

Consistency of Judges' Decisions in Providing Legal Certainty to the Arbitration Process as a Forum for Resolution of Business Disputes in Indonesia

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ABSTRACT

In a agreement connection business always There is possibility emergence dispute business often happen due to one of the party do deny promise or default. In settlement dispute business There is a number of ways that can chosen by the parties, one of which is through the Arbitration forum. As one of the dispute resolution forums dispute business, arbitration of course Lots is in demand by the business world. However Thus, certainty law on implementation decision Arbitration Still become problem alone, because the party that does not satisfied on decision Arbitration can submit application cancellation decision Arbitration to court. Research This aim for search and identify judges' decisions in case application cancellation decision Arbitration. Research This use method study law normative with approach cases and judges' decisions. Research This produce findings existence a number of consistent judge's decisions in decide case application cancellation decision Arbitration and of course will give certainty law in the Arbitration process as a forum for resolution dispute business. Implications from results study This impact on the resolution dispute business through a fast Arbitration forum as well as binding on the parties, so later No There is again the parties who deliberately for procrastination and/or No carry out decision Arbitration in a way voluntary.

Keywords : Decision ; Dispute Business ; Arbitration ; Law; Judge

INTRODUCTION

Background

One of challenge big that continues overshadowing development power the judiciary in Indonesia is effort put the proper role of the judge in realize certainty law, justice, and benefit, as well as put position the interaction with society and state (the existence of reciprocal relationship). The judge as one of the apparatus enforcer law have task as one of the determinant something decision from the parties to the dispute, then in the process of taking decision, the judge must independent and free from influence party wherever. Judge in take decision only tied to events or relevant facts and rules the law that becomes or made into runway juridical (Fence M. Wantu, 2013).

The judge's decision in case application cancellation decision arbitration (national) start from level District Court up to appeal level and level review back to the Supreme Court is appropriate questionable, considering Still there is inconsistency decision Supreme Court in decide case application cancellation decision arbitration said. Inconsistency decision The Supreme Court refers to Article 70 of the Law Arbitration and APS give rise to two streams : First, the decision Consistent Supreme Court state that reason cancellation decision arbitration must be referring to to the contents of Article 70 which are of a nature limited and become Jurisprudence in MARI Decision No. 729 K/ Pdt.Sus/2008, so that application cancellation decision arbitration that is not referring to to Article 70 no can justified . Second, the decision The Supreme Court stated that Article 70 is not nature limited and become Jurisprudence in MARI Decision No. 03/Arb.BTU /2005 dated 17 May 2005 which states the word or the phrase "among others" in General Explanation of the Law Arbitration and APS allows Applicant for submit application cancellation decision arbitration with reasons beyond those listed in Article 70 of the Law Arbitration and APS (Yeni Widowaty and Fadia Fitriyanti, 2016).

Beside that, with cancelled Explanation of Article 70 of the Law Arbitration and APS by the Court the

Constitution of the Republic of Indonesia with the decision No. 15/PUU/XII/2014 also became gap law for applicant for submit application cancellation decision arbitration. Another legal loophole that often occurs utilized for begging cancellation decision arbitration is related existence other regulations that have another interpretation of competence absolute arbitration (Agus Gurlaya Kartasasmita, 2021).

If inconsistency from 2 (two) decisions This Supreme Court left alone, instead will cause uncertainty law to the arbitration process as a forum for resolution dispute business and bring up gap laws that can used by parties with good intentions bad so as not to carry out decision arbitration. If matter This happens, then principle settlement dispute through effective and efficient arbitration No will achieved (Rengganis, 2011).

The emergence inconsistency decision Supreme Court in interpret reasons application cancellation decision arbitration naturally will impact on certainty law to the arbitration process as a forum for resolution dispute business. In providing certainty law to the arbitration process No only in the arbitration process until with publication decision arbitration (national), but also in the process of efforts the law proposed by the disputing parties start from District Court up to effort appellate and judicial review law back in the Supreme Court.

Application cancellation decision arbitration This become problem alone in the world of arbitration in Indonesia. In one side, with openness effort cancellation decision arbitration, this can protect One party from fraud party against so that open cancel the decision that has been determined. However, on the other hand, the application cancellation is also utilized for prolong time by another party that is not accept on decision arbitration while hope get victory in court so that free from obligations that have been decided in decision arbitration.

