



Implementation of Supreme Court Regulation No. 2 of 2015 on Procedures for the Settlement of Small Claims in Court for the Resolution of Civil Cases at the Kendari District Court Class 1B

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ABSTRACT

The research was conducted at the Kendari District Court Class 1B. Both primary and secondary data sources were utilized, employing a normative juridical research method to provide a detailed depiction of field findings regarding the implementation of Supreme Court Regulation No. 2 of 2015 on Procedures for Simple Lawsuits at the Kendari District Court Class 1B in resolving civil cases. Data and information obtained were grouped and separated by type, then analyzed qualitatively to draw conclusions. In practice, not all cases can be resolved within the stipulated timeframe in the regulation. The 25-day period is insufficient for the court to ensure the attendance of the disputing parties at hearings. Cases processed as simple lawsuits cannot always be confirmed as such, even if registered accordingly. This determination follows the judge's preliminary examination of the plaintiff's claims, reasons, and demands. Socialization of Supreme Court Regulation No. 2 of 2015 implementation is needed at the District Court to prevent plaintiffs from incorrectly registering cases as simple lawsuits, avoiding fixation solely on low costs or limited duration. Preliminary case examinations before proceeding to trial are essential to avoid misclassifications, as seen in Case No. 15/Pdt.G.S/2021/PN Kdi, which was ultimately struck from the registry.

Keywords: *Civil Cases, Implementation Procedures, Kendari District Court, Small Claims, Supreme Court Regulation.*

I. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia, as amended, in Article 1 paragraph (3) affirms that Indonesia is a state based on the rule of law (*rechtstaat*), not merely a state based on power (*machtstaat*). Consequently, every aspect of life within the Indonesian state is regulated by law. Law constitutes a body of rules or legal norms governing relationships among individuals in society, and any person who violates such legal norms may be subject to sanctions or sued by the competent authorities or by parties whose rights have been infringed.

In a state based on the rule of law, the exercise of governmental powers requires a judicial institution to ensure the upholding of law and to resolve disputes that may arise. One civil judicial body in Indonesia is the court. The court is expected to realize the justice sought by parties facing legal problems. The function of adjudicating cases in court is a sub-function of law enforcement, exercised by judges, advocates/legal counsel, and related court officials.

Courts must be capable of realizing legal certainty as a value embedded in legal rules. One type of dispute frequently arising in society is the civil dispute. Civil law is a set of rules governing acts or relationships between individuals or private legal entities, for their own interests or those of other related parties, without involving the public interest. This definition refers to civil law in a material sense rather than in a formal sense.

Material civil law comprises rules embodied in legislation or unwritten norms that guide social life. In its formal sense, civil law is known as civil procedural law. Civil procedural law consists of rules governing how to ensure compliance with and enforcement of material civil law through the intermediary of judges. In its implementation, civil procedural law adheres to the principles of simple, speedy, and low-cost proceedings.

Various factors may give rise to disputes, including differences in interests or conflicts between one party and another. Disputes may also arise from rigid rules that are perceived as obstacles to achieving the parties' respective

goals. Each party will generally strive to the utmost to attain its objectives, thereby increasing the potential for disputes.

In principle, there are two methods for resolving civil disputes: settlement by amicable means outside the court (non-litigation) and settlement through the court (litigation). Non-litigation dispute resolution is conducted based on the parties' agreement, with the procedure for resolving the dispute left entirely to them. Litigation-based dispute resolution, by contrast, is guided by positive civil procedural law, namely the *Herziene Indische Reglement (HIR)* for the regions of Java and Madura, the *Rechtsreglement voor de Buitengewesten (RBg)* for regions outside Java and Madura, and other civil procedural regulations governing the requirements for bringing a dispute before the court and the available legal remedies.

A civil dispute arises when the rights of one party are reduced or eliminated, prompting the injured party to claim its rights through a judicial institution, commonly referred to as the litigation route. This does not pose a problem if the dispute can be resolved briefly and at a cost lower than the material value in dispute. In practice, however, the resolution of cases often entails substantial costs, which may impede the financial position of the parties concerned.

