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HEADLINES

Flashback

The Eight Year Chamber System Implementation

The age of the chamber system only reached 5 (five) months when the figure who pioneered it, Harifin A. Tumpa, retired on March 1, 2012. M. Hatta Ali, as the next Supreme Court's baton holder, became the central figure who maintained, continued, enlarged, matured and strengthened the chamber system in the Supreme Court.

The Chamber System was launched by the Chief Justice of the the Supreme Court of the Republic of Indonesia, Harifin A. Tumpa, on the first day of the 2011 National meeting, Monday, September 19, 2011, eight years ago. The basis for the enactment of the chamber system was the Decision of the Chief Justice of the Supreme Court number 142 / KMA / SK / IX / 2011 dated 19 September 2011 on the Chamber System Guidelines in the Supreme Court. Although the chamber system normatively came into force from the stipulated date (19/9/2011), considering the administrative aspects of the case, the handling of cases based on the new chamber system came into force to cases that were registered starting October 1, 2011. Cases that had not been decided until October 1, 2011, the handling was still



Chamber Plenary Meeting 2018 in Dago Pakar Bandung

carried out by the Team System.

The Supreme Court established the time period of transition for implementing the chamber system until April 2014. The Supreme Court's transition period-establishment was needed because the system implemented in the Supreme Court's organizational structure based on the Team System. Although the period Octo-

ber 2011-April 2014 was established as a transition period for the chamber system, it did not mean that during that time the chamber system was not yet effectively implemented, all cases during that period were handled by the chamber system. The timing's established of the transition was used by the Supreme Court to adapt and modify various regulations supporting the chamber system.

Registrar Foreword

Assalamualaikum Wr, Wb



We thank God for the presence of Allah SWT because the Supreme Court Registrar's News-Letter can be published. This is the 13th edition of October 2019. We chose the topic of chamber system flashbacks as the Supreme Court in menu as a reminder eight years old of SUPREME COURT chamber system. In addition, this edition is published ahead of the eighth Plenary Chamber.

In terms of the achievement of performance of Supreme Court in handling cases from January to September 2019, the Registrar's Office should be grateful because in the midst of the influx of cases, which reached an increase of 22.78%, the Supreme Court is able to increase deciding productivity by as much as 16.22% compared to the long period in 2018.

In terms of the duration of the case investigation, it

also shows a positive result. Of the 13,217 cases decided in the January-September 2019 period, a total of 12,612 cases (95.43%) are decided within 1-3 months. A total of 590 cases (4.46%) are decided within 3-6 months, 12 cases (0.09%) are decided within 6-12 months and 3 cases (0.02%) are decided within 12-24 months.

Other information of Supreme Court that we present in this edition is an effort to improve Supreme Court's case management by changing the terms P1, P2 and P3 to become Chief of the Justices panel, Members of Justices panel 1 and Members of Justices panel 2, and documentation of the appointment of operators. In the News Chamber rubric, we present the small claim court information according to Supreme Court Regulation Number 4 of 2019

Through this media, we express our highest appreciation to Honorable, Chief Justice of the Supreme Court, Justices, Ad Hoc Justices, Young Registrars, Substitute Registrars and Operators and staff related to the handling of Supreme Court cases. We are committed that the best achievement of handling in 2018 can be gained this year. Amen



READ THE DIGITAL VERSION HERE

Strengthening and Maturing of the Chamber System

The age of the chamber system only reached 5 (five) months when the figure who pioneered it, Harifin A. Tumpa, retired, began on March 1, 2012. M. Hatta Ali as the next Supreme Court leadership baton holder became the central figure who maintained continuity, enlarged, matured and strengthened chamber system. During the 8 (eight) year leading the Supreme Court, he has issued various strategic policies so that the current chamber system has become an established system and has a positive impact on the handling of cases in the Supreme Court. As a flashback of the age of the chamber system in the Supreme Court, the following is a journey to strengthen the chamber system in the period of the Honorable Prof. Dr. M. Hatta Ali, S.H., M.H (hereinafter referred to as M.Hatta Ali)

the Performance of the Prime Chamber Plenary Meeting:

M. Hatta Ali was appointed as Chief Justice of the Supreme Court on March 1, 2012. A week after the inauguration, a substantial and strategic issue targeted as the initial policy was the strengthening of the chamber system. He ordered all chambers to hold plenary meetings to discuss legal issues (questions of law) which often triggered dissenting opinion. The holding of the plenary meeting was chosen as a priority policy because it became an important instrument that was built in the chamber system to produce the consistency of decisions, create a unified application of the law and speeded up the process of handling cases in the Supreme Court.

On March 8, 2012, the Criminal Chamber began holding a premiere chamber plenary meeting held at the Aryaduta Hotel, Lippo Karawaci, Tangerang, which lasted until March 10, 2012. After the criminal chamber successfully held a plenary meeting, other chambers soon followed. The Civil Chamber undertook the plenary on March 14-16, 2012, followed by the plenary of the Special Civil Sub Chamber which was held on April 19-21, 2012. The State Administrative Chamber carried out the chamber plenary on April 11-13, 2012, then the Religious Chamber carried out the plenary on May 3-5 2012.

