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Juridical Review towards the Arrangement on Implementation of the Decisions of Small Claim Court

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Abstract: Simple Lawsuit (small claim court) is procedures of the settlement of certain civil disputes, which have certain criteria and conditions in a simple, fast and low-cost way. Basically, the decision of simple lawsuit is carried out voluntarily, but if it is not carried out voluntarily, then the decision is carried out based on the applicable Civil Procedure Law, it means that it must refer to the provisions of Article 196 HIR / 207 R.Bg. This study aims to examine the settlement and the implementation of the decision of small claim court, and the legal procedures that must be taken if the Simple Lawsuit decision is not carried out voluntarily. This study uses the normative juridical method. The results of the study show that PERMA No. 2 of 2015 has not specifically regulated about the implementation of a Simple Lawsuit Decision, so that the winning party must take the usual Civil Procedure Law which is non-simple. It is suggested that PERMA Number 2 of 2015 should also specifically regulate the implementation of Simple Lawsuit decisions that are different from ordinary civil procedure cases in order to achieve the principles of justice, legal certainty, and expediency for justice seeker community.

Keywords: Juridical Review, The Arrangement, Implementation, Decision, Simple Lawsuit.

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I. INTRODUCTION

PERMA Number 2 of 2015 is part of rules of procedural law that regulates the procedure of settlement of civil disputes which have specific criteria and requirements, which are easy to handle and are still possible to be done with simple methods and procedures. The Judge's decision in a simple lawsuit case is carried out voluntarily without coercion, as confirmed in the provisions of Article 31 paragraph (2) of PERMA Number 2 of 2015, which states that, "Decisions that are legally binding are carried out voluntarily", then Article 31 paragraph (3) determines that In case the provisions of Article 31 paragraph (2) are not obeyed, the decision shall be implemented based on the provisions of the applicable Civil Procedure Law". It means that the winning party must request the execution through Head of District Court where the lawsuit was filed which certainly requires time, cost and stages that is long and complicated. Such a condition will certainly eliminate the simplicity of a simple lawsuit which ultimately the goal to achieve the principle of justice that are fast, simple, and low cost desired by PERMA Number 2 of 2015 is far from expectations. Based on the above view mentioned above, thus it is necessary to conduct a legal review of the Arrangements on Implementation of the Decision of Small Claim Court.

II. RESEARCH METHOD

This study uses a normative juridical approach, which is a problem that is discussed based on applicable regulations and then connected with the facts that occur in society. This type of research is prescriptive that is based on theory or concept to explain a set of data, or to show the relationship of a set of data with another set of data.[1] In this study several approaches are known, including: Statute Approach, analytical approach, conceptual approach, historical approach, philosophical approach, and case approach.[2]

[1]Johnny Ibrahim, *Teori & Metode Penelitian Hukum Normatif*, Bayumedia, Malang, 2012, hlm. 295.
[2] Peter Mahmud Marzuki, *Penelitian Hukum,* Edisi Pertama, Cetakan Ke-4, Kencana, Jakarta, 2008, page. 93.

III. THE RESULTS OF RESEARCH AND DISCUSSION

3.1. Arrangement and Procedure of Dispute Resolution in Simple Lawsuit Case at District Court.

Although the Simple Lawsuit case is part of the civil procedural law, in the case of civil dispute resolution mechanism through a simple lawsuit contained in PERMA Number 2 of 2015, there are many differences with the mechanism for handling ordinary civil cases specified in the Civil Procedure Code or in the HIR / Rbg, there are even some deviations from the provisions of the Civil Procedure Law, it aims to do the reformation in civil procedural law in fulfilling the needs of the justice seeker of community so that the settlement of civil cases that are simple in nature do not become protracted and too expensive.

Dispute resolution in a simple lawsuit is carried out through several stages, namely:

1. The stage of Preliminary Inspection.

The initial stage in submitting a settlement through a Simple Claim is that the plaintiff registers the case to the clerk of court and completes the lawsuit form that has been prepared at the court office. The Lawsuit form contains information about, as follows:

a. Plaintiff and Defendant's Identity
b. Brief explanation of the case.
c. Plaintiff's Claims.

