

PENGUNAAN BAHASA INDONESIA DALAM KONTRAK KOMERSIAL INTERNASIONAL

NADZIRSYAH, NICKO

Pembimbing : Prof. Dr. Y. Sogar Simamora, S.H., M.Hum

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ABSTRACT

This thesis entitled “The use of Indonesian in international commercial contracts”. This thesis processing Act as number 24 of 2009 about the Flag, Language and Symbol State with National Anthem on July 9, 2009. Things to be polemics of this rule is the use of Indonesian that intersect with the preparation of contract. In Article 31 of Act as number 24 of 2009 that the Indonesian language should be used in the agreement, although involving foreign elements. So that such provisions are very influential in the legitimacy of international commercial contracts which always involve a foreign element in it, it happens when an international commercial contracts made in addition to using the Indonesian language and Indonesian legal options selected countries, then it raises the legal consequences of illegal or not this contract according to law. This study aims to analyze the legitimacy of international commercial contracts and urged the Indonesian language in international commercial contracts. This study uses a normative study by using several approaches such as statuta approach and conceptual approach, in which all these approaches lead to the making of international commercial contracts under the law in Indonesia. The results of this study indicate that the legitimacy of international commercial contracts are based on choice of law agreed upon by both parties, so legitimacy adjusted from the settings according to the legal validity of contracts chosen by the parties. International commercial contracts made without using the Indonesian language and choice of Indonesian law that resulted in the contract is null and void because of violations of the legitimate causa of article 1320 BW.

Keyword: The use of Indonesian in international commercial contracts