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Ideal Execution of Civil, Cases Based on Principles of Justice to create a Simple and Low-cost Judiciary

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ABSTRACT

Execution of civil case decision at the normative and implementative levels often causes juridical, sociological, and philosophical problems. The juridical problems may arise since the norms that regulate execution are often too short, simple, and not detailed; this could also cause problems at the implementative level. On top of that, the problems may be caused by a non-executable legally-binding decision (inkracht van gewijs de zaak). The objectives of the study are to investigate the ideal implementation of execution for the winning party to be in accordance with the provisions in Article 2 para. (4) and Article 4 para. (2) of Law No. 48/2009 concerning Judicial Power. The study employs a juridical, normative, and historical approach, as well as an in-concreto law discovery method. The study involved secondary data acquired from the review of relevant legal literatures. The data were analyzed and presented qualitatively. The results reveal that the principles of simple, fast, and low-cost judiciary is actualized if, in practice, the District Court Chief does not have to wait for the High Court Chief's approval. Therefore, the Supreme Court shall prepare personnel (who have been appointed as Civil Servants) as the instruments to carry out the execution of legally-binding decisions.

1. Introduction

As reviewed from the perspective of the provision in the Article 178 of *et Herziene Inlandsch Reglement* (HIR, Stb. 1941-44) and Article 189 of *Rechtsreglement voor de Buitengewesten* (RBg, Stb. 1927-227), the end of the review process of a civil case in the Court is marked by the imposition of the judge's decision. As a logical consequence, when the court has imposed the decision, the party who wins the case expects that the decision will be executed. If not executed, the court decision becomes meaningless. Problems might arise in situations where the decisions are legally binding and final (*inkracht van gewijs de zaak*), but the losing party is not willing to carry out such decisions.

M. Yahya Harahap[2] defines execution as the legal action imposed by the court to the losing party within a case; it is the part of regulation and the further procedures of a case review process. In other words, execution is one of the elements of the whole process of the civil procedure. Execution is an inseparable component of the implementation of procedural rules as discussed in the HIR or RBg.

The consequence of this dimension is that the civil case is over, and the court does not interfere at all in the decision implementation. However, in practice, the party that is not satisfied with the court decision is not willing to carry out the decision, despite fully realizing that the decision is legally binding, considering that the party has conducted all the legal actions required to win the case. In such conditions, disputes regarding execution might occur.
The aggrieved party then applies for execution to the court to execute such decisions by legal force. From such a context, execution is referred to as the implementation of the court decision; such term is also used by several experts, such as

[2]M. Yahya Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata Edisi Kedua [The Scope of Problems in Civil Execution, 2nd edition],* Jakarta: Sinar Grafika, 2013, p. 1.

Subekti[3], Retnowulan Sutantio[4] and M. Yahya Harahap[5].

The nature of legal execution revolves around a court decision that is legally binding (*inkracht van gewijs de zaak*). In this context, Article 224 of HIR/Article 258 of Rbg and Article 435 of Rv provides that the executable decision is the decision that is imposed within the territory of Indonesia.[6]
Essentially, the definition of execution refers to the provisions in Chapter Ten, Part Five of HIR, or Part Four of the RBg that originate from the sentence *tenuitvoer legging van vonnissen.* Moreover, it is also regulated in Article 54 of Law No. 48/2009 concerning Judicial Power that:

a. The implementation of court decision of a criminal case is carried out by the prosecutor.
b. The implementation of court decision in a civil case is carried out by the clerk and bailiff under leadership by the head of the court.
c. The implementation of court decision is carried out by taking into consideration.

d. Moreover, Article 55 of the law also mentions that:
e. The head of court is obliged to supervise the implementation of court decision that has attained permanent legal force.
f. The supervision of the implementation of court decision, as referred to in section (1), is conducted in accordance with the law.