At the time of filing a lawsuit, the Plaintiff must attach documentary evidence that has been legalized in the lawsuit letter. The registration of Lawsuit may be represented by legal counsel / advocate.

After the case is registered, the clerk of District Court checks the lawsuit filed, whether or not it meets the requirements mentioned in the rule and conditions that is stipulated in Article 3 and 4 of PERMA Number 2 of 2015, if it does not meet the requirements then the clerk of court will return the lawsuit, If it meets the requirements of the lawsuit, it can be registered in a special register of simple lawsuit cases.

After being registered in the case register, the Plaintiff pays the advance fee of the case in accordance with the provisions made by the head of the court. However, for people who cannot afford economically (the poor), they can file a lawsuit by means of a free trial (prodeo) in which all costs are covered by the State, then the Head of the District Court appoints the Judge to check a simple lawsuit case and clerk of the court appoints a substitute clerk of the court to assist in the process of inspection of simple lawsuit. The process of Registration, appointment of Judge and clerk of the court are no later than two (2) days. Thus, this simple lawsuit was inspected by a single Judge.

A Simple Lawsuit is known for a preliminary inspection by a Single Judge in order to assess and determine whether the case is a simple lawsuit or not, and if the plaintiff's lawsuit file is not a simple lawsuit, thus the Judge shall issue a determination stating that the plaintiff's lawsuit is not a simple lawsuit and commands to write off the case from the case register and then the rest of the case fee is returned to the Plaintiff.

The First Trial, if the Plaintiff is not present without a valid reason, the claim is declared null and void, while if the Defendant is absent from the first trial, the defendant is legally and properly called the second time, and if in the second trial the Defendant is still absent, the Judge decides the case. Although the Defendant was absent and the case was decided, the Defendant has the right to file an objection.

If the Defendant is present at the trial for the first time, but subsequently never attends without a valid reason, then the inspection of the case continues and the case is decided by *contradictoir*.

At the first trial attended by the parties, the judge sought peace. Peace here excludes provisions governed by the Supreme Court regarding mediation procedures. This means that in a simple lawsuit there was no attempt at mediation with the mediator, but the Judge who handled the litigation actively encourages the parties to make peace; If peace is agreed by the parties, then Peace will be stated in the Decision of the Deed of peace which is binding on the parties. The decision of the peace certificate cannot be submitted for legal effort.

The Small Claim Court provides a time limit for the inspection, which is no longer than 25 days from the first day of trial, therefore in this simple lawsuit there is no room for filing lawsuit of provision, exceptions, reconventions, interventions, replications, duplications, or conclusions.

2. Stage of Judge's Decision

Judges' decisions in simple lawsuit cases must be read out in a public hearing and after reading the verdict, the Judge notifies the party who did not receive the decision to file an objection.

Legal efforts of the objection can be made against judges' decisions both against the decisions that is imposed outside the presence of the Defendant (verstek) or contradictoir decision.

3. Stage of filing an Objection

The final decision of the small claim court, in PERMA No. 2 of 2015 regulates that the parties can submit the objections that are submitted to the Chair of the court at the local District Court, this matter as referred in Article 21 PERMA Number 2 of 2015. The request for objections is made no later than seven days after the decision is pronounced or after the notification of the decision. Furthermore, the request for objection is

accompanied by the reasons for which the form is provided in the Court accompanied by the memory of the objection, The applicant also signed the Deed of Objection in front of the Registrar (clerk of the court), as stated in Article 22 of PERMA Number 2 of 2015.

The notification of objection and the memory of objection to the defendant party no later than 3 (three) days after the request is received at the Court. Contra-memory is submitted by the defendant to the court no later than 3 (three) days after the notification of the objection, as referred to Article 24 PERMA Number 2 of 2015.

