

Dispute Resolution in Business Sector: Comparing Indonesia and Singapore Arbitration Model

Kelvin Leong Chun Fai
Brickfields Asia College, Selangor, Malaysia
leongfai2000@outlook.com

Prasasti Dyah Nugraheni 
Faculty of Law, Universitas Negeri Semarang, Indonesia
prrasastidyahnugraheni@students.unnes.ac.id

Abstract

Dispute resolution within the business sector can be accomplished through either national arbitration institutions or international arbitration institutions. International arbitration serves as a process to settle civil disputes using a neutral third party, particularly in the context of business-related conflicts arising between parties engaged in international business agreements. Such arbitration is often specified through arbitration clauses included in these international business agreements, which are mutually agreed upon by the involved parties. One example of an international arbitration institution that specializes in resolving civil disputes, particularly those within the business sector, is the Singapore International Arbitration Center (SIAC) located in Singapore. The implementation of arbitration awards depends on the type of arbitration being conducted, whether it is a national arbitration award or an international arbitration award. During the preparation of this paper, the author utilized a normative-juridical research method, which involves relying on legal library sources and secondary legal materials to address existing legal issues. This paper aims to compare the legal foundations and the arbitration dispute



resolution processes employed by the Indonesian National Arbitration Board (BANI) and the Singapore International Arbitration Center (SIAC). The research findings reveal that the legal basis for arbitration dispute resolution utilized by the Indonesian National Arbitration Board (BANI) differs from that employed by the Singapore International Arbitration Center (SIAC). Nevertheless, the processes and procedures for resolving arbitration disputes conducted by both institutions demonstrate notable similarities.

KEYWORDS

Indonesia, Legal Basis for Arbitration, Process for Arbitration, Singapore

Introduction

In social life, interactions between different social groups often arise as they strive to meet their respective needs. These interactions can sometimes lead to conflicts and disputes due to varying opinions and interests among the involved parties.¹ Therefore, to address these conflicts, an effective and efficient dispute resolution process is essential. Over time, conflicts and disputes have become increasingly intricate, mirroring the complexities of human existence.² Consequently, there is a pressing demand for a comprehensive legal framework that can impartially, effectively, efficiently, and appropriately resolve these conflicts and disputes. Such a system would

¹ Intan Setiyo Wibowo and Zakki Adlhiyati, "Problematika Pelaksanaan Putusan Arbitrase Internasional di Indonesia," *Verstek* 8, No. 1 (2020): 1–14.

² Rahmadi Indra Tektona, "Arbitrase Sebagai Alternatif Solusi Penyelesaian Sengketa Bisnis di Luar Pengadilan," *Pandecta: Research Law Journal* 6, No. 1 (2013): 86–94; Evita Isretno Israhadi, "A Study of Commercial Arbitration and the Autonomy of the Indonesian Arbitration Law." *Journal of Legal Ethical and Regulatory Issues* 21, No. 1 (2018).

foster fairness and justice, ensuring that all parties find a satisfactory resolution.³

In the resolution of disputes, the law serves a crucial function by protecting parties who have suffered harm and ensuring that those responsible are held accountable, as per the country's Statutory Regulations.⁴ The dispute resolution process must align with the prevailing legal system of the nation. Typically, disputes are addressed in specialized courts that possess absolute and relative competencies to handle specific types of cases. During this court-based process, both disputing parties are required to present at least two pieces of evidence to substantiate their claims and outline the facts of the case.⁵ Unfortunately, the court-based dispute resolution process is often associated with substantial costs and time-consuming proceedings. As a result, there has been a growing public interest in seeking alternative methods that offer a more cost-effective and expeditious resolution.⁶ This led to the emergence and widespread awareness of Alternative Dispute Resolution (ADR) methods, such as Arbitration. ADR provides an avenue outside the traditional court system, allowing parties to settle their disputes through neutral third-party arbitrators. This process is favored for its relative cost-effectiveness and quicker resolution time, making it increasingly popular among the general public.⁷

³ Grasia Kurniati, "Studi Perbandingan Penyelesaian Sengketa Bisnis dan Implementasinya Antara Lembaga Badan Arbitrase Nasional Indonesia dan Singapore International Arbitration Centre," *Jurnal Ilmu Hukum De'Jure: Kajian Ilmiah Hukum* 1, No. 2 (2016): 201-234.

⁴ Kurniati.