Due to that, is very much needed decision The Supreme Court examines and adjudicates application cancellation decision arbitration at the appeal and review levels consistent return. For That need done study to decisions The Supreme Court in particular examine and judge case application cancellation decision arbitration so that the problem can solved /explained through study law this.

Formulation Problem

Based on the introduction above, then problems research reviewed is as following:

1. How is it? mechanism effort law Appeal to Supreme Court on application cancellation decision arbitration ?
2. Whether Supreme Court Appeal Decision in case application cancellation decision arbitration Still Can submitted effort law Judicial review ?
3. How is it? attitude Supreme Court in give certainty law to the arbitration process as a forum for resolution dispute business in Indonesia?

Objective

specific objectives to be achieved achieved in study this is:

1. Review mechanism effort law Appeal to Supreme Court on application cancellation decision arbitration.
2. Review effort law Review return to Appeal decision in case application cancellation decision arbitration.
3. Review and analyze attitude Supreme Court in give certainty law to the arbitration process as a forum for resolution dispute business in Indonesia.

Research methods

Study This done with method study juridical normative, namely focused research For study implementation or rules or norms in law positive (Johnny Ibrahim, 2008). Form from results study This will poured in a way descriptive. A study descriptive, intended for give a detailed picture Possible about human, state or symptoms other (Soerjono Soekanto, 2006), which in matter This restricted about cancellation decision arbitration based on Article 70 of the Law Arbitration and APS, in particular related with Decision the Supreme Court will used as object study.

Furthermore researchers analyze consideration laws and decisions Supreme Court in examine and judge case application cancellation decision arbitration, both at the appellate and judicial levels level review back, where the ingredients the obtained researchers from the Supreme Court Directory website <https://putusan3.mahkamahagung.go.id> and <https://putusan3.mahkamahagung.go.id>.

Data sources used in study This in the form of: secondary data. Legal materials secondary Can originate from results work scientific scholars, related journals with the issues discussed, and the results study as well as decisions Supreme Court.

Data collection methods in study This done with method studies bibliography. Literature study in study This range about certainty law regarding the arbitration process, handling dispute arbitration both in Indonesia and in other countries as reference handling dispute arbitration in Indonesia.

Data presentation method is presented in form descriptions about the urgency handling in a way special and more Serious to dispute arbitration with give consistent decisions.

Data analysis methods are carried out with analysis qualitative with testing data and concepts, theories and doctrines as well as regulation related legislation the urgency handling in a way special and more Serious to dispute arbitration with give consistent decisions.

RESULTS AND DISCUSSION

Research result

From the results search of the Supreme Court Directory website conducted researchers, then obtained decisions The Court at the level of Appeal and Supreme Court Review in case application cancellation decision arbitration presented in the tables below this:

Table 1. Decision Supreme Court on Application Cancellation Decision Arbitration at the Appellate Level

Sumber Putusan	Tahun		Bidang/Klasifikasi		Kaidah Hukum
	Putusan Yang Mengikuti	Nomor Katalog			
929 B/Pdt.Sus-Arbt/2016	700 B/Pdt.Sus-Arbt/2017	2018	1/Yur/Arbt/2018	Hukum Perdata	Putusan pengadilan negeri
	312 B/Pdt.Sus-Arbt/2017			Khusus	yang menolak permohonan
	267 B/Pdt.Sus-Arbt/2016				pembatalan putusan
	9 B/Pdt.Sus-Arbt/2018				arbitrase nasional tidak
	939 B/Pdt.Sus-Arbt/2016				dapat diajukan upaya
	8 B/Pdt.Sus-Arbt/2018				hukum banding ke
	212 B/Pdt.Sus-Arbt/2018				Mahkamah Agung.
	157 B/Pdt.Sus-Arbt/2017				Permohonan banding ke
	808 B/Pdt.Sus-Arbt/2016				Mahkamah Agung atas
	780 B/Pdt.Sus-Arbt/2017				putusan pengadilan negeri
	211 B/Pt.Sus-Arbt/2018				yang menolak permohonan
					pembatalan putusan
					arbitrase harus dinyatakan
					tidak dapat diterima.