Article 25 of PERMA Number 2 of 2015 states that, "the Head of the Court, no later than 1 day after the file has been declared complete, appoints the Panel of Judges led by a senior Judge to inspect the objection". Furthermore, Article 26 of PERMA Number 2 of 2015 states that, "The Panel of Judges conducts the inspection on the basis of: a) Decisions and simple lawsuit files, b) Requests and memory of objections and c) contra-memories of the objection. In the inspection of objection there is no additional inspection".

4. Implementation of the Decisions

Decisions of permanent legal force in a simple lawsuit include the Judge's Decision which is not submitted for the objections and the Decision of the Panel of Judges for the legal effort of the objections. This decision is expected to be done voluntarily, but if it cannot be done, the Plaintiff may submit a legal effort of execution according to the applicable procedural law.

3.2. Legal constraints in the implementation of the Simple Lawsuit decision

PERMA Number 2 of 2015 concerning Procedures for the Settlement of a Simple Lawsuit (small claim court) is a progressive idea because it has a simple procedure for settlement and verification, because it only requires a maximum settlement time of 25 (twenty-five) working days from the day of the first trial, so that the principles of justice that are fast, simple, and low cost, can be realized in the level of judicial practice as mandated by Article 2 paragraph (4) of Law Number 48 of 2009 Concerning Judicial Power.

After a simple lawsuit decision has permanent legal force (inkracht van gewijsde) thus the decision can be implemented. Basically, the aim of the parties to submit their case to the court is to settle their case completely through court decision, but even though there has been a court decision, it does not mean that the case has been completely resolved, the case will be considered finished if the decision has been implemented perfectly.

The implementation of civil case decisions in general courts does not always go well, it is similar with the implementation of decisions in Simple Lawsuit regulated by PERMA Number 2 of 2015 concerning Simple Lawsuit, where the general court in this case the District Court sometimes is found the obstacles in implementing the regulations, including the absence of obedience of the losing party to implement the contents of a simple lawsuit decision voluntarily even though the decision has obtained permanent legal force (inkracht van gewijsde), whereas in PERMA Number 2 of 2015 concerning Procedures for the Settlement of Simple Lawsuit, especially in Article 31 paragraph (2) states that decisions that have permanent legal force are still enforced voluntarily.

According to Fakhruddin as Micro Business Assistant Manager at PT. Bank Rakyat Indonesia (Persero) Tbk Sigli, explained that from 4 (four) simple lawsuit cases submitted by Bank Rakyat Indonesia, there was 1 (one) case which was not carried out voluntarily by the losing party namely Case 05 / Pdt.GS /2017.PN.Sgi.[3]

The case has been decided by the Sigli District Court on January 9, 2018, through DECISION No. 05 / Pdt.GS / 2017.PN.Sgi. with the contents of the DECREE as follows:

1. Granting the Plaintiff's Lawsuit for partial and refused for the rest.
2. Declaring that the Addendum for Debt Recognition Letter 1 Number 3977-01-002397-10-0 between the Plaintiff and the Defendant, on Monday 30 September 2013 in Padang Tiji is valid and has legal force.
3. Declaring the Defendant has performed Defaults (broken promises).
4. Sentencing the defendant to pay the entire arrears to the Plaintiff in the amount of Rp.57,271,864 (fifty-seven million two hundred seventy-one thousand eight hundred and sixty rupiah).
5. Imposing the execution of confiscation in this case it was put on :
    a. The Certificate of ownership No. 744 on March 02, 2007 on behalf of Asnawi Muhammad Ali;
    b. The original certificate of ownership No. 1174 On 30th December 2009 on behalf of Asnawi Muhammad Ali;
    c. The Four-Wheeled Vehicles with Proof of Ownership of Motorized Vehicles Number D 5174604.
6. Giving the Plaintiff the right to sell the Defendant's collateral mentioned above through auction and take income of sales to pay off the Defendant's debt.

