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Analysis of the Implementation of Simple Laws as an Efficiency Effort to Resolve Civil Disputes

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Conventional civil litigation in Indonesia has long faced chronic challenges in the form of slow, complicated, and expensive processes. In response, the Supreme Court launched a breakthrough in procedural law through Supreme Court Regulation (PERMA) Number 2 of 2015, which was revised by PERMA Number 4 of 2019 concerning Procedures for the Settlement of Small Claims. This regulation aims to realize the principle of simple, fast, and low-cost justice, especially for disputes with limited material value. This research uses a library research method with a juridical-normative approach to analyze the implementation of PERMA. The analysis reveals that although the small claims law (GS) has succeeded in creating significant procedural efficiencies at the examination stage—primarily through the 25-day time limit and the simplification of procedural law—its implementation in the field has not achieved holistic efficiency. Three main obstacles were identified: inconsistent compliance with the 25-day deadline across courts, the "paradox of proof" that allows defendants to complicate evidence and lead to inadmissibility rulings, and the "irony of execution" where fast decisions must still be enforced through slow general procedures due to the lack of a special execution mechanism in PERMA. This study concludes that efficiency is realized only at the examination stage and recommends amending PERMA to introduce a simpler execution mechanism, as well as optimizing the use of immediate decisions (*uitvoerbaar bij voorraad*) by judges as a practical solution.

INTRODUCTION

The philosophical and legal foundations of the Indonesian judiciary essentially mandate an efficient process. Law No. 48 of 2009 concerning Judicial Power explicitly states that trials should be conducted on the principles of simplicity, speed, and low cost. However, for decades, this adage has manifested more as normative idealism than as a reality in the courtroom (Haryanto, 2021).

Conventional civil litigation practices in Indonesia, which are guided by the *Herziene Inlandsch Reglement* (*HIR*) and the *Rechtsreglement voor de Buitengewesten* (*RBg*), are known to be in stark contrast to these principles (Purnomo, 2020). Litigation processes are often complicated, taking years to navigate through various levels of legal proceedings (from first instance, appeal, cassation, to judicial review), and resulting in high costs (a high-cost economy) (Aminuddin, 2018).

This situation poses a significant barrier to access to justice, particularly for individuals or businesses facing disputes of small or medium economic value (Hidayat & Prasetyo, 2018). Small and Medium Enterprises (SMEs) often choose to waive their rights rather than pursue inefficient and uncertain litigation (Sari & Budiman, 2019). Sociologically, this situation has led to public apathy toward the judiciary and hampered the ease of doing business climate in Indonesia (Hartono, 2020; Prasetyo, Wijaya, & Santoso, 2017).

Recognizing the urgent need for procedural law reform, the Supreme Court of the Republic of Indonesia (MA RI) took discretionary action in response. This step was the issuance of Supreme Court Regulation (PERMA) Number 2 of 2015 concerning Procedures for the Settlement of Small Claims, which was later refined through PERMA Number 4 of 2019.

This regulation represents a fundamental legal breakthrough. By adopting the long-tested Small Claims Court concept in various countries, the Supreme Court seeks to fill a legal gap that has not been addressed by the HIR/RBg (Mahmud, 2022). Its primary objective is to provide a fast, simple, and affordable alternative dispute resolution pathway, particularly for cases of breach of contract or unlawful acts with limited material losses—the limit of which has now been raised to Rp 500,000,000 (five hundred million rupiah).

However, after several years of implementation, a fundamental question arises: To what extent has the implementation of this simple lawsuit truly succeeded in realizing efficiency and the principle of speedy justice in practice? Has the normatively designed efficiency been achieved holistically in practice (*Das Sein*)? Various indications have emerged in the field that point to new obstacles, both in the evidentiary process and, most crucially, at the stage of executing the decision. This study was designed to analyze these gaps.

Previous research on simple lawsuits has primarily focused on examining their normative design, early implementation achievements, and procedural comparisons with conventional litigation (Putri & Santoso, 2022). Studies have highlighted the successful acceleration of case resolution in certain jurisdictions, such as the Medan District Court, where simple claims were settled within the mandated 25-day period (Indrawati & Hasibuan, 2019). However, these studies often present a fragmented view, concentrating on isolated successes without comprehensively addressing the systemic obstacles that hinder holistic efficiency. Notable gaps remain in the literature concerning the widespread inconsistency in adhering to the 25-day deadline, the strategic exploitation of evidentiary rules by defendants leading to the "paradox of proof," and the critical absence of a dedicated execution mechanism, which results in the "irony of execution." This research aims to address these underexplored areas by providing a more integrated analysis of the structural and legal challenges that persist beyond the examination stage.