Information: <https://putusan3.mahkamahagung.go.id/yurisprudensi/detail/11eae4f18f4c62509d3d313033343333.html>, Accessed October 15, 2023

Table 2. Decision Supreme Court on Application Cancellation Decision Arbitration at the Review Level

Sumber Putusan	Putusan Yang Mengikuti	Tahun	Nomor Katalog	Bidang/Klasifikasi	Kaidah Hukum
56 PK/Pdt.Sus/2011	2 PK/Pdt.Sus-Arbt/2017	2018	2/Yur/Arbt/2018	Hukum Perdata	Putusan Banding Arbitrase
	101 PK/Pdt.Sus-Arbt/2017			Khusus	yang diputus oleh
	105 PK/Pdt.Sus-Arbt/2015				Mahkamah Agung adalah
	42 PK/Pdt.Sus-Arbt/2017				final dan mengikat dan
	84 PK/Pdt.Sus-Arbt/2017				tidak dapat diajukan
	43 PK/Pdt.Sus-Arbt/2016				peninjauan kembali.

Description: 11eae83f1b70 c9e0b554313532373132. Html, Accessed on October 15, 2023

DISCUSSION OF RESEARCH RESULTS

Appeal

In the provisions of Article 72 paragraph (1) Law Arbitration and APS declared that application cancellation decision arbitration submitted to district court. Meanwhile That in paragraph (4) of the same article arranged that to decision the district court can appealed to Supreme Court. In the explanation of Article 72 paragraph (4) . explained that which is meant with the appeal is only to decision cancellation arbitration using reasons as intended in Article 70. Based on the provisions the in practice not seldom on decision district court that rejected or state No can received application cancellation something decision arbitration appealed to Supreme Court.

Opinion Supreme Court against question law whether decision district court that rejected application cancellation decision arbitration national can submitted effort appellate law Supreme Court or no. At the Plenary Meeting of the Civil Chamber The Supreme Court which was held on 23-26 October 2016 was agreed upon that on decision district court as intended No can appealed or review back . Agreement the Then followed by the Civil Chamber in a way consistent.

Decision first to break in accordance with Civil Chamber agreement the that is Decision No. 929 B/ Pdt.Sus-Arbt /2016 dated November 14, 2016 (PT. Angkasa Pura II vs. PT. Ibad Amana Perkasa). In this case PT. Angkasa Pura II has filed an appeal against this decision Tangerang District Court. Tangerang District Court in the verdict state application applicant cancellation decision arbitration No can accepted. On the appeal request The Supreme Court stated the appeal No can accepted, with consideration:

“That in case a quo Decision Tangerang District Court No is cancellation decision arbitration so that No There is appeal to Supreme Court ”;

“Considering, that based on consideration mentioned above, then to appeal from Applicant the No can accepted “;

Under consideration the law The Supreme Court stated object the No can justified, because after research in a way carefully memory April 21, 2016 and counter memory August 2, 2016 connected with considerations of Judex Facti, in matter This Tangerang District Court, according to with provisions of Article 72 paragraph (4) of the Law Arbitration and APS, part explanation mentioned, what is meant by with “appeal” is only to cancellation decision arbitration with use reasons as intended in Article 70 of the Law Arbitration and APS. In case a quo Decision Tangerang District Court No is cancellation decision arbitration with use reasons as intended in Article 70 of the Law Arbitration and APS so that No There is appeal to Supreme Court.

To application cancellation the Tangerang District Court previously has give Decision Number 224/Pdt.Sus-Arb/2016/PN-Tng. dated May 24, 2016 which states application cancellation decision arbitration No can

accepted, meaning decision Tangerang District Court still concerning problem formality only. However, if Decision Tangerang District Court granted application cancellation decision arbitration with reasons as intended in Article 70 of the Law Arbitration and APS and cancel decision arbitration, of course The Supreme Court can accept effort the law of "appeal" and can continue inspection main matter.

Consideration similar also exists in arbitration appeal decisions other where the appeal is filed on decision district court that does not cancel decision arbitration, such as in Decision No. 808 B/Pdt.Sus-Arbt/2016 dated 17 November 2016, No. 267 B/Pdt.Sus-Arbt/2016 dated 17 November 2016 and lastly decision No. 212 B/Pdt.Sus-Arbt/2018 dated March 8, 2018.

With has consistency since end 2016 attitude Supreme Court regarding can whether or not decision district court that rejected application cancellation decision arbitration appealed to Supreme Court, then this legal stance has become jurisprudence in the Supreme Court. Great. Jurisprudence intended is Jurisprudence Year 2018 Number Catalog: 1/Yur/Arbt/2018, Field/Classification: Special Civil Law, with Legal Principles as following: "The verdict district court that rejected application cancellation decision arbitration national No can submitted legal appeal to Supreme Court. Appeal to Supreme Court on decision district court that rejected application cancellation decision arbitration must stated No can accepted";

Legal Appeal for Judicial Review

To decision arbitration specifically arbitration national arranged that decision arbitration can submitted cancellation to district court if fulfil condition as arranged in Article 70 of the Law Arbitration and Alternative Dispute Resolution. Then, if the district court grant application cancellation, then decision the can appealed to Supreme Court. Furthermore, regarding Supreme Court appeal decision is regulated in Article 72 paragraph (3) of the Law Arbitration and APS which states that decision The Supreme Court is decision in level first and last. Constitution Arbitration and APS No arrange whether on the appeal decision can submitted Review or No.

