

ABSTRACT

Dispute solution process through arbitration that was one from plenty solution method, actually isn't a strange thing as an alternative solution, because the community (Indonesian) basically have already known consensus / agreement value and cooperative to solve the lawless between them.

Observing the business development in the free trade and competition era nowadays, it is required to make an arbitration institute. And alternative lawless solution through a code constitution according to consensus/agreement approach, where business dispute doesn't put the both sides in an apposite of the defeated and winner side, but to solve the problem which gives a satisfaction to then disputes with the preference "win-win solution".

On the other hand, dispute solution process through arbitration which was based on an agreement, gives a priority for both to decide the law choice and open discussion free between them. It was stressed on important to maintain a good link inter related business that is going on or in the future, because business sector want the solving method effective and efficiency, where the solution like that are difficult to get via litigation (through the court).

The alternative dispute solution through arbitration as one manner to be done in business lawless matter tend to be considered as the best solution to avoid the publication, and the decision have a *final and binding* quality.

With the prevailed of the Law no. 30, 1999 about arbitration and the alternative dispute solution, could be able to anticipate the difficulty of litigation processing and business development in the future, mainly dispute trade solution which want to be solved through arbitration.

So that, with a free contract principle, law of choice and open discussion in the arbitration convention, to decide absolute arbitration competence, and on the contrary no authority to isolate and judging lawless which contain the arbitration agreement on it, except were decided by the law distinctly.

Key word : Business Dispute-Alternative - Arbitration.