

DAFTAR PUSTAKA

Buku

Achmad, Yulianto, “Dualisme Penelitian Hukum Normatif dan Empiris” (Yogyakarta :Pustaka Pelajar, 2010),

Adolf, Huala, “Arbitrase Komersial Internasional”, (Jakarta: PT. RajaGrafindo Persada, 2002)

Anzorena, Ignazio, “The Incapacity Defence Under the New York Convention” in Enforcement of Arbitration Agreements and International Arbitral Awards: The New York Convention in Practice

Born, Gary, “International Arbitration: Law and Practice”, *Kluwer Law International* (2012)

Born, Gary, “International Commercial Arbitration”, *Kluwer Law International* (2009)

Darwazeh, Nadia *Article V (1)(e)*, in Recognition and Enforcement of Foreign Arbitral Awards: A Global Commentary on the New York Convention 301, 306-07 (H. Kronke, P. Nacimiento et al. eds., 2010);

Diantha, “Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum”, (Jakarta: Prenada Media, 2016)

Gaillard, E., “Fouchard Gaillard Goldman on International Commercial Arbitration 242” (1999)

- Gautama, Sudargo, “Arbitrase Luar Negeri dan Pemakaian Hukum Indonesia”, (Bandung: Citra Aditya Bakti, 2004),
- Gautama, Sudargo, “Hukum Perdata Internasional Indonesia” (Bandung: Alumni, 2004)
- Gautama, Sudargo, “Pengantar Hukum Perdata Internasional Indonesia”, (Bandung: Binacipta, 1977),
- Hanseatisches Oberlandesgericht [OLG] Bremen, Germany, 30 September 1999, (2) Sch 04/99.
- Harahap, Yahya, “Arbitrase” (Ikapi: Pustaka Kartini, 1991)
- Hardjowigeno, Bayu, “Dasar-Dasar Hukum Perdata Internasional”, (Bandung: PT Citra Aditya Bakti, 2013)
- Haryono, “Teori dan Metode Penelitian Hukum Normatif”, (Malang: Bayumedia, 2005),
- Ibrahim, Johnny, “Teori dan Metodologi Penelitian Hukum Normatif” (Malang: Bayumedia Publishing, 2006)
- Ibrahim, Johnny, “Teori dan Normatif Metodologi Penelitian Hukum”, (Malang: Bayumedia Publishing, 2008)
- Kröll, Stefan., “*Commentary on the German Arbitration Law (10th Book of the German Code of Civil Procedure)*” in *Arbitration in Germany: The Model Law in Practice* 541-42, para. 84 (K. H. Böckstiegel, S. Kröll, P. Nacimiento eds., 2007)

- Kusumaatmadja, Mochtar, “Pengantar Hukum Internasional”, (Bandung :Alumni, 2013), hlm 17
- Louise, Tineke., “Asas Ketertiban Umum dan Konvensi New York 1958”, (Bandung: PT. Citra Aditya Bhakti, 1998)
- Lowe, Vaughan., “International Law”, (New York: Oxford University Press, 2007
- Mahmud, Peter., “Penelitian Hukum”, (Jakarta : Prenada Media, 2005)
- Margono, Suyud., “Arbitrase Proses Pelembagaan dan Aspek Hukum”, (Surabaya : Ghalia Indonesia, 2004)
- Mertokusumo, Sudikno., “Bab-Bab Tentang Penemuan Hukum”, (Yogyakarta : PT. Citra Aditya Bakti, 1993),
- Mertokusumo, Sudikno., “Penemuan Hukum Sebuah Pengantar”, (Yogyakarta : Liberty Yogyakarta, 2009)
- Moses, Margaret, “The Principles and Practice of International Commercial Arbitration”, *Cambridge University Press*; 2nd ed. 2012.
- Nigel Blackaby, et.al., “Redfern and Hunter on International Arbitration”, *Oxford University Press*, (2015)
- Nugroho, Susanti, “Penyelesaian Sengketa Arbitrase dan Penerapan Hukumnya” (Jakarta : Kencana, 2015)
- Nugroho, Susanti., “Penyelesaian Sengketa Arbitrase dan Penerapan Hukumnya” (Jakarta : Kencana, 2015)
- Purwadi, Ari “Dasar-Dasar Hukum Perdata Internasional”, (Surabaya: Pusat Pengkajian Hukum dan Pembangunan, 2016)

