

PUBLIC POLICY EXCEPTION IN INTERNATIONAL COMMERCIAL ARBITRATION – PROMOTING UNIFORM MODEL NORMS

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ABSTRACT

It is commonly accepted that a foreign arbitral award is final and enforceable. However, this is not always the case in practice. The public policy exception is one of the most dominant constraints of award enforcement in international commercial arbitration. An expansive approach to the public policy exception has undermined the finality and enforceability of foreign arbitral awards.

In this article, the author attempts to promote a uniform model of a restrictive approach to the public policy exception by taking a range of potentially conflicting factors into consideration. These include the proximity of party autonomy, efficiency, neutrality in the face of different values and legal cultures. In the latter part of this article, the author also makes the conclusion that the public policy exception should move from politics to efficiency in order to promote a uniform restrictive model norms.

KEYWORDS: *public policy exception, party autonomy, neutrality.*

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