Journal Homepage: -www.journalijar.com

INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)

Article DOI:10.21474/IJAR01/10644
DOI URL: http://dx.doi.org/10.21474/IJAR01/10644

RESEARCH ARTICLE

UNDERSTANDING THE NATURE OF SUPREME COURT REGULATION NUMBER 4 OF 2019 CONCERNING AMENDMENTS TO THE SUPREME COURT REGULATION NUMBER 2 OF 2015 CONCERNING PROCEDURES FOR SETTLING A SIMPLE LAWSUIT

Kukuh Subyakto[1], Teguh Prasetyo[2] and Lathifah Hanim[3]

1. Doctorate Student of Faculty of Law Sultan Agung Islamic University Semarang, Indonesia.
2. Faculty of Law PelitaHarapanUniversity Jakarta, Indonesia.
3. Faculty of Law Sultan Agung Islamic University Semarang, Indonesia.

Manuscript Info

Manuscript History
Received: 10 January 2020
Final Accepted: 12 February 2020
Published: March 2020

Key words:-
Legal Breakthrough, Verzet, Simple Lawsuit, Justice Value

Abstract

The Supreme Court Regulation (Perma) No. 4 of 2019 concerning Amendment to Perma No. 2 of 2015 concerning Procedures for Settling a Simple Lawsuit, is a legal breakthrough in the field of Civil Procedure. Some changes are quite significant with the demands of community justice regarding the implementation of Perma No.2 2015 which does not include verzet as a legal remedy, where the defendant is only given the opportunity to submit an objection to the Judge's decision. In the principle of civil law, verzet is a legal effort that is a symbol of the legal justice of the Civil Procedure because it provides an opportunity for the defendant to properly defend himself against the Judge's decision.To examine the nature of the birth of Perma No.4 in 2019, the author examines the problem of what is the weakness of Perma No. 4 of 2019 in the perspective of the principles and legal theory and how the Implementation of Perma No. 4 of 2019 in realizing justice especially originates from the precepts in Pancasila. The methodology used in this study is a normative-juridical method, with a philosophical approach. While the paradigm used is post-positivism which sees the reality of the operation of law as a fact that can be analyzed qualitatively.The results showed that the essence of the birth of Perma No. 4 of 2019 was "the elaboration of the empire of reason in the Pancasila Philosophy which aims to uphold individual justice" which is not contained in Perma No.2 2015 which does not provide a chance of verzet to the defendant. The values of justice include: first, human values that function as energy reforms in Civil Procedure law in a dignified justice system; and second, the value of social justice that functions as an equal opportunity for justice.

Introduction:-

A lawsuit is an act of defending rights according to civil law, that is an attempt or action to claim rights, or force other parties to carry out their duties / obligations, to recover damages suffered by the plaintiff through a court decision. The lawsuit was formulated in the lawsuit. Formulation (formulation) lawsuit must meet the formal requirements according to the provisions of applicable laws and regulations. The claim letter is addressed and

Corresponding Author:- Kukuh Subyakto
Address:- Doctorate Student of Faculty of Law Sultan Agung Islamic University Semarang, Indonesia.

addressed to the competent District Court in accordance with the relative competence in accordance with the provisions of Article 118 of HIR.

After the claim letter is registered by the Plaintiff to the head of the district court in accordance with Article 118 HIR / 142 RBg and to pay the case fee in advance, the Chairperson of the District Court appoints a Panel of Judges who will try the suit, then the Panel of Judges determines the day of the first hearing, after which the parties in a lawsuit, namely the plaintiff and the defendant are called to be present on the day of the trial determined by the judge.