⁵ Randang S. Ivan, "Tinjauan Yuridis Tentang Peranan Identitas Domisili dalam Menentukan Kompetensi Relatif Pengadilan," *Lex Privatum* 4, No. 1 (2016): 24-32.

⁶ Kunti Kalma Syita, "Penerapan Prinsip Pembuktian Hukum Perdata Formil dalam Arbitrase Berdasarkan Undang-Undang Nomor 30 Tahun 1999," *Yuridika* 29, no. 1 (2014): 17-38; Robert N. Hornick, "Indonesian Arbitration in Theory and Practice," *American Journal of Comparative Law* 3 (1991): 559-597.

⁷ Dewa Nyoman Rai Asmara Putra and I Putu Rasmadi Arsha Putra, "Akibat Hukum Pendaftaran Penyelesaian Sengketa Alternatif," *Jurnal Hukum Acara Perdata: ADHAPER* 6, No. 1 (2020): 73-86; Yuniar, Vania Shafira, and Florentiana Yuwono. "The Comparison of Arbitration Dispute Resolution Process Between Indonesian National Arbitration Board (BANI) and London Court of International Arbitration (LCIA)." *Journal of Private and Commercial Law* 6, No. 1 (2022): 77-99.

The establishment of Alternative Arbitration Dispute Resolution in Indonesia stems from the belief that the court-based dispute resolution process does not align with the country's legal culture. This court system is considered a vestige of the Dutch East Indies colonial era, which is deemed inappropriate for the present-day Indonesian society. As a result, the court-based process initially faced resistance from the local population due to its contrasting legal culture, leading the Indonesian society to rely on the deliberation process for resolving disputes. Gradually, the deliberation process evolved within the Indonesian context, emphasizing the importance of reaching a consensus to settle disagreements. This development paved the way for the emergence of Alternative Dispute Resolution (ADR) in Indonesia.⁸ Consequently, in 1999, the country passed Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, providing a legal foundation for conducting arbitration and alternative dispute resolution processes, both for Indonesians and foreigners within Indonesia's borders.

The arbitration resolution process for the Indonesian society can be carried out through a national arbitration institution or an international arbitration institution. International arbitration is a process used to resolve civil disputes through a neutral third party, especially disputes in the business field that occur to parties to an international business agreement.⁹ International arbitration may be formed by various arbitration clauses contained in an international business agreement that has been agreed by the parties concerned. One example of an international arbitration institution that resolves civil disputes especially disputes in the business

⁸ I Made Widnyana, *Alternatif Penyelesaian Sengketa* (Jakarta: Fikahati Aneska, 2006).

⁹ Ni Gusti Nyoman Shanti Prameswari and C.I.A Pemaun, "Alternatif Penyelesaian Sengketa Arbitrase Internasional Bagi Perusahaan Multinasional," *Kertha Negara: Journal Ilmu Hukum* 1, No. 5 (2013); Bangun Simbolon, and Ramlani Lina Sinaulan. "Legal Certainty of Execution Decision of The Indonesian National Arbitration Board Number: 14/VII/ARB/BANI-MDN/2019." *World Bulletin of Management and Law* 17 (2022): 144-147; James Rogers, and Matthew Townsend. "New Rules for the Singapore International Arbitration Centre." *Asian Dispute Review* 15, No. 3 (2013): 68-73; John Choong, Mark Mangan, and Nicholas Lingard. *A Guide to the SIAC Arbitration Rules*. (Oxford: OUP Oxford, 2015).

sector is Singapore International Arbitration Center (SIAC) located in Singapore.¹⁰ Singapore International Arbitration Center (SIAC) has the task of resolving civil disputes, especially disputes in the international business sector in a fair, effective, efficient, and precise manner and at a relatively small cost and relatively short time.

The purpose of comparing the alternative dispute resolution methods, specifically the arbitration dispute resolution processes of Indonesia and Singapore, is to identify differences in their legal frameworks and how they handle business-related disputes. The two main organizations involved in this comparison are the Indonesian National Arbitration Board (BANI) and the Singapore International Arbitration Center (SIAC). By conducting this comparison, the aim is to use the insights gained from SIAC's practices as a reference and guidance for BANI in resolving business disputes more effectively.

