THE MECHANISM OF EXECUTION OF THE JUDGE'S DECISION IN A SIMPLE LAWSUIT

(MEKANISME PELAKSANAAN PUTUSAN HAKIM DALAM GUGATAN SEDERHANA *(SMALL CLAIM COURT))*

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ABSTRACT

Community life is inseparable from conflicts of private interest between one legal subject and another legal subject, both between person to person, person to a legal entity, or legal entity to legal entity. The conflict that occurs requires a dispute resolution and enforcement of civil law which now seems protracted and long-winded because of the long process of resolving cases in court so that the application of the principle of fast, simple, and light costs cannot be realized. The community's need for justice in resolving a dispute at a low cost and with fast events. This research uses the Normative legal research method using a Qualitative approach. The results of the study that, Dispute resolution at a low cost and with fast events, the Supreme Court applies a simple lawsuit based on Supreme Court Regulation Number 2 of 2015 jo PERMA No 4 of 2019 concerning Procedures for Resolving Simple Claims. This Supreme Court regulation is a major step for the Supreme Court to realize the resolution of cases according to the principle of fast, simple, and low cost. The implementation of simple lawsuit decisions is the same as the implementation of ordinary civil case decisions, which are carried out voluntarily and executed.

***Keywords**: Simple lawsuit, Judge's decision, and Implementation of the decision*

ABSTRAK

Kehidupan bermasyarakat tidak terlepas dari konflik kepentingan privat antar subyek hukum yang satu dengan subyek hukum lainnya, baik antara orang dengan orang, orang dengan badan hukum maupun badan hukum dengan badan hukum. Konflik yang terjadi dibutuhkan suatu penyelesaian sengketa dan penegakan atas hukum perdata yang sekarang ini terkesan berlarut-larut dan bertele-tele oleh karena panjangnya proses penyelesaian perkara di pengadilan sehingga penerapan asas cepat, sederhana, dan biaya ringan tidak dapat terwujud. Kebutuhan masyarakat akan keadilan dalam penyelesaian suatu sengketa dengan biaya ringan dan dengan acara cepat. Penelitian ini menggunakan motode penelitian hukum Normatif dengan menggunakan pendekatan Kualitatif. Hasil penelitian bahwa, Penyelesaian sengketa dengan biaya ringan dan dengan acara cepat, maka Mahkamah Agung menerapkan gugatan sederhana berdasarkan Peraturan Mahkamah Agung (PERMA) Nomor 2 Tahun 2015 jo PERMA No 4 Tahun 2019 tentang Tata Cara Penyelesain Gugatan Sederhana. PERMA ini adalah sebuah langkah besar dari Mahkamah Agung untuk mewujudkan penyelesaian perkara sesuai

azas cepat, sederhana dan biaya ringan. Adapun pelaksanaan putusan gugatan sederhana sama dengan pelaksanaan putusan perkara perdata biasa yaitu dilaksanakan secara sukarela dan eksekusi.

Kata Kunci: Gugatan sederhana, Putusan Hakim, dan Pelaksanan Putusan

I. INTRODUCTION

Indonesia is a rule-of-law country. This statement indicates that all actions must be based on the law. Confirmation of the adoption of the principle of the rule of law as stated in Article 1 paragraph (3) of the 1945 Constitution. Laws are formed with a purpose, one of the purposes of the law is to obtain legal certainty.[1]

The meaning of the rule of law is that no one is above the law and the law is in charge. The implementation of government power must be based on law, not the order of the head of state. The state and other institutions in whatever action they take must be based on law and can be legally accountable. The power to run government is based on legal sovereignty (rule of law) and aims to maintain legal order.[2]

The embodiment of Indonesia as a legal state is the recognition of the equal position of everyone in law and government, which is recognized normatively and implemented empirically. Within the framework of this principle of equality, all discriminatory attitudes and actions in all their forms and manifestations are recognized as prohibited attitudes and actions.[3]According to Salim HS, civil law is the totality of legal rules, both written and unwritten, which regulate the relationship between one legal subject and another legal subject in family relationships and social interactions. Meanwhile, according to Riduan Syahrani, the definition of civil law is the law that regulates legal relationships between one person and another person in society which focuses on individual (personal) interests.[4]

Social life cannot be separated from conflicts of private interest between one legal subject and another legal subject, whether between person and person, person and legal entity, or legal entity and legal entity. Civil law is also a forum for legal subjects to claim losses, both material and immaterial, against every legal subject that violates the private interests of other legal subjects. So the conflict that occurs requires a dispute resolution and enforcement of civil law.[5]