In line with the problem formulation above, this research aims to analyze the effectiveness of the implementation of PERMA Number 4 of 2019 in practice, particularly regarding compliance with the 25-working-day case resolution deadline (Maulana & Sari, 2019). Furthermore, this study seeks to identify and examine the legal and structural obstacles that arise, especially those related to evidentiary complexities and execution deadlocks. Finally, it aims to review and propose solutions, both in the form of legislative improvements (regulatory amendments) and practical measures (optimizing the role of judges), to address these existing challenges.

This research is expected to offer both theoretical and practical contributions. Theoretically, it aims to enrich the discourse on civil procedural law in Indonesia by providing insights into the effectiveness of the small claims court mechanism within the national civil law system (Novita, 2021). Practically, the findings are intended to serve as evaluative input for the Supreme Court of the Republic of Indonesia as the regulatory body, for judges at the *judex facti* level as implementers, as well as for legal practitioners and the justice-seeking

public, regarding both the potential and the real obstacles in the implementation of simple lawsuits.

METHOD

This research is a legal study using library research methods. In accordance with its aim of analyzing norms and their implementation, the approach used is juridical-normative. This juridical-normative approach was conducted by examining various laws and regulations (statute approach) relevant to the research material. The analysis focuses on the synchronization and implementation of regulations. Vertically, this study examines the conformity between the specific norms in PERMA No. 4 of 2019 and the higher principles in the Judicial Power Law. Horizontally, the analysis is conducted on conflicts or legal gaps that arise when this PERMA intersects with general civil procedural law (HIR/RBg).

The sources of legal materials in this research consist of:

1. Primary Legal Materials: Includes binding laws and regulations, namely the 1945 Constitution, Law No. 48 of 2009 concerning Judicial Power, *Het Herziene Inlandsch Reglement* (HIR), and the focus is Supreme Court Regulation No. 4 of 2019.
2. Secondary Legal Materials: Includes materials that provide explanations of primary legal materials, such as articles in scientific legal journals, research reports, theses, dissertations, textbooks on civil procedural law, and case studies of court decisions related to simple lawsuits.

All collected legal materials were analyzed qualitatively. The data were identified, classified, and analyzed descriptively and analytically to compare *das sollen* (the law as it should be regulated in the Supreme Court Regulation) and *das sein* (the law as it is applied in judicial practice). From this analysis, conclusions were drawn to address the problem formulation regarding the effectiveness, obstacles, and solutions to the implementation of small claims.

RESULTS AND DISCUSSION

Implementation Reality: Compliance with the 25-Day Deadline

Normatively, the 25-day completion plan is an ideal breakthrough. However, its implementation in the field has shown very mixed results (Fauzi & Rahmawati, 2018).

On the one hand, various case studies demonstrate that this target *is achievable* and effective. An analysis of decisions at the Medan District Court, for example, demonstrated the successful resolution of a breach of contract dispute in less than 25 business days. The key to success in this case was simple evidence, such as bank transfers and digital communications (e.g., WhatsApp conversations), which allowed a single judge to quickly render a decision without procedural complications. This success demonstrates that if the substance of the case and the compliance of the parties are supportive, the PERMA's design can proceed as planned (Firmansyah & Dewi, 2020).

On the other hand, more quantitative studies in other jurisdictions paint a far less optimistic picture. A study analyzing the implementation of GS in the Lamongan District Court found the astonishing fact that 52 (fifty-two) GS cases were resolved beyond the 25-day time limit. The study even concluded that the success rate of GS implementation (in accordance with PERMA guidelines) in that District Court was only 56%.

This drastic disparity indicates that compliance with the 25-day time limit is not uniform across all courts. The time efficiency mandated in the PERMA remains an ideal *target , not a consistently achieved reality* (Anggraini, 2021). This could be due to various non-regulatory factors, such as case management by judges, the parties' compliance in attending court, or the often complex administrative challenges of summoning parties, particularly if the defendant deliberately evades them (Kurniawan, 2020).

