

**REGULATION OF THE SUPREME COURT OF THE REPUBLIC OF INDONESIA  
NUMBER 2 OF 2015  
ON  
PROCEDURES FOR THE RESOLUTION OF SMALL CLAIM<sup>1</sup>**

**AS CONSOLIDATED WITH:**

**REGULATION OF THE SUPREME COURT NUMBER 4 OF 2019 ON AMENDMENT  
TO REGULATION OF THE SUPREME COURT NUMBER 2 OF 2015 ON  
PROCEDURES FOR THE RESOLUTION OF SMALL CLAIM**

BY THE GRACE OF GOD ALMIGHTY

CHIEF OF SUPREME COURT OF THE REPUBLIC OF INDONESIA

Considering:

- a. that the organization of judiciary is performed with the principles of simple, prompt, and inexpensive in order to open broad access for the public in seeking justice;
- b. that development of legal relationship within the sectors of economy and other civil matters in the public requires dispute-resolution process which is simpler, prompter and more inexpensive, specifically regarding to legal relationship which is simple in nature;
- c. that resolution of civil case as addressed under updated Indonesian *Reglemen* (HIR), *Staatsblaad* Number 44 of 1941 and *Reglemen* of Procedural Law for Territories Outside of Java and Madura (RBg), *Staatsblaad* Number 227 of 1927 and other regulation on civil procedural law, is performed through examination without further differentiating the value of object and claim, as well as the simplicity

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- of inquisitorial process, thus for resolution of simple case, it requires a long period of time;
- d. that 2015-2019 National Medium-Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional – RPJMN*) mandates reform of civil legal system which is simple and prompt in bid to address issues relating to economy, through small claim court (*penyelesaian sengketa secara cepat*);
  - e. that Supreme Court may further address matters which are necessary for smoothness of organization of judiciary, if there are matters which are not adequately addressed under law in order to fill any deficiency or loophole;
  - f. that based on considerations as addressed under letters a, b, c, d and e, it is deemed necessary to establish Regulation of the Supreme Court of the Republic of Indonesia on Procedures for the Resolution of Small Claim.

**REGULATION OF THE SUPREME COURT NUMBER 4 OF 2019 ON AMENDMENT  
TO REGULATION OF THE SUPREME COURT NUMBER 2 OF 2015 ON  
PROCEDURES FOR THE RESOLUTION OF SMALL CLAIM**

Considering:

- a. that the implementation of Regulation of the Supreme Court [Number 2 of 2015](#) on Procedures for the Resolution of Small Claim gains positive response from the public in settling dispute and seeking justice;
- b. that in bid to optimize resolution of small claim, thus, improvement of Regulation of the Supreme Court [Number 2 of 2015](#) on Procedures for the Resolution of Small Claim is necessary, specifically in regards to economic claim, jurisdiction of claimant and respondent, the use of electronic administration of cases, objection to the default judgment [*verzet*], conservatory attachment [*sita jaminan*], and execution procedures;
- c. that based on considerations as referred to in letter a and letter b, it is deemed necessary to establish Regulation of the Supreme Court on Amendment to Regulation of the Supreme Court [Number 2 of 2015](#) on Procedures for the Resolution of Small Claim;

In view of:

1. The 1945 Constitution of the Republic of Indonesia (State Gazette of 2006 Number 14);
2. *Reglement op de Burgelijke Rechvordering* (Staatsblad of 1847 Number 52);
3. *Reglement Tot Regeling Van Het Rechtswezen In De Gewesten Buiten Java En Madura* (Staatsblad of 1927 Number 227);
4. *Het Herziene Indonesisch Reglement* (Staatsblad of 1941 Number 44);
5. Law [Number 3 of 2009](#) on Second Amendment to Law [Number 14 of 1985](#) on Supreme Court (State Gazette of the Republic of Indonesia of 2009 Number 3; Supplement to the State Gazette Number 4958);
6. Law [Number 49 of 2009](#) on Second Amendment to Law [Number 2 of 1986](#) on General Judiciary (State Gazette of the Republic of Indonesia of 2009 Number 158, Supplement to the State Gazette of the Republic of Indonesia Number 5077);
7. Law [Number 48 of 2009](#) on Judiciary Power (State Gazette of the Republic of Indonesia of 2009 Number 157, Supplement to the State Gazette of the Republic of Indonesia Number 5076);
8. Law [Number 12 of 2011](#) on Establishment of Laws and Regulations (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);