In principle, there are two ways of resolving civil disputes, namely peaceful resolution without going to court (known as

[1]Atang Hermawan Usman, 2014, *Kesadaran Hukum Masyarakat dan Pemerintah sebagai Faktor Tegaknya Negara Hukum di Indonesia*, Vol. 30, Jurnal Wawasan Hukum, p. 26

[2]Achmad Irwan Hamzani, 2014, *Menggagas Indonesia Sebagai Negara Hukum Yang Membahagiakan Rakyat*, Vol. 3 No. 3, edisi 90, Jurnal Yustisia, p. 137

[3]Jimly Ashidiqin, *Gagasan Negara Hukum Indonesia*, http://www.docudesk.com, diakses tanggal 5 Juni 2023 pukul 21.00 WIB.

[4]Titik Triwulan Tutik, 2016, *Pengantar Ilmu Hukum*. Yang Menerbitkan Prestasi Pustakaraya: Jakarta, hlm. 35.

[5]Hasrul Buamona dan Tri Astuti, 2014, *Langkah-langkah Jitu Menjadi Advokat Sukses*, Erte Pose : Jogjakarta, p. 92

non-litigation), and settlement through court (litigation) which is also known as the conventional way of resolving disputes. Settlement of civil disputes through the courts is based on positive Civil Procedure Law, namely Het Herziene Indische Reglement (HIR) for the Java and Madura regions, and Rechts Reglement van Buitengewesten (RBg) for regions outside Java and Madura, and regulations regarding other civil procedures.[6]

Civil procedural law is formal civil law that functions to defend, maintain, and enforce material civil law provisions. The boundaries of civil procedural law can be described briefly as "legal regulations that regulate the process for a person to take a civil case before a court hearing and how the judge (court) accepts, examines, adjudicates and decides cases and how the process of implementing decisions to maintain the existence of civil law material".

Civil procedural law is intended to provide guidelines and procedures for handling and resolving civil cases. In some cases, civil procedural law is considered sufficient in providing guidelines for resolving cases. However, case resolution times are often too slow, even for simple lawsuits that do not require complicated methods of proof.

The principles of simple, fast, and low cost are contained in Law No. 48 of 2009 concerning Judicial Power. Article 2 paragraph (4) of Law no. 48 of 2009 states that justice is carried out simply, quickly, and at low cost. In Article 4 paragraph (2) it is also stated that the court assists justice seekers and tries to overcome all obstacles and obstacles to achieve justice that is simple, fast, and low cost. As a form of confirmation that the task of the judiciary is to serve as a place for the people to seek justice and legal certainty, this must be done as simply as possible and at an affordable cost and the trial process should not take too long.

It cannot be denied that the current settlement of civil cases seems protracted and long-winded due to the lengthy process of settling cases in court so the application of the principles of fast, simple, and low cost cannot be realized. In principle, there are several stages in resolving civil cases through the District Court, starting from filing a lawsuit, checking the identities of the parties, peace efforts (mediation), answers from the defendant if mediation fails, replicas, duplicates, first conclusion, proof process, second conclusion, drafting decision by the panel of judges. Implementation of these stages takes between 3 (three) to 6 (six) months. However, if one of the parties is not satisfied with the judge's decision, other legal remedies are still possible, both ordinary legal remedies and extraordinary legal remedies.

The Supreme Court as an institution that oversees all existing courts must of course be able to meet the needs of the people who

[6]Hasrul Buamona dan Tri Astuti, *Ibid*

need justice in resolving disputes at a low cost and in a fast manner. Based on this, the Supreme Court applies simple claims which have been adopted by the Small Claims Court in several countries. the only one is the United States.

Supreme Court Regulation (PERMA) Number 2 of 2015 in conjunction with PERMA No. 4 of 2019 concerning Procedures for Settlement of Simple Lawsuits. This PERMA is a big step from the Supreme Court to realize case resolution according to the principles of fast, simple, and low cost.