The Plenary Meeting Chamber succeeded in producing a number of important legal formulations/rules that would serve as guidelines for the Supreme Court Justices in hearing cases at the Supreme Court's appeal and Judicial Review level. The Chief Justice of the Supreme Court, M. Hatta Ali, assumed that the realization of the unity of Implementation of the law and the sustainable consistency of decisions would be more effective if the plenary chamber formulation was also conducted by "*judex facti*" judges, as long as it had relevance to the authority of the first court of first instance and appellate court. Therefore, he

stated a brilliant idea so that the plenary formulation of the chamber would be enacted by the Supreme Court Circular Letter. This idea was welcomed positively by all the leaders of the Supreme Court at the time, so the Supreme Court Circular Letter (SEMA) number. 7 of 2012 was born on September 12, 2012 on the Legal Formulation of the Results of the Plenary Meeting of the Supreme Court as a Guideline for the Implementation of Duties for the Court. This Circular Letter of Supreme Court was a milestone for the creation of a chamber in the Supreme Court.

The next Plenary Meeting became an annual routine agenda held by the Supreme Court. During the period of M. Hatta Ali's leadership, 8 Plenary Chambers were held and in order to enforce the results of the chamber formulation each year 8 (eight) Supreme Court Circular Letters were issued. The Circular Letter Of Supreme Court of 2019 related to Chamber Plenary Formulation will be issued at the end of 2019. The following is a list of plenary chambers during the period of M. Hatta Ali's leadership (2012-2019):

Forming Working Group

The chamber system in the Supreme Court is a system adopted from Hoge

plans for implementing the chamber system until the end of the transition period in 2014.

Chamber System Reorganization

was to strengthen the implementation of the chamber system, in addition to conducting arrangements in the judicial technical field by providing chamber pattern, M. Hatta Ali also conducted structuring in the field of chamber system organization. On April 1, 2013, the nomenclature's elements of the leadership of the Supreme Court was changed so that it would better reflect the chamber system. Change of the nomenclature was outlined in the Decree of the Chief Justice of the Supreme Court Number 50 A/SK / KMA / IV / 2013 April 1, 2013 on Amendments to the Nomenclature of Elements of Supreme Court of the Republic of Indonesia's leadership

The change in nomenclature of the Supreme Court leadership element based on the decree was carried out by changing the address of Junior Head to the Head of the Chamber. The address of Junior Head was established based on Law Number 14 of 1985 on Supreme Court which was amended by Law Number 5 of 2004 and the Second Amendment to Law Number 3 of 2009 was identical to the Team system which since October 1, 2011 had been

| NO | PLENARY CHAMBER PROVISION | PLACE | LEGAL MAXIM IMPOSITION |
|----|---|---|---|
| 1 | 2012 Plenary Chamber (Mart to May 2012) | Aryaduta Hotel Karawaci, Tangerang | Circular Letter of Supreme Court Number 7 of 2012 12 September 2012 |
| 2 | 2013 Plenary Chamber (19 to 20 December 2013) | Judicial Training Center Megamendung, Bogor | Circular Letter of Supreme Court Number 04 of 2014 28 March 2014 |
| 3 | 2014 Plenary Chamber (9 to 11 October 2014) | Trans Studio Hotel (The Trans) Bandung | Circular Letter of Supreme Court Number 05 of 2014 1 December 2014 |
| 4 | 2015 Plenary Chamber (9 to 11 December 2015) | Mercure Ancol Hotel, Jakarta | Circular Letter of Supreme Court Number 03 of 2015 29 December 2015 |
| 5 | 2016 Plenary Chamber (23 to 25 October 2016) | Intercontinental Hotel Dago Pakar Bandung | Circular Letter of Supreme Court Number 04 of 2016 09 December 2016 |
| 6 | 2017 Plenary Chamber (22 to 24 November 2017) | Intercontinental Hotel Dago Pakar Bandung | Circular Letter of Supreme Court Number 01 of 2017 19 December 2017 |
| 7 | 2018 Plenary Chamber (1 to 3 November 2018) | Intercontinental Hotel Dago Pakar Bandung | Circular Letter of Supreme Court Number 03 of 2018 16 November 2018 |
| 8 | 2019 Plenary Chamber (3 to 5 November 2019) | Intercontinental Hotel Dago Pakar Bandung | Circular Letter of Supreme Court Number 02 of 2019 27 November 2019 |

Raad Netherlands with various adjustments and modifications according to the needs and legal system in Indonesia. The Chamber System was only five months old when M.Hatta Ali led the Supreme Court. Therefore, for the effectiveness of achieving the goal of implementing the chamber system, the Chief Justice of the Supreme Court formed a working group to compile an action plan for implementing the chamber system by Decree of the Supreme Court Number 106 / KMA / SK / IX / 2012 on September 6, 2012. One of the main duty of this working is to undertake a comprehensive study in order to compile the policies needed for the implementation of the chamber system and compile recommendations for action

ignored. The change of addressing from the young head to the head of the chamber is considered to reflect more the roles and responsibilities of the leadership in maintaining legal unity through the implementation of the chamber system. In addition to changing the nomenclature, the Decision of the Chief Justice of the Supreme Court Number 50 A / SK / KMA / IV / 2013 April 1, 2013 also establishes the elements of the leadership of the Supreme Court

