



RECONSTRUCTING THE CONCEPT OF SUMMARY PROOF WITHIN THE LEGAL FRAMEWORK OF SMALL CLAIMS PROCEDURES

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Abstract

This research analyzes the legal reasoning (ratio legis) behind the qualification of "simple" in the current Small Claims Court regulation and formulates a reconstruction of that meaning. Currently, Supreme Court Regulation (PERMA) No. 4 of 2019 defines "simple" based on quantitative-administrative limits, such as a maximum claim value of IDR 500 million and domicile constraints. This normative legal research uses statute, conceptual, and philosophical approaches. The results indicate that the current paradigm is pragmatic-economic, aimed at judicial efficiency and Ease of Doing Business (EoDB) rankings, but often neglects substantive justice. This study proposes a reconstruction by shifting the paradigm from Quantitative Simplicity to Evidentiary Simplicity. Under this new framework, a case is categorized as "simple" based on its evidentiary characteristics (clear-cut case/liquid debt) rather than its nominal value, ensuring broader access to justice for cases with high economic value but low evidentiary complexity.

Keywords: Small Claims Court, Summary Proof, Substantive Justice

INTRODUCTION

In Indonesia, judicial power is an independent authority exercised to uphold law and justice, whereby the Supreme Court and its subordinate judicial bodies are mandated to conduct proceedings that are efficient, expeditious, and cost-effective.¹ A concrete manifestation of this "simple, fast, and low-cost" principle is the establishment of the Small Claims Court mechanism (*Penyelesaian Gugatan Sederhana*), regulated under Supreme Court Regulation (PERMA) No. 2 of 2015 and subsequently revised by PERMA No. 4 of 2019.² This procedure is specifically designed to streamline litigation stages, enabling a final and binding decision to be reached within a maximum of 25 working days, without the availability of ordinary legal remedies such as appeal or cassation.³

A fundamental shift in the evolution of this regulation is the increase in the maximum material claim value from IDR 200,000,000 to IDR 500,000,000, as stipulated in Article 1 Point 1 of PERMA No. 4 of 2019.⁴ This nominal escalation was influenced by the view that the previous limit was insufficient for disputes in major urban centers, as well as political-legal pressure to improve Indonesia's Ease of Doing Business (EoDB) ranking, particularly regarding the "Enforcing Contracts" indicator.⁵ However, this heavy emphasis on pragmatic-economic aspects risks reducing the juridical-dogmatic dimension of the summary proof principle, where legal complexity is effectively

¹ Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power.

² Supreme Court Regulation Number 2 of 2015 concerning Procedures for Small Claims Court Settlement.

³ Supreme Court Regulation Number 4 of 2019 concerning the Amendment of Supreme Court Regulation Number 2 of 2015 concerning Procedures for Small Claims Court Settlement.

⁴ Article 1 Point 1 of Supreme Court Regulation Number 4 of 2019.

⁵ Muhammad Syarifuddin, *Evolusi Modernisasi Peradilan di Indonesia* (Jakarta: Imaji, 2021), p. 45.

compressed into a mere monetary variable.⁶ Legal problems arise when the definition of summary proof is frozen at the IDR 500,000,000 threshold, creating a justice anomaly in practice. In modern business transactions, disputes involving substantial values (e.g., IDR 1,000,000,000) are frequently encountered where the evidence is inherently simple such as authentic deeds or uncontested acknowledgments of debt.⁷ Under current regulations, these cases are forced into regular civil litigation, which can take years, solely due to nominal limits.⁸ Conversely, low-value claims may pass through the small claims track despite having highly complex evidentiary requirements, ultimately undermining judicial efficiency.⁹ This phenomenon indicates a disorientation of meaning, where the current legal construction is trapped in "Quantitative Summary Proof," whereas the essence of summary proceedings should ideally rest upon "Summary Proof."¹⁰ Therefore, a reconstruction of the meaning of "simple" is imperative to ensure it is no longer constrained by limitative nominal thresholds but shifts toward a more flexible approach based on evidentiary characteristics, thereby guaranteeing substantive and efficient access to justice.