Law Number 48 of 2009 on Judicial Power, in Article 2 paragraph (4) and Article 4 paragraph (2), mandates an important principle in civil procedural law, namely that the judiciary must be simple, speedy, and low-cost. This principle reflects the expectations of members of the public who wish to litigate in court. The meaning and purpose of the principle of simplicity, speed, and low cost do not lie solely in emphasizing speed and low expenses. Nor does it require judges to examine and decide, for example, divorce cases or other disputes within one or two hours. Rather, what is envisaged is a process of examination that does not extend over an excessively long period, such as several years, in line with the inherent simplicity of the procedural rules.

It is undeniable that the resolution of civil cases today tends to be protracted and convoluted due to the length of the judicial process, such that the principle of simple, speedy, and low-cost proceedings has not been fully realized. In essence, the stages of resolving civil cases in the district court begin with filing the statement of claim, verification of the parties' identities, attempts at amicable settlement (mediation), the defendant's answer where mediation fails, reply, rejoinder, first closing statement, evidentiary proceedings, second closing statement, and preparation of the judgment by the panel of judges.

The implementation of these stages typically requires between three and six months. If one of the parties is dissatisfied with the judgment, it is still possible to pursue further legal remedies, both ordinary and extraordinary. In today's highly dynamic society, the potential for conflict in social life continues to grow. Law, as an instrument regulating social life, is required to work ever more intensively to achieve justice for seekers of justice. This situation has implications for the judiciary, which must continuously innovate in managing the growing number of cases filed each year. The number of cases resolved within the judicial system increases each year and has resulted in case backlogs. One impact of this backlog is a potential decline in the quality of judicial decisions.

In view of these problems, the Supreme Court (*Mahkamah Agung*), as the highest judicial authority under the 1945 Constitution of the Republic of Indonesia, issued a solution in the form of Supreme Court Regulation Number 2 of 2015 on Procedures for Small Claims (*Tata Cara Gugatan Sederhana*). The issuance of PERMA No. 2 of 2015 constitutes a breakthrough by the Supreme Court to accelerate access to justice in line with the principles of simple, speedy, and low-cost proceedings, and also to reduce case accumulation in the Supreme Court.

- a. A simple lawsuit is defined as a procedure for examination in court of civil claims with a material value of no more than IDR 200,000,000 (two hundred million rupiahs), resolved through simplified procedures and evidence. However, not all types of cases may be filed as simple lawsuits. There are exhaustive requirements which, if not met, preclude the filing of a claim under the simple lawsuit mechanism. These requirements include:
 - The dispute concerns breach of contract (*wanprestasi*) and/or an unlawful act (*perbuatan melawan hukum*).
- b. The dispute does not involve land rights and is not a matter within the jurisdiction of a special court.
- c. Each party as plaintiff does not exceed one person, unless they share the same legal interest.
- d. The domicile of the defendant must be known.
- e. The plaintiff and defendant must reside within the same territorial jurisdiction of the court.

As with ordinary civil cases, the procedure for litigating a simple lawsuit begins with case registration by the plaintiff and ends with the delivery of the judgment by the judge. However, the case examination procedure differs from that of ordinary civil cases (conducted in a fully adversarial manner), because several stages are omitted, such as provisional claims, preliminary objections, counterclaims, third-party interventions, replies, rejoinders, and closing statements. For this reason, simple lawsuits are said to follow an expedited examination procedure.

The Kendari District Court (*Pengadilan Negeri Kendari*), located in Southeast Sulawesi, is one of the district courts in the province and is classified as a Class 1B court. The number of civil cases filed with the Kendari District Court Class 1B has increased each year. Based on data from the Case Tracking Information System (*Sistem Informasi Penelusuran Perkara*, SIPP), the number of civil lawsuits registered with the Kendari District Court Class 1B was 680 cases in 2016, 689 cases in 2017, and increased to 754 cases in 2018. Meanwhile, from 2016 to 25 October 2019, a total of 27 simple lawsuits were filed with the Kendari District Court Class 1B. Of these 27 simple lawsuits, 12 cases exceeded the time limit for resolution stipulated in Article 5 paragraph (3) of Supreme Court Regulation No. 2 of 2015, namely that simple lawsuits must be resolved no later than 25 (twenty-five) days from the date of the first

hearing.