In addition to changing the nomenclature, the Decision of the Chief Justice of the Supreme Court Number 50 A / SK / KMA / IV / 2013 on April 1, 2013 also establishes the Supreme Court leadership element consisting of a Chief Justice of



Chief Justice Briefing on the Opening of Chamber Plenary Meeting, March 2012

the Supreme Court, two Deputy Chief Justice consisting of Deputy Chief Justice of Judicial Matters and Deputy Chief Justice of the Non-Judicial matters, and 7 (seven) heads, namely: head of the Criminal Chamber, Head of the Civil Chamber, Head of the Religious Chamber, Head of the Military Chamber, Head of the State Administrative Chamber, Head of the Development Chamber, and Head of the Chamber of Supervision. Based on this policy, the junior head of special criminal chamber and the junior head of civil chamber who were originally part of the Supreme Court leadership element were eliminated.

Other organizational systems structuring is by changing the composition of the Chief Justice of the Supreme Court. This policy is outlined in the Decision of the Chief Justice of the Republic of Indonesia Number 50 B/SK/KMA/IV/ 2013 April 1, 2013 on Amendment to the Decree of the Supreme Court of the Republic of Indonesia Number 143/KMA/SK/IX/2011 on the Appointment of the Head of the Chamber in the Chamber System in Supreme Court of the Republic of Indonesia. In this Decree, there are several differences in the composition of the Head of the Chamber, namely:

- ◆ The elimination of the Head of the Sub Chamber;
- ◆ MA leaders (Head and Deputy) do not become the head of the chamber
- ◆ The inclusion of the Head of the non-technical Chamber, namely the Head of the Development Chamber and Head of the Supervision Chamber.

Completion of the Chamber System Guidelines

The implementation of the chamber system is based on the Decision of the Chief Justice of the Supreme Court Number 142 / KMA / SK / IX / 2011 dated 19 September 2011 on Guidelines for the Implementation of the Chamber System in the Supreme Court. Five months later, the guideline is amended by Decree of the Chief Justice of the Republic of Indonesia Number 017 / KMA / SK / II / 2012 dated February 3, 2012. The two Decrees were issued at the end of the Supreme Court Chief Justice, Harifin. A. leadership

In 2013, the Chief Justice of the Supreme Court, M. Hatta Ali, completed the chamber system guidelines through Decree Number 112 / KMA / SK / VII / 2013 dated July 10, 2013. The fundamental changes established in the chamber system guidelines are related to two things, namely : First, the position of Chief Justice and Deputy Chief Justice of the Supreme Court in the Chamber System does not concurrently act as Head of the Chamber. The Deputy Chief Justices of the Supreme Court may convene in all chambers on the basis of the appointment of the Chief Justice of the Supreme Court. Cases handled by the Chief Justice and Deputy Chief Justice are specific to cases that have a wide-ranging impact on the state and the country's economy, cases that will affect the credibility of the Judicial Institution, or other cases deemed important by the Chief Justice of the Supreme Court. Second, the Case Criteria discussed at the Chamber Plenary Meet-

ing are refined from the previous regulation. In SK KMA Number 112 / KMA / SK / VII / 2013, it is regulated that the criteria for cases brought to the Plenary Meeting include:

- ◆ Cases of appeal for Judicial Review (PK) that would invalidate the decision of the Supreme Court's appeal level where there are differences of opinion in the Panel of Justices who examines the case. (With this new decree, the mechanism for adding additional members to the assembly will be eliminated)
- ◆ The Head of the Justice Panel has a different opinion from the two members in a case that attracts public attention.

New Chamber System Guidelines

The chamber system transition period was set to take place from 19 September 2011 to 31 April 2014. During this time the chamber system was constantly being modified in accordance with the needs of the Supreme Court. This chamber system modification are recognized from 3 (three) Supreme Court Chief Decrees regarding the chamber system guidelines described above.

After the transition period for the implementation of the chamber system ended, Chief Justice M. Hatta Ali issued a "new" chamber system guideline namely Decree Number 213/KMA/SK/XII/2014 dated 30 December 2014 on Guidelines for Implementing a Chamber System in the Indonesian Supreme Court. This decree revoked and stated that the chamber system application guidelines did not, which are regulated in several decisions, namely: SK KMA Number 142/KMA /SK/IX/2011 dated 19 September 2011, SK KMA Number 017/KMA/SK/II/2012 dated 3 February 2012 and SK KMA Number 112/KMA/SK/VII/2013 dated July 10, 2013.

Guidelines for implementing the chamber system regulated in SK KMA Number 213/KMA/SK/XII/2014 dated December 30, 2014 are more comprehensive than those of the previous three regulations. The rise of the decree also brought an end to differences in interpretation of some chamber system rules.