- Saefullah, Wiradipradja “Penuntut Praktis Metode Penelitian dan Penulisan Karya Ilmiah Hukum” (Bandung: Keni Media, 2015)
- Schwebel, Stephen, "International Arbitration: Three Salient Problems", (Cambridge: Grotius Publication Limited, 1987)
- Seokanto, Soerdjono., “Penelitian Hukum Normatif Suatu Tinjauan Singkat” (Jakarta: Raja Grafindo Persada, 1994)
- Silveira, Mercédeh, “*Transgression of the Arbitrators’ Authority: Article V (1)(c) of the New York Convention*” in Enforcement of Arbitration Agreements and International Arbitral Awards: The New York Convention in Practice
- Solikin, Nur., “Pengantar Metodologi Penelitian Hukum” (Pasuruan : Qiara Media, 2021)
- Subekti, *Aneka Perjanjian* (Bandung: Penerbit PR. Citra Aditya Bakti, 1995)
- Subekti, *Arbitrase Perdagangan* (Bandung: Binacipta, 1981)
- Sugiyono, “Metode Penelitian Kuantitatif, Kualitatif dan R&D”, (Bandung : Alfabeta, 2009), 29
- Supranto, Johannes, “Metode Penelitian Hukum dan Statistik” (Jakarta : Rineka Cipta, 2003), 13.
- Susanti, Dyah, “Penelitian Hukum” (Jakarta : Sinar Grafika, 2015)
- Widjaja, Gunawan, “Hukum Arbitrase”, (Jakarta: PT Raja Grafindo Persada, 2001)
- Yu Un Oppusunggu, “Teori Ketertiban Umum” dalam Zulfa Djoko Basuku, et.al, Hukum Perdata Internasional, (Tangerang Selatan: Penerbit Universitas Terbuka, 2014)

Jurnal

Abdurrajjid, P. “*Arbitrase dan Alternatif Penyelesaian Sengketa*”, makalah pada Seminar tentang Arbitrase (ADR) dan E-Commerce”, Law Offices of Remy Darus Surabaya, 6 September 2000

Afif Khalid, “Penafsiran Hukum Oleh Hakim dalam Sistem Peradilan di Indonesia”, *AI’ Adl*, Vol. VI, No. 11, (2014)

Agung Sujati Winata, “Ketidakpastian Hukum dalam Penyelesaian Sengketa Bisnis Internasional Melalui Arbitrase Internasional di Indonesia”, *Iblam Law Review*, Volume 3, Nomor 1, (2023)

Ajeng Juli Saraswati, “Aspek Hukum Putusan Arbitrase Asing di dalam Sistem Peradilan di Indonesia”, Surakarta: Universitas Sebelas Maret, 2010)

Albert Jan van den Berg, *Annulment of Awards in International Arbitration*, in *International Arbitration in the 21st Century, Towards Judicialization and Uniformity* 133, 137 (Richard B. Lillich & Charles N. Brower, eds, 1994).

Albert Jan van den Berg, *The New York Arbitration Convention of 1958: Towards a Uniform Judicial Interpretation* 265 (1981)

Athira Hana Aprilia, “Ketertiban Umum dalam Putusan Arbitrase Internasional di Indonesia”, Fakultas Hukum Universitas Indonesia (2020)

Azzanira , Annalisa Y, and Muhammad Syaifuddin, “Pembatalan Putusan Arbitrase Berdasarkan Undang-Undang Nomor 30 Tahun 1999 Tentang Arbitrase Dan

Alternatif Penyelesaian Sengketa,” *Lambung Mangkurat Law Journal* 3, no. 1 (2018), 50, <https://doi.org/10.32801/lamlaj.v3i1.59>.

