

CHAPTER III THE COMMERCIAL COURT

Article 280

1. A petition for the declaration of bankruptcy and a moratorium on debt repayment as intended in CHAPTER ONE and CHAPTER TWO, shall be heard and decided by the Commercial Court, which is in the domain of the General Judiciary.
2. The Commercial Court referred to in paragraph (1), in addition to hearing and deciding on petitions for the declaration of bankruptcy and a moratorium on debt repayment, shall also have the authority to hear and decide other cases in the filed of commerce, the stipulation of which shall be made by a Government Regulation.

Article 281

1. For the first time under this Law, a Commercial Court shall be established at the Central Jakarta District Court.
2. The establishment of Commercial Courts other than those intended in paragraph (1), shall be implemented in stages by Presidential Decree, with due attention to needs and the readiness of the necessary resources.
3. Until the Commercial Courts referred to in paragraph (2) are established, all cases that come within the scope of the authority of such Commercial Courts shall be heard and decided by the Commercial Courts as intended in paragraph (1).
4. The establishment of the Commercial Court as intended in paragraph (1) shall be implemented no more than 120 (one hundred and twenty) days from such time as this Government Regulation in Lieu of Law comes into effect.

Article 282

1. The Commercial Court shall hear and decide upon cases at the first level by a council of judges.
2. In cases relating to other cases in the field of commerce, as referred to in Article 280 paragraph (2), the Chairman of the Supreme Court may stipulate the type and value of cases which shall be heard and decided by a single judge at the first level.
3. In performing his duties, the Commercial Court Judge shall be assisted by a Clerk of the Court or by a Substitute Clerk of the Court and a Bailiff.

Article 283

1. A Commercial Court Judge shall be appointed on the basis of a Decision of the Chairman of the Supreme Court.
2. The conditions for appointment as a Judge as intended in paragraph (1), shall be:
 - a. having experience as a judge within the General Judiciary;
 - b. having dedication and mastering the knowledge of the issues within the scope of authority of the Commercial Court;
 - c. having authority, being honest, just and not guilty of any misconduct; and
 - d. having successfully completed a special training program as a Commercial Court Judge.

3. With due attention to the conditions referred to in paragraph (2) letter b, letter c and letter d, by Presidential Decree at the proposal of the Chairman of the Supreme Court, an individual whose expertise is as an ad hoc judge may also be appointed to the Commercial Court at the first level.

Article 284

1. Unless otherwise stipulated by Law, the prevailing law of civil procedures shall also be applied in respect of the Commercial Court.
2. In respect of Commercial Court decisions at the first level that are related to petitions for a declaration of bankruptcy and a moratorium on debt repayment, appeals may only be filed with the Supreme Court.

Article 285

The hearing of a petition for appeal shall be conducted by a council of judges from the Supreme Court which is formed specifically to hear and decide cases within the scope of authority of the Commercial Court.

Article 286

1. In respect of decisions of the Commercial Court that have already become final, a judicial review may be filed with the Supreme Court .
2. A petition for judicial review may be made, if:
 - a. there is important new written evidence which, if known at the previous session, would have resulted in a different ruling; or
 - b. The Commercial Court concerned has committed a serious error in the application of the law.

Article 287

1. A petition for Judicial Review on the grounds intended in Article 286 paragraph (2) letter a shall be filed within a period of no more than 180 (one hundred and eighty) days from the date on which the decision in respect of which a judicial review is petitioned becomes final.
2. A petition for judicial review on the grounds intended in Article 286 paragraph (2) letter b shall be filed within a period of no more than 30 (thirty) days from the date the decision in respect of which a judicial review is petitioned becomes final.
3. A petition for judicial review shall be filed with the Clerk of the Court.
4. The Clerk of the Court shall register a petition for judicial review on the date on which the petition is filed, and furnish the applicant with a written receipt signed by the Clerk of the Court with the same date as the date of registration of the petition.
5. The Clerk of the Court shall deliver the petition for judicial review to the Clerk of the Supreme Court within a period of 1x24 hours from the date on which the petition is registered.

Article 288

1. The party filing the petition for judicial review must submit to the Clerk of the Court supporting evidence which forms the basis for filing such petition for, and to the other party, a copy of the petition for judicial review accompanied by the relevant supporting evidence,

on the date the petition is registered as intended in Article 287 paragraph (4).

2. Without prejudice to the provision referred to in paragraph (1), the Clerk of the Court shall submit a copy of the petition for judicial review accompanied by the supporting evidence, to the other party within a period of no more than 2x24 hours from the date such petition is registered.

3. The other party may submit a response to the petition for judicial review that is filed, within a period of 10 (ten) days from the date such petition is registered.

4. The Clerk of the Court must submit such response to the Clerk of the Supreme Court within a period of no more than 12 (twelve) hours from the date the petition is registered.

Article 289

1. The Supreme Court shall immediately hear and render a decision on the petition for judicial review within no more than 30 (thirty) days counting from the date the petition is received by the Clerk of the Supreme Court.

2. The decision on the petition for judicial review must be pronounced in a public session.

3. Within no more than 32 (thirty-two) days from the date the petition is received by the Clerk of the Supreme Court, the Supreme Court must submit to the parties a copy of the decision on the judicial review which shall contain in full the legal considerations underlying such decision.