

ABSTRAK

Arbitrase diperkenalkan di Indonesia bersamaan dengan dipakainya Reglement op de Rechtsvordering (RV) dan Het Herziene Indonesisch Reglement (HIR) ataupun Rechtsreglement Bitengewesten (RBg), karena semula Arbitrase ini diatur dalam pasal 615 s/d 651 reglement of de rechtvordering. Pada saat berlakunya Undang-Undang Nomor 30 Tahun 1999 Tentang *Arbitrase dan Alternatif Penyelesaian Sengketa* (UU No. 30/1999. UU No. 30/1999) berusaha mengatur semua aspek baik hukum acara maupun substansinya, serta ruang lingkungannya yang meliputi aspek arbitrase nasional dan internasional.

Permasalahan yang dikaji dalam penelitian ini adalah: (1) Bagaimanakah Mekanisme dalam Penyelesaian Sengketa Melalui Jalur Alternatif Arbitrase Terhadap Kegiatan Bisnis di Indonesia (2) Bagaimanakah Tingkat Efektivitas dalam Penyelesaian Sengketa Melalui Jalur Alternatif Arbitrase Terhadap Kegiatan Bisnis di Indonesia.

Metode Pendekatan yang digunakan adalah yuridis Normatif, dengan Spesifik Penelitian bersifat deskriptif. Metode pengumpulan data berupa mengajukan daftar pertanyaan ke BANI (Badan Arbitrase Nasional Indonesia) dan Pencarian literatur di Perpustakaan dan Internet. Data yang diperoleh disajikan dalam bentuk uraian yang di susun secara sistematis, logis dan rasional, kemudian data tersebut dianalisis dengan analisis kualitatif.

Hasil Penelitian menunjukkan perkembangan ini sejalan dengan arah globalisasi, di mana penyelesaian sengketa di luar pengadilan telah menjadi pilihan pelaku bisnis untuk menyelesaikan sengketa bisnis mereka. Selain karakteristik dari arbitrase yang cepat, efisien dan tuntas, arbitrase menganut prinsip *win-win* solution, dan tidak bertele-tele karena tidak ada lembaga banding dan kasasi. Biaya arbitrase juga lebih terukur, karena prosesnya lebih cepat. Keunggulan lain arbitrase adalah putusannya yang serta merta (*final*) dan mengikat (*binding*), selain sifatnya yang rahasia (*confidential*) di mana proses persidangan dan putusan arbitrase tidak dipublikasikan.

Kata kunci : Penyelesaian Sengketa, Arbitrase, Kegiatan Bisnis.

ABSTRACT

Arbitration was introduced in Indonesia in conjunction with wearing Reglement op de Rechtsvordering (RV) and Heth Herziene Indonesisch Reglement (HIR) or Rechtsreglement Bitengewesten (RBg), as originally Arbitration is governed by Article 615 s / d 651 Reglement of de rechtvordering. The provisions of this now is no longer valid since the enactment of Law No. 30 of 1999. At the time of the enactment of Law No. 30 Year 1999 concerning Arbitration and Alternative Dispute Resolution (Law no. 30/1999. Law. 30/1999) tried to organize all aspects of both the substance and the procedural law, as well as its scope, covering the aspects of national and international arbitration.

The problems studied in this research are: (1) How Dispute Settlement Mechanism in Alternative Paths Through Arbitration Against Business Activity in Indonesia (2) What level of effectiveness in the Path Through Alternative Dispute Resolution Arbitration Against Business Activity in Indonesia

Data collecting method in the form to submit list of the questions to BANI (Indonesian National Board of Arbitration) and a literature search on the Library and the Internet. The data obtained are presented in the form of stacking the description in a systematic, logical and rational, then the data is analyzed with qualitative analysis.

Research shows this development in line with the direction of globalization, in which the dispute out of court settlement has become a preferred business people to resolve their business disputes. In addition to the characteristics of arbitration that is fast, efficient and thorough, arbitration adheres to the principle of win-win solutions, and do not beat around the bush because there is no appeal institution and cassation. The cost of arbitration is also more scalable, because the process is faster. Another advantage of arbitration is that decision immediately final and binding, in addition to the confidential nature in which the proceeding and the arbitration decision was not published.

Key Words : Dispute Resolution, Arbitration, Business Activity.