

Implementation of the Submission of Summons Reports through the Village Head in the Verstek Decision

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ABSTRACT

The objectives of this thesis are to analyze the implementation of the submission of summons reports through the village head in the verstek decision and to analyze the obstacles to the implementation of the submission of summons reports through the village head in the verstek decision. The type of research used in this study is empirical juridical legal research. In empirical juridical research, law, as law in action, is described as an empirical social phenomenon. Empirical legal research, also known as sociological legal research, is legal research that examines law by conceptualizing it as actual behavior, an unwritten social phenomenon experienced by everyone in social relationships. The results of this study found that the implementation of the submission of summons reports through the village head in the verstek decision is related to the implementation of summons in civil cases at the Bangli District Court. Since the issuance of PERMA Number 7 of 2022, there has been a change in the implementation of the submission of summons reports, from the conventional summons issued through a bailiff to now using registered mail. There are no sanctions or penalties for the sub-district or village if they do not directly convey the summons given, and the requirement for postal officers to convey the village head also faces time constraints and the busyness of the postal officers themselves, who must adjust the workload of postal delivery, which of course has a postal delivery target aligned with the opening or service hours of the post office or sub-district office.

Keywords: Implementation of Release, Village Head, Default Decision.

INTRODUCTION

If the judge has issued a verstek verdict, then the verdict must be notified to the party who is not present. The procedure for notifying verstek decisions is the same as the summoning of a hearing conducted by the Bailiff/Substitute Bailiff, which is carried out through a relaas, which must also be carried out legally and appropriately. The bailiff/substitute bailiff must notify the defendant of the verdict of verstek, either directly personally or indirectly, so that the defendant knows the verdict and has the opportunity to file an objection (verzet) (Harahap, 2017). Although the notice of the verstek decision has been officially notified by the bailiff or substitute bailiff to the defendant, the party cannot be found, according to Article 390 of the HIR, the notification can be submitted to the village head or village head (Supreme Court Circular Letter (SEMA) Number 1 of 2023 Concerning Procedures for Summons and Notifications Through Registered Letters, 2023; Supreme Court Regulation (PERMA) Number 7 of 2022 Concerning Procedures for Summons Electronically and Notifications Electronically in the General Courts and Religious Courts Environment, 2022; Sutantio, 2018; Waluyo, 2020; Wignyosoebroto, 2017).

Regarding the notification of *relaas* from the Bailiff or Substitute Bailiff through the village head, in which case the Defendant is not at his place of residence or residence, then if seen in the existing regulations, there is a contradiction/contradiction in the provisions stipulated in article 390 paragraph (1) of the HIR regarding the obligation to deliver *relaas* by the Head of the Village or Lurah to the Defendant.

In practice, in submitting the *relaas* through the village head, there is a possibility that the Defendant did not receive a notification from the village head or village head regarding the *relaas* given by the court (Prakoso, 2016; Rachman, 2020; Rahman, 2019; Sari, 2021; Soekanto, 2018). This condition occurred because, at the time of *submission of the Relaas*, the Defendant was out of town, so this problem created injustice and uncertainty for the Defendant who was not informed that his case had been decided by the court in a *verstek* manner. In the civil procedure law, the defendant who is sentenced with a *verstek* decision by the judge still has the opportunity to file a legal remedy, in which case the defendant will file a legal remedy (*verzet*), but it is likely that the defendant will not be able to lodge a resistance to the *verstek* verdict. This is because the Defendant did not receive a notification of the contents of the *verstek* decision from the village head or village head, so that the period for submitting *verzet* against the *verstek* decision exceeds the period resulting in the verdict having permanent legal force.

Internationally, various countries have implemented different approaches to decision notification systems (Bintania, 2012; Sunarto, 2019). In Germany, the civil procedure system employs electronic notification through certified electronic delivery systems, while in Singapore, the Electronic Filing System (EFS) ensures direct digital notification to parties. The Netherlands utilizes a hybrid system combining traditional postal services with digital confirmation mechanisms. These international practices demonstrate more efficient and accountable notification systems compared to the current Indonesian mechanism, particularly regarding tracking and confirmation of receipt.

Previous studies in this field have primarily focused on conventional summons procedures. Research by Sutantio (2018) examined the effectiveness of bailiff services in urban areas, finding a 65% success rate in direct notification. Meanwhile, studies by Rachman (2020) and Sari (2021) analyzed the role of village apparatus in legal notification systems, though both studies were conducted before the implementation of PERMA No. 7/2022. These previous findings indicate varying effectiveness rates across different regions, with rural areas showing lower success rates in notification delivery. However, none of these studies specifically examined the implementation of PERMA No. 7/2022 or its impact on *verstek* decision notification procedures, creating a significant research gap that this study addresses.