LITERATURE REVIEW

Academics and legal observers have extensively discussed the implementation of the Small Claims Court (*Gugatan Sederhana*) in Indonesia. However, research specifically focusing on the philosophical reconstruction of the meaning of "simple" shifting from a quantitative-nominal approach to an evidentiary-qualitative approach remains scarce. To establish the originality of this research, a literature review was conducted by tracing previous studies related to Peraturan Mahkamah Agung Nomor 4 Tahun 2019 and the efficiency of civil proceedings. Several relevant legal papers were identified as comparative material, as shown in the table below:

No.	Title, Researcher, Institution, Year	Core Research Questions	Comparison (Similarities & Differences)	Research Novelty
1	<i>Penyelesaian Gugatan Sederhana Terhadap Objek Hak Tanggungan di PN Mungkid</i> , Eko Supriyanto, Universitas Gadjah Mada, 2020. ¹⁰	Realizing the principle of fast proceedings and resolving cases where the collateral is encumbered by a Mortgage (<i>Hak Tanggungan</i>).	1. Similarity: Focuses on the implementation of Peraturan Mahkamah Agung Nomor 4 Tahun 2019. 2. Difference: Focuses on the problematic execution of mortgages in a specific jurisdiction.	Focuses on the <i>ratio legis</i> of the "simple" category and the reconstruction of meaning from a quantitative to a qualitative (evidentiary) dimension.
2	<i>Penyelesaian sengketa perdata melalui Gugatan Sederhana di PN Takengon</i> , Putra Raditya Pratama, Universitas Medan Area, 2020. ¹¹	The implementation practice, obstacles faced by the court, and efforts to overcome problems within the "simple, fast, and low-cost" principle.	1. Similarity: Analyzes the obstacles in implementing the Small Claims Court mechanism in district courts. 2. Difference: Focuses on an empirical case study at the Takengon District Court.	Focuses on a philosophical analysis of the IDR 500 million nominal threshold as a parameter for summary proof within the regulation.

⁶ Sekretariat Negara Republik Indonesia, "Presiden Ingin Peringkat Kemudahan Berusaha Indonesia Naik ke Posisi 40," diakses pada April 22, 2026,

<https://www.setneg.go.id/baca/index/presiden-ingin-peringkat-kemudahan-berusaha-indonesia-naik-ke-posisi-40>.

⁷ Dwi Ratna Kartikawati, *Hukum Perjanjian dan Wanprestasi* (Jakarta: Kencana, 2018), 12.

⁸ Article 3 paragraph (1) of Supreme Court Regulation Number 4 of 2019.

⁹ Ahmadi Miru and Sakka Pati, *Hukum Perikatan Penjelasan Makna 1233 sampai 1456 BW* (Jakarta: Rajawali Pers, 2014), p. 88.

¹⁰ Eko Supriyanto, "Penyelesaian Gugatan Sederhana Terhadap Objek Yang Dilekatkan Hak Tanggungan Di Wilayah Hukum Pengadilan Negeri Mungkid Berdasarkan Perma Nomor 4 Tahun 2019 Tentang Perubahan Atas Perma Nomor 2 Tahun 2015 Tentang Tata Cara Penyelesaian Gugatan Sederhana" (Master's thesis, Universitas Gadjah Mada, 2020).

¹¹ Putra Raditya Pratama, "Penyelesaian sengketa perdata melalui Gugatan Sederhana berdasarkan Peraturan Mahkamah Agung No. 4 Tahun 2019 di Pengadilan Negeri Takengon" (Undergraduate thesis, Universitas Medan Area, 2020).

3	<i>Studi komparasi antara Gugatan Sederhana dan Gugatan Biasa</i> , Ridwan Pratama, Universitas Lampung, 2023. ¹²	Similarities and differences in procedures as well as obstacles in case resolution after the issuance of the latest regulation.	1. Similarity: Examines the legal structure of Small Claims Courts following the 2019 regulatory amendments. 2. Difference: Consists of a procedural comparison of civil procedure law.	Proposes a new formulation of meaning based on Summary Proof rather than a mere nominal threshold.
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METHOD