Summoning the parties (the plaintiffs and the defendants) to attend hearings is the duty of the Confiscator Interpreters. The summons of the parties must be carried out legally and properly. Determining a valid summons carried out appropriately (behorlijk) is an assessment that requires understanding in applying the provisions regarding the willingness of summons in Article 390 of HIR. The Article 390 of HIR is as follows :

1. Each bailiff's letter, except for those mentioned below, must be delivered to the person concerned himself where he lives or lives and, if he does not meet the person there, the village head or his defender, who must immediately notify the interpreter's letter confiscate it to the person himself, but that does not need to be stated in law.
2. In the event that the person concerned is already dead, the bailiff's letter is conveyed to his heirs, if the heir is unknown, it is conveyed to the village head or defender in the last place of residence of the deceased person in Indonesia. The village head or defender must act as regularly in the paragraph above. If the deceased belongs to the Eastern Eastern group, then the bailiff's letter is notified by a registered letter to the Probate Court.
3. Regarding unknown persons about their residence or residence and about unknown persons, the Bailiff's letter is delivered to the Regent, who is located in the area where the accused person lives; The regent declared the bailiff's letter by sticking it to the main door of the rightful trial of the Judge.

In addition to the summons requirements as regulated in Article 390 paragraph (1) HIR / Article 718 paragraph (1) RBg must also be considered regarding the calling period as regulated in Article 122 HIR / Article 146 RBg. Article 122 HIR / Article 718 RBg., Which reads as follows:

"When determining the day of the trial, the chairman should remember the distance of the place of silence or residence of both parties rather than where the district court is in session, the time between summoning the two parties and the day of the trial is not less than three days (it does not include holidays), except in case the case needs to be properly examined quickly and it is mentioned in the warrant. "

From the summons procedure as stated above, the summons must also pay attention to the following matters:

1. The Determination of the day of the trial must pay attention to the location of domicile of the parties to be summoned. The summons must arrive at the summoned no later than 3 (three) days before the hearing date including the holidays (Article 122 HIR / 146 RBg., Article 26 PP No. 9 of 1975 in conjunction with 138 KHI).
2. Summon for hearings must be formally, formally accompanied by a signature on the invitation of the summons.
3. Must be directly to the person who is called at his official residence (Article 390 HIR jo 118 HIR).4. If it cannot or cannot be found, the summons is delivered through the village head / village head, who signs the summons with the stamp of the village head. The Village Head is obliged to immediately convey to the concerned ((Article 390 HIR / 718 RBg.) The Village Head means the lowest government apparatus, so it cannot be conveyed through RT / RW, because they are not government officials, if the call is via RT / RW becomes a dispute, so the method of summons must be declared invalid.It must be repeated in the correct manner.

The procedure for filing a claim as so far carried out is a procedure or mechanism for ordinary claims. Settlement of ordinary lawsuits requires a relatively long period of time and can even take years to get a decision that has a permanent legal force, so that an award or execution can be requested. The old civil case settlement process was responded by the Supreme Court (MA) in accordance with its authority by issuing a Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settling a Simple Lawsuit (PERMA Number 2 of 2015).

The method of examination at a trial of a civil lawsuit with a material suit value of no more than Rp. 200,000,000.00 (two hundred million rupiahs) which were settled with a simple procedure and proof. Other requirements specified in the PERMA are regarding the type of case and domicile of the parties, namely the plaintiff and the defendant and the presence of the parties as mentioned in Article 3 and Article 4 of PERMA No. 2 of 2015.This simple claim was examined and decided by a single Judge appointed by the Chief Judge (Article 5 paragraph (1) jo. Article 1 number

3), the settlement of which is up to the decision within a maximum period of 25 (twenty-five) working days from the first hearing day (Article 5 paragraph (3) jo. Article 1 number 4). In settling a simple lawsuit the appointed Judge is given the authority to conduct a preliminary examination (dismissal) of the material of the lawsuit and whether or not the proof is simple, to determine whether the lawsuit handled by him is included in the criteria for a simple lawsuit as stated in Article 3 and Article 4 of PERMA No. 2 of 2015.