The main focus of this paper is to compare and analyze the arbitration dispute resolution processes specifically applied to the business sector by two key organizations: the Indonesian National Arbitration Board (BANI) and the Singapore International Arbitration Center (SIAC). The study aims to understand and highlight the differences in their legal frameworks, which serve as the basis for their respective arbitration processes. Additionally, the research delves into a comprehensive examination of how the actual arbitration procedures conducted by BANI and SIAC compare to each other in the context of resolving business-related disputes. By addressing these two fundamental questions, the paper seeks to provide valuable insights that can potentially enhance the effectiveness and efficiency of the dispute resolution mechanisms utilized by both BANI and SIAC in their respective jurisdictions.

¹⁰ Aldo Rico Geraldi, "Kompetensi Arbitrase Internasional dan Pengadilan Nasional Terkait Penyelesaian Sengketa Penanaman Modal Asing," *Jurnal Humani* 3, No. 2 (2017): 149–162.

Method

In this paper, the author adopts a normative-juridical research method, which involves the exploration of diverse legal values, norms, laws, and regulations from multiple sources within the field of Alternative Dispute Resolution (ADR). The specific focus lies in comparing the ADR processes employed by the Indonesian National Arbitration Board (BANI) and the Singapore International Arbitration Center (SIAC).

The research is based on a variety of primary legal sources, including Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, as well as the Arbitration Rules of the Singapore International Arbitration Center from the 2010. Additionally, secondary legal sources, such as relevant books and scientific articles related to the ADR processes of BANI and SIAC, are utilized to complement the analysis. The authors thoroughly review and analyze the collected legal sources from a normative-juridical perspective. This approach enables the paper to present comprehensive descriptions and draw meaningful conclusions concerning various issues addressed throughout the scientific article. Ultimately, the research aims to provide valuable insights into the differences and similarities of the ADR processes implemented by BANI and SIAC, contributing to a better understanding of their respective dispute resolution mechanisms.¹¹

¹¹ Soerjono Soekanto and Sri Madmuji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. (Jakarta: PT Raja Grafindo Persada, 2009).

Result and Discussions

Comparing BANI and SIAC in the Arbitration Dispute Resolution Process in the Business Sector

Indonesian National Arbitration Board (BANI) and Singapore International Arbitration Center (SIAC) were formed to carry out the dispute resolution process quickly and easily at a relatively small cost.¹² So that, in carrying out the dispute resolution process Indonesian National Arbitration Board (BANI) and Singapore International Arbitration Center (SIAC) use the legal basis as a guarantee of legal certainty. Indonesian National Arbitration Board (BANI) uses a legal basis in the form from Law Number 30 from the Year 1999 about Arbitration and Alternative Dispute Resolution.¹³ It is based on the New York Convention from the Year 1958 which has been ratified by Indonesia through Presidential Decree Number 34 from the Year 1981 about Ratification from Convention on Recognition and Enforcement from Foreign Arbitral Awards.¹⁴

Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution outlines the conditions under which the arbitration dispute resolution process can be conducted. According to this law, arbitration may proceed if the parties involved have included a standard arbitration clause in their agreement, thereby expressing their mutual consent to resolve disputes through arbitration instead of resorting to the District Court. Moreover, both parties commit to adhere to the arbitration decisions in good faith as a binding resolution. In the arbitration dispute resolution

¹² Anik Entriani, "Arbitrase dalam Sistem Hukum di Indonesia," *An-Nisbah: Jurnal Perbankan Syariah Indonesia* 3, No. 2 (2017): 240-254.

¹³ Huala Adolf, "Urgensi Pembentukan Undang-Undang Tentang Arbitrase Internasional," *Fiat Justitia Jurnal Ilmu Hukum* 10, No. 2 (2016): 317-334.

¹⁴ Arsenius, "Pengakuan Dan Pelaksanaan Keputusan Arbitrase Asing Menurut Keppres No 34 Tahun 1981 Tentang Ratifikasi Convention On The Recogniti On And Enforcement of Foreign Arbitral Awards 1958 Di Negara Indonesia," *Jurnal Varia Bina Civika*, No. 34 (2009): 9.

process, the procedural law applied is the Arbitration Procedure Rules established by the Indonesian National Arbitration Board (BANI). These rules govern the proceedings and provide a framework for conducting fair and impartial arbitrations in Indonesia. By adhering to these rules, the arbitration process aims to ensure efficiency, transparency, and effectiveness in resolving disputes outside the traditional court system.¹⁵ The party that is submitting the arbitration is known as the applicant party and the party that is submitted to arbitration or is being sued is known as the respondent party.