Opinion Supreme Court on problem law this, where before in 2017 the Supreme Court held 2 (two) views different to Arbitration Appeal Decision. This seen for example in decision Supreme Court No. 1 PK/Pdt.Sus/2010 dated May 11, 2010 (Christian Mapailey vs Gunawan Sukardi vs PT. VS Mining Resources), and several decision others, last decision No. 33 PK/Pdt.Sus-Arbt /2016 dated May 26, 2016 (BANI vs PT. Hutama Karya), which contains view that on Arbitration Appeal Decision the can submitted Review. Views law different this is what is there in Decision No. 56 PK/Pdt.Sus/2011 dated August 23, 2011 (PT. Pertamina EP et al. vs. PT. Lirik Petroleum). In the decision This is the view of the Supreme Court that to Arbitration Appeal Decision No can submitted review return.

However, since end 2016 attitude law This changed, the Supreme Court observed that to Arbitration Appeal Decision No can submitted review back, in line with Decision No. 56 PK/Pdt.Sus/2011. Changes view the started from Decision No. 105 PK/Pdt.Sus-Arbt/2015 dated September 1, 2016 (PT. Menara Perdana vs. PT. Tunas Jaya Sanur and BANI). In the decision the The Supreme Court stated:

"Considering, that decision Supreme Court Number 26 K/ Pdt.Sus /2013 which was requested review return in the matter a quo is is appeal decision on case cancellation decision arbitration that is Decision Central Jakarta District Court Number 528/Pdt.G/ARB/2011/PN.Jkt.Pst. dated March 28, 2012";

"That based on Article 72 paragraph (4) Law no. 30 of 1999 concerning Arbitration determine, against decision The District Court can submitted appeal to The Supreme Court decided in level first and last, with thus to case cancellation decision arbitration No There is effort law review return";

View law as in decision No. 105 PK/Pdt.Sus-Arbt/2015 Then strengthened in Civil Chamber agreement 23-25 October 2016 which was stated in SEMA No. 4 of 2016. Outlook This Then implemented in a way consistent in the Civil Chamber, such as in decision no. 43 PK/Pdt.Sus-Arbt/2016, No. 2 PK/Pdt.Sus-Arbt/2016, No. 42 PK/Pdt.Sus-Arbt /2017, No. 84 PK/Pdt.Sus-Arbt /2017, and No. 101 PK/Pdt.Sus-Arbt /2017.

With has consistency since end 2016 attitude The Supreme Court is concerned can whether or not Arbitration

Appeal Decision submitted Review, can concluded opinion law Supreme Court that Arbitration Appeal Decision No can submitted the review has been become jurisprudence in the Supreme Court. Jurisprudence intended is Jurisprudence Year 2018 Number Catalog: 2/Yur/Arbt/2018, Field/Classification: Special Civil Law >> Arbitration >> Cancellation Arbitration, with Legal Principles as following: "The Arbitration Appeal Decision made by the Supreme Court is final and binding and cannot be appealed. can submitted review return";

Decision Consistent Supreme Court in give certainty law to the arbitration process

Certainty is an inseparable characteristic of law, especially written legal norms. Law without certainty loses its meaning because it can no longer serve as a guide to behavior for everyone. Certainty itself is considered one of the goals of law. Historically, discussions about legal certainty have been ongoing since Montesquieu's idea of separation of powers .

Social order is closely related to legal certainty, as order is the essence of legal certainty itself. Order allows people to live with certainty and thus carry out the activities necessary for social life. To clearly understand legal certainty, the following will outline the definitions of legal certainty from several experts.

Gustav Radbruch put forward 4 (four) basic things related to the meaning of legal certainty, namely: "First, that law is positive, meaning that positive law is legislation. Second, that law is based on facts, meaning that it is based on reality. Third, that facts must be formulated in a clear manner to avoid errors in interpretation, while also being easy to implement. Fourth, positive law must not be easily changed".