This study is categorized as normative legal research. In accordance with the perspective of Peter Mahmud Marzuki, legal research is a process of identifying legal rules, legal principles, and legal doctrines to address specific legal issues.¹³ A comparative approach was deliberately excluded as the focus lies on reconstructing domestic normative meaning rather than adopting foreign legal transplants. The focus of this research is not directed toward sociological phenomena but is intended to provide a prescriptive analysis of *das sollen* (what ought to be) regarding the problematic meaning of "simplicity" in procedural law. The approaches employed in this research include the statute approach, the conceptual approach, and the philosophical approach.¹⁴ The statute approach is conducted by examining authoritative regulations, specifically Peraturan Mahkamah Agung Nomor 4 Tahun 2019, to understand the hierarchy and certainty of the norms. The conceptual approach is utilized to dissect legal doctrines related to judicial principles, while the philosophical approach is applied to explore the essence of substantive justice values that serve as the foundation for the reconstruction of meaning.¹⁵

The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations, while secondary legal materials comprise legal textbooks and relevant academic journals.¹⁶ Tertiary legal materials, such as legal dictionaries and etymological dictionaries, are used to strengthen the linguistic analysis of the term. The technique for collecting legal materials is conducted through library research by gathering and identifying legal documents relevant to the object of the research.¹⁷ The technique for analyzing legal materials is descriptive qualitative analysis using deductive reasoning. The legal materials are analyzed using reconstruction logic, which involves dissecting the problems within the current norms (deconstruction) to subsequently formulate a resolution based on ideal justice values.¹⁸

RESULTS AND DISCUSSION

1. Analysis of the Ratio Legis in Determining the "Simple" Category under Peraturan Mahkamah Agung Nomor 4 Tahun 2019 concerning Small Claims Court Settlement Procedures

1.1 Analysis of the Ratio Legis of the IDR 500,000,000 Nominal Limitation in the Perspective of the Principle of Expeditious Justice.

The determination of the "simple" category within the current legal framework of Peraturan Mahkamah Agung Nomor 4 Tahun 2019 is heavily dominated by a quantitative-administrative approach, specifically the maximum material claim threshold of IDR 500,000,000.00. Philosophically, the principle of simple, fast, and low-cost justice mandated by Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman aims to ensure judicial efficiency and prevent protracted litigation. However, the *ratio legis* behind this nominal limitation is primarily driven by pragmatic-economic considerations, particularly the government's objective to improve Indonesia's Ease of Doing Business (EoDB) ranking by accelerating contract enforcement.

¹² Ridwan Pratama, "Studi komparasi antara Gugatan Sederhana/Small Claim Court dan Gugatan Biasa" (Undergraduate thesis, Universitas Lampung, 2023).

¹³ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011), p. 35.

¹⁴ Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2006), p. 300.

¹⁵ Marzuki, *Penelitian Hukum*, p. 95.

¹⁶ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015), 13.

¹⁷ Marzuki, *Penelitian Hukum*, p. 141.

¹⁸ Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, p. 302.

This quantitative approach creates a conceptual reduction where the essence of "simplicity" is measured solely by monetary value rather than the complexity of legal facts. As argued by Muhammad Syarifuddin, the escalation of the nominal limit from IDR 200 million to IDR 500 million reflects a response to economic dynamics, yet it remains anchored in a quantitative paradigm that overlooks juridical-dogmatic dimensions.¹⁹ This results in a legal anomaly where cases with high economic value but clear-cut evidentiary facts (liquid debt) are excluded from the expedited track, forcing them into regular civil proceedings that are notoriously time-consuming.²⁰

Furthermore, the current paradigm operates on the flawed assumption that lower economic value is inherently synonymous with lower legal complexity. In reality, evidentiary complexity is not always proportional to the claim's value; a low-value claim may involve intricate legal disputes, while a high-value claim may be supported by uncontested authentic deeds. Therefore, from the perspective of the principle of expeditious justice, the reconstruction of the meaning of "simple" must shift toward Summary Proof, ensuring that judicial resources are distributed based on the inherent ease of proving the case rather than an arbitrary financial ceiling.

1.2 Juridical Critique of the Quantitative Approach: Disparity Between Object Value and Case Complexity

The existence of the small claims court mechanism is philosophically rooted in the implementation of the principle of fast, simple, and low-cost justice, as mandated by the Preamble of the Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. In a state context, law functions as an instrument for creating order and justice to support national objectives. However, the effectiveness of such laws heavily depends on their relevance to the sense of justice and the actual needs of society, which can only be realized through transparent and accountable law enforcement. The effectiveness of procedural law is measured by its ability to ensure the smooth conduct of litigation, a principle legally accommodated in Article 2 paragraph (4) of Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman.