With the continual advancement of society in the era of globalization, the potential for disputes is increasingly high, thereby necessitating a dispute resolution mechanism that truly reflects the principles of simplicity, speed, and low cost. The large number of cases filed with the Kendari District Court Class 1B continues to grow from year to year, resulting in an accumulation of civil cases requiring resolution. Although the Supreme Court, as the highest judicial authority in Indonesia, has issued PERMA No. 2 of 2015 on Procedures for Small Claims, many laypersons are still unfamiliar with the simple lawsuit mechanism. Moreover, the timeliness of simple lawsuit resolution at the Kendari District Court Class 1B has not yet fully complied with statutory provisions. This demonstrates a gap between *das sollen* (what ought to be, according to legal norms) and *das sein* (what actually occurs in practice)

II. LITERATURE REVIEW

2.1 General Overview of Civil Disputes

Civil disputes can arise between any parties and in any context, including individuals, groups, companies, or states, at local, national, or international levels. A dispute occurs when one party feels aggrieved by another and expresses dissatisfaction, leading to conflicting opinions. In contract law specifically, it constitutes a breach (*wanprestasi*) of the agreement by one or more parties, as defined by Nurmaningsih Amriani.

2.2 Overview of Civil Case Resolution

In Indonesia, civil cases are resolved through litigation or non-litigation paths. Litigation serves as the *ultimum remedium*, pursued only after out-of-court amicable settlements fail. Non-litigation employs mechanisms like deliberation, mediation, customary practices, and Alternative Dispute Resolution (ADR) institutions.

2.3 Definition of a Lawsuit

Prof. Sudikno Mertokusumo defines a lawsuit (*burgerlijke vordering*) as a civil claim asserting a disputed right against another party. Zainal Asikin describes it as a claim submitted to the competent court chief, prompting judicial examination and decision on the dispute. Thus, a lawsuit is a formal demand by the plaintiff against the defendant, documented in a statement of claim and filed with the appropriate court.

2.4. Definition of Small Claims

Small Claims Court provides a fast-track mechanism for simple civil disputes. Per Article 1(1) of Supreme Court Regulation (PERMA) No. 2 of 2015, it covers civil claims up to IDR 200 million, resolved via simplified procedures and evidence (Priyanto, 2015). In essence, it applies to disputes under the same jurisdiction with material value not exceeding IDR 200,000,000, emphasizing straightforward adjudication.

2.5 Legal Basis of Small Claims Court

Indonesia's Small Claims Court was formalized by PERMA No. 2 of 2015 on Procedures for Small Claims Resolution, signed by Chief Justice Muhammad Hatta Ali and gazetted on August 7, 2015 (State Gazette 2015 No. 1172). Comprising nine chapters and 33 articles, Article 1(1) limits it to civil claims up to IDR 200,000,000 with simplified processes.

2.6 Benefits of Small Claims Court

- 1) Enhances access to justice: Targets low-income groups, everyday non-complex cases, simplifies procedures for laypersons, prevents prolongation, and builds judicial trust through efficiency.
- 2) Promotes simple justice: Features streamlined steps, single-judge hearings, and *doelmatigheid* (appropriateness) by avoiding complexity.
- 3) Ensures speedy trials.
- 4) Offers mechanism and jurisdiction choice.
- 5) Reduces case backlogs at higher courts.
- 6) Advances restorative justice and *ius constituendum*.

2.5 General Provisions and Procedures for the Settlement of Small Claims

Supreme Court Regulation (PERMA) No. 2 of 2015 establishes a streamlined small claims procedure within Indonesia's general courts to ensure swift, cost-effective justice for modest civil disputes. This academic exposition elucidates its general provisions and procedural framework, emphasizing efficiency and accessibility.