Bryan A. Garner (ed.), *Black's Law Dictionary*, MN: Thomson Reuters, 9th.ed., p. 1351.

Cecep Cahya Supena, “Manfaat Penafsiran Hukum dalam Rangka Penemuan Hukum”, *Jurnal Moderat*, Volume 8, No 2, (2022)

Citra Bakti Pangaribuan, “Kewenangan Pengadilan Dalam Penyelesaian Sengketa Kepemilikan PT. Televisi Pendidikan Indonesia (PT. TPI) yang Memuat Klausul Arbitrase (Studi Kasus Putusan Nomor 238 Pk/Pdt/2014)”, *Mercatoria* Vol. 9 No. 1/Juni 2016

Dwi Aprialdi dan Rani Apriani, “Kompetensi Pengadilan Negeri dalam Perkara Wanprestasi pada Upaya Arbitrase”, *JUSTITIA: Jurnal Ilmu Hukum dan Humaniora* Vol. 8 No. 4 Tahun 2021, 886 <http://jurnal.um-tapsel.ac.id/index.php/Justitia>

Eddy Kurniawan, “Ketertiban Umum sebagai Alasan Penolakan Pelaksanaan Putusan Arbitrase Internasional dalam Undang-Undang Nomor 30 Tahun 1999 Tentang Arbitrase dan Alternatif Penyelesaian Sengketa : Analisis Putusan Mahkamah Agung Nomor 26/PK/Pdt.Sus-Arbt/2016”, (Jakarta : 2020)

Fifi Junita, “Pro Enforcement Bias Under Article V of The New York Convention in International Commercial Arbitration: Comparative Overview”, *Indonesia Law*

Review: Vol. 5 : No. 2 , Article 3. DOI: 10.15742/ilrev.v5n2.150

Available at: <https://scholarhub.ui.ac.id/ilrev/vol5/iss2/3>

Gatot, Soemartono, “Mengenal Alternatif penyelesaian Sengketa dan Arbitrase”, accessed December 13, 2023, <http://repository.ut.ac.id/4132/1/HKUM4409-M1.pdf>.

Grace Fan, “Keberlakuan Putusan Provisi Arbitrase Internasional Mengenai Penghentian Gugatan (Anti-Suit Injunction) di Indonesia (Studi Kasus Astro Nusantara Internasional BV Melawan PT Ayunda Prima Mitra)

Huala Adolf, “The meaning of Public Policy Under Indonesian Arbitration Law and Practice”, *Transnational Business Law Journal*, Volume 2, Number 1, Februari 2021

I Gusti Agung Ngurah Iriandhika Prabhata, “Kepastian Hukum Penolakan Eksekusi Putusan Arbitrase Asing Terhadap Investasi Di Indonesia”

Ibnu Farabi dan Nabila Oegroseno, “The Issue of Arbitral Award Enforcement in Indonesia”, *Juris Gentium Law Review*, 2018

ICCA’s Guide To the Interpretation of the 1958 New York Convention: A Handbook for Judges 110 (P. Sanders ed., 2011).

Iman Santoso, “Kedaulatan dan Yurisdiksi Negara dalam Sudut Pandang Keimigrasian”, *Binamulia Hukum*, Bol. 7 No.1 (2018)

Intan Setiyo Wibowo & Zakki Adhliyati, “Problematika Pelaksanaan Putusan Arbitrase Internasional Di Indonesia,” *Verstek* 8, no. 1 (2020), <https://doi.org/10.20961/jv.v8i1.39624>.