A simple lawsuit or Small Claim Court is a procedure for examining civil lawsuits in court where the value of the material claim is a maximum of IDR. 500,000,000.00 (five hundred million rupiah) which was settled using simple evidentiary procedures and, quick resolution of the case. Article 3 paragraph (1) states that a simple lawsuit is filed in cases of breach of contract and/or unlawful acts with a maximum value of IDR. 500,000,000.00 (five hundred million rupiah) Apart from the provisions regarding the amount of the lawsuit, of course, there are other conditions for a case to be resolved through the Small Claims Court.[7]

In many aspects, the current procedural law is inadequate to answer the challenges of the current era. One of the current challenges is the increasingly intense and rapid intensity of economic relations as a result of advances in information technology. The rapid intensity of economic activity requires court support to provide quick and fair decisions for that economic activity. The current civil procedural law system is felt to be very slow and expensive to resolve legal problems faced by society. So the current system is inefficient for resolving cases with small value. In terms of access to justice, the current civil dispute resolution system is too complex and expensive for society in general. This has hampered the general public's access to the courts to resolve their cases.[8]

Based on these matters, the Supreme Court (MA) felt the need to formulate a regulation related to the settlement of small claims to close the existing legal vacuum, as well as encourage access to justice for the community. The Supreme Court can fill legal gaps, by the provisions of Article 8 paragraph (1) of Law Number 12 of 2011 concerning the Authority to Form Legislative Regulations, which then became the basis for the Supreme Court in enacting PERMA Number 2 of 2015 in conjunction with PERMA No. 4 of 2019 Supreme Court Regulation concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Small Claims Court.

[7]Muhammad Saleh dan Lilik Mulyadi, 2013, *Bunga Rampai Hukum Acara Perdata Perspektif Teoritis, Praktik dan Permasalahanny*a, Alumni : Bandung, p. 7

[8]Nevey Varida Ariani, 2018, *Gugatan Sederhana Dalam Sistem Peradilan Di Indonesia (Small Claim Lawsuit in Indonesian Justice System)*, Vol. 18, No. 3, Jurnal Penelitian Hukum De Jure, p. 38

Law enforcement must be carried out to restore the balance between rights and obligations in society or to achieve legal order and to provide a sense of security for members of society. The law must be implemented and enforced, therefore there must also be law enforcement officers to uphold the law, truth, and justice. In the context of enforcing this law, the law still does not differentiate between the value of the case, the type of case, or the object of the case, so the formulation is very general and still requires regulations that specifically provide exceptions in cases where the evidence is simple. The aim is not to create legal uncertainty and injustice for people seeking justice.

Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2015 in conjunction with PERMA No. 4 of 2019 Supreme Court Regulation concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Small Claims Court also regulates the implementation of decisions that have permanent legal force from small claims, namely by voluntary means (vrijwillig / free will), and when the implementation of a decision that has permanent legal force cannot be implemented by voluntary means, the winning Party can request execution to the chairman of the Court for a small claims court decision that already has permanent legal force based on the provisions of the applicable procedural law.[9]

II. RESEARCH METHODS

This research uses a Normative legal research method using a Qualitative approach. According to Johnny Ibrahim, Normative legal research is a research procedure to find the truth based on scientific logic from the Normative side. The Normative side here is not limited to statutory regulations only. To obtain objective results that can be verified and can be accounted for, data collection tools using library research are used to obtain secondary data which is carried out by analyzing statutory regulations, books, and judge's decisions.[10]Field studies (field research) to obtain primary data were carried out by interviewing informants who have duties or authority related to the title of this research.[11]

III. DISCUSSION

3.1 Simple Lawsuit Concept

Republic of Indonesia Supreme Court Regulation Number 4 of 2019 concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Small Claims Court states that a simple lawsuit is a civil lawsuit with a maximum material claim value of IDR 500,000,000.00 (five hundred million rupiah)

[9]Pasal 3 Perma No. 4 tahun 2019 perubahan Perma Nomor 2 Tahun 2015 tentang Perubahan atas Tata Cara Penyelesaian Gugatan Sederhana (*Small claim court).*

[10]Sugiyono. 2013. *Metode Penelitian Kuantitatif, Kualitatif dan R & D*. Bandung: Alfabeta.CV, p 27

[11]*Ibid*, p 27

which was resolved using simple procedures and proof.[12]

Settlement with a simple lawsuit can only be used for cases of broken promises (default) and/or Unlawful Acts (PMH).[13]However, not all cases of broken promises and PMH can be resolved through simple lawsuit settlement. Cases that cannot be resolved through this mechanism include:[14]:

a. Cases where dispute resolution is carried out through special courts as regulated in statutory regulations, such as business competition consumer disputes, and industrial relations dispute resolution.
b. Cases related to land rights disputes