New things regulated in SK KMA Number 213/KMA/SK/XII/2014 dated December 30, 2014 are as follows:

- ◆ Provisions for handling cases of supreme court's appeal and judicial review starting from the process of receiving documents at the Supreme Court of Indonesia until sending the documents to the court's filer
- ◆ Provisions for handling judicial review, disputes over the authority to adjudicate, petition for legal opinion, and clemency;
- ◆ Compliance monitoring and reporting;
- ◆ Utilization of technology and information systems.

In terms of the substance of the management of the chamber system, the decree also includes several improvements, including:

- ◆ One of the case criteria discussed in the chamber plenary meeting is the case for an appeal of Judicial Review (PK) which will the decision on the supreme court's appeal level and/or the decision has permanent legal force, where there is a difference of opinion among the members of the Panel of Judges examining the case.
- ◆ The Plenary Meeting Agreement that discusses the substance of a case is not binding on the Panel of Justices in deciding cases. If there are still differences of opinion after the Chamber Plenary Meeting, the case is decided by including a dissenting opinion.
- ◆ The legal Pattern of the results of the Plenary Meeting Chamber which has been approved by the Chief Justice of the Supreme Court of the Republic of Indonesia should be obeyed as far as possible by the Panel of Justices.

Portrait of Cases Handling Performance from January to September 2019

Performance Has Decreased Up 16,22%

Amid Increasing Cases Flow Entered by 22.78%

The Supreme Court has registered 16,505 cases during the January-September 2019 period, this number increased by 22.78% compared to the same period in 2018 which registered as many as 13,444 cases. While the number of cases decided by the Supreme Court in the January-September 2019 period was 13,217 cases, an increase of 16.22% compared to the same period in 2018 which decided as many as 11,372 cases.

The remaining number of cases at the end of September 2019 was 4195 cases, an increase of 21.24% compared to the same period in 2018 which amounted to 3,460.

The Productivity Ratio decides Supreme Court cases for the January-September period by 75.91%. This number is reduced by 0.76% compared to the same period in 2018 which reached 76.67%

| NO | YEAR | PENDING FROM 2018 | INCOMING JAN-SEP 2019 | CASE LOAD | JUDGED JAN-SEPT 2019 | REMAINING | % productivity |
|-----------------|------|-------------------|-----------------------|-----------|----------------------|-----------|----------------|
| 1 | 2019 | 906 | 16506 | 17412 | 13217 | 4195 | 75,91% |
| 2 | 2018 | 1388 | 13444 | 14832 | 11372 | 3460 | 76,67% |
| Comparation (%) | | | 22,78% | 17,39% | 16,22% | 21,24% | -0,76% |

The Average Time of Deciding Cases

Improving the performance of cases handling is not only demonstrated in terms of an increase in the number of cases sent out in 2019 of 16.22%, but also from the speed of the cases inspection process. Of the 13,217 cases that were decided in the January-September 2019 period, a total of 12,612 cases (95.43%) were decided within 1-3 months. A total of 590 cases (4.46%) were decided within 3-6 months, 12 cases (0.09%) were decided within 6-12 months and 3 cases (0.02%) were decided within 12-24 months. From these data it can be con-

cluded that the compliance of the panel of judges of the provisions regarding the time to decide the cases as regulated in Chief Justice decision letter 114/2014 reached a very high rate of 95.43%.

The average Time of Cases finalization

The number of cases that have been reduced and sent by the prosecutor for court in the January-September 2019 period is 12,871 cases. Of the total cases, 4,691 cases (36.45%) had their cases finalization completed within 1-3 months, 4012 cases (31.17%) were completed within 3-6 months, 2554 cases (19.84%) were resolved. within 6-12 months, 1,430 cases (11.11%) were completed within 12-24 months and 184 cases (1.43%) were completed over 24 months.

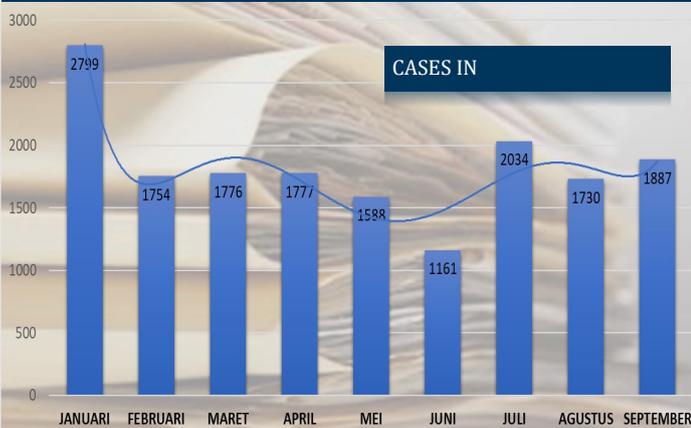
Although the value of compliance with the provisions of the time of mutation has not yet reached the value of compliance with the time to decide the cases, but statistically, the performance of the cases finalizations in 2019 has increased.