Execution of court decision by the judiciary upon the request of a party is considered as execution by force since the executed party is not willing to carry out the court decision voluntarily. The execution or implementation of the court decision is regulated in the provisions in the Fifth Part of HIR/RBg entitled "About Executing Decision". On top of that, the head of the court's duty is to assign/determine the execution of civil cases to be carried out by the clerk and the bailiff. The head of court is also responsible for the decision since the approval of execution application to the completion of the execution.
As mentioned previously, the execution rules are regulated in Article 195 to Article 224, Chapter Ten, Part Five of HIR, or the Title of Part Four of RBg, particularly from Article 206 to Article 258. Among the articles, the Article 209 to Article 223 of HIR, or the Article 243 to Article 257 in RBg, which regulated the tax hostage (*Gijzeling*) or Imprisonment by the Supreme Court Circular No. 2/1964 was once declared as prohibited, since the regulation was deemed as contrary to the principles of humanity. However, the Supreme Court Circular No. 2/1964 and Circular No. 4/1975 were declared invalid by the Supreme Court Regulation No. 1/2000 concerning Imprisonment Institution.[7]

[3]Subekti, *Hukum Acara Perdata [Civil Procedural Law],* Bandung: Bina Cipta, 1977, p. 128.
[4]Retno Wulan Sutantio and Iskandar Oeripkantawinata, *Hukum Acara Perdata Dalam Teori dan Praktik [Civil Procedural Law],* Bandung: PT Alumni, 1983, p. 111.
[5]M. Yahya Harahap, *Ruang Lingkup Eksekusi [Outlook of Execution]...., Op. Cit*., p. 4.
[6]Further, the provision of Article 436 of Rv outlines that a decision made by a judge of foreign nationality, by principles, cannot be executed in Indonesia. However, by the time Indonesia ratified the New York 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards on June 10, 1958 (and implemented the Convention on June 10, 1959), and as based on the President Decree No. 34/1981, the foreign arbitral award can be executed in Indonesia. The provision is also contained in the Article 65 and 66 of the Law No. 30/1999 concerning Arbitration. The provisions in Article 440 Rv, Article 224 HIR, Article 258 RBg, and the Article 41 of S. 1860 No. 3 stipulate that an application for execution might be filed for the grosse mortgage deed (mortgage right) and notarial deed which have an *irah-irah* (an opening sentence of a deed containing an oath) i.e., "*Demi Keadilan Berdasarkan Ketuhanan Yang Maha Esa*" (For the sake of Justice of the Divine God); with the condition that the notarial deed contains the obligation to pay a sum of money. The provision in Article 440 Rv. also stipulates that an application for execution may be filed for a referee's arbitral award, following the judge's approval of such conducts. Arbitration is further regulated in the Law No. 30/1999. On top of that, with the enactment of Law No. 2/2009 concerning Dispute Settlement of Industrial Relations, as what has been commonly understood, the dispute settlement of industrial relationship prioritizes deliberation to reach a consensus. This explains why the provision in the law also socializes the out-of-court settlement of such dispute, such as bipartite settlement, mediation, conciliation, and arbitration. If, in practice, the parties have succeeded to settle the dispute outside the court (either by bipartite, conciliation, or mediation) and set forth in the form of mutual agreement, the agreement is able to be registered in the clerk of industrial relations court. In such conditions, if a party breaks and does not carry out the mutual agreement, the aggrieved party can apply for execution regarding the contents of the mutual agreement that is broken by one of the parties. The same applies in the arbitral award on industrial relations disputes; if one party does not take heed of the agreement, the other aggrieved party can file an application of implementation of such arbitral award to the Head of Industrial Relations Court.
[7] Imprisonment (for civil debt) is an indirect coercion by placing a debtor with bad intentions into a state detention center determined by the Court to force the person concerned to fulfill his obligations. A debtor with bad faith is a debtor underwriting or debt guarantor who deceives and does not want to fulfill one's obligations to pay the debts. The imprisonment is imposed on bad intention debtors who have debts of at least Rp. 1,000,000,000, - and generally not more than 75 years. The Article 11 of the International Covenant on Civil and Political Rights (ICCPR) reads: "No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation". This article is identical to Article 19 (2) of Law No. 39/1999 concerning Human Rights, which reads: "No person found guilty by a tribunal shall be imprisoned or incarcerated for being unable to fulfill the obligations of a loan agreement". Article 11 of the Covenant states that a person who cannot be sentenced to imprisonment is someone who cannot fulfill the obligations of the debt agreement merely because of one's inability; while the Supreme Court Regulation No. 1/2000 states that an imprisonment can be applied to debtors who do not have good

From the normative and practical aspects, an execution consists of several forms:

a. Execution of a legally binding decision/ruling
b. Execution of an immediately executable and provisional decision
c. Execution of an executorial deed
d. Execution of a mortgage guarantee (now referred to as mortgage right)
e. Execution of Decision of Labor Dispute Resolution Committee (now referred to as decision of Industrial Relations Court cases)
f. Execution of arbitral decision.