Several limitations requirements must be fulfilled in a simple lawsuit as stated in articles 3 and 4 of Perma No. 4 of 2019 concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Simple Claims, if one of these conditions is not fulfilled then the case cannot be resolved through a simple lawsuit mechanism, and these conditions are[15]:

1. Disputes regarding breach of contract/default and/or lawsuits for unlawful acts with a maximum material claim value of IDR. 500,000,000,- (five hundred million rupiah).
2. It is not a matter that falls within the competence of a special court.
3. It's not a land dispute.
4. There is no more than one Plaintiff and Defendant each unless they have the same legal interests.
5. A simple lawsuit cannot be filed against a defendant whose place of residence is unknown.
6. The Plaintiff and Defendant must reside in the same jurisdiction of the court.
7. If the Plaintiff is outside the jurisdiction of the Defendant's residence or domicile, the Plaintiff, when filing a lawsuit, appoints a proxy, incidental proxy, or representative whose address is in the Defendant's jurisdiction or domicile with a letter of assignment from the Plaintiff's institution.
8. The Plaintiff and Defendant are obliged to attend each hearing in person with or without being accompanied by a proxy, incidental proxy, or representative with a letter of assignment from the Plaintiff's institution.

3.2 Implementation of Judge's Decisions in Simple Lawsuits*(Small Claims Court)*.

Simple Lawsuit or Small Claim CourRepublic of Indonesia Supreme Court Regulation Number 4 of 2019 concerning Amendments to Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Small Claims Court states that a simple lawsuit is a civil lawsuit with a maximum material claim value of IDR 500,000,000.00 (five hundred million

[12]Perma No. 4 tahun 2019 *tentang Perubahan Atas Peraturan Mahkamah Agung No. 2 tahun 2015 Tentang Tata Cara Penyelesaian Gugatan Sederhana*, p 3

[13]Efraim Kristriya Netanyahu, 2017, *Penyelesaian Perkara Perdata Melalui Gugatan Sederhana Menurut Perma No. 2 tahun 2015 Tentang Tata Cara Penyelesaian Gugatan Sederhana*, Jurnal Lex Privatum Vol. V/No. p. 70

[14]Buku Saku, 2015, *Gugatan Sederhana* Mahkamah Agung Republik Indonesia, p. 10

[15]Sherly Ayuna Putri DKK, 2018, *Penyelesaian Sengketa Perdata Melalui Gugatan Sederhana Berdasarkan Perma No. 2 Tahun 2015*, Jurnal Pengabdian Masyarakat,Vol. 2 No.12

rupiah) which was resolved using simple procedures and proof.[16]

A simple lawsuit is filed in cases of breach of contract and/or unlawful acts with a material claim value of a maximum of IDR. 500,000,000,- (five hundred million rupiah), does not include simple claims, cases where dispute resolution is carried out through special courts as regulated in statutory regulations, or land rights disputes.

A breach of contract is the non-fulfillment of an obligation or negligence or delay committed by the parties agreeing. A debtor is only said to be in default if he has been given a warning by the creditor or bailiff. This warning is given at least three times by the creditor or bailiff. If the warning is not heeded, the creditor has the right to take the matter to court, and the court will decide whether the debtor is in default or not.[17]

One of the reasons for filing a lawsuit in court is because of a default or broken promise from the debtor. Article 1234 of the Civil Code states that every agreement is to give something, do something, or not do something. Default can be in the form of not fulfilling obligations at all, being late in fulfilling obligations, or fulfilling obligations but not as promised.

Unlawful acts are regulated in Article 1365 of the Civil Code which states "every unlawful act, which causes harm to another person, requires that the person, because it was his fault for causing the loss, compensate for the loss. In practice, unlawful acts can be active or passive. Being active means when someone carries out an action and causes harm to other people. Meanwhile, being passive means that a person does not do anything, which as a result causes losses to other people. Elements of article 1365 BW[18]:

a. There is an unlawful act
   - Against the law
   - Contrary to the manufacturer's obligations
b. Violates the subjective rights of others
   - Individual rights
   - Rights to property
c. There is a mistake

   The act carried out is a wrong act, which can be in the form of negligence and intentionality.
d. There are losses