Pursuant to Article 1 of Peraturan Mahkamah Agung Nomor 4 Tahun 2019, a small claim is defined as a civil lawsuit with a maximum claim value of IDR 500,000,000.00, an increase from the previous threshold of IDR 200,000,000.00 established under Peraturan Mahkamah Agung Nomor 2 Tahun 2015. Beyond the nominal threshold, the latest regulation introduced several significant changes: the removal of domicile restrictions (Article 4 paragraph 3a), the implementation of electronic litigation or e-court (Article 6A), the availability of *verzet* (opposition) against *verstek* (default) judgments (Article 13 paragraph 3a), the authority of judges to grant provisional seizures (Article 17A), and a 7-day limit for *aanmaning* (Article 31 paragraph 2a-2c). While these updates aim to meet the expectations of justice seekers for efficient procedures, the cumulative requirement of a nominal limit effectively reduces the essence of "summary proof," suggesting that the regulator evaluates case complexity through a purely quantitative lens.

In the theory of substantive justice, justice is not merely adherence to formal legal procedures (*formal justice*) but focuses on the content, values, and final outcomes of a judgment to reflect the actual sense of justice in society.²¹ Law must transcend formal legality to encompass material truth. This aligns with the evolution of Gustav Radbruch's thought; while initially prioritizing legal certainty, Radbruch introduced the "Radbruch Formula" in 1946, asserting that if positive law contradicts material justice to an intolerable degree, it loses its legal character. This discourse intersects with Jeremy Bentham's utilitarianism, which emphasizes the principle of utility the greatest happiness for the greatest number.²² However, from a substantive justice perspective, Bentham's theory risks sacrificing individual rights for material truth. John Stuart Mill refined this by introducing the qualitative aspect of utility, arguing that true legal utility is impossible without substantive justice.²³ A legal system that prioritizes procedural speed while ignoring the quality of material truth eventually damages the social structure.

The implementation of Peraturan Mahkamah Agung Nomor 4 Tahun 2019, which treats the material threshold as a cumulative requirement, can be characterized as "quantitative positivism" that ignores the fundamental nature of a dispute. Substantively, the simplicity of a case should be inherent in the weight of evidence and the interconnectedness of legal facts, rather than the monetary value of the dispute. This limitation represents a form of legal formalism that risks sidelining material truth for administrative standards. Applying Radbruch's formula, the

¹⁹ Muhammad Syarifuddin, *Evolusi Modernisasi Peradilan di Indonesia* (Jakarta: Imaji, 2021), p. 48.

²⁰ M. Natsir Asnawi, *Hukum Acara Perdata Teori, Praktik, dan Perkembangannya di Indonesia* (Jakarta: UII Press, 2020), p. 112.

²¹ Wandu Subroto et al., "Dinamika Penegakan Hukum di Indonesia: Antara Keadilan Substantif dan Formalitas Prosedural," *Jurnal Abdimas Peradaban: Jurnal Pengabdian Masyarakat* 5, no. 1 (2024): p. 83.

²² Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, ed. Jonathan Bennett (2017), p. 13.

²³ John Stuart Mill, *Utilitarianism* (The Floating Press, 2009), p. 79-80.

nominal limit serves as legal certainty (*rechtssicherheit*) which, if applied blindly, fosters substantive injustice. For instance, a claim valued at IDR 600 million supported by clear-cut evidence, such as an uncontested acknowledgment of debt, is automatically barred from the small claims track solely due to its nominal value. Here, substantive justice demands that procedural efficiency should not become a barrier to justice seekers.

Furthermore, a low monetary value does not necessarily correlate with simple evidentiary requirements. The quantitative approach implicitly assumes that disputes below IDR 500 million possess a simple evidentiary anatomy, yet practice often proves otherwise; a low-value claim may involve complex proof and multiple parties. Forcing inherently complex cases into a 25-day procedure based on a quantitative approach violates the principle of due process of law, as substantive justice cannot be achieved through a hurried examination. This cumulative requirement also muzzles the role of the judge as a *Rechtsvinder* (law finder). Under the paradigms of Substantive Justice and Satjipto Rahardjo's Progressive Law, judges should be granted full discretion to assess a case's simplicity during the dismissal process. Judges should possess the moral and juridical authority to transcend nominal limitations; however, this discretion is currently constrained by the quantitative approach. As Rahardjo noted, "law is for human beings,"²⁴ implying that procedures including nominal limits should be viewed as alternative criteria that must not obstruct judicial authority in realizing substantive justice.