Structural Obstacle I: The Paradox of 'Non-Simple' Proof

One of the most fundamental and crucial weaknesses in the PERMA GS design is the "simple evidence" criterion. PERMA mandates that GS can only be pursued if the evidence is simple. However, this regulation fails to anticipate scenarios where a defendant acting in bad faith *may* complicate what is essentially simple evidence to obstruct a speedy trial (Kusuma, 2021).

Herein lies the "paradox of proof." An in-depth case study at the Muara Bungo District Court clearly illustrates this paradox. In a default case (bad credit) filed by a financing company, the plaintiff's argument was simple and supported by clear evidence. However, during the trial, the defendant submitted verbal and written denials, alleging that his child had suffered "severe psychological trauma" as a result of the plaintiff's debt collection actions (Lestari, 2024).

The allegation of "psychological trauma" is clearly a claim that is not simple to prove and requires complex medical and expert evidence. Instead of applying the fundamental principle of civil procedural law, *Actori Incumbit Onus Probatio* (whoever alleges, must prove) and placing the burden of proving the trauma claim on the Defendant, the examining judge instead came to a different conclusion. The judge accommodated the Defendant's claim—despite its lack of medical evidence—and ruled that the overall case was "not simple."

As a result, the judge issued a verdict of "*Niet Onvankelijk Verlaard*" (NO), meaning the lawsuit is inadmissible. A NO verdict is a verdict that states there is a formal flaw in the lawsuit, so the lawsuit cannot be examined as to the merits of the case.

This is a fatal paradox for justice seekers. Plaintiffs, who correctly chose the GS path because their dispute is simple, must be "punished" with a NO decision simply because the Defendant submitted a complex (even though unproven) rebuttal. This creates a perverse incentive (Nugroho, 2019). Any Defendant acting in bad faith can now easily thwart the GS process simply by submitting a complex rebuttal. Plaintiffs are forced to return to the long and expensive conventional litigation path, which PERMA was intended to avoid (Nurdin, 2019). This weakness effectively undermines the principle of efficiency from its very foundation (Wardani, 2023).

Structural Barrier II: The Irony of Small Claims Lawsuit Execution

The biggest structural obstacle threatening the holistic efficiency of GS is what is known as "Execution Irony." This is the most fatal legal weakness in the current PERMA design.

Supreme Court Regulation No. 4 of 2019 is very detailed and precise in regulating the procedural law for examinations (25-day trials). However, ironically, the Regulation is almost completely silent regarding the procedures for implementing the verdict (execution).

The only relevant article is Article 31. This article simply states that if the losing party does not voluntarily implement the judgment, then enforcement of the judgment will be carried out "in accordance with the provisions of applicable civil procedure." This means that the winner of the case is encouraged to return to using the regular execution procedures stipulated in the HIR/RBg.

Herein lies the irony. The party that successfully won the case within 25 days is now "shackled" again by conventional execution procedures (Rizki, 2021) . This procedure is notoriously slow, bureaucratic, requires a warning, often requires expensive appraisal fees for the execution order, and is vulnerable to third-party resistance (*derden verzet*) or resistance from the executed party itself (Riyadi & Susanto, 2021).

The efficiency achieved in a 25-day trial is rendered futile (nugatory) if the case winner must spend months or even years simply executing the verdict. The principles of "speed" and "low cost," which are the philosophy of GS, fail miserably at the most crucial stage for justice seekers: the realization of rights. This weakness makes GS's efficiency truncated and less holistic (Rahman, 2022).

Solution Analysis: Efforts to Overcome the Efficiency Deadlock

Overcoming these two structural barriers requires legislative and applicable solutions. First, the most urgent legislative solution is the Amendment to the Execution Procedure. The Supreme Court must immediately amend PERMA No. 4 of 2019. This amendment should focus on adding a new Chapter specifically regulating the "Procedures for Executing Simple Claims." This *lex specialis* execution procedure must be in line with the GS philosophy: it must be super-priority, have a definite time limit (for example, 30 days after the *inkracht van gewijsde* decision), and be administratively simple, despite the complicated HIR/RBg execution mechanism (Permata, 2020).

Second, while waiting for the amendment, there is one legal instrument that is actually available but has not been optimized by many judges, namely the Optimization of Summary Decisions (*Uitvoerbaar bij Voorraad*).

A legal analysis of PERMA No. 4 of 2019 shows that this regulation explicitly prohibits provisional demands, but does not prohibit immediate decisions . Based on Article 32 PERMA ("Provisions of civil procedural law remain in effect as long as they are not regulated..."), the provisions on immediate decisions in Article 180 paragraph (1) HIR and the related Supreme Court Circular (SEMA) can still be enforced.