   The consequences of these actions cause harm to other people, these

[16]Pengadilan Negeri Gunungsitoli. *Prosedur Gugatan Sederhana*. http://pn-gunungsitoli.go.id.prosedurgugatansederhana, diakses tanggal 4 September 2023 pukul 11.00 WITA

[17]Irzan, 2019,*Azas Azas Hukum Perdata,cetakan III*, Jakarta, p. 506

[18]Darwin Prinst. *Strategi Menyusun dan Menangani Gugatan Perdata*. p. 95

losses can be in the form of material or moral

e. There is a causal relationship

To be able to claim compensation for damages, there must be a causal relationship between the unlawful act and the loss suffered,

Characteristics of simple lawsuit settlements include:

1. Single judge
2. Settlement of a simple lawsuit no later than 25 (twenty-five) days
3. Since the day of the first hearing, the Plaintiff does not appear at the first hearing without a valid reason, the lawsuit is declared void
4. If the defendant does not appear on the day of the first hearing, a second summons will be served appropriately
5. If the defendant does not appear on the second trial day after being properly summoned, the judge decides the case in verse
6. No mediation
7. In the process of examining a simple lawsuit, no claim for proof, exception, reconvention, intervention, replica, duplicity, or conclusion can be submitted.

The purpose of filing a lawsuit is to obtain protection of rights granted by the court through a judge's decision which has permanent legal force, to avoid attempts to take the law into your own hands. The stages of resolving a simple lawsuit include:

1. Registration of lawsuit
2. Checking the completeness of a simple claim.
3. Determination of Judges and appointment of replacement clerks.
4. Preliminary examination.
5. Determination of the trial date and summons of the parties.
6. Trial and peace hearings.
7. Witness evidence, letters and
8. Decision.

The verdict is the final result of a dispute. Decisions are very necessary in resolving cases because decisions are the estuary and final result of disputes that arise. Sudikno Mertokusumo defines a judge's decision as a statement that the judge, as a state official authorized by him, makes at the trial and aims to end a case or dispute between the parties.[19]

In terms of their nature, there are several types of decisions that a judge can hand down, the most important of which are as follows[20]:

a. A Declaratory Decision is a decision that contains a statement or confirmation regarding a situation or

[19]Muhammad Iqbal Nasution, 2018, *Kepastian Hukum Eksekusi Terhadap Putusan Gugatan Sederhana (studi kasus Pengadilan Negeri Medan)* Thesis. p. 65

[20]*Opcit*, P. 877

legal position solely. For example, a decision stating that the marriage is valid, the sale and purchase agreement is valid, the ownership rights to the object in dispute are valid or invalid as belonging to the plaintiff, etc.

b. A constitutive decision is a decision that confirms a legal situation, whether it is the nature of eliminating a legal situation or one that creates a new legal situation. For example, a divorce decision is a decision that eliminates the legal situation, namely that there is no longer a legal bond between husband and wife, so the decision cancels the existing marriage relationship, and at the same time a new legal situation arises for husband and wife as widows and widowers.

c. A condemnatory decision is a decision that contains a sentence to punish one of the parties involved in the case. For example, a decision stating that the defendant has committed a breach of contract or committed an unlawful act.

The characteristics of the condemnation court decision are as follows:

1. Punishing or ordering to “hand over” an item;
2. Punish or order the “vacation” of a plot of land or house;
3. Punishing or ordering to “demolish” a building
4. Punishing or ordering to "perform" a certain act (example: distribution of inheritance).
5. Punish or order a “cessation” of an action or situation;
6. Punish or order to make a "payment" of a certain amount of money.

In principle, only a judge's decision that has permanent legal force can be implemented. A decision can be said to have permanent legal force if the decision contains the meaning of a form of permanent and definite legal relationship between the parties involved in the case because this legal relationship must be obeyed and must be fulfilled by the defendant. A judge's decision which has legal force must still be implemented voluntarily (voluntarily) by the parties, if the losing party does not want to volunteer, then the decision is implemented by applicable law, namely through a request for execution (mandatory).[21]

The definition of a decision is having permanent legal force (res judicata/Eintracht van gewijsde)in civil cases, the decision will have permanent legal force if there is no appeal against the decision of the court of the first instance,

[21]Nevey Varida Ariani, 2018, *Gugatan Sederhana Dalam Sistem Peradilan Di Indonesia (Small Claim Lawsuit in Indonesian Justice System)*, Vol. 18, No. 3, Jurnal Penlitian Hukum De Jure, p. 394

the verse decision is not followed by resistance (verzet), the decision is peace, the appeal decision is not followed by cassation, and there is no legal remedy for the cassation decision such as case of judicial review, although legally a judicial review does not delay the execution of a decision.[22]

The legal force of a decision that has permanent legal force is:

1. Binding strength.
2. Strength of evidence
3. Power to exercise.

A court decision has no meaning if it is not implemented, therefore the judge's decision has executorial legal force, namely the power to enforce what is stipulated in the decision by force with the help of state instruments. What gives executorial power to the judge's decision is the head of the decision which reads "For the sake of justice based on belief in the Almighty God".

