

**THE RELEVANCE OF THE ROLE OF DISTRICT COURTS TO THE
EXECUTORIAL POWER OF ARBITRATION AWARDS
IN CIVIL DISPUTES RESOLUTION**

Undergraduate Thesis



Written by:

Nadia Fisista Ardiasanti

NIM. 20200610350

**Faculty of Law
International Program for Law and Sharia
Civil Law
Universitas Muhammadiyah Yogyakarta
2024**

DECLARATION PAGE

The undersigned below:

Name : Nadia Fisista Ardiasanti
Student Number : 20200610350
Title of thesis : **THE RELEVANCE OF THE ROLE OF DISTRICT COURTS TO THE EXECUTORIAL POWER OF ARBITRATION AWARDS IN CIVIL DISPUTES RESOLUTION**

I hereby declare that the writing of this thesis is based on the results of my own research, thoughts and original presentation. As far as I know, there are no works or opinions written and published by other people, except as references or quotations following the usual procedures for writing scientific papers.

I make this statement truly and if in the future there are deviations and untruths in this statement, then I am willing to accept academic sanctions in the form of revocation of the degree I have obtained for this written work and other sanctions in accordance with the regulations in force at Universitas Muhammadiyah Yogyakarta.

Thus, I make this statement consciously without coercion from any party.

Yogyakarta, 17 September 2024



87ALX38 292583

Nadia Fisista Ardiasanti
NIM. 20200610350

DEDICATION PAGE

Alhamdulillahirabbal'alamin

By expressing my deepest gratitude to Allah SWT, thank you for all the blessings in the form of ease and smoothness in completing the writing of this thesis, the author dedicates it to those whom the author loves very much:

1. Allah SWT as the Almighty and All-Knowing of everything in the heavens and the earth.
2. Parents as people who have raised and educated me well.
3. Brother as a sibling.



FOREWORD

Assalamualaikum Wr. Wb.

Praise and gratitude to the presence of Allah SWT who always bestows His mercy, grace and love so that the author can complete the writing of this thesis entitled "**THE RELEVANCE OF THE ROLE OF DISTRICT COURTS TO THE EXECUTORIAL POWER OF ARBITRATION AWARDS IN CIVIL DISPUTES RESOLUTION**". This legal writing was prepared to complete the requirements for obtaining a Bachelor of Laws Degree at the Faculty of Law Universitas Muhammadiyah Yogyakarta. May prayers and greetings always be abundantly poured out on the Prophet Muhammad SAW, on his family, his friends, and on his people until the end of time.

The author is very aware that this thesis still has many shortcomings, therefore the author really hopes for input and suggestions for the perfection of this thesis. On this occasion the author would like to express his infinite gratitude to those who have helped and guided him in completing this thesis. Thanks are given to:

1. Prof. Dr. Ir. Gunawan Budiyo, M.P., IPM., ASEAN.Eng., as the Rector Universitas Muhammadiyah Yogyakarta.
2. Prof. Iwan Satriawan, S.H., MCL., Ph.D., as the Dean of the Faculty of Law Universitas Muhammadiyah Yogyakarta. He is one of the people I am proud of and idolize at IPOLS because of his patient and friendly nature towards students.
3. Sunarno, S.H., M.Hum., Ph.D., as the Head of Law Department. He is a patient, kind, and friendly figure with UMY students, lecturers, and staff.
4. M. Endriyo Susila, S.H., MCL., Ph.D., as the Director of IPOLS Universitas Muhammadiyah Yogyakarta.
5. Prof. Dr. Fadia Fitriyanti, S.H., M.Hum., M.Kn., as an undergraduate thesis examiner. The author likes her teaching style, which looks relaxed and not stiff during class.