[3] *Ibid.*

7. Sentencing the Defendant to pay the costs incurred in this case in the amount of Rp.304.000,- (three hundred four thousand rupiah).

The Decision which is mentioned in the case above, since it was decided on January 9, 2018, the defendant did not submit an objection remedy even though Article 21 PERMA Number 2 of 2015 has determined that "Requests for objections are made no later than seven days after the verdict is pronounced or after notification of the verdict" therefore this decision has been legally binding since January 15, 2018. Thus, since exceeding 7 (seven) days from the time of filing an objection, the decision should have been able to be carried out by the losing party voluntarily as determined by Article 31 paragraph (2) of PERMA Number 2 of 2015 concerning Procedures for the Settlement of a Simple Lawsuit which states that "Decisions in a Simple Lawsuit are carried out voluntarily by the losing party".

Basically, every party who filed a lawsuit to the Court certainly hopes that the case can be resolved quickly, easily and at a low cost so that the time, energy and costs incurred become balanced with the expected demands (sacrifice).

In order to respond the wishes and hopes of such justice seekers, The Supreme Court of the Republic of Indonesia has sought to find a solution to solve this problem and finally the Supreme Court of the Republic of Indonesia was able to create Regulation through PERMA Number 2 of 2015 concerning Procedures for the Settlement a Simple Lawsuit. This PERMA Number 2 of 2015 aims to create a simple, fast and low cost legal procedure, so that the time needed to settle a case through a simple lawsuit is only 25 (twenty five) days.

The lack of time required to settle the case through a Simple Lawsuit is certainly beneficial for justice seekers and it is a hope for everyone who wishes to settle a case through a judicial institution.

The creation of regulations or legal rules as a solution to solve legal problems in the community is not necessarily able to satisfy justice seekers, especially if the party defeated in the Court Decision does not have the awareness to voluntarily obey and execute the Court Decision which has permanent legal force.

In principle, PERMA Number 2 of 2015 concerning Procedures for the Settlement a Simple Lawsuit emphasizes that decisions in a Simple Lawsuit are carried out voluntarily by the losing party. However, in reality, not all losing parties have a willingness to execute the judge's decision voluntarily. As in the case of a simple lawsuit Number: 05 / Pdt.GS / 2017.PN.Sgi mentioned above, although it has been decided by the District Court of Sigli on January 9, 2018, however the Defendant as the losing party did not have the awareness to voluntarily carry out the Judge's Decision.

Legal effort that must be carried out by the winning party in a Simple Lawsuit Case as stipulated in Article 31 paragraph (3) is by submitting an application for execution following the procedures for execution of an ordinary Civil case through the Head of the District Court where the case is filed.

Following the procedure as in ordinary civil cases certainly requires time, energy and costs that must be incurred by the party that wins in the case, this has made a simple lawsuit no longer simple. However, this procedure is the only way to regain the lost rights, if the losing party is unwilling to voluntarily fulfill its obligations to carry out the Court's Decision.

Related to legal efforts towards the implementation of the Decision in the case of a simple lawsuit dispute, so far Perma number 2 of 2015 has not specifically regulated this matter so it must refer to the provisions of the ordinary Civil Procedure Code.

Regardless of indicators provides special notes regarding the Arrangements on implementation of the decisions of simple lawsuit so that until this research takes place, in fact it is found difficulties and obstacles to be able to carry out executions quickly, easily and at a low cost because they have to take the way which is regulated in civil procedural law in general, so that if the decision of the lawsuit is to be executed, then the parties should submit a request for confiscation of collateral or seizure of execution for the case that has been *inkracht.*

The implementation of a decision is against a court decision that already has permanent legal force *(in kracht van gewijsde),* which is a decision that is no longer possible to be challenged with verzet, appeal, and appeal to the Supreme Court. Implementation of the judge's decision can be voluntary, and if the convicted party does not want to carry out voluntarily, then the court's decision has an executorial power, which can be carried out by force by state apparatus. The court's decision is executorial because the head part of the decision says that "For the Sake of Justice Based on the Almighty God".