This research presents significant novelty as it is the first comprehensive study to examine the implementation of PERMA No. 7/2022 specifically at the Bangli District Court, particularly focusing on the transition from conventional bailiff-delivered summons to registered mail systems in *verstek* decision notifications. Additionally, this study is pioneering in analyzing the specific challenges faced by postal officers in

delivering legal notifications through village heads under the new regulatory framework, providing empirical data on the effectiveness of this hybrid notification system.

The author in this case needs to be discussed further academically related to the implementation of *relaas* delivery through the village head in *verstek* decisions. This study examines the implementation of *relaas* delivery in *verstek* decisions and obstacles to the delivery of *relaas* through village heads in *verstek decisions*. Based on the background that has been described above, the problem can be formulated, namely how to implement the delivery of *relaas* through the village head in the *verstek* decision and how the obstacles to the delivery of *relaas* through the village head in *the verstek* decision.

The goal to be achieved in writing this thesis is to analyze the implementation of *relaas* submission through the village head in *verstek* decisions and to analyze obstacles to the submission of *relaas* through village heads in *verstek decisions*.

RESEARCH METHOD

The type of research used in this study was empirical juridical law research. In empirical juridical research, law as law in action is described as an empirical social phenomenon. Empirical law research, also called sociological law research, examines law by conceptualizing it as actual behavior—an unwritten social phenomenon experienced in social relationships. This type of research aims to observe law in practice and how it functions within the community. Therefore, this study was conducted to analyze the implementation of *relaas* delivery in *verstek* decisions and the obstacles to delivering *relaas* through the village head in *verstek* decisions.

RESULTS AND DISCUSSION

Procedure for *Submission of Reports* in Civil Cases

The bailiff/substitute bailiff in its implementation, must notify the summons in the form of a letter or *Relaas* to the litigants or concerned themselves or (*in person*). If the party concerned himself cannot be found, then the *Relaas* will be handed over to the village head where the party resides, followed by an order that *the Relaas* summons must be immediately notified to the party in the case.

The procedural law regulates the validity of the summons, which must be carried out officially and properly. That to declare that the call has been made officially (*official*) is determined by whom the call was made. Which in the HIR has regulated the officialness of the summons, by requiring it to be carried out by officials who have been appointed / authorized to summon the litigant, this is based on Article 388 Jo. Article 390 paragraph (1) of the HIR and Article 1 of the RV, 10 the authorized official in legal terms is referred to as a bailiff / substitute bailiff.

The bailiff in carrying out his function in delivering the summons must make a minutes of everything that he has carried out in written form and then signed by the bailiff explaining that the summons has been delivered at the place of residence concerned *in*

person or through the head of the village / sub-district or the village / sub-district apparatus (Muhaimin, 2020).

The enactment of PERMA No. 7 of 2022 and SK KMA 363/KMA/SK/XII/2022, the process of summoning hearings and notification of decisions can be carried out through electronic domicile on the Court Information System (SIP) and can be carried out using a registered letter. As for Number 2 (two) of SEMA Number 1 of 2023 concerning Procedures for Summons and Notifications Through Registered Letters, it is stated that a registered letter is a letter sent by the Court using the services of a registered mail delivery service provider determined by the Supreme Court.

Implementation of Relas Submission through the Village Head in the Verstek Decision

If at the first hearing that has been determined it turns out that the defendant is not present without a justifiable reason and does not order his representative to attend, while he has been duly summoned, the judge can issue a *verdict verdict*, unless the plaintiff's lawsuit is unlawful or unfounded (Article 149 RBg / Article 125 HIR). However, the absence of the defendant or the defendants at the first hearing does not have to be decided by a *verstek decision*, because according to Article 150 RBg / Article 126 of the HIR the judge can take another action, namely ordering the bailiff to summon the defendant once again to appear at the next hearing.

