



UNDERGRADUATE THESIS

Title :

THE ENFORCEABILITY OF ARBITRATION AWARDS IN PCA
CASE NO. 2015-40: A CRITICAL EVALUATION

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**THE ENFORCEABILITY OF ARBITRATION
AWARDS IN PCA CASE NO. 2015-40: A
CRITICAL EVALUATION**

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Submitted to Fulfill The Prerequisite for the Obtainment of a Law Degree at the
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ABSTRACT

This thesis examines the role of jurisdiction in arbitration, focusing on its pivotal importance in international commerce dispute resolution. Specifically, it analyzes the Permanent Court of Arbitration case No. 2015-40 between IMFA and the Republic of Indonesia, where jurisdictional challenges were central. Despite unresolved jurisdictional objections from the respondent, the tribunal proceeded to address substantive case issues. This investigation assesses the implications of such jurisdictional ambiguities on the enforceability of arbitration awards. Utilizing a qualitative methodology, the study draws on existing literature and the principles of party autonomy and kompetenz-kompetenz. It argues that overlooking jurisdictional objections due to ambiguous outcomes not only is technically feasible but also sets a precarious precedent. justice, all of which are explained in these regulations.

Key Words: Arbitration, Jurisdiction, Awards Enforceability

FOREWORD

The author would like to express her gratitude to The Almighty God, for his blessing has allowed the author to complete this undergraduate thesis titled “The Enforceability of Arbitration Awards in PCA Case No. 2015-40: a critical evaluation”

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This thesis is the product of the author's time and dedication. The study was crafted in the hope to contribute to the shifting paradigm within the law community, welcoming the future of law and arbitration in their best forms.

Jakarta, May 14 2024

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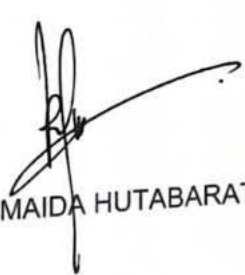
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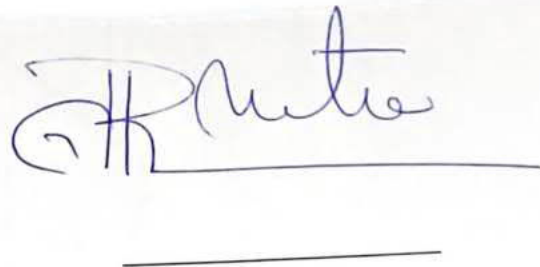
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Dengan ini menyatakan bahwa skripsi ini merupakan hasil kerja saya sendiri di bawah bimbingan Tim Pembimbing dan bukan hasil plagiasi dan/atau kegiatan curang lainnya.

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Demikian pernyataan ini saya buat dengan sebenarnya, untuk dipergunakan sebagaimana mestinya.

Jakarta, 20-Juni-2024
Yang menyatakan



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ABBREVIATION TABLE

ADR	Alternative Dispute Resolution
BIT	Bilateral Investment Treaty
BANI	Badan Arbitrase Nasional Indonesia
ICC	International Chamber of Commerce
IMFA	Indian Metal Ferro & Alloys
PCA	Permanent Court of Arbitration

ATTACHMENTS

Attachment 1:	Biodata
Attachment 2:	Surat Tugas
Attachment 3:	Research / thesis discussion report
Attachment 4:	Turnitin reports
Attachment 5:	Published work / journal
Attachment 6:	Interview documentations
Attachment 7:	Award