In 2018, the number of cases that were reduced within 1-3 months after the cases was decided was only 28.91%, while in 2019 (January-September) the number reached 36.45%. Likewise, the number of cases which were reduced within 3-6 months, in 2018 amounted to 25.38% while in 2019 it reached 31.17%.

Performance Achievement Targets

The Supreme Court in the past decade has always set the best record in handling cases each year, for example, the rest of the 2016 Supreme Court cases totaling 3950 were stated as the smallest remaining cases in the history of the Supreme Court. The record was exceeded in 2017 with the remaining number of MA cases totaling 1,388 cases. The best performance record in 2017 can be gained again in 2018, because the remaining cases can be reduced to a total of 906 cases. In 2019, the Supreme Court is again determined to break all the best record handling cases that have been achieved in 2018, both in terms of the number of remnants, the number of breaks, the average time to decide and other parameters.

GRAPHIC INFO ON CASE OF SUPREME COURT YEAR 2019



AVERAGE INCOMING CASES (MONTHLY)= **1834 CASES**

MOST CASES = JANUARY, **2799 CASES**



AVERAGE DECIDED CASES (MONTHLY)= **1469 CASES**

MOST CASES DECIDED = JULY **2000 CASES**

Metamorphosis of Judgement Repository

From Judgement Information Center to Legal Information Center

Judgement Repository, since it was launched at the first time in 2007, was designed as the instrument of court's transparent information and central national data. As the central national data of judgement, judgement repository has saved four million judgements and keep increasing in every second. The title as the central national data of judgement borne by Judgement repository will be soon released

Judgement Repository's content is not only court's decisions but also information needed by the judge, they are Chamber's consensus, Legal Maxim, Jurisprudence, national meeting's consensus, and regulation such as Law, Government Regulation, Supreme Court Regulation, Circular letter of Supreme Court, etc. Metamorphosis of

Judgement Repository from Central information Judgement to Legal Information Center supported by sight machine (Elastic Search). Judgement Repository user from Court's officers as well as general public can search not only keywords but also sentences or legal concept. The machine, then shows the result refers to

(Court Decision, Chamber's Consensus, Jurisprudence, National meeting's consensus, restatement, and regulation). Particular result refers to court decision will be showed by another category such as: Clarification of decision, Court's level, court's working unit, court's decision year and registration's year. Next, the information's content listed in Judgement Repository which can accessed for the time being in <https://putusan3.mahkamahagung.go.id>:

1. Court's Decision is the main content of Judgement Directory

The revision of the content in this new Judgement directory related to the completing classification, keywords, and inter-related decision. Data and Information team also conducts the inventarization of old historic decisions and are almost referred by various law books. Judgement Repository also contains landmark decisions. Judgements references established as landmark decisions are the attachments of annual report and the result of the research of Research and Development Center for Law and Justice of Supreme Court

2. Chamber's Consensus of Supreme Court

Chamber's Consensus is one of the newest content in Judgement Repository. Chamber's Consensus in the Judgement Repository is electronically served per point of Chamber's Consensus completed with classification data attribute, year's establishment of Chamber's consensus and Circular Letter of Supreme Court Number. Classification of Chamber's Consensus, firstly, it is divided into legal formil and legal materiil, then it is more detailed grouped into a few classifications. For instance, legal formil classification in the civil chamber's consensus is

divided into sub classification following chronological legal formil, starting from power of attorney letter, evidence, judgement, execution, etc. This classification becomes the base to classify all the Chamber's consensus into the same theme.

3. Jurisprudence

Beside, Chamber's Consensus, new content of Judgement's Repository is Jurisprudence. The main source is taken from Jurisprudence book published by Supreme Court. Therefore, it is showed electronically, the court's decision referring to legal maxim of Jurisprudence has the main link with the available completed court's decision in Judgement's Repository

4. Legal Maxim

This menu is a compilation of legal maxim is based on Cassation decision/ review which is republished by Supreme Court, such as Landmark Decision which is the attachment of Supreme Court's annual report, Jurisprudence book of Supreme Court, and Varia Peradilan magazine. Such legal maxim has the link with completed judgements, therefore legal

maxim contained in is limited with the available decision in Judgement Repository of Supreme Court

5. Restatement

Restatement is the research model aimed to formulate complete explanation about certain legal concept. Restatement isn't in force as usual regulation or court's decision. But, Restatement in American legal system is many referred because it has substantive legal argumentation. The available restatement in Judgement Repository is limited age, intangible goods, pledge of shares, first authenticated copy, force majeure, nullification of agreement, standard clause, beyond reasonable doubt, Non-Conviction Based Asset Forfeiture

6. National Meeting Formulation

Before Chamber plenary meeting exists, Supreme Court has National Meeting Formulation which becomes the guidelines for the court to handle the case. Although it is not in force with Circular Letter of Supreme Court, Formulation of National Meeting is important to enrich Justices' knowledge

7. Legislation

This menu contains law, Government Regulation, Supreme Court Regulation, Circular Letter of Supreme Court, Decision letter of Chief Justice of Supreme Court and so on related to legal formil and legal materiil. Legislation is drafted based on classification and completed with keyword searching. Particularly, Law completed with notes if the law's material has been reviewed in Constitutional Court.