6. Dr. Reni Budi Setianingrum, S.H., M.Kn., as an undergraduate thesis supervisor. She is a friendly person and patient with the students she supervises. Even though Mrs. Reni has never taught writing in class, she has a good impression as a supervisor.
7. Muhammad Annas, S.H., M.H., as an undergraduate thesis examiner. While at IPOLS, he was kind and relaxed in teaching students.
8. Father's name is Agus Soesanto, S.Sos, and mother's name is Ir. Titik Budhiyarti. The author is proud of her parents. They made no demands and even let the writer select her major for college. Apart from that, the author's parents also provided maximum support, such as mental and financial support prayers from the father and mother accompanying the author so that she could complete this lecture. I love my parents.
9. Alifian Herlambang Ardianto, S.T. as a brother. He is a brother who cares about his sibling. He cares about how the author goes about her studies, even though her brother often makes a mess at home. Because of these things, the author becomes more independent, patient, and mature by circumstances. All of this cannot be separated from the role of parents. They strengthen the author's mental health so that they do not interfere as much as possible in completing the undergraduate thesis. In her heart, the author loves her family, including her brother.
10. The author considers Friends from abroad as a family, such as Lastika Dewi Anggoro Ratih, Deva Eky Wijaya, Anisya Yuli Marzalia, and Annisa Widya Prasasti. Fortune is not only in the form of money but also in the form of being surrounded by good friends who grow together and exchange stories with each other.
11. IPOLS 2020 friends who accompanied the author's lectures while at UMY. Many years together in 1 class.
12. Nadia Fisista Ardiasanti. Thank you to myself for surviving and fighting at the UMY Law Faculty. I have experienced ups and downs while studying at IPOLS. The International Class is a challenge for me, especially since it is difficult to get an A there.

Finally, I hope Allah SWT blesses this author's writing and I hope this article can be a useful reference for students from the Faculty of Law, especially the Faculty of Law Universitas Muhammadiyah Yogyakarta. Thank you.

Wassalamu'alaikum Wr. Wb.

Yogyakarta, 17 September 2024



Nadia Fisista Ardiasanti
NIM. 20200610350



UMY
UNIVERSITAS
MUHAMMADIYAH
YOGYAKARTA

Unggul & Islami

TABLE OF CONTENT

COVER PAGE	i
APPROVAL PAGE	ii
ENDORSEMENT PAGE	iii
DECLARATION PAGE	iv
MOTTO PAGE	v
DEDICATION PAGE	vi
FOREWORD	vii
TABLE OF CONTENT	x
LIST OF STATUTE	xi
LIST OF ABBREVIATION	xii
ABSTRACT	xiii
CHAPTER I INTRODUCTION	1
A. Background of Research	1
B. Problems Formulation	8
C. Objectives of Research	8
D. Benefits of Research	8
CHAPTER II LITERATURE REVIEW	10
A. District Court	10
B. National Arbitration	11
C. Civil Disputes	13
CHAPTER III RESEARCH METHODS	16
A. Type of Research	16
B. Type of Data	17
C. Method of Collecting Data	18
D. Method of Analysis Data	18
CHAPTER IV FINDING AND ANALYSIS	19
A. The Role of District Courts to the Executorial Power of Arbitration Awards Viewed from Law Number 30 of 1999	20
1. Principles of Arbitration	20
2. Arbitration Process	25
3. The Role of District Courts to the Executorial Power of Arbitration Awards	34
B. Obstacles Faced in the Process of Implementing Arbitration Awards in Indonesia	39
CHAPTER V CONCLUSION AND RECOMMENDATION	48
A. Conclusion	48
B. Recommendation	48
BIBLIOGRAPHY	50
ATTACHMENT	56

LIST OF STATUTE

1. The Indonesian 1945 Constitution
2. The Indonesian Civil Code
3. Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution
4. Law Number 48 of 2009 on Judicial Power



LIST OF ABBREVIATION

ADR	: Alternative Dispute Resolution
BANI	: <i>Badan Arbitrase Nasional Indonesia/</i> Indonesian National Arbitration Board
ICC	: International Chamber of Commerce
KLRAC	: Kuala Lumpur Regional Arbitration Center
KUHPerdata	: <i>Kitab Undang-Undang Hukum Perdata/Civil Code</i>
RV	: <i>Reglement op de Rechtsvordering</i>
SIAC	: Singapore International Arbitration Center



UMY

UNIVERSITAS
MUHAMMADIYAH
YOGYAKARTA

Unggul & Islami