**REGULATION OF THE SUPREME COURT NUMBER 4 OF 2019 ON AMENDMENT  
TO REGULATION OF THE SUPREME COURT NUMBER 2 OF 2015 ON  
PROCEDURES FOR THE RESOLUTION OF SMALL CLAIM**

In view of:

1. *Reglement op de Burgelijke Rechvordering* (Staatsblad of 1847 Number 52);
2. *Reglement Tot Regeling Van Het Rechtswezen In De Gewesten Buiten Java En Madura* (Staatsblad of 1927 Number 227);
3. *Het Herziene Indonesisch Reglement* (Staatsblad of 1941 Number 44);

4. Law [Number 14 of 1985](#) on Supreme Court (State Gazette of the Republic of Indonesia of 1985 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 3316), as amended several times and most recently by Law [Number 3 of 2009](#) on Second Amendment to Law [Number 14 of 1985](#) on Supreme Court (State Gazette of the Republic of Indonesia of 2009 Number 3, Supplement to the State Gazette of the Republic of Indonesia Number 4958);
5. Law [Number 2 of 1986](#) on General Judiciary (State Gazette of the Republic of Indonesia of 1986 Number 20, Supplement to the State Gazette of the Republic of Indonesia Number 3327), as amended several times and most recently by Law [Number 49 of 2009](#) on Second Amendment to Law [Number 2 of 1986](#) on General Judiciary (State Gazette of the Republic of Indonesia of 2009 Number 158, Supplement to the State Gazette of the Republic of Indonesia Number 5077);
6. Law [Number 7 of 1989](#) on Religious Judiciary (State Gazette of the Republic of Indonesia of 1989 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 3400), as amended several times and most recently by Law [Number 50 of 2009](#) on Second Amendment to Law [Number 7 of 1989](#) on Religious Judiciary (State Gazette of the Republic of Indonesia of 2009 Number 159, Supplement to the State Gazette of the Republic of Indonesia Number 5078);
7. Law [Number 48 of 2009](#) on Judiciary Power (State Gazette of the Republic of Indonesia of 2009 Number 157, Supplement to the State Gazette of the Republic of Indonesia Number 5076);

HAS DECIDED:

To establish:

REGULATION OF THE SUPREME COURT ON PROCEDURES FOR THE RESOLUTION OF SMALL CLAIM.

## CHAPTER 1 GENERAL PROVISIONS

### Article 1\*

1. Resolution of Small Claim is procedures for in-court examination in regards to civil claim with the value of economic claim not exceeding IDR 500,000,000.00 (five hundred million rupiahs) which is settled using simple procedures and inquisitorial process.
2. Objection is legal remedy against decision of Judge on small claim as addressed under this regulation.
3. Judge is single-panel Judge.
4. Day is business day.



## CHAPTER II COMPETENCE, SCOPE AND PARTIES

### Article 2

Small claim is examined and judged by court within the scope of authority of general judiciary.

### Article 3\*

- (1) Small claim is filed for breach of contract and/or tort [*perbuatan melawan hukum*] cases with the value of economic claim not exceeding IDR 500,000,000.00 (five hundred million rupiahs).
- (2) These are excluded from small claim, namely:
  - a. cases, against which, the dispute resolution is performed through special court as addressed under laws and regulations; or
  - b. land-title disputes.

#### **Article 4\***

- (1) Parties to small claim consist of claimant and respondent, of whom, each cannot be more than one, unless having the same legal concern.
- (2) Against respondent whose address is unknown, small claim cannot be filed.
- (3) Claimant and respondent to small claim are domiciled within the same jurisdiction of Court.
- (3a) In case claimant exists outside the jurisdiction of address or domicile of the respondent, claimant may file a claim by appointing proxy, incidental proxy, or representative who is addressed within the jurisdiction or domicile of the respondent using assignment letter from the claimant's institution.
- (4) Claimant and respondent must be directly present at hearing, with or without accompanied by proxy, incidental proxy or representative with assignment letter from the claimant's institution.