2.5.1 General Provisions

Small claims, as defined in Article 2, fall under the general judiciary's purview and encompass breach of contract (*wanprestasi*) or tortious acts (*perbuatan melawan hukum*) with material value not exceeding IDR 200,000,000. Exclusions per Article 3(2) include specialized court matters or land rights disputes, confining scope to *contentiosa* claims involving singular plaintiff and defendant—unless aligned legal interests permit joinder—both domiciled within the same court's jurisdiction. Parties must attend hearings personally, with or without counsel, precluding claims against defendants of unknown residence (Article 4).

2.5.2 Procedural Stages

Adjudication proceeds via a single judge appointed by the Chief Judge, encompassing eight stages: registration, completeness review, judicial assignment, preliminary examination, scheduling and summons, hearing with conciliation, proof, and judgment—all concluding within 25 days from the first hearing (Article 5). Registration entails a standardized form detailing identities, case summary, and demands, accompanied by legalized documents; non-compliant filings revert, while compliant ones trigger fee assessment and dual-day judicial setup.

2.5.3 Judicial Role and Hearing Dynamics

Preliminary review assesses eligibility; ineligible claims yield non-appealable dismissal orders with fee refunds (Articles 3-4). Plaintiff non-attendance voids the claim; defendant absence prompts re-summons, culminating in *contradictoire* judgment if persistent, subject to later objection. Judges actively facilitate impartial procedure explanations, extrajudicial peace overtures, evidentiary guidance, and remedy advisories, prioritizing first-hearing conciliation—yielding binding, non-appealable peace acts if successful, bypassing formal mediation (Articles 13, 19).

2.5.4 Proof, Judgment, and Finality

Uncontested claims skip proof; contested ones follow civil evidentiary norms, eschewing provisional remedies, exceptions, counterclaims, interventions, replies, or conclusions. Pronounced openly, judgments comprise invocative header, identities, facts, considerations, and operative clause; notifications and copies issue within two days, memorialized in signed minutes.

2.5.5 Objection Mechanism

Exclusive remedy is objection (*keberatan*) to the Chief Judge within seven days post-pronouncement or notice, via signed statement with memorandum (Article 20). Counter-memoranda follow within three days; senior panel adjudication—document-based, sans new evidence—concludes in seven days, *mutatis mutandis* mirroring original form, attaining finality sans appeal, cassation, or review (Articles 22-30). Unchallenged or final judgments enforce voluntarily, or per general civil procedure otherwise.

III. RESEARCH METHODS

3.1 Type of Research

This research constitutes empirical juridical research, commonly termed *law in action*, which investigates the actual operation of law within its cultural and social contexts. It addresses the disparity between *das sollen*—normative legal prescriptions—and *das sein*—empirical realities in practice. The selection of this methodology is justified by its suitability for evaluating the implementation of Supreme Court Regulation (PERMA) No. 2 of 2015 on Procedures for Simple Claims Litigation (*Tata Cara Penyelesaian Gugatan Sederhana*) in civil case resolutions at the Kendari District Court, Class 1B.

3.2 Nature of Research

The research adopts a descriptive character, systematically portraying phenomena as they manifest in a specific locale and temporal context. This approach facilitates a comprehensive depiction of the real-world application of PERMA No. 2 of 2015 concerning simple claims procedures in civil dispute settlements at the Kendari District Court, Class 1B.

3.3 Data and Data Sources

Primary data comprise information sourced directly from original informants. In this study, such data are derived from judges, substitute registrars (*panitera pengganti*), and civil litigants at the Kendari District Court, Class 1B, serving as resource persons (*narasumber*), informants, or respondents. Secondary data emanate from library research, encompassing documented legal materials categorized as follows:

a. Primary Legal Materials

These are authoritative and binding sources, including: *Herzien Inlandsch Reglement* (HIR); *Rechtsreglement Buitengewesten* (RBg); Law No. 3 of 2009 (amending Law No. 14 of 1985 on the Supreme Court); Law No. 48 of 2009 on Judicial Power; Law No. 12 of 2011 on Legislative Formation; and PERMA No. 2 of 2015 on Simple Claims Procedures.

b. Secondary Legal Materials

These support the interpretation of primary materials and include scholarly publications, research outputs, and doctrinal texts.

c. Tertiary Legal Materials

These furnish explanatory guidance for primary and secondary materials, such as legal dictionaries.