Gustav Radbruch's opinion is based on his view that legal certainty is certainty about the law itself. Legal certainty is a product of law, or more specifically, legislation. Based on this opinion, Gustav Radbruch believes that positive law, which regulates human interests in society, must always be obeyed, even if it is unjust.

The opinion regarding legal certainty was also put forward by Jan M. Otto as quoted by Sidharta (2006), namely that legal certainty in certain situations requires the following:

1. There are clear, consistent and easily accessible legal regulations issued by state authorities;
2. That the governing bodies (government) implement these legal regulations consistently and also submit to and obey them;
3. That the majority of citizens in principle agree with the content and therefore adjust their behavior to these rules;
4. That independent and impartial judges (courts) apply these legal rules consistently when they resolve legal disputes; and
5. That judicial decisions are concretely implemented.

The five conditions proposed by Jan M. Otto demonstrate that legal certainty can be achieved if the substance of the law aligns with the needs of society. Legal regulations that create legal certainty are those that arise from and reflect the culture of society. This type of legal certainty is called realistic legal certainty, which requires harmony between the state and the people in orienting and understanding the legal system.

According to Sudikno Mertokusumo (2007), legal certainty is the guarantee that the law is enforced, that those entitled to it can obtain their rights, and that decisions can be enforced. Although legal certainty is closely related to justice, law is not identical to justice. Law is general, binding on everyone, and equalizing, while justice is subjective, individualistic, and non-equalizing.

Legal certainty is the implementation of the law according to its wording so that society can ensure that the law is implemented. In understanding the value of legal certainty, what must be considered is that this value has a close relationship with positive legal instruments and the role of the state in actualizing it in positive law (Fernando M. Manullang, 2007).

Nurhasan Ismail (2006) is of the opinion that creating legal certainty in statutory regulations requires requirements relating to the internal structure of the legal norms themselves.

“These internal requirements are as follows: First, clarity of the concepts used. Legal norms contain descriptions of specific behaviors that are then integrated into specific concepts. Second, clarity of the hierarchy of authority of the institutions that create laws and regulations. This clarity of hierarchy is important because it concerns the validity and binding of the laws and regulations they create. A clear hierarchy will provide direction to lawmakers who have the authority to create certain laws and regulations. Third, consistency of legal norms. This means that the provisions of several laws and regulations related to a particular subject do not contradict each other.”

Legal certainty requires efforts to regulate law in legislation made by authorized and authoritative parties, so that these regulations have a legal aspect that can guarantee certainty that the law functions as a regulation that must be obeyed. In his book, *The Morality of Law* (1971), Lon Fuller proposed eight principles that must be met by law. If they are not met, the law will fail to be called law, or in other words, there must be legal certainty. These eight principles are as follows:

1. A legal system consisting of rules, not based on erroneous decisions for certain matters;
2. The regulations are announced to the public;
3. Not retroactive, as it would damage the integrity of the system;
4. Made in a formula that is understood by the public;
5. There should be no conflicting rules;
6. Must not demand an action that exceeds what can be done;
7. Should not be changed frequently;
8. There must be a match between regulations and daily implementation.

Lon Fuller's opinion above can be said to be that there must be certainty between regulations and their implementation, thus entering the realm of action, behavior, and factors that influence how positive law is implemented.

From the opinion expert Regarding the legal certainty mentioned above, certainty can have several meanings, namely clarity, not open to multiple interpretations, not contradictory, and enforceable. The law must be applied firmly in society, containing transparency so that anyone can understand the meaning of a legal provision. One law must not contradict another so as not to become a source of doubt. Legal certainty is a legal instrument of a country that contains clarity, does not give rise to multiple interpretations, does not give rise to contradictions, and can be enforced, which is able to guarantee the rights and obligations of every citizen in accordance with the existing community culture.

The steps that become attention that can conducted by the judge in receive , check and decide case in court , so the judge's decision can reflect certainty law , justice and benefit in the judiciary civil , is as following :

1. Put every the cases he handled with method to explain every case in a overview. In case This judge explained in a way brief facts of the matter from A case;
2. Translate or qualify every case the from incident abstract to in incident law or concrete;
3. Selecting rules proper law For made into as base law to incident concrete the ;
4. Do analysis and interpretation to rules law those who have made into as base law in solve the case;
5. Implement rule law the in the case (Fence M. Wantu , 2013).