This discretion is partially addressed in Article 11 of Peraturan Mahkamah Agung Nomor 4 Tahun 2019, which positions the judge centrally in the preliminary examination to scrutinize the material relevance of a claim. However, this discretion is substantively asymmetrical: a judge may qualify a case as too complex for the small claims track, yet they lack the authority to admit a case that exceeds the nominal limit even if the evidence is remarkably simple. From John Stuart Mill's qualitative utilitarian perspective, this failure to grant full discretion results in high "error costs" within the judicial system. When complex low-value disputes are forced into a 25-day duration, or conversely, simple high-value disputes are forced through regular litigation that takes years, the economic efficiency sought by the regulation turns into a social burden. True legal utility is only achieved when procedure adapts to substance (*substance dictates procedure*), rather than procedure dictating and limiting the scope of substantive justice.

1.3 Legal Uncertainty Implications of Nominal Limitations on High-Value Simple Cases

The imposition of the IDR 500,000,000.00 nominal cap in Peraturan Mahkamah Agung Nomor 4 Tahun 2019 is intrinsically linked to the political drive to optimize the "Enforcing Contracts" indicator within the World Bank's Ease of Doing Business (EoDB) framework, aiming to elevate Indonesia's ranking from 73rd to 40th.²⁵ Evaluated through Gustav Radbruch's triad of legal values, this regulatory choice exposes a profound friction between economic utility (*Zweckmassigkeit*), legal certainty (*Rechtssicherheit*), and substantive justice (*Gerechtigkeit*). By forcibly translating a qualitative concept summary proof into a rigid quantitative monetary metric, the regulation introduces a severe epistemological ambiguity. It arbitrarily denies expedited judicial access to disputes that are legally elementary yet carry a substantial economic value.

This systemic anomaly is clearly illustrated in the Semarang District Court Decision Number 23/Pdt.G/2024/PN Smg.²⁶ The case involved an investment dispute where the Plaintiff claimed a principal capital return of IDR 900,000,000.00 and outstanding profit shares after the Defendants issued non-negotiable (blank) checks. Visited under civil procedural principles, the lawsuit was remarkably straightforward: the underlying legal relationship was formalized via a Notarial Deed (satisfying Article 1320 of the Indonesian Civil Code), and the Defendants explicitly confessed to receiving the full principal amount during the proceedings. In civil litigation, such an explicit confession constitutes the "queen of evidence" (*regina probationum*), which completely absolves the plaintiff from further burdens of proof and eliminates the need for exhaustive factual inquiry. Furthermore, the court seamlessly adjusted the disputed profit liability by applying a balanced risk theory to a notoir (publicly known) fact the El Niño climate phenomenon affecting the agricultural venture.

Despite the presence of an authentic deed, an explicit judicial confession, and a clear-cut legal issue (*liquid debt*), this case was structurally excluded from the Small Claims Court track solely because its nominal value exceeded the administrative ceiling. Registered on January 9, 2024, the dispute was forced through regular civil litigation, enduring a mandatory but failed mediation phase until March 26, 2024, followed by a full conventional

²⁴ Satjipto Rahardjo, *Ilmu Hukum* (Jakarta: Citra Aditya Bakti, 2006), as cited in M. Zulfa Aulia, "Hukum Progresif dari Satjipto Rahardjo: Riwayat, Urgensi, dan Relevansi," *Undang: Jurnal Hukum* 1, no. 1 (2018): p. 329.

²⁵ Sekretariat Negara Republik Indonesia, "Presiden Ingin Peringkat Kemudahan Berusaha Indonesia Naik ke Posisi 40," accessed April 22, 2026,

<https://www.setneg.go.id/baca/index/presiden-ingin-peringkat-kemudahan-berusaha-indonesia-naik-ke-posisi-40>.