According to the writer there is something that needs to be studied scientifically about the Perma, and that is:

1. What principles contained in the Perma, so that the increase in the value of the material lawsuit is set to 500 million, the provisions of the verzet, the remaining collateral, and the expansion of the domicile.
2. The weakness of the Perma in the philosophical, juridical and sociological dimensions.
3. The value of justice contained in the regulation is related to justice in the judicial process. The problem of justice is always questioned by the principle of equality, balance and propriety. The principle of equality in the law or equality before the law which is a characteristic of the modern rule of law is not only a question of the position of the parties in the small claim court law, but also about the human right of the civil rights of the defendants. While the principle of balance and appropriateness question the quality of the supremacy of law built with the PERMA law building, namely whether there is a balance between the rights and obligations of the parties as well as the appropriateness of the maximum amount of money that can be submitted at the small claim court.

All the problems mentioned above, basically will lead to the enforcement of justice, because essentially the law is only a tool to uphold justice so that law enforcement becomes dignified.

Encouraged by this phenomenon, then to look for constructions that are in accordance with the principles of justice and legal certainty, the author was moved to make a research with the main issues as follows:

1. What are the weaknesses of Perma No 4 of 2019 in the perspective of principles and legal theory?
2. How is the implementation of Perma No. 4 of 2019 in realizing justice especially those sourced from Pancasila?

Method of Research:-

The paradigm that is used in the research this is the paradigm of post-positivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge. Paradigm also looked at the science of social as an analysis of systematic against Socially Meaningful Action through observation directly and in detail to the problem analyzed.

The research in writing this dissertation is a qualitative research . Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach (approach) the research is to use the approach of Ethical-Philosophical, which is based on the norms of law and the theory of the existing legal enforceability of a sociological viewpoint as interpretation or interpretation .

As for the source of research used in this study are :

1. Primary Data, is a data obtained from literature and laws study. Sources of this data is in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material
2. Secondary Data.is data obtained from information and information from respondents directly obtained through interviews and literature studies merely as a supportive evidence to support the primary data

In this study , researchers used data collection techniques, namely literature study, interviews and documentation. In this study, the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data. Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions.

Research Result and Discussion:-

Weaknesses OfPerma No 4 Of 2019 In The Perspective Of Principles And Legal Theory:

To be able to know the weaknesses of what just that there are at Perma No. 4 Year 2019 , the author reviewed it from three sides .

First, the substance of the law, basically there is a value of justice which is the meaning of the legal arrangement. The concept of justice or equality in law is very important in every administration of justice. As a court that exercises judicial power, the judge must be able to provide justice to justice seekers who come to him. As the last bastion for justice seekers, the judge's decision is also interpreted as justice given by the judge to justice seekers after going through the proceedings in court proceedings.

The concept of social justice for all people in Indonesia is a very fundamental value in equalizing various aspects of opportunity, security and legal protection. All Indonesian citizens basically have the same opportunity in obtaining services from the judiciary. The philosophy of social justice in Pancasila in essence is to place state institutions as servants of the community, so that the dominance of state institutions in law basically does not exist, but only how state institutions serve the community. From this point of view, the weakness of Perma No. 4 of 2019 has limited public services with the criteria of a simple case with a maximum value of 500 million.

If we use the philosophy of justice as taught by Aristotle, then the basic concept is a materialistic concept where justice is only calculated by how the material is equitably distributed, both distributively and commutatively. This concept does not look at the nature of philosophy which is the basis of justice in a country called ideology, so it equates materialistic-liberal ideology with the ideology of Pancasila which is based on Ethical-Religious values.

Second , From the angle of view of the certainty of law , Perma only refers to the certainty of law juridical , do not pay attention to the certainty of law is sociological , that is how the law guarantees the interests of the public , especially people with weak economy who do relationship economy with banking . It it looks in setting about some changes following this :

Value of Lawsuit Object:
In the Article 1 paragraph (1) Perma 4/2019, explained that the value of the object lawsuit is for Rp.500.000.000,00 (five hundred million rupiah). It that means , the value of the object lawsuit may use the mechanism lawsuit Simple maximum is Rp.500.000.000,00. If the value of the object lawsuit in the top Rp.500.000.000,00, then it should use the mechanism lawsuit usual . If it is compared with Perma 2/2015, the value of the object of the lawsuit was only Rp.200,000,000 (two hundred million rupiah).

