

# **TINJAUAN YURIDIS TERKAIT PENYELESAIAN SENGKETA BISNIS MELALUI METODE ARBITRASE ONLINE (STUDI PERBANDINGAN DI INDONESIA DAN DI CHINA)**

**Oleh**  
**Kadek Mei Eriani Putri, NIM 2214101072**  
**Program Studi Ilmu Hukum**

## **ABSTRAK**

Penulisan ini bertujuan untuk mengetahui dan menganalisis pengaturan hukum arbitrase online di Indonesia serta membandingkan mekanisme pelaksanaannya antara Badan Arbitrase Nasional Indonesia (BANI) dan *Shenzhen Court of International Arbitration (SCIA)* di China. Penulisan ini bertujuan untuk mengungkap metode arbitrase online dalam sistem hukum Indonesia dan China, mengingat kemajuan teknologi informasi yang memberikan transformasi penyelesaian konflik korporasi yang lebih cepat dan efisien. Metodologi penulisan yang digunakan adalah penulisan hukum normatif, yang menggunakan pendekatan hukum dan komparatif. Penulisan ini menggunakan bahan hukum primer, sekunder, dan tersier sebagai dasar analisis. Temuan penulisan menunjukkan bahwa (1) regulasi arbitrase online di Indonesia tidak secara eksplisit diatur dalam UU No 30 Tahun 1999 terkait Arbitrase dan Penyelesaian Sengketa Alternatif; namun, implementasinya dimungkinkan melalui interpretasi ketentuan yang ada dan didukung oleh peraturan internal BANI, meskipun masih terbatas dan kurang memiliki legitimasi regulasi yang komprehensif. Sementara itu, di China, pengaturan arbitrase didasarkan pada *PRC Arbitration Law* beserta *judicial interpretation* yang memberikan dasar hukum yang lebih jelas bagi pengembangan arbitrase online oleh lembaga seperti SCIA. Kemudian, (2) Mekanisme arbitrase online dalam Lembaga di China telah diatur secara lebih terstruktur dan terperinci sehingga memberikan kepastian hukum yang lebih tinggi dibandingkan Indonesia yang masih beradaptasi. Dengan demikian, arbitrase online sah dilaksanakan di Indonesia, namun masih memerlukan pembaruan regulasi guna menjamin kepastian hukum, validitas dokumen elektronik, serta kekuatan eksekutorial putusan.

**Kata Kunci : Arbitrase Online, Sengketa Bisnis, BANI, SCIA**

***A LEGAL ANALYSIS OF BUSINESS DISPUTE RESOLUTION THROUGH  
ONLINE ARBITRATION (A COMPARATIVE STUDY BETWEEN  
INDONESIA AND CHINA)***

***By  
Kadek Mei Eriani Putri, NIM 2214101072  
Legal Studies Program***

***ABSTRACT***

*This study aims to examine and analyze the legal framework governing online arbitration in Indonesia and to compare its implementation mechanisms between the Indonesian National Arbitration Board (BANI) and the Shenzhen Court of International Arbitration (SCIA) in China. Furthermore, this research aims to determine how online arbitration works within the Indonesian and Chinese legal systems in light of the fast evolution of IT, which has prompted a shift towards faster and more efficient methods of resolving business disputes. Normative legal research methods, including statutory and comparative techniques, are used in this study. The research is based on a variety of legal sources, including primary, secondary, and tertiary sources. The results show that (1) While Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution does not explicitly state that online arbitration in Indonesia must be regulated, it can be done so by interpreting existing provisions and with the backing of BANI's internal regulations. However, it is still limited and does not have full regulatory legitimacy. Chinese organisations like SCIA have a stronger legal basis for developing online arbitration because to the PRC Arbitration Law and its court interpretations, which regulate arbitration in China. two (2) Chinese arbitral institutions' procedures for internet arbitration have been more thoroughly and methodically controlled, providing a greater level of legal certainty than their Indonesian counterparts, who are currently adjusting. Online arbitration is therefore legitimate in Indonesia, but reforms to the country's regulations are still needed to make sure everyone knows what they're getting into, that electronic papers are legitimate, and that arbitral rulings can be enforced.*

***Keywords: Online Arbitration, Business Dispute, BANI, SCIA***