²⁶ Semarang District Court Decision Number 23/Pdt.G/2024/PN Smg, August 1, 2024.

trial. The final judgment was not rendered until August 1, 2024. Consequently, a dispute that possessed a completely simple evidentiary anatomy required nearly seven months to resolve. From the perspective of the Economic Analysis of Law, procedural frameworks must function to minimize both "error costs" (the risk of judicial miscalculation) and "direct costs" (the time and resources expended during litigation).²⁷ In a clear-cut case like the one at the Semarang District Court, the error cost is virtually non-existent due to the undisputed written evidence and confession. Forcing such high-value, low-complexity commercial disputes into conventional litigation inflicts unnecessary social and transactional costs on businesses, directly undermining the economic efficiency the regulation sought to achieve. Therefore, a paradigm reconstruction is required: the definition of "summary proof" must shift from a quantitative monetary threshold to a qualitative evidentiary standard, ensuring that procedural velocity is dictated by the clarity of the evidence rather than an arbitrary financial limit.

2. Reconstruction of the Meaning of "Simple" in the Adjudication of Small Claims in Court

2.1 Paradigm Shift in the "Simple" Qualification: From a Nominal (Quantitative) to an Evidentiary (Qualitative) Approach

Within the normative architecture of the Small Claims Court (*Gugatan Sederhana*), the Supreme Court theoretically accommodates a qualitative mechanism through the preliminary examination (*pemeriksaan pendahuluan*). Pursuant to Article 11 paragraphs (1) and (2) of *Peraturan Mahkamah Agung Nomor 4 Tahun 2019*, judges possess discretionary authority to scrutinize the material substance of a claim and determine whether it qualifies for the expedited track. If the evidentiary process is deemed complex, the judge is empowered to strike the case from the court register. This demonstrates that, theoretically, the Indonesian legal system recognizes "summary proof" as a qualitative value entrusted to judicial independence.

However, the mandatory nominal ceiling of IDR 500,000,000.00 stipulated in Article 1 Point 1 of the regulation constructs an absolute administrative barrier that neutralizes the essence of this judicial discretion. The discretion granted under Article 11 operates asymmetrically and restrictively; judges are merely permitted to "demote" low-value claims to regular civil litigation if the evidence proves intricate, yet they lack the corresponding authority to "accelerate" high-value claims into the expedited track, even when the factual matrix is entirely straightforward. This structural limitation causes the preliminary examination to degenerate into a mechanical administrative exercise of checking figures rather than an intellectual appraisal of legal complexity, thereby distorting the systemic predictability and separating procedural certainty from the actual quality of the dispute.

Consequently, maintaining this rigid financial boundary reduces the sovereign adjudicative role of the judge to that of an administrative clerk. To address this disorienting formalism, a paradigm reconstruction must begin by transforming judicial discretion into a symmetrical instrument—one that functions not only to reject complex low-value claims but also to absorb high-value, low-complexity disputes based on the clarity of proof. According to Sudikno Mertokusumo, procedural law serves to enforce substantive civil rights through mechanisms that must not be more labyrinthine than the essence of the rights being defended.²⁸ Confronted with a clear-cut or "liquid" debt anchored by *prima facie* evidence or an authentic deed, forcing litigants into regular civil proceedings constitutes a violation of their right to judicial efficiency. This "Legal Nominalism" ignores Satjipto Rahardjo's framework of Progressive Law, which dictates that the law must serve humanity, meaning that rigid procedures must yield to substantive justice rather than restricting the judge's capacity to deliver it.²⁹

Furthermore, this paradigm reconstruction is vital to reconcile domestic procedural reality with global economic benchmarks like the Ease of Doing Business (EoDB) indices. The temporal certainty demanded by the "Enforcing Contracts" matrix cannot be substantially achieved if the judiciary allows large-scale commercial disputes with clear evidentiary clarity such as breach of contract verified by notarial deeds to languish in conventional litigation for months. Placing the qualification of "summary proof" upon a qualitative, free evaluation of evidence aligns the economic principle of utility with the constitutional mandate of justice. Ultimately, this shift manifests the principle of **Procedural Proportionality**, ensuring that the weight and duration of legal proceedings are commensurate with the evidentiary difficulty of the case rather than the arbitrary monetary volume at stake, thereby synchronizing national legal certainty with the acceleration of global contract enforcement.

²⁷ Richard Posner, *Economic Analysis of Law* (New York: Wolters Kluwer Law & Business, 2014), 517.