Among the forms of execution, the civil case execution involves the execution of a legally binding decision (including deed of settlement) and the execution of an immediately executable and provisional decision.
Moreover, based on judicial practice in Indonesia, the execution of a judge's decision consists of three forms:

(a) Execution of a judge's ruling that punishes a person for paying a sum of money
The execution is regulated in the Article 197 of HIR/Article 208 of RBg, in which it is carried out by auctioning the goods belonging to the party that loses the case up to the amount of money to be paid as determined in the judge's decision, plus the expenses for the execution.
In practice, based on Article 197 para. (1) of HIR/Article 208 of RBg, the goods of the losing party are placed for executory seizure prior to the auctioning process. The execution process starts with the chattels; if such properties are not available or insufficient, the execution will be conducted on the immovable (fixed) property.

(b) Execution of a judge's decision that punishes someone for committing an act
The execution is regulated in the Article 225 of HIR/Article 259 of RBg, that if a person is sentenced to commit an act, however, he does not commit the act within the stipulated time, the winning party can file to the Chief of the District Court, so that the act which was originally carried out by the losing party is valued at a certain amount of money. In other words, the execution of the case is carried out by an amount of money.

Regarding this context, Retnowulan Sutantio and Iskandar Oeripkartawinata emphasize that:
"According to Article 225 of HIR, what can be done is to valuate the actions that the Defendant must do in the amount of money. The Defendant is then sentenced to pay a sum of money in lieu of the act one had to do as decided by the Chief of the District Court. Thus, the judge's original decision no longer applies, or in other words, the original decision is withdrawn, and the Chief of the District Court replaces the original decision with a new decision. It is worth noting that the decisions of the High Court and the Supreme Court can be treated as such; moreover, it is also noted that the amendment of this decision is made by the discretion of the District Court Chief who presides over the execution instead of in an open trial".[8]

Regarding this, it is safe to assume that in the grant of legal action, the judge should be able to take into account that not every decision will be implemented voluntarily. Therefore, the granting process should be carried out wisely and holistically.
(c) Execution of a judge's decision that punishes someone to vacate immovable property (real execution)
The provisions for this execution is mentioned in the Article 1033 of Rv that stipulates: "If the court's ruling ordering the evacuation of immovable property is not fulfilled by the person convicted, then the Chief will order (by letter) to the bailiff to ensure that, with the help of state power instruments, the immovable property is emptied by the person convicted as well as one's family and all belongings." Therefore, it can be assumed in more detail based on the provisions of Article 1033 of Rv. that those who have to leave the "immovable property" vacated are the losing party and one's relatives, not the tenants. This is because a lease agreement has been on place prior to the confiscation of the house; therefore, the tenant is protected by the principle of "koop breekt geen huur", or the principle of sale and purchase does not abolish the leasing relations as stipulated in Article 1576 of the Civil Code.

The types of execution as mentioned are commonly implemented in practice. Essentially, execution begins with an application filed by an applicant by paying the execution fee to the civil clerk at the District Court. The next administrative procedural will be registered in the execution request book (KI-A.5) as well as the execution cost financial ledger (KI-A.8) and then submitted to the District Court Chief in order to obtain the fiat execution.

intentions, namely those who are able to pay but do not want to do so. Therefore, the authors contend that the Supreme Court Regulation No. 1/2000 does not contradict the Article 11 of the ICCPR. To the author's knowledge, the imprisonment institution has not been implemented yet in the judicial practice.

[8]Retnowulan Sutantio and Iskandar Oeripkartawinata, *Hukum Acara Perdata [Civil Procedural Law] ...*, *Op.* 26. hlm. 116.

The District Court Chief reviews the application and ensures that the application is not contrary to the law. The Chief then issues a "Decree" containing an order for the Court Bailiff to call either the losing party or both parties in the particular case to be admonished (*aanmaning*) so that the losing party will carry out the judge's ruling. If the parties are present at the time of the "*aanmaning*", the defeated party will be given eight days from the date of admonition to fulfill the contents of the verdict. If, after the duration has elapsed, the party accused of execution still has not fulfilled the judge's injunction; the District Court Chief then orders the clerk or bailiff, accompanied by two witnesses who are deemed capable and competent, to carry out the confiscation and execution of the property and/or land belonged to the respondent for execution. A Minute of Meeting is made to record the whole process.