Meanwhile, Singapore International Arbitration Center (SIAC) uses a legal basis adapted to the place where the arbitration dispute resolution process is carried out.¹⁶ If the arbitration dispute resolution process is carried out in Singapore, then it uses a legal basis in the form of the Arbitration Act Cap 10 from the Year 2002. If the arbitration dispute resolution process is carried out outside Singapore, then it uses a legal basis in the form of the International Arbitration Act Cap 143 A/IAA.¹⁷ This was based on United Nations Commission on International Trade Law (UNCITRAL) from the Year 1976 which was ratified by Singapore.

In the International Arbitration Act Cap 143 A/IAA explained that the international arbitration dispute resolution process can be carried out if one of the disputing parties has a place of business in Singapore and the other disputing parties have a place from business outside in Singapore at the time the arbitration agreement is agreed and signed. So that, in the agreement the parties have agreed to resolve disputes that occur through international arbitration channels and promise to carry out and comply with the resulting

¹⁵ Luh Putu Sudini and Desak Gde Dwi Arini, "Eksistensi Badan Arbitrase Nasional Indonesia (BANI) Dalam Penyelesaian Sengketa Perusahaan," *Jurnal Notariil* 2, No. 2 (2017): 141–148.

¹⁶ Tutojo, "Eksekusi Putusan Arbitrase Internasional Dalam Sistem Hukum Indonesia," *Jurnal Penelitian Hukum Legalitas* 9, no. 1 (2015): 13–26.

¹⁷ Kurniati, "Studi Perbandingan Penyelesaian Sengketa Bisnis dan Implementasinya Antara Lembaga Badan Arbitrase Nasional Indonesia dan Singapore International Arbitration Centre."

international arbitration award in good faith.¹⁸ However, in such an agreement there is no standard clause governing arbitration that has been agreed by the parties concerned. In the process of resolving international arbitration disputes, the procedural law used is the Arbitration Rules from Singapore International Arbitration Center from the Year 2010 that have been made by Singapore International Arbitration Center (SIAC).¹⁹ The party that is submitting the arbitration is known as the claimant party and the party that is submitted to arbitration or is being sued is known as the respondent party.

In the process of resolving international arbitration disputes conducted by Singapore International Arbitration Center (SIAC), two panels are consisting of a regional panel and an accredited international panel.²⁰ The process of appointing arbitrator judges is carried out by the chairman of Singapore International Arbitration Center (SIAC) as an authorized official based on the Arbitration Act Cap 10 from the Year 2002 or International Arbitration Act Cap 143 A/IAA and adjusted to the place where the arbitration dispute resolution process is carried out.²¹

TABLE 1. Comparison of the Legal Basis Used by Indonesian National Arbitration Board (BANI) and Singapore International Arbitration Center (SIAC)

Variable	Indonesia National Arbitration Board (BANI)	Singapore International Arbitration Center (SIAC)
The legal basis used in the arbitration process	Law Number 30 of 1999 about Arbitration and Alternative Dispute Resolution	Arbitration Act Cap 10 of 2002 (if the arbitration dispute resolution process is carried out in Singapore) and International

¹⁸ Tutojo, "Eksekusi Putusan Arbitrase Internasional Dalam Sistem Hukum Indonesia."

¹⁹ I Putu Wisnu Karma, and I Ketut Artadi, "Arbitrase Sebagai Upaya Penyelesaian Sengketa di Luar Pengadilan dalam Sengketa Hak Kekayaan Intelektual", *Kertha Wicara: Journal Ilmu Hukum* 7, No. 1 (2018): 1-14.

²⁰ Putra Permata Mandiri Siregar, "Studi Analisis Penyelesaian Sengketa Merek Melalui Singapore International Arbitration Centre (SIAC), World Intellectual Property Organizations (WIPO) Arbitration Centre dan Badan Arbitrase Nasional Indonesia (BANI)," *Law Reform* 9, No. 1 (2013).

²¹ Kurniati, "Studi Perbandingan Penyelesaian Sengketa Bisnis dan Implementasinya Antara Lembaga Badan Arbitrase Nasional Indonesia dan Singapore International Arbitration Centre."

