 47-65. <https://doi.org/10.23920/jbmh.v6i1.252>
- Mayangsari, A., Prasetyo, A. A., & Bonauli, R. R. (2020). Pembangunan Hukum Arbitrase Di Bidang Konstruksi (Politik Hukum) Sebagai Upaya Penyelesaian Sengketa (Tinjauan Atas Undang-Undang No. 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa Dan Tinjauan Atas Undang-Undang Nomor 2 Tahun 2017 T. *Fairness And Justice: Jurnal Ilmiah Ilmu Hukum*, 18(1), 86-100.
- Nopiandri, K. (2018). Peran Lembaga Arbitrase Dalam Penyelesaian Sengketa Bisnis Internasional: Tinjauan Dari Perspektif Teori Sistem Hukum. *Jurnal Legal Reasoning*, 1(1), 48-67.
- Nurhamidah, E., Winario, M., Mairiza, D., & Dinata, S. R. (2024). Arbitrase Dan Alternatif

- Penyelesaian Sengketa Dalam Penyelesaian Sengketa Ekonomi Syariah. *Journal Of Legal Sustainability*, 1(2), 8–17.
- Prayuti, Y., Lany, A., Takaryanto, D., Hamdan, A. R., Ciptawan, B., & Nugroho, E. A. (2024). Efektivitas Mediasi Dan Arbitrase Dalam Penyelesaian Sengketa Konsumen Kesehatan. *Syntax Idea*, 6(3), 1533–1544.
- Rafika, R. (2022). Penyelesaian Sengketa Asuransi Melalui Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan. *Salam: Jurnal Sosial Dan Budaya Syar-I*, Vol.9(No.4), Hlm.1209-1222.
- <https://doi.org/10.15408/Sjsbs.V9i4.26601>
- Riza, F., & Abduh, R. (2019). Alternatif Penyelesaian Sengketa Secara Arbitrase Melalui Pemanfaatan Teknologi Informasi. *De Lega Lata: Jurnal Ilmu Hukum*, 4(1), 77–86.
- Suyanto. (2023). *Metode Penelitian Hukum Pengantar Penelitian Normatif, Empiris Dan Gabungan*. Unigres Press.