In practice, the implementation of vacating (real) execution often encounters several obstacles. Therefore, the following points are to be considered to prevent such problems:

1) The place/items to be vacated must be in accordance with the contents of the decree by the District Court Chief, both regarding the size and borders to avoid errors in execution, such as trespass to other people's property;
2) One should pay attention to the context within the execution location; the respondent for execution should also be explained beforehand regarding the principles of execution which upholds the values of humanity and justice;
3) The applicant should also prepare all aspects in advance for the sake of humanity, for instance, a place for storing goods (if the items are too many and it is not possible to leave the items outside the house or on the roadside); moreover, the applicant is suggested to provide temporary shelter to the vacating parties who do not have a new place to live, or in cases where the temporary shelter is not sufficient for the losing parties' family members; and
4) After the vacation execution is completed, the vacated place must be guarded temporarily before being handed over to the applicant.

The implementation of executions in civil cases often leads to various problems, particularly if the executed party is not willing to carry out the court ruling for various reasons. The losing party is not willing to implement the ruling because, for instance, the party still appeals for opposition (*verzet*), conducts legal review, mobilizes the masses, and so on. On top of that, disputes in execution can also occur if there is any intervention from both third parties (*derden verzet*); or if the decision is, by nature, non-executable. The problems that might arise in the execution of civil cases can postpone or hinder the winning party from savoring the victory as decided in the court ruling.

As based on the context presented above, the present study aims to investigate and propose an alternative regarding the ideal execution that is in accordance with the principles of justice as well as capable of providing legal certainty to the parties. In particular, the study elaborates on the execution of civil cases based on the principles of quick, fast, and low-cost as stipulated in Article 2 para. (4) and Article 4 para. (2) of Law No. 48/2009 concerning Judicial Power.

2. Data and Methodology

2.1 Approach

The study employed a juridical, normative, and historical approach, as well as an in-concreto law discovery method. A juridical approach was involved to point out the relevant legal instruments in discussing the focused topic. Such an approach was conducted by the expectation to formulate a legal framework for future legal development (futurology). In addition, the in-concreto law discovery method was applied to identify which relevant regulations that are in place.

2.2 Research Materials

The study involved secondary data acquired from the review of relevant legal literatures. Based on the legal binding aspect, the data sources were classified into primary sources (relevant literatures with recent knowledge or new conceptions regarding an existing idea) and secondary sources.

2.3 Data Analysis

The data were analyzed and presented qualitatively; in other words, the acquired data were classified and compiled into a comprehensive and structured order

3. Results and Discussion

Based on the logical consequence, the study states that “an ideal execution of civil case based on principles of justice to actualize a simple, fast, and low-cost judiciary” must place the principles of justice, legal certainty, as well as usefulness within its core. On the one hand, an execution must provide legal certainty to the execution applicant; after taking the

litigation path for a long duration and finally winning the case, the applicant expects the disputed object to return to one's belonging. On the other hand, the losing party does not necessarily comply with the court ruling and is willing to carry out the decisions. This, in turn, will trigger problems from a juridical, philosophical, and sociological perspective.
The juridical problems may arise since the norms that regulate execution are often too short, simple, and not detailed; this could also cause problems at the implementative level. Execution of civil case decision at the normative and implementative levels often causes juridical, sociological, and philosophical problems. The juridical problems may arise since the norms that regulate execution are often too short, simple, and not detailed; this could also cause problems at the implementative level. On top of that, the problems may be caused by a non-executable legally-binding decision (*inkracht van gewijs de zaak*). This may apply in conditions as follows: 1) object of the case has changed, 2) object of the case has been sold and is in the hands of a third party, 3) object of the case whose two conflicting decisions, 4) objects with unclear limitations, 5) decisions that are declaratory instead of condemnatory, and others. On top of that, the execution of a civil case often faces opposition from the executed party (*partaj verzet*) or from third-party opposition (*derden verzet*). In addition, conducts such as extraordinary legal efforts (e.g., legal review), mobilization of mass/thugs by either the applicant or the respondent, as well as unwanted interventions from any parties that affiliate themselves to the applicant or respondent.
From the sociological perspective, problems of execution occur in conditions such as clashes triggered by the mobilization of masses/hired thugs by both the applicant and the respondent prior to the execution. In some cases, the conflicting parties are clashing to occupy the object of dispute.