Based on Article 196 HIR / 207 R.Bg regulates about the implementation of decisions resulting from the actions of the defendant who are reluctant to voluntarily implement the contents of the decisions, so that the plaintiff as the party who was won submits an application verbally or in writing to the Head of the District Court of Sigli, thus the verdict can be carried out.

The issuance of PERMA No. 2 of 2015 is expected to have an impact on the process of settling civil cases based on the principle of simple, fast and low cost that has only been considered as adage.

Fast court does not differ greatly from what is meant by a simple court, where the dispute resolution process must have a definite target of time and not waste time. In addition, the legal procedures currently in

force are still very complicated and impractical. Therefore, if the court cannot realize the hope of justice seekers in their aspiration to obtain real justice (in concreto), and such justice should not be abstract (in abstracto), which will create a paradigm of mistrust of justice seekers, so that there will be emergence of chaotic understanding (Chaos) in the community towards the judiciary institution.

As it is stated by John Rawls,[4] justice is the main virtue in social institutions, as is truth in systems of thought. A theory, even if elegant and economical, must be rejected or revised if it is not true. Likewise, laws and institutions, no matter how efficient and neat, must be reformed or removed if it is unfair. And as it is understood that law is one of the tools in life that aims to create justice, order and peace in society where the law is located.[5]

If it is seen from law enforcement in principle, it must be able to provide benefits or be efficient (utility) for the community, however in the other hand the community also hopes for law enforcement to achieve justice. Although, it cannot be denied that what is considered as useful (sociologically) is not necessarily fair, and contrarily, what feels fair (philosophically), is not necessarily useful for the community.

Such conditions cause people to only want the existence of a legal certainty, namely the existence of a regulation that can fill the legal vacuum without regard to whether the law is fair or not. This social reality forces the government to immediately make regulations in a practical and pragmatic manner, prioritize the areas that is most urgent in accordance with the demands of society without strategic prediction, so that it creates regulations that have patchy character and its applicability power does not last long. As a result, it does not guarantee legal certainty and a sense of justice in society.

At this level and situation, the moral awareness of the people of course will no longer always be the same and congruent with people's legal awareness. Laws developed from the aspiration of reform and development of national states will also require another basis of legitimacy, which is not always taken for granted from the moral legitimacy of the people that has existed so far. The laws of economics, traffic and urban planning which base themselves on pragmatic purposes are certainly apart from traditional moral consciousness.[6]

In the implementation of law enforcement, justice must be considered, but the law is not synonymous with justice, the law is general, binding on everyone, is generalized. Everyone who steals must be punished without discriminating who commits the theft. Otherwise, justice is subjective, individualistic and not generalized.[7] Fair to someone is not necessarily felt fair for others.

According to Aristotle in his thoughts namely, "Ethica Nicomacea" and "Rhetorica" revealed that the law has a sacred duty, namely to give everyone what he/she is entitled to receive. This assumption is based on ethics and argues that the law is only responsible for the existence of justice (Ethische theorie). But this kind of assumption is not easy to practice, because it is impossible for people to make their own legal regulations for each human being, because if it is done then it certainly will be inexhaustible. That is why the law must make general rules, legal methods are not held to settle a particular case. Legal norms do not refer to a specific person's name, legal norms only make a certain qualification.[8] The certain qualification is something abstract. The consideration about concrete matters is submitted to the judge.

Based on the assumption above, the law cannot be emphasized only on a certain value, but must contain various values, for example, we cannot assess the validity of a law from the point of its regulation or its legal certainty, but also must consider the other values.

According to Radbruch, the law must fulfill various works referred to as the basic value of the law. The basic value of the law is justice, usefulness and legal certainty.[9] Even though all three are the basic values of the law, but among them there is a Spannungsverhaltnis (tension), because among the three values of the legal basis, each of them has different demands from each other, so that all three have the potency to conflict with each other.