- Irma Welly, “Penolakan Putusan Arbitrase Asing di Indonesia (Studi Kasus Bankers Trust Company v. Pt. Mayora Indah)”, Fakultas Hukum Universitas Indonesia, 2007
- Isharyanto, “Politik Hukum”, (Surakarta : CV Kekata Group, 2016)
- Iswantoro, W., “Penemuan Hukum Oleh Hakim Dan Implikasi Terhadap Perkembangan Praperadilan”, *Majalah Hukum Nasional*, 48(1), (2018)
<https://doi.org/10.33331/mhn.v48i1.112>
- Jean François Poudret, Sébastien Besson, “Comparative Law of International Arbitration” 836-37, (2007);
- John Lumbantobing, “The 1958 New York Convention in Indonesia: History and Commentaries beyond Monism-Dualism,” *Indonesia Law Review* 9, no. 3 (2019), <https://doi.org/10.15742/ilrev.v9n3.583>.
- K., Krasniqi, D., Krasniqi, B., & Vlahna, D, “Arbitration and The Importance of The Arbitration Agreement”, *European Journal of Educational and Social Sciences*, 5 (2), (2020) : 160-169
- Kessedjian, C., Transnational Public Policy, in Van den Berg, A.J. (ed.), *International Arbitration 2006 : Back to Basic? ICCA International Arbitration Congress*, Kluwer Law International, (2008)
- Lena Farsia dan Rafika Taufik, “Penerapan Asas Ketertiban Umum Terhadap Putusan Arbitrase Asing Di Indonesia,” *Kanun Jurnal Ilmu Hukum* 20, no. 3 (2018): 439–56, <https://doi.org/10.24815/kanun.v20i3.11374>.

- Lu Wang and Wenhua Shan, “Force Majeure and Investment Arbitration”, *ICSID Review - Foreign Investment Law Journal*, Volume 37, Issue 1-2, Winter/Spring 2022
- Marcoux, J.M, “Transnational Public Policy as an Intentional Practice in Investment Arbitration, in Schultz, T.(ed.), *Journal of International Dispute Settlement*, Oxford University Press (2019), 498
- Maria, “Analisis Kebijakan Tata Niaga Gula terhadap Ketersediaan dan Harga Domestik Gula Pasir di Indonesia. Seminar Nasional BP3 Departemen Pertanian RI”, 14 Oktober 2009. Badan Penelitian dan Pengembangan Pertanian Departemen Pertanian, Jakarta.
- Meruy Hendrik Mezak, “*Jenis, Metode dan Pendekatan Dalam Penelitian Hukum*”, (Law Review, Fakultas Hukum Universitas Pelita Harapan, Vol. V, No.3. Maret 2006)
- Michael Reisman, *System of Control In International Adjudication and Arbitration*, p. 107 (Duke University Press, 1992)
- Miftahul Huda, “The Doctrine of Separability of Arbitration Clause in Commercial Arbitration Revisited”, *Jurnal Hukum dan Pembangunan Edisi Khusus Dies Natalis 85 Tahun FHUI*
- Miftahul Huda, “Arbitrase Komersial Indonesia: Analisis tentang Konsistensi Ketentuan-Ketentuan dalam Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa dengan Asas Party Autonomy

sebagai dasar eksistensi dan penyelenggaraan arbitrase komersial”, (Ringkasan Disertasi Doktor Universitas Indonesia, 2010)

Mochamad Basarah, “Pelaksanaan Asas Ketertiban Umum Di Pengadilan Nasional Terhadap Putusan Badan Arbitrase Asing (Luar Negeri)” *Jurnal Wawasan Hukum, Vol. 22 No. 01* (2010), 56;

Modern Arbitration: Live – An interview with Gary Born (March 19, 2019)

Mosgan Situmorang, “Pelaksanaan Putusan Arbitrase Nasional Di Indonesia,” *Jurnal Penelitian Hukum De Jure 17*, no. 4 (2017): 309–320.