Regarding the philosophical perspective, the regulations governing execution are the result of concordances originating from the Netherlands' laws such as the *Het Herzine Inlandch Reglement* (HIR, Stb. 1941-44) for Java and Madura region, the *Rechts Reglement Buitengewesten* (RBg, Stb 1847-52), and other regulations. Therefore, the logical consequence of the concordance of such laws indicates that the legal perspective of the Dutch, either directly or indirectly, will influence the matters that are regulated; the perspective will also be reflected in the law/regulations, *in casu*, the *Het Herzine Inlandch Reglement*, and the *Rechts Reglement Buitengewesten*. The philosophical perspectives, cultural roots, and values of Dutch society are contrasting with those of Indonesian society. The lack of Indonesian elements in such laws calls for serious consideration for the presence of a set of regulation governing execution that complies with the juridical, sociological, and philosophical aspects of Indonesia. The execution regulation must reflect society's perspective of justice and inner values.

In the context of "an ideal execution of civil case based on principles of justice to actualize a simple, fast, and low-cost judiciary", the aspect of justice is of utmost importance for both the applicant and the respondent of execution. During the execution process, when the respondent is not willing to carry out the decision voluntarily, the procedure starts with a warning process (*aanmaning*) to the respondent. The executory attachment will be conducted if the respondent is still not willing to cooperate after the specified deadline has passed. During this process, the respondent or a third party often resists or denies (*verzet / derden verzet*) against the confiscation. Therefore, whether or not the vacating execution will be continued or suspended depends on the District Court Chief's discretion.

At this stage, the execution is carried out by the District Court Chief in accordance with the provisions set forth from Article 195 of HIR onwards. Essentially, the aanmaning process is conducted as the representation of legal certainty. For this particular reason, an execution formula that complies with the principle of justice is deemed as important. The principle of justice in execution can be actualized by bringing together the applicant and the respondent for execution to make peace on the subject of the dispute. This is done to avoid execution and so that the respondent will voluntarily hand over the object of execution. Such ideal procedure is considered as a win-win solution which correlates with the principles of simple, fast and low-cost judiciary.

As mentioned in the 2010-2035 Blueprint of The Supreme Court, in the third chapter entitled "Vision, Mission, and Organization", the vision of the Council of Judiciary is "the actualization of a grand Indonesian Judiciary Council". This particular phrase means that in carrying out its duties and authorities, the actualization of an ideal general judiciary council refers to the fourth point that states:[9] "Implementing the management and the administration of a case that are simple, fast, timely, low-cost, and professional". In the meantime, as mentioned in the results of the national work meeting between the Supreme Court of Indonesia with the Court of Appeal as well as the four judicial circles throughout Indonesia in 2009, the general opinion of the Civil Procedure Law confirms in point sixteen that:[10]
"The District Court Chief must carefully examine the application for permission of execution of an immediately executable

[9] Harifin A. Tumpa, *Cetak Biru Pembaruan Peradilan 2010-2035 [Blueprint of Judiciary Reform 2010-2035],* Jakarta: 2, 2010, p. 14
[10] Heri Swantoro, *Dilema Eksekusi Ketika Eksekusi Perdata Ada Disimpang Jalan Pembelajaran dari Pengadilan Negeri [The Dilemma of Execution: Civil Execution at the Crossroads (A Lesson from the District Court)],* Jakarta: Rayyana Komunikasindo, 2018, p. 180

decision in the High Court Chief prior to the submission. If the decision is deemed not fulfilling the requirements as stipulated in the law, the District Court Chief has the authority to discontinue the application. An immediately executable decision must obtain prior written permission from the District Court Chief. After the execution is granted by the Distric Court Chief, there must be a guarantee from the applicant for the execution prior to the execution" (see the Supreme Court Circular Number 3 of 2000 juncto Supreme Court Circular No.4 of 2001).