Variable	Indonesia National Arbitration Board (BANI)	Singapore International Arbitration Center (SIAC)
The implementation regulation used in the arbitration process	Arbitration Procedure Rules from Indonesian National Arbitration Board (BANI)	Arbitration Act Cap 143 A/IAA (if the arbitration dispute resolution process is carried out outside Singapore) Arbitration Rules from The Singapore International Arbitration Centre from the Year 2010

Table 1 highlighted that the legal basis used by the Indonesian National Arbitration Board (BANI) and the Singapore International Arbitration Center (SIAC) for their arbitration dispute resolution processes exhibits notable differences. BANI's arbitration process is primarily guided by Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, recognizing party autonomy to agree on arbitration in their contracts. In contrast, SIAC's process is guided by the International Arbitration Act of Singapore, bolstered by its own SIAC Arbitration Rules, with awards having international enforceability under the New York Convention. Arbitrator qualifications, language, and place of arbitration are also subject to variations between the two institutions. While both BANI and SIAC offer efficient arbitration services, these distinctions arise from the unique legal systems and international perspectives within which they operate, shaping their respective arbitration frameworks.

The Arbitration Dispute Resolution Process: BANI and SIAC Comparison

The arbitration dispute resolution process conducted by Indonesian National Arbitration Board (BANI) has been regulated in Article 27 until Article 51 from Law Number 30 of 1999 about Arbitration and Alternative

Dispute Resolution and Article 13 until Article 19 from the Arbitration Procedure Rules from Indonesian National Arbitration Board (BANI), are as follows:

1. The process of examining arbitration disputes is carried out by the arbiter or arbiter council in private.²² This is the absolute authority of the arbiter council concerned. The law used in the process of examining arbitration disputes is the law that has been agreed upon by the disputing parties in arbitration agreement and which does not conflict with the Statutory Regulations. The language used in the process of examining arbitration disputes is Indonesian or other languages that have been agreed upon by the disputing parties. The place used in the process of examining arbitration disputes is a place that has been agreed upon by the disputing parties in arbitration agreement with the arbiter council. The process of examining this arbitration dispute can be accompanied or represented by a legal advisor from Indonesia or a foreign legal advisor by bringing a power of attorney explaining the assistance or representation.
2. A third party can intervene in the process of examining an arbitration dispute if it has been agreed by the disputing parties, has been approved by the arbiter council, and has an interest that is still related to the dispute. The intervening arbitration dispute examination process is carried out in writing, but can also be carried out orally if it has been agreed upon by the disputing parties and is deemed necessary by the arbiter council. The arbiter council gives the applicant party a certain period to submit a letter of the claimant. The letter of the claimant contains the names of the disputing parties, the places where the disputing parties live, a brief story from the dispute, and the claims submitted to the parties in dispute. After that, the arbiter council will give a maximum period from 30 days from the receipt from the letter

²² Gideon Hendrik Sulat, "Tata Cara Pemeriksaan Sengketa Arbitrase Menurut Undang-Undang Nomor 30 Tahun 1999," *Lex Crimen* 5, No. 7 (2016): 58–64.

of the claimant by the disputing parties to attend the arbitration hearing. After that, the arbiter council will give a maximum period of 30 days from the time the first hearing was held by the respondent party to submit a letter of counterclaim or a letter of reconciliation. If the respondent party submits a letter of counterclaim or a letter of reconciliation, then the respondent party will be summoned to attend the same arbitration hearing within a maximum period of 14 days. However, if the respondent party does not submit a letter of counterclaim or a letter of reconciliation, then the respondent party will still be summoned to attend the same arbitration hearing within a maximum period of 14 days.²³ If the respondent party does not attend the arbitration hearing without clear reasons, then the intervening arbitration dispute hearing process will be carried out in the absence of the respondent party. However, if the applicant party does not attend the arbitration hearing without clear reasons, then the request letter is deemed null and the task of the arbiter council to examine the dispute is deemed to have been resolved.

3. The process of proving an arbitration dispute can be carried out against all the facts contained in the letter of the claimant and the letter of response. Besides, the process of proving arbitration disputes can be carried out against witnesses who are presented at the arbitration trial.²⁴ All witnesses can testify orally or in writing with an oath beforehand. The proof system used by Indonesian National Arbitration Board (BANI) uses the principle and consequence that the applicant party must prove the arguments of his or her letter of the claimant and the respondent party must prove the arguments of his or her letter of response. The process of proving an arbitration dispute ends when the arbiter council considers that the testimony of the

²³ Grace Henni Tampongangoy, "Arbitrase Merupakan Upaya Hukum dalam Penyelesaian Sengketa Dagang Internasional," *Lex et Societatis* 3, No. 1 (2015).

