

## **PRINSIP HUKUM KONTRAK DALAM PEMBatasan INTERVENSI PIHAK KETIGA DALAM SENGKETA DI ARBITRASE**

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**CONTRACT LAW; ARBITRATION**

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### **ABSTRACT**

The main issue in this research is about the limitation provisions in third party intervention in arbitration according to Act No. 30 of 1999 on alternative dispute settlement and arbitration. The type of this research is legal research. In this research, three approaches are employed, statute approach, conceptual approach, and case approach. Statute approach is to understand whether limitation provisions in third party intervention in accordance with the general principles of contract law. Conceptual approach used to assess and analyze a framework or conceptual framework and theoretical foundation for the enactment of rules concerning restrictions on third-party intervention in arbitration. Case approach is to review what legal steps can be taken by the third party. From this research, it is found that the element of the agreement of the parties to the dispute as a condition of a third party to intervene in the settlement of disputes in arbitration is a condition / conditions that are contrary to the principles of contract law, namely the principle that a treaty should not bring harm to third parties as contained in the provisions of Article 1317 BW and the principle of good faith as referred to in the provisions of Article 1338 BW. Because of the presence of these elements, would pose a potential loss of the third party concerned to participate in the process of proceedings, if the parties agreed to not allow third parties to intervene. And there is no provision that specifically about the legal efforts that can be taken by third parties under the provisions of Act No. 30 of 1999. But the provisions in civil procedural law procedural law also applies to arbitration, so that the aggrieved third party for the award which violates the rights and interests may file a third-party opposition to the district court, which will undertake the execution of the decision of arbitration tribunal.

Key words : Arbitration, Contract Law