Electronic Case Administration (E-Court):
In the Article 6A Perma 4/2019 explained that the plaintiff and the defendant can use the administrative case at the court in electronic (e-court). Administrative cases in court are electronic (e-court) actually comes to getting simplify the mechanism of a lawsuit in court to integrate with the technology . But the thing that turned out to not be known at the Perma 2/2015.

Expansion of Domicile:
In the Article 4 paragraph (3) Perma 2/2015 in experisverbisstated that Plaintiffs and Defendants in Lawsuit Simple domiciled in the area of law courts are the same . That is , if there is an inequality of legal domicile , then the parties can not use this Simple Claim mechanism . However , because it considered the requirement of domicile is very melimitasi related to the use of Claims Modest , then at the Perma 4/2019, in the Article 3a already have settings . That although the plaintiff was in the outside area of law where lived the defendant , the claimant may file a power that is in the area of law that is equal to a defendant .

In addition, there are things the other is set in the Perma 4/2019. As is known verstekverdict (the decision without the defendant attended). Verzet(resistance on the verdict verstek). Get to know seizure guarantees ; and execution. Matters of things this shows , that the legal rules that exist in the Perma 4/2019 This is a law that is responsive to the needs of the community in using the mechanism of simple lawsuit.

The existence of Perma is also an effort of development law that coherent with the opinion of MochtarKusumaadmaja . Where the law should be seen as a framework which continues to undergo changes . Laws are not dogmatists who are final. Law will continue to evolve in simultaneously , in accordance with the developments of his time.

Third , from the terms of Value basic benefit will direct the law in consideration of the needs of society at a time certain , so the law that really have a role that is apparent to the public . For that , need to realize that the law is a

part of life social and to thus not will never be in the room empty . If the agencies and institutions of law remain shut themselves from the branches of science to another, it will be increasingly far also attempt to organize the life of a social to a direction that is good and humane .

Adherents of the theory of utility , argues that the purpose of the law is to ensure the happiness of the greatest for the man in the amount of which as much as possible (the greatest happines for the greatest number). In essence the law is used to produce the maximum amount of pleasure or happiness for the highest number of people . When Perma 4 published with reasons to give the settlement the law on segment specific course , the emerging problem of in terms of usefulness , ie design Perma more profitable the banks of the people of the small , because 78% of the claimant is a bank.

Implementation Of Perma No. 4 Of 2019 In Realizing Justice Especially Those Sourced From Pancasila:
The implementation of Perma No. 4 of 2019 in realizing justice, especially those originating from Pancasila, cannot be separated from Verzet. This Humanity Value emphasizes the morality to be fair and civilized in human relations. Human dignity is determined by the morals of Fair and Civilized, because humanity is the dignity to humanize humans, both themselves and others, so that humans become dignified just and civilized. When in a "fabric" legal system, this value will raise the law into a dignified justice system. The term used by TeguhPrasetyo is justice that are humane.

Justice that humanizes humans, transcendently is a mindset that is in the mind, but when applied to practical values it will make its own name in a system that cones on the greatest strength of justice, for example is the term "resistance" in the rights of defendants to judicial proceedings, or the term "equity" in the service sector. The two terms cannot be exchanged due to their respective characters.The character of "resistance" is a systemic character which is a network of rules that do not stand alone but are interrelated. Being at the level of praxis, symbolic and rational, because it is in the lowest layer of the legal system as a rule of conduct of another system. As verzet in Perma No 4 of 2019 is a system of rules to obtain the rights of the defendant in the Verstek decision. The system is in a larger system in the form of a simple lawsuit rule or Perma No.4 Year 2019.The concept of justice above no longer uses the concept of distributive or commutative justice from Aristotle, because the source of withdrawal is different, namely ethical-religious values that are not based on materialistic-liberalist understandings. Humans are not counted as material or producers of material that can be distributed in accordance with their achievements, but humans are the transcendence of intellect that is tangible personality that can not be distributed but can distribute their feelings and behavior to provide justice. Therefore, the form of "resistance" is a tool to distribute morals that respect the rights of the defendant, whatever the outcome.