²⁴ I Made Dwi Dimas Mahendrayana, "Mekanisme Penyelesaian Sengketa Pelanggaran Hak Cipta Melalui Arbitrase," *Acta Comitatus* 5, No. 1 (2020).

witnesses, all evidence, and the trial process are deemed sufficient. After the process of proving the arbitration dispute ends, a final decision can be made. There are 3 types of final decisions, such as final decisions, peace approval decisions, and interim decisions.²⁵

The arbitration dispute resolution process conducted by Singapore International Arbitration Center (SIAC) has been regulated in Article 16 until Article 18 Arbitration Rules from Singapore International Arbitration Center of 2010, are as follows:

1. The disputing parties who have agreed to carry out the arbitration dispute resolution process must comply with all the rules contained in the Arbitration Rules from Singapore International Arbitration Center from the Year 2010. The language used in the arbitration dispute resolution process is the language used in the arbitration agreement. If several arbitration agreement documents use a different language, then they can be translated by a translator with the approval of the Tribunal. The place used in the arbitration dispute resolution process is a place that has been agreed upon by the disputing parties or a place that has been regulated in Article 21 from the Arbitration Rules from Singapore International Arbitration Center from the Year 2010. This arbitration dispute resolution process can be accompanied or represented by advisors, lawyers, or legal practitioners who have been approved by the Registrar or Tribunal. Article 24 letter b from the Arbitration Rules from Singapore International Arbitration Center from the Year 2010 regulated that third parties are permitted to participate in the arbitration dispute resolution process on the condition that the third party is a claimant party who has submitted an application to the Singapore International Arbitration Center (SIAC) in form of a statement of claim. After that, the respondent party may submit a defense to Singapore International Arbitration Center (SIAC) in the

²⁵ Andre G. Mawey, "Dasar Pertimbangan Hakim Dalam Menjatuhkan Putusan Lepas Dari Segala Tuntutan Hukum (Onslag Van Alle Rechtsvervolging)," *Lex Crimen* 5, No. 2 (2016).

form of a statement of counterclaim or a statement of defense within a maximum period from 14 days after receipt of the notice from arbitration. The schedule for the arbitration dispute resolution process is determined by the arbiter council.

2. The process of proving an arbitration dispute can be carried out against all expert witnesses and all fact witnesses presented in the arbitration trial process. Article 22 from the Arbitration Rules from Singapore International Arbitration Center from the Year 2010 regulated that all fact witnesses must give their testimony orally with an oath beforehand. Meanwhile, Article 23 from the Arbitration Rules from Singapore International Arbitration Center from the Year 2010 regulated that expert witnesses can be used in disputes about specific matters that have been approved by the Tribunal. The presence of expert witnesses is required by the Tribunal to obtain additional information about the ongoing dispute. Expert witnesses can provide their testimony about the ongoing dispute. Meanwhile, fact witnesses can provide their testimony about all the facts in the ongoing dispute.
3. The arbitration dispute resolution process can be continued by determining a final decision based on all the evidence and existing petitions. The arbitration trial process begins with a statement of problems about housekeeping, followed by an opening statement, examination of expert witnesses from the claimant party and the respondent party, examination of fact witnesses from the claimant party and the respondent party, and ends with a statement about the closing submission.
4. The arbitration dispute resolution process conducted at Singapore International Arbitration Center (SIAC) must be adjusted to the Arbitration Rules from Singapore International Arbitration Center from the Year 2010 and the special rules established by the arbiter council concerned. This has been regulated in the Procedural Order established by the Presiding Arbitrator who has the authority to hold a meeting with

the claimant party and the respondent party before the arbitration trials begin, provide an additional period to the claimant party and the respondent party, receive joint evidence, and accept requests from the claimant party.