### **CHAPTER III**

## **PROCEDURAL LAW AND STAGES ON RESOLUTION OF SMALL CLAIM**

#### **Article 5**

- (1) Small claim is examined and decided by Judge who is appointed by Chief of Court.
- (2) Stages on Resolution of Small Claim encompass:
  - a. registration;
  - b. examination of completeness of small claim;
  - c. determination of Judge and appointment of deputy registrar;
  - d. preliminary examination;
  - e. determination of hearing and summoning of the parties;
  - f. court's examination and amicable settlement [*perdamaian*];
  - g. inquisitorial process; and
  - h. decision.
- (3) Resolution of small claim is 25 (twenty-five) days at maximum since the first hearing.

## **CHAPTER IV EXAMINATION OF SMALL CLAIM**

### **First Division Registration**

#### **Article 6**

- (1) Claimant registers its claim at court's registrar.
- (2) Claimant may register its claim by filling-out the form of claim which is available at registrar.
- (3) Form of claim contains information on:
  - a. identities of claimant and respondent;
  - b. brief description on facts of the case; and
  - c. demand of the claimant.
- (4) Claimant must attach evidence in the forms of document which has been legalized when registering small claim.

#### **Article 6A\***

Claimant and respondent may use electronic administration of cases at court in accordance with provisions under laws and regulations.

### **Second Division Examination of Completeness of Small Claim**

#### **Article 7**

- (1) Registrar performs examination on requirements for registration of small claim based on provisions under Article 3 and Article 4 of this regulation.
- (2) Registrar returns claim which does not fulfill requirements as referred to in paragraph (1).
- (3) Registration of small claim is recorded in the special registry of small claim.

### **Article 8**

- (1) Chief of court determines the deposit of case fees.
- (2) Claimant must pay deposit of case fees.
- (3) Claimant who is underprivileged may submit petition to undergo legal proceedings without any fees collected or pro-bono.

### **Third Division**

#### **Determination of Judge and Appointment of Deputy Registrar**

### **Article 9**

- (1) Chief of court determines Judge for the examination of small claim.
- (2) Registrar appoints deputy registrar to assist judge in examining small claim.

### **Article 10**

Process for registration of small claim, determination of Judge and appointment of deputy registrar are performed within 2 (two) days at maximum.

### **Fourth Division**

#### **Preliminary Examination**

### **Article 11**

- (1) Judge examines merits of small claim based on requirements as referred to in provisions under Article 3 and Article 4 of this regulation.
- (2) Judge assesses whether the inquisitorial process is simple or not.
- (3) If in the course of examination, Judge is on the opinion that claim is not classified as small claim, then Judge issues stipulation which states that the claim is not small claim, delists it from case registry and orders refund of the remaining case fees to the claimant.
- (4) Against stipulation as referred to in paragraph (3), no legal remedy which may be made.



**Fifth Division**  
**Determination of Hearing**

**Article 12**

In case Judge is on the opinion that claim which is filed by claimant is small claim, then Judge determines the first hearing.

**Sixth Division**  
**Summoning and Presence of the Parties**

**Article 13\***

- (1) In case claimant is absent on the first hearing without any valid ground, then the claim is declared to be dismissed.
- (2) In case respondent is absent on the first hearing, then second summoning is duly performed.
- (3) In case respondent is absent on the second hearing after it has been duly summoned, then Judge decides such case in default [*verstek*].
- (3a) Against decision as referred to in paragraph (3), respondent may file objection to the default judgment (*verzet*) within a grace period of 7 (seven) days after the notification of decision.
- (4) In case respondent on the first hearing is present and on the next hearing is absent without any valid ground, then claim is examined and decided in *contradictoir* manner.
- (5) Against decision as referred to in paragraph (3a) and paragraph (4), respondent may file objection.

