



SUPREME COURT REGULATION
NUMBER 1 YEAR 1990
REGARDING
PROCEDURES FOR ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

THE SUPREME COURT OF THE REPUBLIC OF INDONESIA,

- Considering:
1. That with the ratification of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention 1958) by Presidential Decree of the Republic of Indonesia No. 34 Year 1981 dated Augusts 5, 1981, it is considered necessary to issue regulations regarding the procedures for enforcement of foreign arbitral awards.
 2. That provisions in the Indonesian civil Process Law as set forth in the renewed Indonesian Reglemen/RID (S. 1941 No. 44), Reglemen outside Java and Madura (S. 1927-227) and also provisions of the reglement op de Rechtsvordering (S. 1847-52 and 1844-63) do not contain any provisions for the enforcement of foreign arbitral awards.
 3. That accordingly it is considered necessary to make provision regarding the procedures for enforcement of such foreign arbitral award in Supreme Court regulations.

Having heard: The Supreme Court Assembly.

- With due regard to:
1. Law Number 14 year 1970 Law No. 14 year 1985, the renewed Indonesian Reglemen (S. 1941 No. 44), Reglemen outside Java and Madura (S. 1927-227).
 2. Presidential Decree of the Republic of Indonesia No. 37 year 1981, State Gazette year 1981 Number: 40 dated August 5, 1981.

HAS DECIDED:

To enact: REGULATIONS REGARDING IMPLEMENTING PROCEDURES FOR THE ENFORCEMENT OF FOREIGN ARBITRAL AWARDS.

CHAPTER I
GENERAL

Article 1

The Central Jakarta District Court shall have authority to deal with matters relating to the recognition and the enforcement of foreign arbitral awards.

Article 2

A foreign arbitral award is an award issued by an arbitral body or an individual arbitrator outside the legal jurisdiction of the Republic of Indonesia, or an award of an arbitral body or an individual

arbitrator considered under Indonesian law to be a Foreign Arbitral award, which has binding legal effect in accordance with Presidential Decree No. 34 Year 1981 State Gazette year 1981 No. 40 dated August 5, 1981.

Article 3

A foreign arbitral award shall be recognized and can be enforced within the legal jurisdiction of the Republic of Indonesia if it satisfies the following conditions:

- (1) The award is rendered by an arbitral body or an individual arbitrator in a country that is a party to either a bilateral or multilateral international convention on the recognition and enforcement of foreign arbitral awards to which Indonesia is a party.
Implementation shall be based on the principle of reciprocity.
- (2) Foreign arbitral awards referred to in paragraph (1) shall be limited to awards which according to Indonesian law come within the scope of commercial law.
- (3) Foreign arbitral awards referred to paragraph (1) shall be enforced in Indonesia only to the extent that such awards are not against public order.
- (4) Foreign arbitral awards may be enforced in Indonesia after receiving authorization from the Indonesian Supreme Court.

CHAPTER II AUTHORIZATION (EXEQUATUR)

Article 4

- (1) Authorization (exequatur) is given by the Chairman of the Supreme Court or the Vice Chairman of the Supreme Court or the Junior Chairman of the Written Civil Law section authorized for such purpose by the Chairman of the Supreme Court or the Vice Chairman of the Supreme Court.
- (2) Authorization shall not be given if the foreign arbitral award clearly contradicts the fundamental principles of the Indonesian legal system and society (public order).

CHAPTER III APPLICATION PROCEDURES FOR AUTHORIZATION

Article 5

- (1) Applications to enforce foreign arbitral awards may only be considered after they are registered in the Clerk's office of the Central Jakarta District Court, pursuant to the applicable procedures in Article 377 RID/Article 705 of the Reglemen for Regions outside Java and Madura.
- (2) The Chairman of the Central Jakarta District Court mentioned in Article 1 shall forward the application documents for the enforcement of the foreign arbitral award to the Clerk/Secretary General of the Supreme Court to obtain authorization.
- (3) The application documents shall be sent to the Supreme Court at the latest 14 (fourteen) days after the date of receipt thereof.
- (4) The application documents sent to the Supreme Court shall be accompanied by the following:

- a. an original or authenticated copy of the foreign arbitral award authenticated in accordance with the authentication procedure for foreign documents, and an official translation, pursuant to the prevailing laws of Indonesia;
- b. the original of the agreement or the authenticated copy of the agreement, being the basis of the award, authenticated in accordance with the authentication procedure for foreign documents, and an official translation, pursuant to the prevailing laws of Indonesia;
- c. certification from the Indonesian diplomatic representative in the country in which the foreign arbitral award was rendered to the effect that the country of the applicant is a party to either a bilateral or multilateral international convention on the recognition and enforcement of foreign arbitral awards to which Indonesia is also a party.

CHAPTER IV PROCEDURES FOR SEIZURE AND ENFORCEMENT

Article 6

- (1) After authorization is given by the Supreme Court, further implementation shall be carried out by the Chairman of the Central Jakarta District Court.
- (2) In cases where enforcement of the award has to be carried out in a jurisdiction other than the jurisdiction of the Central Jakarta District Court, the Central Jakarta District Court shall forward the matter to the District Court which has jurisdiction pursuant to Article 195 RID/Article 206 (2) Reglemen for Regions outside Java and Madura and so forth.
- (3) Seizure in aid of execution may be carried out on assets and goods belonging to the respondent. The procedures for seizure and the enforcement of awards shall follow the procedures as provided for in the RID/Reglement for Regions outside Java and Madura.

CHAPTER V COSTS

Article 7

[Costs for] an application to enforce a foreign arbitral award comprise of two parts:

- a. Costs for authorization are hereby set in the amount of Rp250,000, and shall be paid through the Clerk/Secretary of the Central Jakarta District Court and transmitted to the Secretary General of the Supreme Court of the Republic of Indonesia. The amount of costs is subject to re-evaluation.
- b. Costs for seizure and enforcement of an award shall be paid to the Clerk/Secretary of the Central Jakarta District Court.
Where seizure and enforcement of an award is carried out outside the jurisdiction of the Central Jakarta District Court as provided for in Article 195 (2) RID/Article 206 (2) Reglemen for Regions outside Java and Madura, costs shall be paid to the District Court which has been asked to render its assistance.

CHAPTER VI

Article 8

Matters which have not been provided for [in these Regulations] shall be determined at a later date.

CHAPTER VII

Article 9

These Regulations shall take effect on the date of its enactment.

Decided in Jakarta

Dated: March 1, 1990

CHAIRMAN OF THE SUPREME COURT

Sgd

ALI SAID