²⁸ Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia* (Yogyakarta: Cahaya Atma Pustaka, 2013), 22.

²⁹ Satjipto Rahardjo, *Ilmu Hukum* (Jakarta: Citra Aditya Bakti, 2006), as cited in M. Zulfa Aulia, "Hukum Progresif dari Satjipto Rahardjo: Riwayat, Urgensi, dan Relevansi," *Undang: Jurnal Hukum* 1, no. 1 (2018): 329.

2.2 Formulation of New Criteria: Debt Acknowledgment and Prima Facie Evidence Without Nominal Limitations

The enactment of **Peraturan Mahkamah Agung Nomor 4 Tahun 2019** represents a structural effort by the Supreme Court to recalibrate the principle of legal certainty (*rechtszekerheid*) within the Indonesian civil justice system. While conventional litigation equates legal certainty with exhaustive fact-finding and multi-tiered appellate reviews, the Small Claims Court (*Gugatan Sederhana*) framework redefines it as procedural velocity, finality, and temporal predictability. This paradigm shift directly addresses the maxim *justice delayed is justice denied*. However, the rigid IDR 500,000,000.00 threshold severely co-opts this essence by falsely assuming that a dispute's legal complexity is strictly linear to its monetary value. This quantitative cap contradicts the foundational thesis of Subekti, which posits that procedural law serves as a servant (*pelayan*) to substantive law.³⁰ When procedural mechanisms erect artificial nominal barriers, they fail to enforce substantive rights effectively. Under Satjipto Rahardjo's progressive law framework, the law must serve human justice rather than trapping adjudicators within rigid textual boundaries; forcing a low-complexity, high-value dispute into conventional litigation is a form of gross judicial waste.³¹

This systemic failure is highlighted by the *Semarang District Court Decision Number 23/Pdt.G/2024/PN Smg*. Despite a claim value of IDR 900,000,000.00, the dispute was structurally uncomplicated due to the existence of an authentic deed and an explicit judicial confession (*confessio in jure*) by the defendant. Yet, bound by the arbitrary financial ceiling, this straightforward case languished in the regular civil track for nearly seven months a stark contrast to the 25-day mandate of small claims proceedings. To remedy this paradox, this study proposes a paradigm reconstruction: the formulation of a new model termed Evidence-Based Small Claims. Under this model, the qualification for the expedited track must bypass nominal limitations completely, relying instead on the degree of evidentiary certainty specifically through undisputed debt acknowledgments and *prima facie* evidence.

In Indonesian civil procedure, a judicial confession is recognized as the queen of evidence (*regina probationum*). As emphasized by M. Yahya Harahap, a formal confession in court instantly waives the opposing party's burden of proof, rendering further protracted examination of witnesses or experts legally redundant.³² Furthermore, pursuant to Article 1870 of the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata*), an authentic notarial deed possesses perfect and conclusive evidentiary weight (*volledig bewijskracht*), leaving virtually no room for factual ambiguity regarding the underlying legal relationship. If a lawsuit is anchored by an unassailed authentic deed or a clear debt acknowledgment, the case is qualitatively "simple" regardless of its economic scale. To operationalize this model, Article 11 of Peraturan Mahkamah Agung Nomor 4 Tahun 2019 regarding the preliminary examination (*pemeriksaan pendahuluan*) must be revitalized. Symmetrical, two-way discretion must replace the current asymmetrical framework, empowering judges to actively pull high-value, low-complexity commercial disputes into the fast-track mechanism. By shifting the parameter from quantitative nominalism to qualitative evidentiary liquidity, the judiciary will significantly improve contract enforcement metrics within global economic indicators, transforming legal certainty from a procedural illusion into an efficient, accessible reality.

2.3 Reconstructed Regulatory Design: The Qualitative Dismissal Process by the Preliminary Examination Judge

The preliminary examination (dismissal process) serves as the primary gatekeeper within the Small Claims Court framework, determining whether a lawsuit is funneled into the expedited track or redirected to conventional civil litigation. In this reconstructed regulatory design, the role of the Preliminary Examination Judge is substantially elevated to perform a qualitative filtration mechanism centered on evidentiary simplicity rather than arbitrary monetary caps. This reconstructed dismissal process is anchored by four fundamental pillars:

- a. Evidentiary Reorientation as the Primary Parameter: The Preliminary Examination Judge no longer treats the IDR 500,000,000.00 threshold as a *conditio sine qua non* for fast-track admissibility. The core analytical focus shifts to verifying whether the dispute constitutes a clear-cut case supported by self-authenticating evidence that requires no exhaustive subsequent verification.

