

ABSTRACT

Rizqi, Hakam, 08220022, "**Judicial Review on the Verdict No.792/pdt.g/2009/PA., Central Jakarta, about the National Sharia Arbitration Board's Decision Cancellation**". Thesis, Department of Islamic Business Law, Sharia Faculty, Maulana Malik Ibrahim State Islamic University, Malang, Advisor: Dr. Suwandi, M.HI.

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Business transaction is an activity which is full of risk. The risk that often occurs is the default of a business partner. Even though a business is generally based on symbiotic mutualism relationship or trust between the parties, disagreements do not rarely arise which is then worsen into conflicts or disputes. The wider the area where the trading activity takes place, the occurrence frequency of disputes risen.

This study discusses the legal considerations of the acceptance and granting of the National Sharia Arbitration Board's decision cancellation, verdict No. 792/PDT.G/2009/PA, Central Jakarta. Therefore, this study aims to determine: what are the legal considerations of the acceptance and granting of the National Sharia Arbitration Board's decision cancellation, verdict No. 792/PDT.G/2009/PA, Central Jakarta, and how is the judicial review on the legal considerations of the acceptance and granting of the National Sharia Arbitration Board's decision cancellation.

The method of approach used in this study is the normative or doctrinal legal research using secondary data. It consists of primary, secondary and tertiary legal materials, which closely relate to the research object. It is obtained through technical documentation, analyzed in a qualitative systematic way, and processed using analytical descriptive method.

The results confirm that the panel of judges of Central Jakarta Religious Court accept the National Sharia Arbitration Board's decision cancellation petition with a legal basis, Article 49 Law No. 3 of 2006 about Religious Courts Law, Article 55 No. 21 of 2008 on Islamic Banking law that becomes the legal basis, do not mention about the issue of authority in National Sharia Arbitration Board's decision cancellation. On the other hand, SEMA No. 8 of 2008, which also becomes the legal basis, is contrary to Article 59 paragraph (3) of Law No. 48 of 2009. Relates to the granting of National Sharia Arbitration Board's decision cancellation, the panel of judges grant the petition using fraud unsupported by the court decision evidence as the reason, on October 10, 2008. Regarding the legal considerations, it is due to arbitral tribunal's "dishonest" in taking arbitrage decision in which, according to the panel of judges, should be categorized as an act of "fraud" based on Article 70 letter C Law No. 30 of 1999. Thus, panel of judges have ignored the legal norm Article 71 law No. 30 of 1999 that require the reasons of cancellation to be supported by court decisions evidence.