**Seventh Division**  
**Judge's Role**

**Article 14**

- (1) In resolving small claim, Judge must take active role in performing the following matters:
  - a. giving explanation on small claim procedure equally to parties;
  - b. striving for amicable dispute resolution, including suggesting parties to perform out-of-court settlement;
  - c. leading parties during inquisitorial process; and
  - d. explaining legal remedy which may be invoked by parties.
- (2) Active role of Judge as referred to in paragraph (1) should be performed in court which is attended by the parties.

**Eighth Division**  
**Hearing Examination and Settlement**

**Article 15**

- (1) On the first hearing, Judge must strive for settlement by taking regards time limit as referred to under Article 5 paragraph (3).
- (2) Settlement effort under this Regulation of the Supreme Court exempts provisions as addressed under provisions of Supreme Court on mediation procedure.
- (3) In case settlement is reached, Judge draws up Decision on Settlement Agreement which binds the parties.
- (4) Against Decision on Settlement Agreement, no legal remedy may be filed.
- (5) In case out-of-court settlement is reached and such settlement is not reported to Judge, then Judge is not bound with such settlement.

**Article 16**

In case settlement is not reached on the first hearing, then hearing is proceeded with the reading of statement of claim and answer of respondent.

### **Article 17**

In the course of examination of small claim, no interim injunction [*tuntutan provisi*], exception, counterclaim [*rekonvensi*], intervention, reply [*replik*], rejoinder [*duplik*], or conclusion may be filed.

### **Article 17**

Matters which are not addressed under Regulation which relates to policy or technical implementation, are established by Directorate General of General Judiciary Body or Directorate General of Religious Judiciary of Supreme Court of the Republic of Indonesia.

### **Article 17A\***

In the course of examination, Judge may order the handing down of conservatory attachment [*sita jaminan*] against assets as owned by respondent and/or owned by claimant which is under the possession of respondent.

**Ninth Division  
Inquisitorial Process**

### **Article 18\***

- (1) No additional inquisitorial process needed for grounds of claim which are fully acknowledged by the respondent.
- (2) Against grounds of claim which are rejected, Judge performs examination on inquisitorial process based on prevailing Procedural Law.

## **CHAPTER V DECISION AND MINUTE OF HEARING**

### **Article 19**

- (1) Judge reads the decision in an open-for-public hearing.
- (2) Judge must notify rights of the parties to file objection.

## Article 20

- (1) Decision consists of:
  - a. header of decision by using heading phrase [*irah-irah*] which states “Justice by the Grace of God Almighty”;
  - b. identities of the parties;
  - c. brief description on facts of the case;
  - d. legal consideration; and
  - e. verdict of decision.
- (2) In case the parties are absent, bailiff delivers notification of decision no later than 2 (two) days after the decision was read.
- (3) Upon request of the parties, copy of decision is delivered no later than 2 (two) days after the decision was read.
- (4) Deputy Registrar records the hearing process in Minute of Hearing which is signed by Judge and deputy registrar.



### CHAPTER VI LEGAL REMEDY

#### First Division Objection

## Article 21

- (1) Legal remedy against decision of small claim as referred to under Article 20 is by filing objection.
- (2) Objection is filed to Chief of Court by signing deed on statement of objection before the registrar, alongside with its reasons.

## Article 22

- (1) Objection petition is filed no later than 7 (seven) days after the decision was read or after notification of decision.

- (2) Objection petition is filed to Chief of Court by filling-out form of objection petition which is available at registrar.
- (3) Objection petition which is filed after the time period for filing as referred to in paragraph (1) is passed, is declared to be inadmissible by stipulation of chief of court based on statement letter of registrar.

### **Article 23**

- (1) Registrar receives and examines completeness of objection petition document which is attached with statement of objection.
- (2) Counter statement of objection may be filed to Chief of Court by filling-out form which is available at registrar.

### **Second Division**

#### **Notification of Objection**

### **Article 24**

- (1) Notification of objection, as well as statement of objection is delivered to the objection respondent within 3 (three) days since the application was received by Court.
- (2) Counter statement of objection is submitted to court no later than 3 (three) days since notification of objection.

### **Third Division**

#### **Examination of Objection**

### **Article 25**

- (1) Chief of Court determines Panel of Judges in order to examine and decide objection petition, no later than 1 (one) day after the petition was declared to be complete.
- (2) Examination of objection is performed by Panel of Judges which is led by senior Judge as appointed by Chief of Court.