The screenshot shows the website interface for the Mahkamah Agung Republik Indonesia. The search bar contains the text "surat kuasa" and the search button is labeled "CARI". Below the search bar, there are several filters and a list of results. The first result is titled "Ditemukan 56239 data" and includes a list of related terms like "Penelusuran terkait", "Surat kuasa", "Surat kuasa/kuasa", "surat/pajak", "Surat kuasa Insidentil", "Gugatan Keberadaan surat kuasa yang digunakan", "MAHKAMAH AGUNG TUN", "Putusan MAHKAMAH AGUNG Nomor 444K/TUN/2005", and "Rumusan Rumusan Kamar Perdata".

Improving Supreme Court Case Management,

Proposed Changing of Term P1, P2 and P3 and Documentation of Operator's Appointment Letter

Justices P-1, P-2, and P-3 are generic terms in the case administration system of Supreme Court that may not be found in other judicial bodies. The term is coined to divide the role of the Panel of Justices in a rotating file examining system. The First Examiner Justice (P-1) is a Justice assigned by the Chief Justice of the Supreme Court to examine the file and give his first opinion. The Second Examiner Justice (P-2) is the Justice who gets the next turn (second) to examine the file / give an opinion after P-1 completes the examination. The Third Examiner Justice (P-3) is the Justice who gets the last turn to examine the file and give an opinion. Justice P-3 in Justices' Panel has the role of Chief of Justices' Panel which is authorized to determine when deliberations and pronouncements on decisions are held.

The rotating file examining system ends when the Chief Justice of the Supreme Court issues Decree Number 119 / KMA / SK / VII / 2013 on July 19, 2013, which applies to cases registered from August 1, 2013. The Supreme Court further puts into effect a new system, examining files simultaneously. The Justice no longer took turns examining the files because each was given access to the case file simultaneously. This policy triggers an increase in the performance of the Supreme Court so that it can suppress the remaining cases to under 1,000, maybe even below 500 cases in 2019.

What about the term P-1, P-2, and P-3 after Supreme Court implemented a file examining system at the same time? It has been six years since Supreme Court left to take turns examining but the terms P-1, P-2 and P-3 are still used, as if the term is ingrained and is embedded in the hearts of the Supreme Court.

This intrigued the thoughts of the Supreme Court Registrar, Made Rawa Aryawan. As commander of case management at the Supreme Court, the Registrar of the Supreme Court is motivated to propose that the term change be as follows:

| Current Designations | Proposed |
|----------------------------|-------------------------------------|
| Examiner Justice #3 (P-3) | Chief of Justices' Panel (KM) |
| Examiner Justice #1 (P-1) | Member of Justices' Panel #1 (AM 1) |
| Examiner Justice # 2 (P-2) | Member of Justices' Panel #2 (AM 2) |

According to Made Rawa, there are two considerations that the terms P-1, P-2, and P-3 must be changed. First, it has lost its relevance to the simultaneous file examining system that

has been implemented by the Supreme Court since August 1, 2013. Second, the terms P-1, P-2 and P-3 do not adequately describe the managerial aspects of the Justices' Panel, P-3 which is actually the Chief of the Justices' Panel, is not stated explicitly as the Chief of the Justices' Panel appointed neither by the Chief of the Chamber nor information system.

The Registrar of the Supreme Court consulted his ideas to the Chief Justice of the Supreme Court through a memorandum on August 28, 2019 then through a disposition letter on August 29, 2019 The Honorable Chief Justice approved the proposal of the Supreme Court Registrar and gave directions to be disseminated to all leaders of the Supreme Court, Supreme Court Justices, and all Registrar officials.

Operator Appointment Documentation

The Finalization of case files (case finalization) in the Supreme Court is determined by 3 (three) "main actors" namely: the Panel of Justices, Substitute Registrars and Operators. The Panel of Justices is appointed by the Chief of the Chamber, the Substitute Registrar is appointed by the Deputy Registrar of Chambers / Cases, while the operator is appointed by a substitute Registrar.

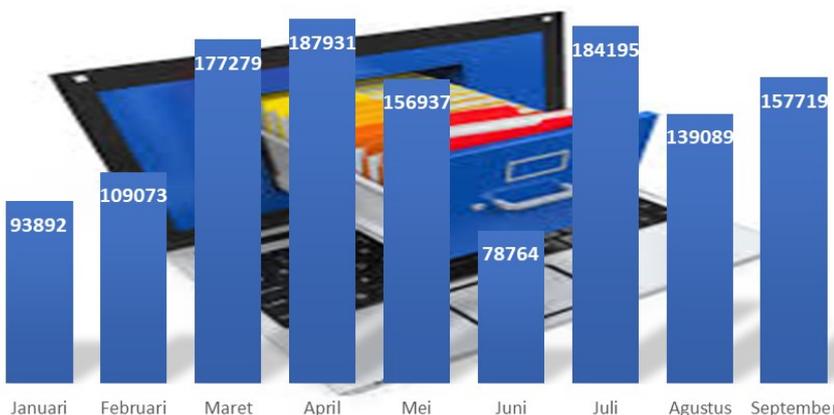
The appointment of Panel of Justices and Substitute Registrars is well documented and the appointment file is a complete case file of the Supreme Court. However, this does not apply to the appointment of the operator. There is no official document for designation as an operator, except for a scribble of the operator's name (initials) in the case file folder.