3.4 Data Collection Methods

3.4.1 Document Analysis

Document analysis serves as a foundational technique in both normative and empirical legal inquiries. Here, it entails extracting data from statutes, PERMA regulations, and pertinent literature on simple claims implementation at the Kendari District Court, Class 1B.

3.4.2 Interview Method

Interviews involve direct fieldwork engagement with stakeholders, employing tailored questions to elicit pertinent responses. Targeted interviewees include judges (as resource persons), substitute registrars (as informants), and civil litigants (as respondents) at the Kendari District Court, Class 1B, to elucidate practical challenges.

3.4.3 Observation Method

Observation entails deliberate, systematic scrutiny of social phenomena, with notations of attendant indicators. This study applies non-participant direct observation, enabling detached assessment of PERMA No. 2 of 2015's implementation in civil case resolutions at the Kendari District Court, Class 1B.

3.5 Sampling Technique

A non-probability sampling framework is employed, affording researcher discretion in sample selection absent

rigid populational quotas, particularly amid limited data availability. Specifically, purposive sampling is utilized at the Kendari District Court, Class 1B, targeting subjects aligned with research objectives and populational characteristics. Subjects comprise: (a) judges (resource persons); (b) substitute registrars (informants); and (c) civil litigants (respondents).

3.6 Data Management and Analysis

Data undergo qualitative processing, eschewing numerical quantification in favor of verbal, systematically arrayed narratives. Analysis proceeds iteratively: data aggregation and classification; contextual interpretation within social milieu; researcher-informed exegesis post holistic review; commencing in-field and extending through final synthesis. Results are presented descriptively, qualitatively, and systematically to illuminate PERMA No. 2 of 2015's efficacy in civil resolutions at the Kendari District Court, Class 1B.

IV. RESEARCH FINDINGS AND DISCUSSION

4.1 Implementation of PERMA No. 2 of 2015 at Kendari District Court

The procedure for resolving simple claims forms part of civil procedural law. PERMA No. 2 of 2015 emphasizes this in point (b) of its preamble: "that developments in economic and civil law require simpler, faster, and low-cost dispute resolution procedures, particularly for simple matters." Civil procedural law in Indonesia rests on principles from Law No. 48 of 2009 on Judicial Power, guiding litigants and shaping procedural regulations.

4.1.1 Key Principles of Civil Procedure

These principles underpin adjudication processes:

- a. Openness of proceedings: Article 13 mandates public hearings; non-public pronouncements render judgments null and void.
- b. Hearing both parties equally: Article 4 requires non-discriminatory adjudication based on law.
- c. Reasoned judgments: Article 50(1) demands decisions include legal grounds and statutory references.
- d. Costs of litigation: Proceedings incur fees like clerk fees and summons costs, with state aid for indigent parties under Article 56.
- e. Judicial independence: Article 3 prohibits external interference in judicial functions.
- f. State judicial bodies: Article 1(2) and Article 2 vest authority in the Supreme Court and subordinate courts.
- g. Objectivity: Article 17 allows recusals for judges with blood or marital ties to parties.
- h. Judicial scope: Article 27 limits special courts to Supreme Court oversight.
- i. Justice under God: Article 2(1) holds judges accountable to the Almighty.
- j. Panel composition: Article 11(1) requires at least three judges, though single-judge civil hearings expedite simple cases.
- k. Simplicity, speed, low cost: Article 2(4) ensures clear, efficient, affordable processes to build trust and reduce burdens.