If the tendency is to hold more on the value of legal certainty or from the point of its regulation. Then, as a value, it immediately shifts the values of justice and usefulness because the important thing in the value of certainty is the rule itself. Regarding whether the regulation has fulfilled a sense of justice and useful for the community is outside the priority of the value of legal certainty. Similarly, if we are more inclined to stick to the value of utility, then as a value, it will shift the value of legal certainty and the value of justice, because what is important for the value of utility is the fact whether the law is beneficial or useful for society.

Likewise, if a tendency only holds to the value of justice, then as a value it will shift the value of certainty and usefulness, because the value of justice is not bound to legal certainty or value of utility, it is

[4] Mosgan Situmorang, *Loc, Cit*, page. 108.
[5] Purnadi Purbacarah dan Soejono Soekanto, *Loc. Cit*, page. 20.
[6] Soetandyo Wignjosoebroto, *Hukum, Paradigma, Metode dan Dinamika Masalahnya*, Cetakan Pertama, ELSAM dan HUMA, Jakarta, 2002, page. 380.
[7] Sudikno Mertokusumo, *Bab-bab Tentang Penemuan Hukum*, Citra Aditya Bakti, Yogyakarta, 1993, page. 2.
[8] E. Utrecht, *Pengantar Dalam Hukum Indonesia*, Balai Buku Ichtiar, Jakarta, 1962, page. 24-28.
[9] Satjipto Rahardjo, *Ilmu Hukum*, Alumni, Bandung, 1986, page. 21.

caused by something that is perceived to be fair does not necessarily in accordance with the value of usefulness and legal certainty.[10] Thus, we must be able to make comparisons between the three values or be able to attempt the existence of a compromise that is proportionately harmonious, balanced and compatible between the three values.

In Indonesia the principle of legal certainty does not apply as a single principle in the Indonesian legal system. Since the enactment of Law Number 14 of 1970 concerning Judicial Power which was later replaced by Article 28 paragraph (1) of Law Number 4 of 2004 concerning Judicial Power, in addition the application of contents of the law, the judge must also explore the values of justice that live within the community. This means that, in addition to legal certainty, the world of justice also emphasizes a sense of justice.

In Article 1 paragraph (3) of the 1945 constitution of the Republic of Indonesia the result of the amendment also states that Indonesia is a state of law without mentioning the appendage of rechstaat. This change is to provide space, both on the principle of legal certainty as well as on the principle of justice. This is confirmed in Article 28 letter h of the 1945 Constitution of the Republic of Indonesia (UUD 1945) which emphasizes the importance of expediency and justice.

From the description above, it can be concluded that what is obtained in the articles is that both legal certainty and the fulfillment of a sense of justice are accommodated in the Indonesian legal system. From the two that then creates a dilemma because in its practice they are not treated integratively but alternatively. The accommodation of these two principles which in reality is often manifested into conflicting principles creates ambiguity of orientation and tends to be contradictory. Law enforcement officials have alibi to choose which principles will be used to seek victory only and not to seek the truth.

Therefore, for legal efforts that must be given to justice seekers who expect the expediency of the simple lawsuit decision, must have a real value of justice in its application, so that it can provide good value to law enforcement itself, namely in a professional and proportional manner, as mandated in the ideology of the state of Indonesia which is Pancasila and the basis of the state of Indonesia namely the 1945 Constitution of the Republic of Indonesia, which is then bound in a complete unity that is "Unity in Diversity" (Bhinneka Tunggal Ika), which is the aspiration of the nation.

Thus, the legal characteristics as a rule are always declared to apply generally to anyone, and anywhere within the territory of the country, without discrimination. Although there are exceptions stated explicitly and based on certain reasons that can be accepted and justified. Basically the law does not apply discriminatory, unless the law enforcement member or organizations in social reality have applied the law in a discriminatory manner. As a result, law enforcement does not reflect legal certainty and a sense of justice in society.