The implementation of a simple lawsuit decision is the same as the implementation of a decision in an ordinary civil case, namely that it is carried out voluntarily and executed, as stated in Article 31 paragraph (2) of Supreme Court Regulation (Perma) No. 4 of 2019 concerning changes to Supreme Court regulation no. 2 of 2015 concerning procedures for settling simple claims which states: decisions that have legal force remain to be implemented voluntarily. Article 31 paragraph (3) reads: if the provisions in paragraph (2) are not complied with, then the decision is implemented based on the provisions of the applicable procedural law.[23]

3.3 Execution and Legal Basis

Execution is carrying out a court decision that has permanent legal force (res judicata / in kracht van gewijsde) which is punitive (condemnation), which is carried out by force, if necessary with the help of public power.[24]If the defendant (losing party) does not comply voluntarily, based on the applicable provisions the District Court has the authority to execute based on a request from the execution applicant.

The legal basis for execution is:

1. Articles 195 to Article 224 HIR / Article 206 to Article 258 RBg which regulate how to carry out court decisions or what is called execution.
2. RV (Regulation of Rechtsvordering) Article 1033 regarding real execution.
3. Civil Code (KUH.Perdata). article 1234 book III, article 1365 book II.

[22]Law no. 3 of 2009 concerning the Supreme Court article. 66, http//www.dpr.go.id

[23]Supreme Court Regulation (Perma) no. 4 of 2019 concerning Amendments to Supreme Court Regulation no. 2 of 2015 concerning Procedures for Sedershana Lawsuit Settlement. Article 31 paragraphs (2) and (3).

[24]Directorate General of the General Judicial Body of the Supreme Court of the Republic of Indonesia. 2019, Guidelines for Execution in District Courts. P. 1

4. Law Number 48 of 2009, Concerning Judicial Power (Article 54 and Article 55).
5. Supreme Court Circular Letter Number 01 of 2010 concerning Requests for Execution Assistance.

3.4 Request and Execution Mechanism

Based on the Decree of the Director General of the General Courts No. 40/DJU/SK/HM.02.3/I/2019 concerning guidelines for executions in District Courts, application mechanisms and implementation of executions[25]is:

1. Request for Execution;
2. The review of the request for execution is carried out by the Junior Registrar or a Team assigned by the Chairman of the District Court and stated in the summary of the execution review;
3. If the results of the summary of the application execution review can be implemented, then the execution fee down payment is calculated and the execution applicant is invited to make payment.
4. Execution Warning (Aanmaning).
   a. The Chairman of the District Court issued an execution warning/Aanmaning after first requesting execution from the Execution Petitioner (Plaintiff/Party who won the case), based on Article 196 HIR or Article 207 RBg. The stipulation of an execution warning contains an order to the Registrar/Bailiff/Substitute Bailiff to summon the party respondent to the execution (Defendant/Losing Party) to be warned to fulfill or carry out the decision.
   b. If the respondent to the execution (Defendant/Losing Party) does not appear for no reason after being legally and properly summoned, then the execution process can be immediately ordered by the Chairman of the District Court without an incidental hearing to give a warning, unless the Chairman of the Court deems it necessary to be summoned again.
   c. The commemoration of the execution led by the Chairman of the District Court must be carried out during an incidental hearing, assisted by the Registrar, in the presence of the party seeking the execution (Defendant/losing party), and if deemed necessary, the applicant for execution (plaintiff/party who won the case)

[25]Pengadilan Negeri Tulungagung kelas IA 2023. *Mekanisme Permohonan dan Pelaksanaan Eksekusi Rill*. https://pn-tulungagung.go.id/beranda/utama/informasi/mekanism e-permohonan-dan-pelaksanaan-eksekusi-riil. Diakses tanggal 10 Agustus 2023, pukul 21.20 WITA

may be present. Before the chairman of the court issues an execution warning, he needs to first check the identity of the respondent for execution (defendant/losing party) or his attorney and the applicant for execution.