In Indonesian civil procedural law, according to Sudikno Mertokusumo in *Hukum Acara Perdata Indonesia*, several fundamental principles are recognized, namely:

1. The Judge's Passive Initiative (Judges Wait for Action) This principle means that the court will only process a case if a party files a lawsuit. The initiation of a case entirely depends on the will of the interested party, while the judge merely waits for the claim to be submitted.
2. The Judge's Passive Role (Judex Passive) The disputing parties are free to end their dispute at any time, and the judge may not prevent them from doing so. The judge only examines, adjudicates, and decides on matters that are specifically demanded in the claim.
3. No Obligation to Use Legal Representation Parties are not required to be represented by an attorney. Direct examination by the judge helps ensure a clearer understanding of the case facts.
4. Two Levels of Examination To minimize possible judicial errors, cases can be reviewed in two levels—first instance and appellate review—if any party is dissatisfied with the decision of the court of first instance.

However, the procedure for small claims settlement as stipulated in the Supreme Court Regulation (PERMA) No. 2 of 2015 differs in several respects from the ordinary civil procedure:

1. Limitation on the Types of Cases
Unlike ordinary civil cases where courts must examine all disputes submitted to them (as mandated by Article 10(1) of Law No. 48 of 2009), small claims cases are limited. Only disputes involving breach of contract (*wanprestasi*) and/or unlawful acts are eligible, provided that the case does not fall under special courts, does not involve land rights disputes, and the claim value does not exceed IDR 200,000,000. Cases previously settled by a special court or involving land rights cannot be classified as small claims.
2. Single-Level Examination
Unlike ordinary civil cases that allow appeals, small claims are examined and decided only at the first instance. The only available legal remedy is an "objection" (*keberatan*), which is also decided by the same district court.
3. Single Judge Adjudication
In accordance with Article 1(3) of PERMA No. 2 of 2015, small claims are examined and decided by a single judge. However, if an objection is filed, the case is then reviewed by a judicial panel pursuant to Article 25 of the same regulation.

4. Active Role of the Judge

In small claims proceedings, judges play an active role by explaining the procedures equally to both parties, encouraging settlement, guiding evidence presentation, and clarifying possible legal remedies. This is distinct from ordinary civil proceedings where judges maintain a passive stance and adjudicate only on matters requested by the parties.

Further differences between ordinary civil procedures and small claims procedures include:

1. Time Constraint: Under Circular Letter of the Supreme Court No. 6 of 1992, ordinary civil cases must be resolved within six months, whereas PERMA No. 2/2015 requires small claims to conclude within 25 days from the first hearing.
2. Jurisdictional Requirement: Small claims require both parties to reside within the same legal jurisdiction (Article 4(3) of PERMA No. 2/2015). If the parties reside in different jurisdictions, the case must proceed through delegation, potentially prolonging the process.

These simplified procedures aim to promote justice, utility, and legal certainty—the three goals of law enforcement. Case Example: District Court of Kendari. In case No. 15/Pdt.G.S/2021/PN Kdi, *Mandiri Tunas Finance (Plaintiff)* filed a small claim against *Fitria Setiawati Suharno and Rami Musrady Zaini (Defendants)* concerning alleged breach of a financing agreement. After reviewing the preliminary examination in accordance with Article 11 of PERMA No. 4 of 2019 (amending PERMA No. 2/2015), the judge found that the determination of breach of contract required further factual and evidentiary analysis. Therefore, the case could not be classified as a “small claim” due to the complexity of the evidence required. The judge ruled as follows:

1. Declared that the Plaintiff’s claim does not qualify as a small claim.
2. Ordered the court registrar to remove the case from the small claims register.
3. Ordered the return of the remaining court fees to the Plaintiff.

This ruling is consistent with the provisions of PERMA No. 2 of 2015.

4.1.2 Procedural Irregularities Identified

Upon closer inspection, discrepancies were noted between the date of decision delivery and the date of its notification to the parties. Under Article 20(2) of PERMA No. 2/2015, court bailiffs must notify absent parties of the decision within two days. Furthermore, Article 22(1) stipulates that objections must be filed within seven days from when the decision is pronounced or notified.