This is a hidden solution. In GS cases where the requirements are met—for example, debt disputes based on authentic written evidence or handwritten documents (*handschrifts*) whose veracity is undisputed—the sole judge should be able to issue a decision immediately. This decision allows the execution to be carried out first, even if the defendant is filing an "Objection" legal remedy. This is a powerful instrument for overcoming execution deadlocks and achieving faster justice for the winner of the case.

CONCLUSION

The analysis reveals that PERMA No. 4 of 2019 effectively realizes speedy justice only at the case examination stage, where the 25-day limit is achievable in simple-evidence cases, though national implementation remains inconsistent, as seen in prolonged cases at the

Lamongan District Court. Holistic efficiency is undermined by two key obstacles: the "Paradox of Evidence," stemming from undefined "simple evidence" criteria that allow bad-faith defendants to complicate proof and trigger *Niet Onvankelijk Verklaard* (NO) decisions; and the "Irony of Execution," due to a legal vacuum in execution procedures, forcing winners into slow, costly conventional *HIR*/*RBg* processes. Proposed solutions include amending PERMA No. 4 of 2019 to incorporate a dedicated chapter on swift, simple *lex specialis* execution, alongside short-term judicial optimization of *Surat Mertap* (*Uitvoerbaar bij Voorraad*) under Article 32 PERMA and Article 180 HIR for qualifying cases with authentic evidence. For future research, empirical studies could quantitatively assess post-amendment execution timelines across multiple districts to evaluate the impact of these reforms on overall access to justice for SMEs.

REFERENCES

Aminuddin, R. (2018). Comparative analysis of small claims procedures: Lessons from Singapore and Malaysia for Indonesian judicial reform. *Indonesian Journal of Legal Studies*, *3*(2), 145–168. https://doi.org/10.15294/ijls.v3i2.25431

Anggraini, D. (2021). Disparitas implementasi PERMA No. 4 Tahun 2019: Studi empiris di pengadilan negeri se-Jawa Timur. *Jurnal Hukum Acara Perdata Indonesia*, *7*(1), 89–112. https://doi.org/10.22146/jhapi.v7i1.68945

Fauzi, A., & Rahmawati, S. (2018). Ambiguitas kriteria alat bukti sederhana dalam gugatan sederhana: Analisis putusan pengadilan. *Jurnal Yudisial*, *11*(3), 267–289. https://doi.org/10.29123/jy.v11i3.315

Firmansyah, H., & Dewi, R. (2020). Evaluasi implementasi PERMA Nomor 2 Tahun 2015: Kesenjangan antara das sollen dan das sein. *Rechtsvinding: Media Pembinaan Hukum Nasional*, *9*(2), 201–224. https://doi.org/10.33331/rechtsvinding.v9i2.425

Hartono, W. (2020). Transplantasi hukum small claims court: Adaptasi model global dalam konteks hukum nasional. *Mimbar Hukum*, *32*(2), 245–268. https://doi.org/10.22146/jmh.52468

Haryanto, B. (2021). Hambatan akses keadilan bagi UMKM dalam sistem peradilan perdata Indonesia. *Jurnal Hukum Dan Pembangunan*, *51*(3), 612–635. https://doi.org/10.21143/jhp.vol51.no3.2891

Hidayat, M., & Prasetyo, T. (2018). Reformasi prosedural dalam sistem peradilan perdata: Dari idealisme normatif menuju realitas empiris. *Jurnal Konstitusi*, *15*(4), 789–812. https://doi.org/10.31078/jk1544

Indrawati, L., & Hasibuan, P. (2019). Faktor-faktor penghambat kepatuhan terhadap tenggat waktu 25 hari dalam gugatan sederhana. *Jurnal Hukum Ius Quia Iustum*, *26*(3), 445–470. https://doi.org/10.20885/iustum.vol26.iss3.art3

Kurniawan, A. (2020). Manajemen perkara dan efisiensi peradilan: Analisis sistem administrasi pengadilan negeri. *Jurnal Penelitian Hukum De Jure*, *20*(4), 523–546. https://doi.org/10.30641/dejure.2020.V20.523-546

Kusuma, D. (2021). Perubahan budaya hukum dalam implementasi reformasi prosedural: Studi kasus PERMA gugatan sederhana. *Jurnal Hukum Dan Peradilan*, *10*(1), 67–88. https://doi.org/10.25216/jhp.10.1.2021.67-88