In law enforcement, it always emphasizes the aspect of orderliness. This is most likely due to the law which is identified with law enforcement, such an assumption has little fallacy, because the law itself must be seen in one system, which causes certain interactions in various elements of the legal system.

Because the legal system does not only refer to the rules (codes of rules) and regulations, but includes a broad field, including the structure, institutions and process (procedure) that fill it and related to the law that lives in society (living law) and legal culture (*legal structure*). According to Lawrence Friedman, the elements of the legal system consist of legal structure, legal substance and legal culture.[11]

It must be understood in general, that the law is social control from the government (law is governmental social control), as rule and social process that try to encourage behavior either it is useful or it prevents bad behavior.[12] On the other hand social control is a network or comprehensive rules and processes that bring legal consequences to certain behaviors, for example, general regulation on unlawful act.[13] There is no other way to understand the legal system except by looking at legal behavior that is influenced by the rules of government decisions or laws issued by authorized officials. If someone behaves in specific manner, it is because they were ordered by law or because of the actions of the government or other officials or in the legal system.

Law will be meaningful if human behavior is influenced by law and if the community uses the law complied with their behavior, while on the other hand the effectiveness of law is closely related to the issue of legal obedience as the norm. This is different from the basic policy which is relatively neutral and depends on the universal value of the goals and reasons for the formation of the law. In its practice, it can be seen that there are the laws which are mostly obeyed and there are laws that are not obeyed. The legal system will obviously collapse if everyone does not obey the law and the law will lose its meaning.

On the other hand, the ineffectiveness of a regulation or law tends to affect the time of attitude and quantity of Disobedient and also has a real effect on legal behavior, including the behavior of lawbreakers. This condition will affect law enforcement which guarantees certainty and justice in society.

[10] *Ibid*.
[11] Lawrence Friedman, *American Law*, London, W.W. Norton & Company, 1984, page. 6.
[12] Donald Black, *Behavior of Law*, New York, San Fransisco, London, Academic Press, 1976, page. 2.
[13] Lawrence Friedman, *Op.cit*, page. 3.

IV. CONCLUSION

PERMA Number 2 of 2015 does not implicitly and expressly regulate the legal rules regarding the implementation of the Decision in the case of a Simple Lawsuit which has permanent legal force. Regarding the provisions on the implementation of the decision of Simple Lawsuit, by PERMA number 2 of 2015 concerning Procedures for Settling a Simple Lawsuit, it is only a recommendation that the Implementation of decision of Simple Lawsuit can be carried out voluntarily, and if the losing party does not carry out voluntarily, the winning party may submit a request for implementation of the decision through the mechanism regulated in the ordinary Civil Procedure Code. This means that related to the implementation of a Simple Lawsuit decision, it must refer to the provisions that are outside the rules of PERMA in other legal sources that are outside the provisions of PERMA number 2 of 2015 concerning Procedures for Settling a Simple Lawsuit.

Legal constraints in the implementation of a Simple Lawsuit Decision occur if the losing party is not willing to implement the decision voluntarily, so that so that the party that wins in a simple lawsuit case is forced to submit a request (application) for execution to the court at the place where the Simple Lawsuit case is filed. An application for the implementation of a Simple Lawsuit decision through the execution process at the Court must refer to the procedure or conditions of execution regulated in the Civil Procedure Code that is generally accepted as is the process of carrying out an ordinary civil case, This procedure usually has to sacrifice a lot of time, money and energy to handle the case until the implementation of the execution is complete. Legal procedures like this are certainly very controversial with the principles, or principles of justice, expediency, and legal certainty which wish to be realized by PERMA number 2 of 2015 concerning the Procedures for Settling a Simple Lawsuit.

The legal effort that must be taken if the losing party is not willing to carry out the decision voluntarily is through a request for execution that is submitted to the Chair of the District Court where the case is filed. The mechanism for submitting an application for execution is according to the procedure and mechanism that is regulated in civil procedure law in general.

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