

Implementation Completion Case Default Through Mechanism Lawsuit Simple

(Decision Study Number : 4/ Rev.GS /2024/PN Gdt)

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Abstract: *This study discusses the implementation of default case resolution through a simple lawsuit mechanism, referring to the case study of decision Number: 4/ Pdt.GS /2024/PN Gdt . Default or negligence in fulfilling obligations can cause disputes between the parties involved in the agreement. In Indonesia, one of the available alternative dispute resolutions is the simple lawsuit mechanism, which aims to provide convenience, efficiency, and accessibility for the public in claiming their rights legally. This study examines the process and procedures for resolving default disputes through simple lawsuits at the Gedong District Court arrangements , and analysis of how this mechanism can optimize justice and reduce the burden of cases in court.*

Keywords: *Simple Lawsuit, Implementation, Default, Supreme Court*

1. INTRODUCTION

Settlement process case default through track litigation is the method that is often and usually taken by Indonesian people , the result is happen accumulation things to do immediately resolved by the court , this matter this is the background the existence of a handling process case from mechanism lawsuit simple is meant For creation implementation principle fast , simple , and costly economical .

Referring to the results survey national indicator , level trust public towards the Judicial Institution in 2024 to achieve the number 65%. or increased by 4% when compared to the results of the Indonesian Survey Institute (LSI), since January 2023 there is at 61%. The Indonesian Legal Roundtable from the 2023 Rule of Law Index survey describes " confidence public " which became the instrument is duration period Handling case in court . Found results , 44% of INH participants rated when Handling case in court need period long , especially For case civil .

However matter the Still Not yet in harmony with desire every the party expecting when court in finish case Can fast and precise which provides good profit in aspect time and also material , also certainty fair laws and judges' decisions that become A hope big For every the related parties . The court demanded For finish A case in a way based on the principle fast , simple as well as costly economical . In organizing the target said , so that be published Regulation Supreme Court No. 4 of 2019 concerning Settlement Procedures Lawsuit Simple by the Supreme Court of the Republic of Indonesia.((2018).

Mechanism Handling case from lawsuit simple be a step enough effective that can done court use realization principle fast , simple , and costly economical . For the process There is a maximum value limit that is prohibited exceeding Rp. 500,000,000, then the parties must also domiciled in the same place, both plaintiffs and also defendant as well as the solution No may exceed from 25 days counted from beginning trial first and the judge handles it case the single .

Stages Handling case from lawsuit this is simple of course become hope big for the parties whose case is being pursued through track litigation , because basically the parties to the case No want to that in a the agreement made not obeyed so that must be completed through track litigation , therefore those are the parties want to settlement the matter No convoluted twisty and fast .

If the lawsuit process simple follow applicable regulations and are based on principles fast , simple , and costly economical . So the problems faced can completed in a way fast , with economical cost . However , if the principle the No can implemented well then cost as well as the period to be covered every party will increases . So that a trial Can implemented in a way fast , simple as well as costly economical , the judge who overcomes case must be professional and refers to existing regulations , so that all problem can completed with effective

2. RESEARCH METHODS

The research method used in This research uses approach legal normative and empirical . Approach normative done with see problem law as the rules that are considered in accordance with study legal normative . Research legal normative done with method studies literature to things that are theoretical that is an approach that is carried out by examining legal sources, legal principles and scholarly opinions as well as applicable laws and regulations. Empirical approach is an approach that is carried out through direct research on research objects by means of observation and interviews related to research problems and with using secondary and primary data . The data used is data analysis using legal qualitative .

3. DISCUSSION

Implementation Completion Case Default Through Mechanism Lawsuit Simple Based on Decision Number 4/ Rev.GS /2024/PN Gd t?

Through results interview writer to Junior Chief Justice Septina SH, MH at the Gedong District Court The arrangement states that , implementation settlement case default often taken by the community , especially among businessman or legal entity , this is often based on the

inability of the debtors in carry out achievements that become agreement that has been agreed upon .