In actualizing the provisions of Article 2 paragraph (4) of Law No. 48/2009, and referring to the Supreme Court Blueprint and the provisions of the District Court, the Chief of District Court is required to take into consideration all juridical and non-juridical aspects of each application for execution before the stipulation of execution is issued.
The instance of juridical aspects that can affect the process of examining the application for execution comprise: 1) if the decision is not condemnatory in nature, 2) if the executed assets and property do not exist, or 3) if the object of execution is in the hands of a third party. Moreover, the non-juridical aspects may consist of other reasons such as the principle of humanity.
A research conducted by the author revealed the fact that the settlement process of civil case to achieve a legally binding decision is quite time-consuming. Moreover, in some cases, job mutation in the District Court often slows down the case process. Oftentimes, the new District Court Chief only reviews the case file and facts that arise later, since the preceding District Court Chief is no longer placed in the particular court..
The Head of the District Court often takes a long time to consider all aspects of an application for execution, in addition to one's duties and responsibilities as head of the District Court. Such a problem is regarded as a factor affecting the negative view of the judiciary council. A former Supreme Court Judge, M. Yahya Harahap, mentioned several points of criticism to the Court:

a. Slow and time-consuming dispute settlement;
b. Expensive costs;
c. The judiciary is unresponsive;
d. The Court Decision often does not resolve the key problems;
e. The Court Decision is often confusing;
f. No assurance of legal certainty;
g. The judges often have limited and generic knowledge[11] ;

These criticisms describe the current judicial process in Indonesia and show that the current state of judiciary (das sein) is too far from what the Indonesian judiciary system aspires to (das solen), viz. a judiciary is fast, simple and low-cost, as referred to in the Article 2, Para. (4) of Law No. 48/2009 concerning Judicial Power.
A Chairman of the District Court is required to always be able to overcome any gaps between the facts and the ideals of the law itself; in this case, in a legally binding execution is hampered by the problems faced by the execution instruments in practice.
The implementation of execution in practice encounters problems such as: shortages of execution personnel, inadequate budget, and the extra costs that must be incurred when involving the police for security. A Chief of District Court shall seek to revitalize and reform the practice of execution by preparing the execution instruments to carry out the execution without having to request intervention from the Police.
The District Court Chief's authority to carry out execution is specifically regulated in Article 200, para. (11) of the revised Indonesian Reglement (HIR), which states:
"If a person is reluctant to leave his fixed assets being sold, the District Court Chief will issue an order to the authorized person to carry out the bailiff letter with the help of the clerk of the District Court or a European employee appointed by the Chief, and if necessary, with the assistance of the police officer, so that the permanent property is left behind and vacated by the person who sold the property and by one's relatives."[12]

This provision is an implementation of reforms that have been carried out by the Supreme Court, but have not been fully achieved yet. In fact, the Supreme Court has also established a number of internal policies and strategies for reforming the

[11]Harahap, M. Yahya, *Hukum Acara Perdata Tentang Gugatan, Persidangan, Penyitaan, Pembuktian dan Putusan Pengadilan [Civil Procedural Law on Lawsuit, Trial, Confiscation, Proof of Facts, and Court Ruling]*, 1st Ed., Sinar Grafika, Jakarta, 2005, p. 233-235.
[12] H.P Panggabean, *Skematik Ketentuan Hukum Acara Perdata dalam HIR [Scheme of Provisions of Civil Procedural Law in HIR]*,Alumni, Bandung, 2015, p. 297

judiciary system.[13] The strategies involve:

a. Actualizing the consistent implementation of the principle of fast, simple and low-cost justice, so as to fulfill a sense of justice for the justice seekers of all strata.engupayakan asas peradilan cepat, sederhana dan biaya yang terjangkau dilaksanakan secara konsisten dan konsekuen, sehingga dapat memenuhi rasa keadilan bagi pencari keadilan dari seluruh lapisan masyarakat;
b. Improving the administration of judiciary to speed up the process dispute settlements in all judiciary levels;
c. Actualizing the utilization of permanent court places to bring the judiciary closer to justice seekers, and so that the cases can be resolved at the place where the case occurred;
d. Encouraging the judiciary to function as the mobilizer of the community regarding the upholding of the laws;
e. Encouraging the judges to make decisions, aside from always having to be based on the law, by referring to the fair and honest conviction, the judges also require to take into account the freedom they have in examining and deciding the cases.
f. The enforcement of law employs a comprehensive juridical analysis method to solve legal problems and cases. This analysis uses a juridical approach, as the first and foremost approach, to comply with the provisions of the applicable laws and regulations; a philosophical approach is applied to refer to the sense of justice and truth; and a sociological approach is applied in accordance with the cultural values that apply within the society;
g. Improving the quality and professional competence of judges from all areas of the judiciary by judicial technical training (e.g., material review) to deal with the development of legal issues as the aftermath globalization and scientific/technological advancements;
h. Enforcing the supervision of the administration of judicature in all areas of the judiciary in exercising the judicial power, and monitoring all the conducts of the judges, clerks, and bailiffs in all jurisdictions in carrying out their duties;
i. Developing and encouraging the role of an arbitral institution.