d. The warning of the execution in the incidental trial is recorded in the Minutes signed by the Chairman of the District Court and the Registrar.

e. In the execution warning, the Chairman of the District Court warned the respondent to the execution (defendant/losing party) to fulfill or implement the contents of the decision no later than 8 (eight) days from the time the warning was given.

f. In the case of seeking payment of a sum of money, or executing an auction, the Chairman of the District Court can summon the execution applicant/creditor and the execution respondent/debtor to find a solution to relieve the debtor, for example, the debtor is given 2 months to find a buyer who wants to buy the goods/land, If this happens, payment must be made in front of the Chairman of the District Court. After that, the buyer, creditor, and debtor go to the Land Deed Drafting Officer (PPAT) to make a sale and purchase deed and then return it in the name of the buyer. If after 2 months, the debtor has not succeeded in finding a buyer, then the execution will continue by first appointing a public appraiser to determine the limit price of the land to be auctioned (pay attention to Minister of Finance Regulation Number 56/PMK.01/2017 concerning Amendments to Regulations Minister of Finance Number 101/Pmk.01/2014 concerning Public Appraisers);

5. The limit price for the land being auctioned is determined by the Chairman of the District Court based on the Appraisal results from the Public Appraiser.
6. The warning hearing is recorded in the Minutes (BA), and this BA becomes the basis for the validity of the subsequent execution;
7. The Chief Justice warned that the execution respondent must carry out the contents of the decision within a maximum of 8 (eight) days (Article 196 HIR/207 RBg).
8. If the deadline has passed, and there is no information or statement from the losing party regarding the fulfillment of the decision, then from that moment on the applicant can request the Chairman of the District Court to follow up on the request for execution without having to submit a repeat application from the

winning party (Article 197 paragraph 1 HIR /Article 208 paragraph 1 RBg).

9. The procedures for managing all execution objects (point 3) above are relatively the same.
10. If the case has already had collateral confiscation (conservatoire slang), then there is no need to order another confiscation of execution (executorial slang). And if in this case the collateral is not confiscated beforehand, the Chairman of the District Court can issue a decree of confiscation of execution. If the vacating execution is not always subject to confiscation of execution, the vacating can be carried out directly without confiscation.
11. In the case of implementing a decision ordering a vacancy (real execution), the day and date for the vacancy implementation are determined by the Chairman of the District Court, after a coordination meeting with the security forces.
12. If the applicant for execution is an element of the TNI (who is still active or has retired), then the Military Police (PM) must involve security.
13. Before executing the vacancy, the location of the land or building to be vacated is first carried out by checking (constating) to ensure that the boundaries and area of the land in question are by the confiscation determination or as stated in the decision in the presence of the clerk, bailiff/bailiff. substitutes, interested parties, local officials, and, if necessary, present National Land Agency officers, as well as stated in the Minutes.
14. If notification of the execution of the vacancy is carried out using a letter (Notification Letter) to the party respondent to the execution, an adequate period must be taken into account from the date of notification until the execution of the vacancy.
15. Emptying is carried out and carried out with due regard for human values and justice, in a persuasive and non-arrogant manner. For example, by ordering the execution applicant to prepare a storage warehouse to store the goods belonging to the execution respondent within a specified time, at the applicant's expense.
16. After the vacating has been completed, the vacated land or building will immediately be handed over on the same day to the applicant for execution or his/her proxy, who will write down the handover report, in the presence of the authorities.

IV. CONCLUSION

Supreme Court Regulation (PERMA) Number 2 of 2015 in conjunction with PERMA No. 4 of 2019 concerning Procedures for Settlement of Simple Lawsuits. This PERMA is a big step from the Supreme Court to realize case resolution according to the principles of fast, simple, and low cost. The

implementation of a simple lawsuit decision is the same as the implementation of a decision in an ordinary civil case, namely that it is carried out voluntarily and executed, as stated in Article 31 paragraph (2) of Supreme Court Regulation (Perma) No. 4 of 2019 concerning changes to Supreme Court regulation no. 2 of 2015 concerning procedures for settling small claims which states: decisions that have legal force remain to be implemented voluntarily. Article 31 paragraph (3) reads: if the provisions in paragraph (2) are not complied with, then the decision is implemented based on the provisions of the applicable procedural law.

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