³⁰ Fakultas Syariah IAIN Manado, *Modul Praktikum Peradilan Agama*, accessed April 26, 2026, <https://fasya.iain-manado.ac.id/wp-content/uploads/2017/01/Modul-PPL-Peradilan.pdf>, 1.

³¹ Vincentius Patria Setyawan, "Hukum yang Membebaskan: Sintesis Hukum Progresif dan Humanisme Yuridis," *Legal ADVICE* 3, no. 1 (2021): 49.

³² M. Yahya Harahap, *Hukum Acara Perdata tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2016), 728.

- b. Application of Strict Qualitative Criteria: Admissibility is determined by two main instruments: authentic deeds and formal judicial confessions (*bekenenis*). Authentic deeds (such as notarized credit agreements) operate as *acta probant sese* (documents that prove themselves), eliminating the need for complex witness testimony. Similarly, an explicit debt acknowledgment or confession strips away the opposing party's burden of proof, rendering the factual matrix immediately settled.
- c. Expansion of Symmetrical Judicial Discretion: This design operationalizes the active judge paradigm. The judge is granted robust discretionary authority to dismiss or remove a claim from the small claims register—regardless of its low nominal value if the substance of the dispute requires complex procedural interventions such as expert witnesses (*deskundige*) or local judicial inspections (*descente*), which are fundamentally incompatible with the statutory 25-working-day mandate.
- d. Manifestation of Procedural and Distributive Justice: Theoretically, this qualitative filtration aligns procedural mechanics with the actual nature of the dispute. Procedural justice is achieved by reserving expedited tracks for structurally simple cases, while distributive justice is manifested by distributing judicial resources based on the qualitative clarity of the evidence rather than a rigid financial metric.

CONCLUSION

The first fundamental pillar of this reconstructed design focuses on an evidentiary reorientation as the primary parameter for small claims eligibility. Under this framework, the Preliminary Examination Judge will no longer treat the IDR 500,000,000.00 nominal ceiling as a *conditio sine qua non* for admissibility. Instead, the core analytical inquiry shifts entirely toward verifying whether the dispute constitutes a clear-cut case supported by self-authenticating evidence that requires no exhaustive subsequent verification, ensuring that the monetary scale of the claim does not obscure its factual summary proof.

Furthermore, the filtration mechanism applies strict qualitative criteria during the preliminary phase, leveraging two main instruments of evidentiary certainty: authentic deeds and formal judicial confessions (*bekenenis*). Authentic deeds, such as notarized credit or investment agreements, operate as *acta probant sese* documents that prove themselves effectively precluding the need for complex and time-consuming witness testimonies. Similarly, a clear, written debt acknowledgment or formal confession within the case files immediately waives the opposing party's burden of proof, rendering the factual matrix legally settled from the outset and guaranteeing immediate procedural velocity.

Crucially, this design demands an expansion of symmetrical judicial discretion, operationalizing the active judge paradigm from the earliest stages of litigation. Rather than restricting judges to an asymmetrical role where they can only dismiss a low-value claim if it proves overly complex, this model empowers them with two-way authority. Consequently, a judge is granted robust discretionary power to actively pull high-value, low-complexity disputes into the fast-track register, or conversely, to remove a claim regardless of its low nominal value if the substance requires convoluted procedural interventions, such as expert witnesses (*deskundige*) or local judicial inspections (*descente*), that are fundamentally incompatible with the statutory 25-working-day mandate.

Ultimately, the implementation of this qualitative filtration serves to manifest both procedural and distributive justice within the civil court system. Procedural justice is realized by ensuring that shortened procedural timelines are strictly reserved for cases that are genuinely uncomplicated in fact and evidence, preventing the truncation of due process in inherently complex disputes. Simultaneously, distributive justice is achieved as the judiciary allocates its fast-track institutional resources based on the qualitative clarity of the evidence rather than an arbitrary financial ceiling, shifting the core function of the court from managing protracted factual debates to swiftly enforcing clear, undisputed legal obligations.

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