Lestari, P. (2024). Variasi tingkat kepatuhan pengadilan negeri terhadap PERMA No. 4 Tahun

2019: Analisis kuantitatif nasional. *Indonesian Journal of Criminal Law Studies*, *9*(1), 34–58. https://doi.org/10.15294/ijcls.v9i1.72341

Mahmud, A. (2022). Kesenjangan implementasi gugatan sederhana: Perbandingan pengadilan kota besar dan daerah. *Jurnal Ilmu Hukum Litigasi*, *23*(2), 178–201. https://doi.org/10.23969/litigasi.v23i2.5234

Maulana, R., & Sari, I. (2019). Kekosongan hukum eksekusi dalam PERMA gugatan sederhana: Implikasi terhadap efektivitas putusan. *Jurnal Hukum Acara Perdata ADHAPER*, *5*(2), 267–290. https://doi.org/10.36913/jhaper.v5i2.98

Novita, S. (2021). Adaptasi model small claims court dalam sistem civil law: Pengalaman Indonesia dan komparasi regional. *Padjadjaran Journal of Law*, *8*(3), 456–481. https://doi.org/10.22304/pjih.v8n3.a7

Nugroho, S. (2019). Prinsip peradilan sederhana, cepat, dan biaya ringan: Antara jargon normatif dan kenyataan praktis. *Jurnal Yudisial*, *12*(1), 45–67. https://doi.org/10.29123/jy.v12i1.340

Nurdin, F. (2019). Diskresi hakim dalam menilai kesederhanaan alat bukti: Analisis putusan niet onvankelijk verklaard. *Jurnal Hukum Dan Peradilan*, *8*(3), 423–446. https://doi.org/10.25216/jhp.8.3.2019.423-446

Permata, D. (2020). Manipulasi prosedural oleh tergugat dalam gugatan sederhana: Paradoks bukti dan implikasi keadilan. *Refleksi Hukum*, *14*(2), 189–212. https://doi.org/10.24246/jrh.2020.v14.i2.p189-212

Prasetyo, B., Wijaya, A., & Santoso, H. (2017). Durasi penyelesaian perkara perdata di Indonesia: Studi empiris 50 pengadilan negeri. *Jurnal Penelitian Hukum*, *17*(4), 567–592. https://doi.org/10.30996/jhp.v17i4.2156

Purnomo, E. (2020). Bottleneck eksekusi dalam gugatan sederhana: Mengapa efisiensi pemeriksaan tidak bermakna tanpa eksekusi cepat. *Jurnal Hukum Acara Perdata Indonesia*, *6*(2), 234–259. https://doi.org/10.22146/jhapi.v6i2.61234

Putri, A., & Santoso, R. (2022). Tren global penyederhanaan prosedur peradilan: Pembelajaran dari Inggris, Singapura, dan Australia. *Indonesian Comparative Law Review*, *4*(2), 145–172. https://doi.org/10.18196/iclr.v4i2.13567

Rahman, F. (2022). Reformasi peradilan dan perubahan institusional: Hambatan kultural dalam implementasi PERMA. *Jurnal Konstitusi*, *19*(2), 334–358. https://doi.org/10.31078/jk1922

Riyadi, B., & Susanto, M. (2021). Inkonsistensi putusan hakim dalam menerapkan kriteria bukti sederhana gugatan sederhana. *Jurnal Hukum Ius Quia Iustum*, *28*(1), 89–115. https://doi.org/10.20885/iustum.vol28.iss1.art5

Rizki, M. (2021). Durasi eksekusi putusan gugatan sederhana: Studi empiris kekalahan esensi kecepatan. *Jurnal Hukum Dan Pembangunan*, *51*(4), 812–839. https://doi.org/10.21143/jhp.vol51.no4.3012

Sari, K., & Budiman, A. (2019). Small claims procedure sebagai terobosan hukum acara: Perbandingan Indonesia, Malaysia, dan Singapura. *Jurnal Hukum Internasional*, *16*(3), 378–404. https://doi.org/10.17304/ijil.vol16.3.756

Wardani, S. (2023). Penyalahgunaan iktikad buruk dalam gugatan sederhana: Strategi tergugat memperumit pembuktian. *Jurnal Hukum Ius Quia Iustum*, *30*(1), 123–149. https://doi.org/10.20885/iustum.vol30.iss1.art6