TABLE 2. Comparison of the Process Applied by Indonesian National Arbitration Board (BANI) and Singapore International Arbitration Center (SIAC)

Variable	Indonesia National Arbitration Board (BANI)	Singapore International Arbitration Center (SIAC)
The process of filing a dispute in the business field	It begins with submitting a letter of claimant to the Indonesian National Arbitration Board (BANI)	It begins with submitting a statement of claim to the Singapore International Arbitration Center (SIAC)
The process of examining a dispute in the business field.	Conducted by the arbiter or arbiter council in private and in writing or orally	Conducted by the arbiter council in private and in writing
The process of proving a dispute in the business field	It is carried out against all facts contained in the letter of claim from the applicant and the letter of response from the respondent. Besides, the process of proving a dispute can be carried out against all witnesses who are present in the arbitration trial process verbally by taking oath first	It is carried out against all expert witnesses and all factual witnesses who are present in the arbitration trial process verbally by taking oath first
The process of completion a dispute in the business field	It ends with the determination of the final decision by the arbiter or arbiter council based on all available evidence and all witnesses	It ends with the determination of the final decision by the arbiter council based on all available evidence, all expert witnesses, and all factual witnesses

Conclusion

This study concluded and highlighted that the legal basis used by the Indonesian National Arbitration Board (BANI) and the Singapore International Arbitration Center (SIAC) in their respective arbitration dispute resolution processes for the business sector differs significantly. BANI relies on Law Number 30 of 1999 concerning Arbitration and

Alternative Dispute Resolution, whereas SIAC operates under the Arbitration Rules formulated in the year 2010. However, despite these variations, both institutions share common steps in their arbitration dispute resolution processes. It begins with mutual consent from the disputing parties to opt for arbitration, followed by the submission of a claimant's letter to BANI or a statement of claim to SIAC. The arbitration disputes are then examined privately by the appointed arbiter or arbiter council. The process involves presenting evidence and witnesses, including expert testimonies, during the closed arbitration trial. Finally, the arbiter council reaches a final decision if it deems the presented evidence and the entire trial process sufficient for resolution.

References

- Adolf, Huala. "Urgensi Pembentukan Undang-Undang Tentang Arbitrase Internasional". *Fiat Justisia Jurnal Ilmu Hukum* 10, No. 2 (2016): 317–334. <https://doi.org/10.25041/fiatjustisia.v10n02.684>
- Arsenius, Arsenius. "Pengakuan dan Pelaksanaan Keputusan Arbitrase Asing Menurut Keppres No 34 Tahun 1981 tentang Ratifikasi Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 di Negara Indonesia," *Jurnal Varia Bina Civika*, No. 75 (2009).
- Choong, John, Mark Mangan, and Nicholas Lingard. *A Guide to the SIAC Arbitration Rules*. (Oxford: OUP Oxford, 2015).
- Entriani, Anik. "Arbitrase dalam Sistem Hukum di Indonesia," *An-Nisbah: Jurnal Perbankan Syariah Indonesia* 3, No. 2 (2017): 240-254. <https://doi.org/10.21274/an.2017.3.2.277-293>
- Geraldi, Aldo Rico. "Kompetensi Arbitrase Internasional dan Pengadilan Nasional Terkait Penyelesaian Sengketa Penanaman Modal Asing," *Jurnal Humani* 3, No. 2 (2017): 149–162.
- Hornick, Robert N. "Indonesian Arbitration in Theory and Practice." *American Journal of Comparative Law* 3 (1991): 559-597. <https://doi.org/10.2307/840770>
- Israhadi, Evita Isretno. "A Study of Commercial Arbitration and the Autonomy of the Indonesian Arbitration Law." *Journal of Legal Ethical and Regulatory Issues* 21, No. 1 (2018).