The judge saw rule regarding the settlement process case This default is optimal for implementation , this can be seen conformity deadline the day given in finish case maximum is 25 days . For judges 25 days since case it is proposed and stated that parka the fulfil elements that can handled from mechanism lawsuit simple . The judge can to cut off case the properly and appropriately applicable rules . with the time available

Then from results research that the author get to the office advocate Ngadimin SH, MH and colleagues also said similar thing , that the settlement process lawsuit simple steps that are usually taken by advocates now it's enough satisfying because inside settlement his No eat a lot of time and money spent tends to be minimal. Beside settlement its fast and tends to easy Because mark from lawsuit material is limited then the judge must Correct thorough in to cut off case , so that this fast process is not become A error in the judge's decision case , because in practice it is the judge who handles it case from mechanism lawsuit simply this is a single judge .

In the process of completion case Number 4/ Rev. G. S/2024/PN Gdt , which was carried out from mechanism lawsuit simple , PT Bank Rakyat Indonesia as plaintiff sue you Jarnoto (defendant I) and Herni (defendant II). This lawsuit was motivated by allegations that second defendant has deny the agreement that has been agreed on December 20 , 2021. The agreement the based on the letter confession debt with number 88833642/8065/12/21, and letter power sell collateral as well as handover statement collateral , all of which dated December 20, 2021.

Then plaintiff register lawsuit in the clerk's office Gedong District Court The arrangement that has authority in accordance with domicile of the parties to the case . Then clerk processing lawsuit and analyze it whether lawsuit filed enter in qualification lawsuit normal or in lawsuit simple Then Clerk Gedong District Court Arrangement , after do analysis and processing to lawsuit said , enter case numbered 4/ Rev. G. S/2024/PN Gdt to category lawsuit simple . This determination is based on the fact that all parties involved domiciled in the same area, and mark lawsuit filed only amounting to Rp. 253,347,178.00, which is not exceed limitation The maximum determined by PERMA is IDR 500,000,000 million .

After plaintiff fill in blank the lawsuit is in the Gedong District Court Arrangement Then plaintiff must attach about the defendant 's identity and also plaintiff as well as summary of the case and demands Plaintiff Together with the letter that has been legislated when register lawsuit Then clerk will take notes in the case register book special lawsuit simple and easy registration process has finished . The plaintiffs required use to finance predetermined deposit

Chairman Gedong District Court Arrangement . Next , the determination clerk and substitute judge will held maximum 2 days Work beginning case examined by the judge. At the time that , the judge will do qualification return For determine whether this matter can processed through mechanism lawsuit simple or No .

During the implementation process trial , defendant No submit rebuttal to arguments put forward by the plaintiff . With so , no there is a proof process carried out . However , if defendant submit rebuttal , next process will involving proof . For case numbered 4/ Rev. G. S/2024/PN Gdt , every defendant No to deny Contents lawsuit , so that the process continues with reading verdict and all the series of processes has passed by all parties , and the judge has decide case in accordance with applicable provision . Now, no Can implemented effort law from every parties . Therefore that , implementation decision will quick done , which must be done obeyed each Defendant is in line with the relevant judge's decision with case No. 4/ Rev. GS/2024/PN Gdt . The decision the cover , justify that defendant has proven carry out an act of denial promise and punish the Defendant to use pay off remainder credit / loan to the Plaintiff worth Rp253,347,178.00 without condition

Decisions that have status strength law still , is A the decision that has been pronounced by the judge more from seven day and where everytime the party that does not propose object and have received information about judge's decision , mandatory held with voluntary from every parties involved in matter . And with Thus , based on description the on so implementation settlement case default in court The building Arrangement with Number Case 4/ Rev.GS /2024/PN Gdt . Which was decided by Judge Septina SH, MH, through mechanism lawsuit simple , already in tune with Regulation Supreme Court Number 4 of 2019 Concerning Procedures for Settlement Lawsuit Simple

Considerations in Making a Decision Case Default Through Mechanism Lawsuit Simple Based on Decision Number 4/ Rev.GS /2024/PN Gd t?

Through results from Court Judge Interview The building The arrangement that breaks case this default through mechanism lawsuit simple Septina SH, MH about the case situation numbered 4/ Rev.GS /2024/PN Gdt plaintiff through letter his lawsuit dated June 10, 2024, which has been registered and recorded in the case register civil lawsuit simple in the clerkship Gedong District Court Arrangement July 16 , 2024 with based on and postulate reason done This lawsuit is namely when each Defendant has carried out deny promise .

Defendants I and II have stage agreement based on the Letter of Acknowledgement Debt Number 88833642/8065/12/21 dated December 20 , 2021, Power of Attorney to Sell Collateral as well as Statement Submission Collateral signed by Jarnoto and Herni to PT BRI

(Persero) Tbk , all on December 20 , 2021. In the agreement said , they confess has accept loan in form Rural General Credit amounting to Rp. 200,000,000-.