Under these circumstances, the Registrar of the Supreme Court issues memorandum number 2756 / PAN / HK.00 / 10/2019 dated October 18, 2019, which in principle ordered to establish the appointment of the operator and the documents to be part of the completing case file.

In the application SIAP-MA has also been installed new features related to submission of files to the operator. This feature documents the file submission process from the substitute registrar to the operator and records the operator's performance. This new feature is in the "PP Completed" menu.

This feature works begins with clicking the operator name on the SIAP-MA application. The system will allocate selected cases as operator responsibility after the process of selecting operator names has been saved. The case finalization status turns into the typing process by the operator. If the operator has finished typing file case, the operator must update the typing date on the application. The process is recorded as operator performance and the status of the case finalization turns into

Court Transparency Corner



Judgments Publication Fact January-September 2019

- Judgment Publication in 2019= **1,284,879 Judgement**
- Number of Judgment Published until 30 September 2019 = **4,278,975 Judgement**
- Publication Average in 2019
 - Per Month = **142,764 Judgments**
 - Per Working Day = **7.138 Judgments**
 - Per Work Hours= **892 Judgments**

This is the New Provision

Procedure of Small Claim Court

Supreme Court has issued Regulation of Supreme Court Number 4 of 2019 on amendment of Regulation of Supreme Court Number 2 of 2015 on Procedure of Small Claim Court Settlement (State Gazette of the Republic of Indonesia Year 2019 Number 942). A few new provisions related to Small Claim Court Settlement regulated in Regulation of Supreme Court are as follows:

The Value of Material Lawsuit

The maximum material lawsuit value to be filed for small claim court is IDR500.000.000 (Five Hundred Million Rupiahs), meanwhile Regulation of Supreme Court of 2015, the maximum material lawsuit value is IDR200.000.000 (two hundred Million Rupiahs)

Procedure of Lawsuit filing

The Plaintiff can file a lawsuit electronically. The defendant can also proceed the administration process and electronical trial. This provision has not been regulated in Regulation of Supreme Court Number 2 of 2015

Domicile of Plaintiff and Defendant

Based on Regulation of Supreme Court of 2015, the filing of small claim court can only be conducted if the plaintiff and defendant live in the same jurisdiction of local District Court, without any exception. This Provision is amended to Regulation of Supreme Court Number 4 of 2019, the Plaintiff whose legal domicile is out of legal domicile of defendant can file small claim court as long as appoint the power of attorney, incidental power of attorney or representative is in defendant's jurisdiction.

Legal effort of Objection

The defendant can file objection against small claim court which has been decided by default in the duration of seven days after the decision conveyed. Legal effort of objection against small claim court's decision is not regulated in Regulation of Supreme Court Number 2 of 2015

Seizing

In the process of examining a small claim court case, seizing can be placed on the Defendant's property and / or the Plaintiff's possession in the Defendant's control. This provision is not regulated in Regulation of Supreme Court

Notification of Executorial Decision

Regulation of Supreme Court does not regulate notification process when a petition for execution is made because the defendant does not voluntarily implement a small claim court decision. In Regulation of Supreme Court Number 4 of 2019, the provisions of the competitor get clear arrangements, as follows:

- The Chief of the Court shall issue the notification determination no later than 7 (seven) days after receiving the request for execution;
- The Chief of the court sets the date of implementation of the notification no later than 7 (seven) days, the Chief of the Court may break the time limit provisions;

Objection of Decision

The legal effort against a small claim court decision is to file an objection to the Chief of the Court. Examination of this objection will be examined by a Panel of Judges in the relevant Court, remedies

may also be filed against the verdict

Unchanging Provisions

The simple, unaltered settlement conditions are as follows:

- Small claim courts are only filed in cases of breach of contract and / or acts against the law
- Small claim courts cannot be filed in cases where the settlement is made through special courts and land rights disputes
- Decisions and Minutes of the hearing as regulated in articles 19 and 20 of Regulation of Supreme Court Number 2 of 2015
- Legal effort for a small claim court (filing an objection) as stipulated in article 21 to article 30. (an)



Chamber's Consensus & Legal Maxim

CIRCULAR LETTER NUMBER 1 OF 2007

"Petitum for a sum of money in foreign currencies must contain the defendant's order to convert into rupiah currency according to the middle rate of Bank Indonesia at the time the payment is made"

This Chamber Consensus has been followed by several decisions, including: Decision Number 663 PK / Pdt/2017, 3340 K /Pdt/2017, 135 PK/Pdt/2018 and Decision 27 K / Pdt.Sus / 2013

