



ANGGRAENI AND Partners

LEGAL DESIGN INFOGRAM

ANNULMENT OF ARBITRATION AWARD



What is arbitration?

Arbitration is a way of settling a civil dispute outside the general court based on an arbitration agreement made in writing by the disputing parties.

Article 1 Number 1 of the Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution

“Every arbitration concludes with a Final Award.”

The arbitration award shall be final and binding upon both parties to the dispute.

Article 60 of the Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution

However, any final arbitration award may be annulled.

For more information, please visit :
www.ap-lawsolution.com

We are worthy of your trust

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December 21st, 2021

DISCLAIMER :

The information contained in this Legal Headline is not intended to provide legal opinion or views of the Anggraeni and Partners law offices against a particular legal issue. Neither party may assume that he or she should act or cease to act or choose to act on a particular matter based on this information without seeking advice from professionals in the field of law in accordance with certain facts and circumstances it faces.



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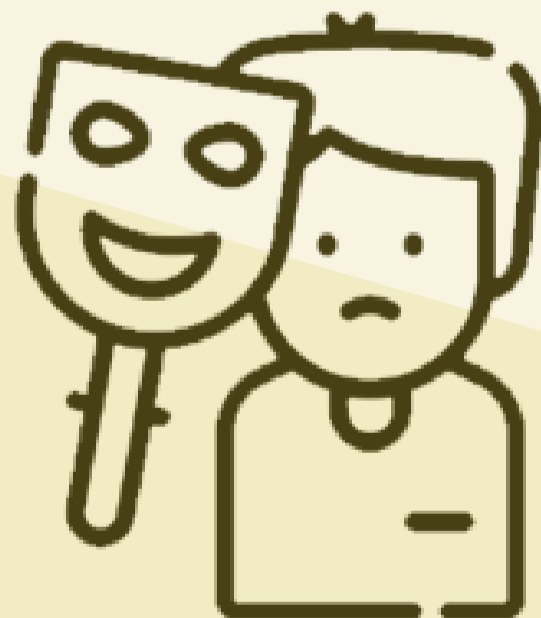
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Request to Annul Arbitration Award Can Be Made on the Basis Of:

The Parties Have the Right to Request Annulment if any of the following conditions are alleged to exist:

- a. the letter or document submitted in the examination, after the decision is rendered, is admitted to be false or declared false;
- b. after the decision is taken, documents of a decisive nature are found, which are hidden by the opposing party; or
- c. the decision is taken from the results of deception carried out by one of the parties in the examination of the dispute.

Article 70 of the Law of the Republic of Indonesia Number 30 of 1999



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Request to Annul Arbitration Award Can Be Made, Given That:

The Judge Cannot Reject the Application for Annulment

The court may not refuse to examine, hear, and decide on a case submitted on the pretext that the law does not exist or is unclear, but is obliged to examine and adjudicated the matter.

Article 10 paragraph (1) of the Law of the Republic of Indonesia Number 4 of 2004 on Judicial Power



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Arbitration Award Annulment Procedure

- The application for the annulment of the arbitral award must be submitted in writing within 30 (thirty) days from the day of submission and registration of the arbitral award to the Registrar of the District Court.
- An application for annulment of the arbitral award must be submitted to the Head of the District Court.
- If the application is granted, the Head of the District Court will determine further the consequences of annulling the arbitration award in whole or in part.
- The decision on the application for annulment shall be determined by the Head of the District Court within a maximum period of 30 (thirty) days from the receipt of the application.
- Against the decision of the District Court, an appeal can be submitted to the Supreme Court which decides in the first and last instances.
- The consideration and decision of the Supreme Court on the appeal is carried out within a maximum period of 30 (thirty) days after the appeal is received by the Supreme Court.

Article 71-72 of the Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution

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