After the Judge examined proof existing documents , can concluded that at the time signing agreement said , the Defendants are already aged adult and not there is proof the law that shows that they be under guardianship . With Thus , the conditions skills law has fulfilled . In addition , during trial , no found proof existence disabled will at the time signing agreement between Plaintiffs and Defendants, whether caused by mistake , coercion , fraud , or abuse circumstances . Therefore that , the condition agreement has also been fulfilled .

Based on consideration the law that has been explained , the Judge concluded that The Plaintiff and Defendants have bound in a the stated agreement in the Letter of Acknowledgement Debt Number : SPH: 88833642/8065/12/21 dated December 20 , 2021, and Addendum I Letter of Acknowledgement Debt Number : 8065-01-004803-10-9 dated December 20 , 2021. This agreement has been fulfil conditions set in Article 1320 of the Civil Code . In the context of agreement said , the Plaintiff has carry out their obligations , while the Defendants did not Again fulfil obligation they to Plaintiff .

Consideration first , related with relevant provisions with fact the trial in which the Defendants have do default resulting in loss for The plaintiff , indicated that the Defendants have obligation For pay off remainder debt them . Therefore that , application to " punish Defendant I and Defendant II to pay paid off without condition all over remainder loan / credit (principal + interest) to Plaintiff amounting to Rp253,347,178.00 (two hundred and fifty thousand rupiah) . three million three hundred and four tens seven thousand one hundred seven tens eight rupiah)" is very reasonable and appropriate For granted .

In his petition , the Plaintiff request in number 5 that Defendant I and Defendant II be punished For pay cost things that arise . The judge, referring to the provisions of Article 192 Rbg , stated that remember lawsuit Plaintiff granted some , is as it should be for the Defendants to bear costs incurred in this matter , the amount of which amounting to Rp. 173,000.00 (one hundred thousand rupiah) . seven tens three thousand rupiah).

Based on analysis writer to judge's consideration , there is element juridical that must be be noted , namely the judge's obligation to to cut off case in accordance with aspect legality and provisions relevant laws . This includes analysis elements case based on Article 1234 of the Civil Code as well as Regulation Supreme Court Decree Number 4 of 2019 concerning Procedures for Settlement Lawsuit Simple.Consideration philosophical must loaded in the verdict , namely related with mark benefit and certainty law as well as must always consider goals , ideals and justice that is desired achieved or expected from the emergence decision in

this case . The judge must also analyze based on aspect ethics in implementation the law . Judges must also consider element sociological meaning that inside to cut off case must consider impact decision to public as well as condition social defendant , background behind social as well as living values in society to create a sense of justice from impact decision the ,

4. CONCLUSION AND SUGGESTIONS

Conclusion

Discussion in This research is Settlement of default cases through a simple lawsuit mechanism, as applied in Decision Number: 4/ Pdt.GS /2024/PN Gdt , from results The interview with Judge Septina SHMH was deemed effective and ongoing properly . The simple lawsuit process involves several stages, starting from registration, analysis of eligibility by the clerk, to the trial by a single judge. In the case in question, the lawsuit was based on a breach of contract due to the defendant's negligence in fulfilling his achievements . The settlement process is carried out in accordance with Supreme Court Regulation Number 4 of 2019, which limits the maximum lawsuit value to IDR 500 million . In The judge's considerations have loaded element juridical , philosophical and sociological in deciding the case. In this case , the judge ruled that the defendant was proven to be in default and sentenced them to pay off the loan. If not, the collateral in the form of land will be auctioned. The implementation of this simple lawsuit mechanism is considered in accordance with the principle of justice and provides convenience for the community in resolving legal disputes.

Suggestion

As a suggestion in This research is Regulatory reform related limitation mark material lawsuit simple need quick was done . Initially , the Supreme Court set a maximum limit of Rp. 300,000,000 ,- through Regulation Supreme Court Number 2 of 2015, which then improved to Rp. 500,000,000,- through Regulation Supreme Court Number 4 of 2019. Over time , the value material the need adjusted to stay relevant and easy settlement case in a way effective . And Settlement dispute in lawsuit simple need synergy between The Supreme Court as maker regulation , District Court as implementers , and the community as litigants . Good cooperation between third element

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