Decision Number 27 K/Pdt.Sus/2013

"Disputes arising from financing agreements with mortgages or fiduciary rights are not subject to the Consumer Protection Act so it is not the authority of the Consumer Dispute Resolution Agency"

This legal maxim has been followed by several decisions, including: Decision Number 78 K / Pdt.Sus-BPSK / 2018, 79 K / Pdt.Sus-BPSK / 2018, 84 K / Pdt.Sus-BPSK / 2018; 140 K / Pdt.Sus-BPSK / 2018, 168 K / Pdt.Sus-BPSK, 169 K / Pdt.Sus-BPSK / 2018, 182 K / Pdt.Sus-BPSK / 2018, 1290 K / Pdt.Sus-BPSK / 2017, 1301 K / Pdt.Sus-BPSK / 2017, 1344 K / Pdt.Sus-BPSK / 2017, 1403 K / Pdt.Sus-BPSK / 2017, 1475 K / Pdt.Sus-BPSK / 2017

Preventing the Violation

All The Registry Staffs of Supreme Court are improved about Work Discipline from Oversight Agency

The Registry of the Supreme Court organizes improving work discipline program for justicial judge (Judge as Justice's Associate) and Civil Servants (PNS) as well as dissemination on handling and complaining (whistleblowing system) on 7 - 11 October 2019. This event participated by all staffs of The Supreme Court's Registry including Deputy Registrar of Cases, Deputy registrar of Chambers, Justicial judge, Structural officials of the Registrar's Secretariat and staffs of the Registry of the Supreme Court were officially opened by the Vice Chief Justice on Judicial Matters of the Supreme Court, Dr. H.M Syarifuddin, SH, MH (10/07/2019)

In his report, the Registrar of the Supreme Court, Made Rawa Aryawan said that the number of participants of this improving event reached 614 civil servants in Registrar's Office working unit. Therefore this event will continue until next Friday (11 October 2019) taking turns way in 5 session "improving participants are divided into five groups based on job categories. The first group consists of Deputy Registrars and Justicial judges who gets improvement on the first day, and following that way until the fifth day, all civil servants of the Registrar's Office working unit gets this dissemination, "the Registrar of Supreme Court explained in his remarks.

Furthermore, the Registrar of the Supreme Court stated that the Registrar's Office of the Supreme Court had routinely conducted such training. The aim is to increase the effectiveness of preventing violation in the performance of duties or violations code ethics of judges, structural officials and Registrar Office's staff. In addition this event is carried out in order to improve the work discipline of Judges and Civil Servants and provide an understanding of the handling and complaints (whistleblowing system)

It is said by the Registrar of the Supreme Court, the implementation of improving event as this is the implementation of the declaration of the Chief Justice of the Supreme Court of the Republic of Indonesia number 1 /Declaration/ KMA / IX / 2017 regarding the oversight and improvement of judges, the apparatus of the Supreme Court and its judicial bodies

Maintaining Performance Quality

Vice Chief Justice of the Supreme Court on Judicial Matters, Dr. H. Muhammad Syarifudin, SH, MH, in his direction expressed his appreciation for the implementation of the improving event carried out by the Registrar's Office.

"This event is in line with the declaration of Chief Justice of the Supreme Court Number 1 of 2017, which conducts improvement and oversight periodically and sustainably", explained the Vice Chief Justice of Supreme Court on Judicial Matters

"We all hope that there will be no more judges and judicial apparatuses who commit acts that demean the authority, honor and dignity of the Supreme Court and the Judicial Bodies " he

added.

As the leadership element in charge of the Judicial Matters, Dr.H.M. Syarifudin, SH, MH, asked the MA Deputy Registrar and Judicial Judges to improve the quality of case handling



Vice Chief Justice of the Supreme Court on Judicial Matters and Registrar of Supreme Court on Opening Ceremony

performance.

According to him, the increase in the caseload of the Supreme Court which reached 20% is not a reason to ignore the quality of the Supreme Court's Decision, as the highest court of Justice must be free from mistakes that are either clerical or substantial. To avoid clerical errors, the role of justicial judge are very strategic.

"Because the process of correcting the draft decision relies on justicial judge," said the Vice Chief Justice on Judicial Matters

In terms of performance achievements, Vice Chief Justice of the Supreme Court on Judicial Matters, encouraged all elements related to the handling of cases to have commitment to achieve better performance compared to the previous year. One of performance improvement's indicator is the reducing of cases backlog.

"Last year the remaining Supreme Court cases amounted to 906 cases, so this year the remaining number of cases are supposed to be reduced from that number," said the former Head of Oversight Agency of Supreme Court

Real activity of Improvement

To deliver material on the enforcement of the work discipline of judges and civil servants as well as dissemination on handling and complaints (whistleblowing system), the Registrar's Office presents speakers from the Supreme Court Oversight Agency, namely: H. Iswan Herwin, SH, MH (Acting Inspector of Region III Inspectorate) and Drs . Ahmad Syafiq, S, Ag, SH, MH as a Judge in the Oversight Agency.

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