Mutiara Hikmah, “Penolakan Putusan Arbitrase Internasional dalam Kasus Astro All Asia Network PLC”, Fakultas Hukum Universitas Indonesia, (2008)

Nandang Sutrisno, “Pengakuan Dan Pelaksanaan Putusan Arbitrase Asing Di Indonesia : Analisis Permasalahan,” *Jurnal Hukum IUS QUIA IUSTUM 1*, no. 1 (1994): 42–52, <https://doi.org/10.20885/iustum.vol1.iss1.art6>.

Natalino Ronxitti, “Respect for Sovereignty, Use of Force and the Principle of Non-Intervention in the Internal Affairs of Other States, European Leadership Network (2015)

Nurahman Adhiyamtomo, “Analisis Penggunaan Asas Ketertiban Umum dalam Penolakan Permohonan Eksekutur Putusan Arbitrase Internasional di Indonesia (Studi Kasus Putusan Provisi SIAC No. ARB062/08/JL Award on Preliminary Issues of Jurisdiction, Interim Anti Suit Injunction and Joinder”, Fakultas Hukum Universitas Indonesia (2014), 93

- Oppenheim, International Law : Treaties, hlm 305 dalam R.J Vincent, “The Principle of Non-Intervention and International Order”, Thesis of Doctor of Philosophy in the Australia National University (1971), hlm 11 ;
- Prita Amalia, “Penerapan Asas Ketertiban Umum dan Pembatasannya dalam Pengakuan dan Pelaksanaan Putusan Arbitrase Asing di Indonesia Berdasarkan Konvensi New York 1958”,
- Rahmadi Indra Tektona, “Arbitrase Sebagai Alternatif Solusi Penyelesaian Sengketa Bisnis di Luar Pengadilan”, *Pandecta Research Law Journal* 6, no. 1 (Januari 2011) : 87-94, <http://journal.unnes.ac.id/nju/index.php/pandecta>
- Rajagukguk, E. “Arbitrase dalam Putusan Pengadilan” (Jakarta : Chandra Pratama, 2000); Hayadi, M. “Penyelesaian Bisnis Internas Melalui Arbitrase”, *Jurnal Ilmu Hukum* 4, no. 7 (2009)
- Sandra Nangoy, “Pembatalan Putusan Arbitrase Berdasarkan Ketentuan Pasal 70 Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa ditinjau dari Sudut Kepastian Hukum dan Keadilan” (2014) Fakultas Hukum Universitas Indonesia hlm 51,52
- Sri Wahyuni. “Konsep Ketertiban Umum dalam Hukum Perdata Internasional : Perbandingan Beberapa Negara Civil Law dan Common Law”, Vol. 3, No. 1, (Juni 2014)
- Sultan Fauzan Hanif dan Rully Faradhila Ariani, “Fair Legal Certainty in The Implementation of International Arbitration Awards (A Socio Legal Study),” *Pattimura Law Jurnal*, Volume 6, Issue 2, March 2022

- Syaiful Khoiri Harahap. “Penerapan Nilai-Nilai Pancasila Dalam Penolakan Putusan Arbitrase Internasional”, *Jurnal Bina Mulia Hukum* 7, No. 1 (2022)
<http://jurnal.fh.unpad.ac.id/index.php/jbmh/issue/archive>
- Tai Heng Cheng and Ivo Entchev, “State Incapacity and Sovereign Immunity in International Arbitration”, *Singapore Academy of Law Journal* (2014)
- Teresa Cheng, *Celebrating the Fiftieth Anniversary of the New York Convention*, in 50 Years of the New York Convention: ICCA International Arbitration Conference 679, 680 (A.J. van den Berg, ed., 2009).
- Tri Aripriabowo dan R. Nazriyah. “Pembatalan Putusan Arbitrase oleh Pengadilan dalam Putusan Mahkamah Konsitutsi Nomor 15/PUU-XII/2014”, *Jurnal Konstitusi* 14, no. 4, (Desember 2017)
- William W. Park, *Why Courts Review Arbitral Awards*, 16-11 Mealey’s Intl. Arb. Rep.12 (November 2001); As a comparison, see Edward ChukwuemekeOkeke, *Judicial Review of Foreign Arbitral Awards: Bane, Boon or Boondogle?*, 10 N.Y. Int’l L. Rev. 29 at 33
- Winata, A. S., “Ketidakpastian Hukum Dalam Penyelesaian Sengketa Bisnis Internasional Melalui Arbitrase Internasional Di Indonesia”, *IBLAM LAW REVIEW*, 3(1), 89–98. (2023) <https://doi.org/10.52249/ilr.v3i1.120>
- Wolff, R. (ed.), *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 19 June 1958 – Commentary*, Beck, Hart and Nomos, (2012), 494