In this case, the delay in notifying the parties exceeded the procedural time limit of 25 days set forth in Article 5(3). This inconsistency indicates a procedural lapse that contradicts the principle of legal efficiency intended by PERMA No. 2/2015.

4.1.3 Evaluation Based on Lon L. Fuller’s Eight Principles of Legality

Lon L. Fuller proposed eight principles that make law effective:

1. Generality – Laws must consist of rules, not ad hoc decisions.
2. Promulgation – Laws must be publicly known.
3. Nonretroactivity – Laws should not apply retroactively.
4. Clarity – Laws must be clear and understandable.
5. Noncontradiction – Laws must not conflict with each other.
6. Possibility of Compliance – Laws must be reasonably implementable.
7. Constancy Through Time – Laws should not change too frequently.
8. Congruence – There must be consistency between official action and declared rules.

Based on these principles, the implementation of the small claims procedure demonstrates incongruence between the legal framework and judicial practice. Although PERMA No. 2/2015 sets out clear procedural rules, delays and procedural inconsistencies at the practical level undermine the effectiveness of the law, reducing public trust in the legal process.

Table 1 Case history Number 15/Pdt.G.S/2021/Pn Kdi

No	Date	Step	Process
1	Monday, July 18, 2021	Case Registration	Case Registration
2	Monday, July 18, 2021	Determination	Determination of the Panel of Judges/Judges
3	Monday, July 18, 2021	Determination	Appointment of a Substitute Court Clerk
4	Monday, July 18, 2021	Determination	Appointment of a Bailiff
5	Monday, July 18, 2021	Determination	Determination of the First Hearing Date
6	Monday, July 18, 2021	Determination	First Hearing
7	Monday, July 25, 2021	Trial	Trial
8	Tuesday, August 2, 2021	Decision	Verdict
9	Tuesday, August 2, 2021	Decision	Notice of Verdict
10	Tuesday, August 2, 2021	Decision	Minutes

Source: sipp.pn-Kendari.go.id, 2021

4.2 Challenges in Implementing Supreme Court Regulation No. 2 of 2015 at the District Court

Supreme Court Regulation (PERMA) No. 2 of 2015 on Procedures for the Settlement of Small Claims seeks to

serve justice seekers in disputes valued at no more than IDR 200,000,000 through simplified, expedited, and cost-effective proceedings. Article 5(3) requires resolution within 25 days from the initial hearing. Practical implementation often falters, as summoning litigants exceeds this timeframe, impeding court efforts to secure attendance.

Cases registered as small claims frequently fail preliminary judicial review. In one instance, after examining the plaintiff's claims in points 1, 2, and 3, the judge noted allegations of breach under Fiduciary Guarantee Agreement No. 9671800011 (January 5, 2018), involving 60 installments from February 5, 2018, to January 5, 2023, with defaults from the 27th installment (April 5, 2020) to July 5, 2021. Points 4 and 7 invoked wanprestasi, yet absent evidence of deliberate bad faith, full proof remained requisite.

Article 11(2) of PERMA No. 4 of 2019 (amending PERMA No. 2/2015) empowers judges to evaluate evidentiary simplicity. Complex proof needs render such disputes ineligible for small claims, prompting reclassification to ordinary civil suits.

V. CONCLUSIONS AND SUGGESTION

5.1 Conclusions

Theoretical adherence to PERMA No. 2 of 2015 exists at Kendari District Court, but practical deviations abound. Case No. 15/Pdt.G.S./2021/PN Kendari breached Article 22(1)'s two-day post-judgment notification mandate, clashing with Article 5(3)'s 25-day cap.

Summoning inefficiencies and unconfirmed simplicity during preliminary scrutiny exacerbate delays, as fiduciary breach claims demand evidentiary rigor.

5.2 Suggestion

1. Intensify socialization of PERMA No. 2 of 2015 to curb erroneous small claims filings, transcending cost and timeline fixation.
2. Institute pre-proceeding preliminary screenings to avert misclassification, exemplified by Case No. 15/Pdt.G.S./2021/PN Kendari's delisting.

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