The nature of moral distribution is different from material distribution because it does not look at what is obtained, but sees as an appreciation of what should be sought, not what should be received. Moral distribution provides an opportunity for everyone to work out their rights with a network of legal rules by not looking at the results, but seeing it as a necessity as a creature of God. In other words, the manifestation of fair and civilized human values is to instill "intention" in a legal system to provide justice that should be obtained by individuals. This was seen in Perma No.4 Year 2019 which instilled the intention to do justice by adding verzet rules in Law No. 2 of 2015. Through this regulation the Supreme Court had opened a path of justice into a simple lawsuit.The basis of the divine value is very important to reverse the value of Individual Justice and Social Justice, because it is what distinguishes Pancasila Justice from other notions of justice. If Individual Justice: civilized fair humanity is interpreted with the Materialistic-Individualistic understanding, then the result will be the same as the distribution justice of Aristotle, namely: namely justice that gives to each person according to merit (according to merit). This justice is proportional, where proportional means equality in ratio (for proportion is equality of ratios). But if the basis is the value of "divinity" then individual justice is interpreted as moral to be fair to the rights of individuals no matter how small.

Judging from the distribution of Aristotle's justice, Perma No. 2 of 2015 actually already contains the value of distributive justice, where the plaintiff will fairly get his achievements from the defendant who defaults through the judiciary, this is something that is worthy as said by John Rawls in his book A Theory of Justice, 1971, with the theory of Justice as Fairness. John Rawls starts from the state of nature (state of nature, naturalist status) where the will is made a community contract (social contract) to switch to a state of society (status of civilization). According to Rawls this is a fair situation to estimate what is the will of the people. Then it will be very feasible if the plaintiff gets an achievement from the defendant who defaults in the debt or other agreement.

But behind the feasibility, there are socio-economic factors that are the country's obligation to regulate it. For example poverty alleviation which makes the state regulate the provision of Small Business credit through banks to improve the quality of the economic community. Or other factors due to the lack of Small Business coaching that makes entrepreneurs fail to pay against bank debt, and so forth. In distributive justice that matter is not considered, so that what appears in Perma is only an effort to overcome the accumulation of economic civil lawsuits in a practical and speedy resolution. This is contained in Perma No 2 of 2015, so the regulation of Perma only focuses on how rich people and banks regain their rights, as evidenced by the number of cases that come in the same number of cases that have been resolved because the defendant is only given the opportunity to express his objections, without being able to defend yourself properly.

In DKI Jakarta, the enthusiasm of filing a banking lawsuit reached 78% of the cases that were settled. In the end, the judiciary is only a tool such as a debtor collector authorized by the state.In its development, the Supreme Court might realize it, so that the Supreme Court immediately issued a new Perma No. 4 of 2019 with the aim being very clear, namely to provide the defendant with an opportunity to defend himself properly with verzet. Other changes in simple litigation trials actually become less important than changes in verzet efforts, because only this shows the good intentions of the Supreme Court to morally give defendants an opportunity to fight.

Verzet, in court a simple lawsuit is a moral distribution in the form of a legal networking system to uphold individual rights in the principles of Fair and Civilized Humanity. This perspective is based on ethical-religious values which see justice as moral behavior that rewards individual rights as God's creatures. Justice in verzet does not look at the results, but rather on the process by which the Judge can provide an assessment of what actually happens in the case which is submitted more clearly and fairly in the sense of impartiality. It also felt more comfortable in the judge's feeling as a godly person.

Social justice cannot stand alone, because it is not only related, but related to individual justice. Both can not be separated because the substance of social justice is individual justice. The difference lies in its focus, Social Justice focuses on the value of "justice" while Individual Justice focuses on the value of "humanity". The focus is the logic of the ideology of the Indonesian people who give the task to the state to equalize justice with substantial human values. In law enforcement social justice is in the structure and culture of law, while individual justice is in the substance of the law. Therefore social justice is the duty of the state to guarantee the existence of Pancasila individual justice in all regions of Indonesia in all aspects of community life.