Yahya Harahap, “Arbitrase Ditinjau dari Reglemen Acara Perdata (Rv), Peraturan Prosedur BANI, International Centre for the Settlement of Investment Disputes (ICSID), UNCITRAL Arbitration Rules, Convention on the Recognition and Enforcement of Foreign Arbitral Award, Perma No. 1 Tahun 1990”, Sinar Grafika, Jakarta, 2003, halaman 345,

Yahya Harahap, “Problematika Eksekusi Putusan Arbitrase Asing di Indonesia”, Disampaikan dalam Talk!hukumonline – Discussion, Jakarta 31 Maret 2010.

Yu Un Oppusunggu, “Sudargo Gautama and the Development of Indonesian Public Order: Study on the Application of Public Order Doctrine in Pluralistic Legal System”, (Disertasi Doktor Universitas Washington, 2015), hlm 63

Yuanita Permatasari, “Kewenangan Pengadilan dalam Pembatalan Putusan Arbitrase Internasional di Indonesia”, Privat Law, (2017)

Yukos Oil Co. v. Dardana Ltd., Court of Appeal, England and Wales, 18 April 2002, A3/2001/102.

Zimtya Zora dan Tasma, “Konsep Public Order Dalam Hukum Perdata Internasional”, Volume 6, Issue 4, (Januari 2023), DOI: <https://doi.org/10.31933/ujsj.v6i4>

Kasus

Antco Shipping Company, Ltd. v. Sidemar S.P.A., 417 f. Supp. 207 (1976)

Chevron Corporation and Texaco Petroleum Company v. The Republic of Ecuador (II)
PCA Case No. 2009-23

Dallah Real Estate and Tourism Holding Company v. Ministry of Religious Affairs,
Government of Pakistan, Supreme Court, United Kingdom, 3 November 2010,
UKSC 2009/0165.

Decision of the Geneva Cour de Justice, 11 December 1997, (1998) XXIII YBCA 764.

*Deiulemar Compagnia di Navigazione, S.p.A. v. Transocean Coal Company, Inc. and
others*, District Court, Southern District of New York, United States of America,
30 November 2004, 03 Civ. 2038 (RCC), XXX Y.B. Com. Arb. 990 (2005);

*Parsons &Whittemore Overseas Co., v. SocieteGenerale de L'Industrie du Papier
(RAKTA)*, 508 f.2d 969 (2d Cir. 1974)

Polimaster Ltd., NA&SE Trading Co., Limited v. RAE Systems, Inc., Court of Appeals,
Ninth Circuit, United States of America, 28 September 2010, 08-15708, 09-
15369;

Rederi Aktiebolaget Sally v. S.r.l. Termarea, Court of Appeal of Florence, Italy, 13
April 1978, IV Y.B. Com. Arb. 294 (1979).

PERNYATAAN

Dengan ini saya menyatakan bahwa Tugas Akhir ini tidak pernah diajukan untuk memperoleh gelar kesarjanaan di suatu Perguruan Tinggi lain, dan sepanjang pengetahuan saya di dalamnya tidak terdapat karya atau pendapat yang pernah ditulis atau diterbitkan oleh orang lain, kecuali yang secara tertulis diacu dalam naskah ini dan disebutkan dalam daftar pustaka.

Semarang, 26 Maret 2024



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