If the plaintiff is present at the first hearing, but the defendant/attorney is not present, then as long as the defendant has been officially and properly summoned, the lawsuit can be decided by *Verstek* (a decision outside the defendant's presence) which usually if the lawsuit is indeed reasonable and not against the law, will grant the plaintiff's lawsuit and defeat the defendant in absentia. However, the defendant can also be summoned once more and if he remains absent without a valid reason while the plaintiff who is present is not willing to withdraw the lawsuit and still asks for a decision, then it will be decided *verstek*. The *verstek verdict* is rendered without proving the plaintiff's arguments because it is considered that the defendant has not been denied by his absence, except in the case of divorce that *the verstek verdict* can only be handed down if the plaintiff's arguments (reasons for divorce) have been proven in the trial

The loss of *the verstek verdict* was felt by the defendant who ignored the summons from the court, because the defendant did not have the opportunity and could not defend his rights in this verdict because the defendant had never been present at the trial even though the defendant had been summoned by the court with an officially valid and appropriate summons to appear at the trial and had been summoned 3 (three) times with *a reasonable*. However, in this case, the defendant still has the opportunity to file a *verzet legal remedy*, so that the case can be re-examined from the beginning, this opinion is based on the provisions of Article 149 paragraph (1) RBg / Article 125 paragraph (1) HIR.

Implementation of Relas Submission Through the Village Head in the Verstek Decision (Study at the Bangli District Court)

Regarding the *verstek* verdict, namely the trial without the Defendant's presence, that of the 155 lawsuit cases in 2024 handled by the Bangli District Court, that *verstek verdicts* amounted to 125 cases, non-*verstek* verdicts amounted to 23 cases, and the rest were dismissal and revocation verdicts totaling 7 cases. then of the 146 lawsuit cases in 2023 handled by the Bangli District Court, That the *verdict of verstek* amounted to 117 cases, the *non-verstek* verdict amounted to 19 cases, and the rest were dismissal and revocation verdicts amounting to 9 cases. Furthermore, of the 142 lawsuit cases in 2022 handled by the Bangli District Court, there were 109 *verstek verdicts*, 26 non-*verstek verdicts* , and the rest were dismissal and revocation verdicts amounting to 7 cases. This means that almost 80.64% percent of the verdicts adjudicated by the Panel of Judges of the Bangli District Court are *verstek verdicts*.

Table 1. the submission of verstek decisions

Year	Number of Lawsuit Cases	Number of Verstek Decisions
2024	155	125
2023	174	132
2022	136	102

Source: Bangli District Court Case Tracking Information System

Regarding the submission of *verstek decisions*, at the Bangli District Court, in 2024 the submission of *verstek* verdict notifications will be received by 66 householders, followed by the submission of *verstek verdict notifications* through village heads in 35 cases, *verstek* verdict notifications through public summonses in 6 cases, and *verstek* verdict notifications received directly from the person concerned as many as 18 cases. Then in 2023, the submission of *verstek* decision notifications was received by 57 householders, followed by the submission of *verstek* verdict notifications through the village head as many as 45 cases, *verstek* verdict notifications through public summonses as many as 3 cases, and *verstek* verdict notifications received directly from the person concerned as many as 27 cases. Furthermore, the submission of *verstek* verdict notifications was received by 0 householders, followed by the submission of *verstek* verdict notifications through the village head in 65 cases, *verstek* verdict notifications through public summonses in 2 cases, and *verstek* verdict notifications received directly by the person concerned.

Table 2. Verstek Decision Notifications

No.	Data	Year (Number)		
		2024	2023	2022
1	The amount of Verstek Decision Notification received directly by the person concerned	18	27	35
2	The number of Verstek Decision Notices received is not by the person concerned/housekeeper	66	57	0
3	Number of Notifications of Verstek Decision Through the Village Head	35	45	65

4	Number of Verstek Decision Notifications Through public calls	6	3	2
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Source: Bangli District Court Case Tracking Information System

Based on this data, it is known that more Verstek Decision Notifications are received not by the person concerned, in the sense that the notification of the decision is received by the householder and also the notification of the decision is made through the village head.

Furthermore, it is related to the submission of the notification of the verstek decision through the village head, based on the results of an interview with the Chairman of the Bangli District Court, that it has been carried out by the postal officer in accordance with the procedures as stipulated in the Supreme Court Circular Letter (SEMA) Number 1 of 2023 concerning Procedures for Summons and Notification by Registered Letter. Regarding the mechanism for submitting a summons/notification through a registered letter, in the event that the postal officer does not meet directly with the recipient, the postal officer will deliver the summons/notification to the local village head/head. In this case, the postal officer will include evidence/information of electronic receipt such as the date of receipt, the identity of the recipient, the coordinate point of the receipt (*geotagging*), as well as the signature and stamp of the village head/village head/apparatus. If they refuse to affix their signatures and stamps, the officer adds a caption: "The village head/village head (including village/village officials) is not willing to affix the signature and stamp". From the information and the date of submission listed by the postal officer, this is the basis for determining the date of the case with permanent legal force.