The state is obliged to establish the structure and culture of law in law enforcement, so that the basic value of social justice is a guarantee by the state that all citizens receive equal treatment of state policy in all its aspects, or simply called "equity". This basic value implies fairness for all people and members of the community without exception. Fair in the perspective of social justice is the state does not take sides in the diversity of socioeconomic status, religion, ethnicity and race, in building the legal structure and legal culture. Therefore, when the regulation Perma No. 2 of 2019 was issued without Verzet's efforts, in substance the Perma had sided with the plaintiffs who demanded default or PMH, even though the state had built its legal structure and culture based on the principle of social justice.

A court without a struggle, wherever it is, is a judicial one because it only listens to one party. Therefore social justice in Pancasila does not merely refer to social rights but refers to the Moral of Justice in treating all community members. This moral justice is based on the ethical-religious values contained in the precepts of 1 Pancasila, so that it points to fair treatment of fellow human beings. Verzet's absence in court means the state has treated members of the public unfairly. Thus the existence of verzet in the justice system is a symbol of the existence of Social Justice for all Indonesian people in a simple lawsuit.

Social control in the justice network system becomes a force to ensure Moral power so that justice continues to work in simple lawsuit, because law enforcement is related not only to its substance, but also to the legal structure and legal culture of the community and its law enforcement. The duty of the state as a public servant, however, must be to cooperate with community members.

The results of normative research on Perma No. 2 of 2015 with an ethical-philosophical approach shows that the value of justice in Perma No. 2 of 2015 is not in accordance with the values of Pancasila. The substance regulated in

Perma No. 2 of 2015 does not recognize verzet so it does not provide individual justice in accordance with the values in the 2nd principle of Pancasila.

The birth of Perma No. 4 of 2019 by bringing changes to the judicial system is essentially an energy reform in Civil Procedure law, even though the Perma only functions as a legal breakthrough. With the stipulation of Verzet as a legal remedy in a simple lawsuit, there is an opportunity to provide justice to the defendant. In its consideration Perma No. 4 of 2019 has stated that : The implementation of the Supreme Court Regulation No. 2 of 2015 concerning Procedures for Settling a Simple Lawsuit received a positive response from the community in resolving disputes and seeking justice.The statement shows that the Supreme Court has conducted an evaluation of the implementation of the "procedure" for a simple suit based on Perma No. 2 of 2015.

From the follow-up of the Supreme Court to make changes to Perma No. 4 of 2019, it can be concluded that:

1. There is an evaluation of the value of a simple lawsuit dispute, so it was changed to 500 million.
2. There is an evaluation of the competency of a simple lawsuit, so that the principle of dominance is expanded.
3. There is an evaluation of people's sense of justice which is then responded by the appearance of verzet in the regulation.
4. There is an evaluation of the problem of confiscation.
5. There is an evaluation of the execution.

The above shows that the response of the academic community has a place in addition to a positive response from justice seekers. The awareness that the breakthrough by the Supreme Court has the energy to reform the Civil Procedure Law is apparent in the people's acceptance of a simple lawsuit. Regarding Perma No. 2 of 2015, the Supreme Court (MA) has been given flexibility by Law No. 48 of 2009 concerning Judicial Power to make various efforts in overcoming all obstacles that have an impact on the obstruction of the judicial process fast, simple and low cost. With the authority granted by the Act, the Supreme Court conducted a reconstruction of legal remedies in a simple lawsuit in Perma No.2 2015 which stipulated that there were only objections to being changed into verzet. Based on the theory of dignified justice it can be understood that a legal effort is a system that works to achieve certain goals, namely individual justice.

Individual justice is justice in the field of civil law whose basis is fair and civilized humanity. Teguh explained that the legal network as a whole can be seen as layers of law which constitute an empire of reason, initiative and the taste of a human child, wherever he lives his life. The empire of reason in the legal system in Indonesia is in the Pancasila Philosophy whose construction is elaborated by the national legislative system. One of the elaborations is the construction of verzet in Perma No 4 of 2019. Thus the birth of Perma No 4 of 2019 is the elucidation of the empire of reason in the Pancasila Philosophy which aims to uphold individual justice.