### **Article 26**

- (1) Soon after the Panel of Judges has been determined, examination of objection is performed.
- (2) Examination of objection is performed only based upon:
  - a. decision and small-claim briefs;
  - b. objection petition and statement of objection; and
  - c. counter statement of objection.
- (3) In the course of examination of objection, no additional examination is performed.

## **Fourth Division Decision on Objection**

### **Article 27**

Decision upon objection petition is read no later than 7 (seven) days since the date on determination of Panel of Judges.

### **Article 28**

Provisions in regards to content of decision as referred to under Article 20 paragraph (1) prevail in *mutatis mutandis* manner against the content of decision on objection.

### **Article 29**

- (1) Notification on decision on objection is delivered to the parties no later than 3 (three) days after it was read.
- (2) Decision on objection is deemed to be final and binding since the deliverance of notification.

### **Article 30**

Decision on objection is final decision, against which, no appeal, cassation or reconsideration legal remedy which is available.

## CHAPTER VII ENFORCEMENT OF DECISION

### Article 31\*

- (1) Against decision as referred to under Article 20, against which, no objection as referred to under Article 22 paragraph (1) is filed, then the decision is final and binding.
- (2) Final and binding decision is enforced voluntarily.
- (2a) Chief of Court issues reminder letter [*aanmaning*] no later than 7 (seven) days since the retrieval of execution petition letter.
- (2b) Chief of Court stipulates date on enforcement of reminder letter [*aanmaning*] no later than 7 (seven) days since the stipulation of reminder letter [*aanmaning*].
- (2c) In case of certain geographical condition, enforcement of reminder letter [*aanmaning*] cannot be enforced within a period of 7 (seven) days, Chief of Court may deviate from provisions on time limit as referred to in paragraph (2b).
- (3) In case provisions in paragraph (2) are not complied with, then decision is enforced based on provisions under prevailing civil procedural law.

## CHAPTER VIII TRANSITIONAL PROVISIONS

### Article 32

Provisions of civil procedural law continue to prevail insofar that it is not specifically addressed under this Regulation of the Supreme Court.

**CHAPTER IX**  
**FINAL PROVISIONS**

**Article 33**

This Regulation of the Supreme Court enters into force on its promulgation date.

For the purposes of public cognizance, it has been ordered that the promulgation of this Regulation should be achieved through its publication in the Official Gazette of the Republic of Indonesia.

**REGULATION OF THE SUPREME COURT NUMBER 4 OF 2019 ON AMENDMENT  
TO REGULATION OF THE SUPREME COURT NUMBER 2 OF 2015 ON  
PROCEDURES FOR THE RESOLUTION OF SMALL CLAIM**

**Article II**

This Regulation of the Supreme Court enters into force on its promulgation date.

For the purposes of public cognizance, it has been ordered that the promulgation of this Regulation should be achieved through its publication in the Official Gazette of the Republic of Indonesia.

Established in Jakarta

on 7 August 2015

CHIEF OF SUPREME COURT OF THE REPUBLIC OF INDONESIA,

signed.

MUHAMMAD HATTA ALI

Promulgated in Jakarta

on 7 August 2015

MINISTER OF LAW AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA,



signed.

YASONNA H. LAOLY

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA OF 2015 NUMBER 1172

**REGULATION OF THE SUPREME COURT NUMBER 4 OF 2019 ON AMENDMENT  
TO REGULATION OF THE SUPREME COURT NUMBER 2 OF 2015 ON  
PROCEDURES FOR THE RESOLUTION OF SMALL CLAIM**

Established in Jakarta

on 6 August 2019

CHIEF OF SUPREME COURT OF THE REPUBLIC OF INDONESIA,

signed.

MUHAMMAD HATTA ALI

Promulgated in Jakarta

on 20 August 2019

DIRECTOR GENERAL OF  
LAWS AND REGULATIONS OF  
MINISTRY OF LAW AND HUMAN RIGHTS OF  
THE REPUBLIC OF INDONESIA,

signed.

WIDODO EKATJAHJANA

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA OF 2019 NUMBER 942