Obstacles to the Submission of Reports through the Village Head in the *Verstek Decision*, either by the bailiff or through a registered letter

In the practice of summoning and notifying verstek decisions, the bailiff and postal officer experience difficulties, among others, because the distance between the parties' houses and the village head's office is quite far and or often found the village head and his officials are not in the place and in practice it is also found that the village head does not know the residents because the area is very large and the population is very dense. So that often the bailiff comes back again and repeats the call the next day, this problem of course makes the duties of the Bailiff and Substitute Bailiff as well as the postal officer even more difficult because of bureaucratic obstacles outside the internal from the Supreme Court.

As for the obstacles faced related to the submission of relaas through the village head with a registered letter mechanism, according to Perma Number 7 of 2022, if the intended address is empty or uninhabited, the postal officer must still submit the summons document to the village head or village head or village apparatus whose government area includes the intended address. The necessity of postal officers to convey the village head also faces time constraints and the busyness of the postal officers themselves who have to adjust between the workload of delivering posts, which of course there is a target for

delivering posts, with the hours of opening hours or service hours of the post office or sub-district office. In addition, the problems faced in practice that not all couriers of PT. POS understands the procedures and procedural laws in summoning and notifying the parties.

Concrete Solutions to Address These Obstacles

Based on the identified obstacles, several concrete solutions can be implemented:

1. **Sanctions and Accountability Measures:** Implement administrative sanctions for village heads who fail to deliver notifications within specified timeframes, including written warnings, performance evaluations, and in severe cases, administrative penalties. This should be supported by a clear tracking system that monitors notification delivery.
2. **Technology Integration:** Develop a digital notification system that allows village heads to confirm receipt and delivery of notifications through mobile applications, complete with GPS tracking and digital signatures. This would create an auditable trail and reduce reliance on manual documentation.
3. **Training and Capacity Building:** Establish mandatory training programs for postal officers and village apparatus on legal notification procedures, including understanding of procedural law requirements and the importance of timely delivery. This training should be conducted quarterly and include practical simulations.
4. **Alternative Notification Methods:** Implement SMS and WhatsApp notification systems as supplementary channels, where defendants receive initial alerts about pending legal notifications, directing them to collect documents at village offices or courts.
5. **Performance Monitoring:** Create key performance indicators (KPIs) for notification delivery success rates, with regular monitoring and reporting to identify areas needing improvement.

Comparative Practices from Other Courts

Research from the Jakarta Central District Court shows that implementing digital notification systems reduced verstek rates by 15% over two years. The Surabaya District Court's pilot program using SMS alerts achieved an 85% success rate in defendant appearances when combined with traditional notification methods. The Medan District Court's collaborative program with village governments, including regular training and performance incentives, resulted in a 30% improvement in notification delivery effectiveness.

These comparative practices demonstrate that systematic approaches combining technology, training, and accountability measures can significantly improve notification systems and reduce unnecessary verstek decisions.

Submission of the relaas through the Village Head in the *Verstek Decision*

The negligence of the village head in summoning the interested parties, the proposal contained in the 1997 Technical Working Meeting Material Assembly, the

Supreme Court with the Chairmen of the Court of Appeal (MA 1998) emphasized that in the renewal of the civil procedure law, a threat should be included to the village head who intentionally or neglectfully conveys *the grievance* to the interested party.

Based on interviews with bailiffs, judges, and the chairman of the Bangli District Court, the Court does not issue whether the notification of the *verstek* decision was delivered directly by the village head to the defendant or not. In addition, there is no provision that includes threats to village heads who deliberately or neglect to convey *their concerns* to interested parties.

CONCLUSION

The implementation of the submission of *relaas* through the village head in the *verstek decision* at the Bangli District Court has evolved following PERMA Number 7 of 2022, shifting from conventional summons via bailiffs to a registered letter system managed by postal officers under SEMA Number 1 of 2023. This process includes detailed electronic evidence such as receipt dates, recipient identity, geotagging, and village head signatures or official stamps; in cases of refusal, a note is made. These records determine the case's final legal standing. However, obstacles remain, including the absence of sanctions for villages that fail to directly deliver *relaas* to recipients, and difficulties arising when addresses are vacant, since postal officers must still submit documents to the village head responsible for the area. To improve compliance and effectiveness, it is recommended that the Bangli District Court provide regular biannual counseling or socialization sessions to village heads on the importance of conveying *relaas* to litigants, so they remain informed of their case status. Future research could explore the impact of such outreach programs on the timeliness and completeness of *relaas* delivery and whether additional enforcement mechanisms might better ensure compliance by village officials.

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