- Ivan, Randang S. "Tinjauan Yuridis Tentang Peranan Identitas Domisili dalam Menentukan Kompetensi Relatif Pengadilan," *Lex Privatum* 4, No. 1 (2016): 24–32.
- Karma, I Putu Wisnu, and I Ketut Artadi. "Arbitrase Sebagai Upaya Penyelesaian Sengketa di Luar Pengadilan dalam Sengketa Hak Kekayaan Intelektual", *Kertha Wicara: Journal Ilmu Hukum* 7, No. 1 (2018): 1-14.
- Kurniati, Grasia. "Studi Perbandingan Penyelesaian Sengketa Bisnis dan Implementasinya Antara Lembaga Badan Arbitrase Nasional Indonesia dan Singapore International Arbitration Centre," *Jurnal Ilmu Hukum De'Jure: Kajian Ilmiah Hukum* 1, No. 2 (2016): 201-234. <https://doi.org/10.35706/dejure.vii2.507>
- Mahendrayana, I Made Dwi Dimas. "Mekanisme Penyelesaian Sengketa Pelanggaran Hak Cipta Melalui Arbitrase," *Acta Comitatus* 5, No. 1 (2020).
- Mawey, Andre G. "Dasar Pertimbangan Hakim Dalam Menjatuhkan Putusan Lepas Dari Segala Tuntutan Hukum (Onslag Van Alle Rechtsvervolging)," *Lex Crimen* 5, No. 2 (2016): 82-90.
- Prameswari, Ni Gusti Nyoman Shanti and C.I.A Pelayun. "Alternatif Penyelesaian Sengketa Arbitrase Internasional Bagi Perusahaan Multinasional," *Kertha Negara: Journal Ilmu Hukum* 1, No. 5 (2013): 1-5.
- Putra, Dewa Nyoman Rai Asmara and I Putu Rasmadi Arsha Putra, "Akibat Hukum Pendaftaran Penyelesaian Sengketa Alternatif," *Jurnal Hukum Acara Perdata: ADHAPER* 6, No. 1 (2020): 73-86. <https://doi.org/10.36913/jhaper.v6i1.102>
- Rogers, James, and Matthew Townsend. "New Rules for the Singapore International Arbitration Centre." *Asian Dispute Review* 15, No. 3 (2013): 68-73
- Simbolon, Bangun, and Ramlani Lina Sinaulan. "Legal Certainty of Execution Decision of The Indonesian National Arbitration Board Number: 14/VII/ARB/BANI-MDN/2019." *World Bulletin of Management and Law* 17 (2022): 144-147.
- Siregar, Putra Permata Mandiri. "Studi Analisis Penyelesaian Sengketa Merek Melalui Singapore International Arbitration Centre (SIAC), World Intellectual Property Organizations (WIPO) Arbitration Centre dan Badan Arbitrase Nasional Indonesia (BANI)," *Law Reform* 9, No. 1 (2013): 124-145. <https://doi.org/10.14710/lr.v9i1.12438>
- Soekanto, Soerjono, and Sri Madmuji. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. (Jakarta: PT Raja Grafindo Persada, 2009).
- Sudini, Luh Putu and Desak Gde Dwi Arini, "Eksistensi Badan Arbitrase Nasional Indonesia (BANI) dalam Penyelesaian Sengketa Perusahaan," *Jurnal Notariil* 2, No. 2 (2017): 141–148. <https://doi.org/10.22225/jn.2.2.402.141-148>
- Sulat, Gideon Hendrik. "Tata Cara Pemeriksaan Sengketa Arbitrase Menurut Undang-Undang Nomor 30 Tahun 1999," *Lex Crimen* 5, No. 7 (2016): 58–64.

- Syita, Kunti Kalma. "Penerapan Prinsip Pembuktian Hukum Perdata Formil dalam Arbitrase Berdasarkan Undang-Undang Nomor 30 Tahun 1999," *Yuridika* 29, No. 1 (2014): 17–38. <https://doi.org/10.20473/ydk.v29i1.356>
- Tampongangoy, Grace Henni. "Arbitrase Merupakan Upaya Hukum dalam Penyelesaian Sengketa Dagang Internasioanal," *Lex et Societatis* 3, No. 1 (2015): 160-169. <https://doi.org/10.35796/les.v3i1.7081>
- Tektona, Rahmadi Indra. "Arbitrase Sebagai Alternatif Solusi Penyelesaian Sengketa Bisnis di Luar Pengadilan," *Pandecta: Research Law Journal* 6, No. 1 (2013): 86–94. <https://doi.org/10.15294/pandecta.v6i1.2327>
- Tutojo, Tutojo. "Eksekusi Putusan Arbitrase Internasional Dalam Sistem Hukum Indonesia," *Jurnal Penelitian Hukum Legalitas* 9, No. 1 (2015): 13–26. <http://dx.doi.org/10.31479/jphl.v9i1.28>
- Wibowo, Intan Setiyo and Zakki Adlhiyati. "Problematika Pelaksanaan Putusan Arbitrase Internasional di Indonesia," *Verstek* 8, No. 1 (2020): 1–14. <https://doi.org/10.20961/jv.v8i1.39624>
- Widnyana, I Made. *Alternatif Penyelesaian Sengketa* (Jakarta: Fikahati Aneska, 2006).
- Yuniar, Vania Shafira, and Florentiana Yuwono. "The Comparison of Arbitration Dispute Resolution Process Between Indonesian National Arbitration Board (BANI) and London Court of International Arbitration (LCIA)." *Journal of Private and Commercial Law* 6, No. 1 (2022): 77-99. <https://doi.org/10.15294/jpcl.v6i1.30265>

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