The turning point for the renewal of the simple lawsuit system in Perma No.4 in 2019 was the Law Dictation as input for the legislation stage which then included the verzet as a legal remedy against verstek. That happened because at the dogmatic layer Perma's law was at the 4th layer so that when it was issued Perma No. 2 of 2015 at its execution the stage immediately got a response back in the form of input values and legal theory.

Conclusion:-

The weaknesses in Perma No.4 Year 2019 can be seen from the point of view of its legal elements, namely justice, legal certainty, and legal benefits. From the perspective of justice, the Perma is still based on Materialistic in Aristotle's distributive justice, limiting the value of the lawsuit is still in favor of the world of banking or financial institutions against people who are unable to pay their debts regardless of their background. From the point of view of legal certainty, the Perma only refers to legal certainty of law, not paying attention to legal certainty sociologically, namely how the law guarantees the interests of the community. From the point of view of benefits, it can be seen that the Perma has not been able to provide full benefits to a weak economy community. This is because the issuance of the Perma is only as a legal breakthrough to overcome the accumulation of cases in the Supreme Court.

The essence of the birth of Perma No.4 Year 2019 is a translation of the empire of reason in the Pancasila Philosophy which aims to uphold individual justice through the legal network at the lowest layer. The birth of Perma No. 4 of 2019 by bringing changes to the judicial system is essentially an energy reform in Civil Procedure law, even though the Perma only functions as a legal breakthrough. Judicial Procedure Law Reform is basically a

Pancasila-based justice reform that is based on ethical-religious values whose construction follows the system of reason networks that is based on God's thinking about humans.

References:-

1. Afriana, anita. (2019). Dasar filosofis dan inklusivitasgugatansederhanadalamsistemperadilanperdata. University of bengkulu law journal. 3. 1-14. 10.33369/ubelaj.v3i1.4794.
2. Alfarasi, salman. (2018). Kajian yuridisterhadapperaturanmahkamah agung nomor 2 tahun 2015 tentang tata carapenyelesaiangugatansederhana. Jurnalkomunikasihukum (jkh). 4. 196. 10.23887/jkh.v4i2.15452.
3. Ariani, nevey. (2018). Gugatansederhanadalamsistemperadilan di indonesia. Jurnalpenelitianhukum de jure. 18. 381. 10.30641/dejure.2018.v18.381-396.
4. Faisal,(2010), menerobospositivismehukum, rangkang education, yogyakarta.
5. Idham, idham. (2018). Gugatansederhana (small claim court) dalam proses penyelesaiansengketakonsumen di indonesia. Justicia sains: jurnalilmuhukum. 3. 152. 10.24967/jcs.v3i2.364.
6. Johnny ibrahim,(2005), teori dan metodologipenelitianhukumnormatif, bayumedia, surabaya.
7. L. Moleong,(2002), metodepenelitiankualitatif, ptremajarosdakarya, bandung.
8. Riskawati, shanti. (2018). Peraturanmahmakah agung nomor 2 tahun 2015 tentang tata carapenyelesaiangugatansederhanasebagaiinstrumenperwujudanasasperadilansederhana, cepat dan biayaringan. Legal spirit. 2. 10.31328/ls.v2i1.757.
9. Riyanto, benny &sekartaji, hapsari. (2019). Pemberdayaangugatansederhanaperkaraperdatagunamewujudkanpenyelenggaraanperadilanberdasarkanasassederhana, cepat dan biayaringan. Masalah-masalahhukum. 48. 98. 10.14710/mmh.48.1.2019.98-110.
10. Rohmatin, izzatun. (2018). Penerapanasassederhana, cepat, dan biayaringanterhadapperkaragugatansederhanadalamsengketaekonomisyariah. Jurnaljustisiaekonomika: magister hukumekonomisyariah. 2. 10.30651/justeko.v2i2.2981.
11. Sultan rahmaputra, sri gilang. (2019). Dinamikagugatansederhanadalammewujudkanperadilan yang sederhana, cepat dan biayaringan pada sengketaekonomisyariah di pengadilan agama.