

## **Abstrak**

Undang-Undang Arbitrase dan Alternatif Penyelesaian Sengketa (APS) merupakan implementasi Indonesia terhadap arbitrase dalam menjamin kepastian hukum dalam menyelenggarakan arbitrase di Indonesia. UU Arbitrase dan APS mengatur putusan arbitrase asing dalam rangka mengakomodir arbitrase asing. Permasalahan hadir terhadap putusan arbitrase asing karena terbentur dengan asas ketertiban umum, Hasil penelitian menunjukkan bahwa pengecualian terhadap ketertiban umum ditemukan dalam pasal 66 huruf (c) dan juga pasal 36 ayat 1 huruf b(ii) UNCITRAL Model Law on International Commercial Arbitration tentang Alasan Penolakan Pengakuan dan Pelaksanaan Keputusan Arbitrase Asing. Berdasarkan UNCITRAL MODEL LAW on International Commercial Arbitration pengakuan dan pelaksanaan putusan arbitrase dapat ditolak apabila ditemukan di dalam pengakuan dan pelaksanaan putusan tersebut melanggar ketentuan ketertiban umum di negara tersebut, tetapi tidak memberikan pengertian secara jelas tentang ketertiban umum, hal ini diserahkan kepada masing-masing negara terkait. Berdasarkan putusan pengadilan, konsep ketertiban umum yang diterapkan di Indonesia diinterpretasi secara luas, dan cenderung menghambat proses pelaksanaan arbitrase di Indonesia

**Keywords:** *arbitrase asing, ketertiban umum, UNCITRAL Model Law.*

## **Abstract**

*The Law on Arbitration and Alternative Dispute Resolution (APS) is Indonesia's arbitration law in order to guarantee legal certainty when conducting arbitration in Indonesia. In order to accommodate international arbitrations, the Arbitration Law and the APS regulate international arbitration awards. International arbitration judgements cause problems because they contradict the principle of public order. The results reveal that the UNCITRAL Model Law on International Commercial Arbitration on Reasons for Rejection, Recognition, and Implementation of Foreign Arbitration Decisions has exceptions to public order in article 66 letter (c) and also in article 36 paragraph 1 letter b(ii). According to the UNCITRAL MODEL LAW on International Commercial Arbitration, the recognition and implementation of an arbitral award can be rejected if it is determined that the award violates the country's public order provisions. However, the UNCITRAL MODEL LAW on International Commercial Arbitration does not provide a clear understanding of public order, so this is left to each country. The concept of public order in Indonesia is broadly interpreted, according to court rulings, and tends to stymie the arbitration process in Indonesia*

**Keywords:** *foreign arbitration, public policy, UNCITRAL Model Law*