The strategies above were stated by the Supreme Court internally to its subordinate courts. In this context, the Supreme Court is often viewed as lacking in visionary reforms. Most of the policies/strategies put forward by the Supreme Court are the restatement of issues from the past. To this day, the improvements in administration and resources are still ongoing.[14] The regulation, as stated in the recent reforms implemented to face a clean judiciary, demands seven areas of court excellence assessed based on the self-assessment checklist IFCE below.

a. Court management and leadership
b. Central to the actualization of the effectiveness and efficiency of court services is distinctive and robust leadership with quality court management. Leadership is the driver. Although the roles and functions of other factors in conceptualizing excellent court are essential, one must take into account the roles of leadership as the driving force above all.
c. Court planning and policies;
d. Strong leadership and effective management are embedded in policies that cover performance evaluation and anticipation of changes, and the policies that accommodate the needs and expectations of society for just services.
e. Court resources (human material and financial);
f. The effective and efficient handling of judicial matters can only be achieved by a good synergy between the judge and court resources. The judge focuses on the process of hearing, and the staffs handle the administration. Timeliness and duration of handling the court, without question, shall be monitored. Examined cases and the decision regarding such matters follow the established SOP.
g. Court process proceedings;
h. Strong leadership and effective management are embedded in policies that cover performance evaluation and anticipation of changes and accommodate the needs and expectations of society for just services.
i. Client needs and satisfaction;
j. Client satisfaction is closely related to public trust. This notion further becomes a challenge for the court to ensure that all parties, although one of them (the party who brings the case) might lose in the court, are satisfied.
k. Affordable and accessible court services;

[13]Sarwata, H., *"Kebijaksanaan dan Strategi Penegakan Sistem Peradilan di Indonesia [The Policies and Strategies of Judiciary System Enforcement]",* paper presented in the Regular Course of Angkatan XXXII LEMHANAS, Jakarta, 25 Mei 1999, p. 8.

[14] J. Djohansjah, *Reformasi Mahkamah Agung Menuju Independensi Kekuasaan Kehakiman [Reform of Supreme Court to Achieve Independence of Judicial Power],* Kesaint Blank, Bekasi, 2008, p. 234-235

l. Client satisfaction is closely related to public trust. This is a challenge for the court to ensure that all parties, although one of them (the party who brings the case) might lose in the court, are satisfied.
m. Public trust and confidence;

An excellent court is the one that is accessible; it takes into account the affordability for everyone who is in need of the legal services. The term accessible here also refers to virtual accessibility, since this concept has been emphasized by the Directorate General of the General Council of the Judiciary, the Supreme Court of the Republic of Indonesia through the Circular Letter of the Directorate General of the General Council of the Judiciary, Date 20 June 2014, Number: 3/DJU/HM02.3/6/2014 considering Information Technology-Based Court Administration in the General Court Environment.[15]

The regulations above must be implemented by the Chief of the Court for which the execution shall be performed based on the law and regulations.

4. Conclusion and Policy Implications

The execution as expected by the justice seekers (in this case, the applicant) shall be implemented as timely as possible. As the Article 2, para. (4) of the Law No. 48/2009 stipulates, the principles of simple, fast, and low-cost judiciary is actualized if, in practice, the District Court Chief does not have to wait for the High Court Chief's approval. Therefore, The Supreme Court shall prepare personnel (who have been appointed as Civil Servants) as the instruments to carry out the execution of legally-binding decisions. That said, the execution shall be carried out efficiently without having to involve the Municipal Police instruments owned by the local government.

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