A judge's decision that reflects utility is one where the judge not only applies the law textually, but also executes it in practice, thus benefiting the parties involved and society in general. The decision issued by the judge constitutes law, which must maintain balance in society, so that the public regains complete trust in law enforcement. In their legal deliberations, judges, using sound reasoning, can decide a case by determining when the decision is closer to justice and when closer to legal certainty. Essentially, the principle of utility lies between justice and legal certainty, with judges prioritizing the purpose or utility of the law in the public interest. The

emphasis on the principle of utility tends to be more economic. The underlying rationale is that law is for society or the people; therefore, the purpose of life must be beneficial to humanity. (Amir Ilyas, 2016).

A judge's decision that reflects justice is not easy to find a benchmark for disputing parties. Because justice for one party is not necessarily fair for the other. The judge's duty is to uphold justice in accordance with the *irah-irah* written in the head of the decision, which states "For the Sake of Justice Based on Belief in the One Almighty God." Justice in a judge's decision means impartiality toward either party in a case, recognizing the equal rights and obligations of both parties. In issuing a decision, the judge must comply with existing regulations so that the decision aligns with the justice desired by society. The winning party can demand or obtain what is rightfully theirs, and the losing party must fulfill their obligations. In order to uphold justice, the judge's decision in court must be in accordance with its true purpose: to provide equal opportunities for all parties in the case. The value of justice can also be achieved when the case resolution process is carried out quickly, simply, and at low cost, because delaying the resolution of a case is also a form of injustice.

A judge's decision, which reflects legal certainty in the case resolution process, plays a role in determining the appropriate law. In rendering a decision, a judge must not only refer to the law, as the law may not clearly regulate it. Therefore, the judge is required to explore legal values such as customary law and unwritten law that exist within society. (Busyro Muqaddas, 2002). In such cases, the judge is obliged to explore and formulate these findings in a decision. The judge's decision is part of the law enforcement process, one of the goals of which is legal truth or the realization of legal certainty. The legal certainty outlined in the judge's decision is a product of law enforcement based on legally relevant trial facts derived from the results of the case resolution process in the trial. (Margono, 2012). The application of the law must be appropriate to the specific case, requiring judges to consistently interpret the meaning of the laws and other regulations used as the basis for their decisions. The application of the law must be consistent with the specific case, allowing judges to construct the case before them comprehensively, wisely, and objectively. Judicial decisions that contain elements of legal certainty will contribute to the development of legal knowledge. This is because a legally binding judicial decision is no longer the judge's own opinion but rather the opinion of the court, which serves as a reference for the public.

Thus, an ideal civil court decision must fulfill these three principles. However, each judge's decision sometimes places a particular emphasis on one dominant aspect. This does not mean the decision ignores other related principles. It is clear that these three principles are closely interconnected, making the law a guideline for behavior in every legal action. However, when these three principles are linked to reality, justice often clashes with legal certainty, or legal certainty clashes with utility. (Dewi Atiqah, 2019).

Birth decisions The Supreme Court which became Supreme Court Jurisprudence No. 1/Yur/Arbt/2018 and No. 2/Yur/Arbt/2018 has show relevant results with hope namely existence consistency Supreme Court judge's decision in case application cancellation decision arbitration. Therefore that, attitude consistency in decisions of Supreme Court judges at the appellate and judicial levels review return will promote Power competition national and convenience try as well as give certainty law specifically to the arbitration process as a forum for resolution dispute business in Indonesia.

Closing

CONCLUSION

in study This is : 1. The legal remedy of "appeal" can be done only to decision district court that granted application cancellation decision arbitration as intended in Article 70 of the Law Arbitration and APS, 2. The Supreme Court's appeal decision does not can submitted effort law review back , because The Supreme Court decided in level first and last and the Act Arbitration and Alternative Dispute Resolution do not arrange whether on appeal decision can submitted Review or no. 3. There is consistency decision Supreme Court in case cancellation decision arbitration at the appellate and review levels return so that No Again cause confusion in the future .

Suggestions, based on from results research obtained, aimed at for District Court that examines/adjudicates application cancellation decision arbitration conventional national and Religious Courts that examine/adjudicate

application cancellation national sharia arbitration as well as future Supreme Court judges to remain maintain and preserve consistency This Supreme Court is contained in Jurisprudence No. 1/Yur/Arbt /2018 and No. 2/Yur/Arbt /2018 in examine/judge application cancellation decision future arbitration, so that No repeating Again confusion or inconsistencies that can impact Power competition national and convenience try as well as give certainty law to the arbitration process as a forum for resolution dispute business in Indonesia.

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