

Implementation of SEMA Number 01 Years 2023: Summons Notice by Registered Mail in the Religious Court

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Abstract: The purpose of this research is to examine how the implementation and impact of SEMA (Circular Letter of the Supreme Court) Number 1 years 2023. The research method used is a qualitative approach with in depth interview techniques and document analysis. Data were collected through literature study and observation of the implementation of SEMA number 1 years 2023. The analysis was conducted using a descriptive approach to illustrate the implementation of notifications through registered mail. The Religious Court involves two parties, namely the bailiff and the POS (PT. Pos Indonesia). The bailiff of the sends court summons notifications via postal service. The postal service delivers the court summons notifications through registered mail to the parties involved in the case while adhering to operational standards. However, there are still obstacles in its implementation, in improving the efficiency and effectiveness of the judicial process. Positive impact, especially in improving the judicial process Improvement in the quality of judicial services. The systematic arrangement of judicial procedures, accountability, and transparency, as well as the achievement of the principle of low-cost or affordable justice, also have negative impacts, particularly in the challenges of the latest system reforms, as well as the risks of prolonged trial delays and the risks of unlawful and unjust summonses. In reality, the POS often does not provide a summons to the litigant, which results in no information reaching the litigant.

Keywords: Religious Court, SEMA, Summons, Notification, Registered Letter

1. Introduction

The court is a place to resolve disputes, but it is also a place for people to obtain justice, therefore the judge must decide a case based on justice, so the presence of the parties is the most important element in the trial.¹ The judge must order the Bailiff to summon the parties to the trial.² Summons in civil procedure law is: "Delivering officially (official) and properly (properly) to the parties involved in a case in court, in order to fulfill and carry out the things requested and ordered by the panel of Judges or the Court. The officer or employee in charge of making the call is the Bailiff, only calls made by the Bailiff are considered valid and official. This is based on Article 388 HIR paragraph (1) of 1848 concerning Examinations in Trials, Consultations, and Decisions, which states that, All court officers, such as execution officers and court couriers, as well as relevant government employees, have the same rights and obligations to execute letters, notices, and judges' orders and judgments and Article 390 paragraph (1) HIR 1848, every bailiff's letter, with the exception of those referred to below, shall be delivered to the person concerned in person at the place where he resides or where he lives and if he is not found there, the village head or lurah shall immediately give notice of the Bailiff's letter to the person concerned.³

¹ Zulfadin Syarif, 'Asas Peradilan Sederhana, Cepat, Dan Biaya Ringan Dalam Ketentuan Persidangan Hybrid Perkara Perdata', *Collegium Studiosum Journal*, 7.1 (2024), <https://doi.org/10.56301/csj.v7i1.1275>.

² B Sipayung and A Prasetyo, 'Audit Atas Biaya Perkara Dalam Laporan Keuangan Mahkamah Agung Dan Badan Peradilan Yang Berada Di Bawahnya', *EKALAYA: Jurnal Ekonomi ...*, 2023, <https://doi.org/https://doi.org/10.59966/ekalaya.v1i1.54>.

³ I Saputra, D Roza, and Z Helen, 'Efektivitas Relas Panggilan Surat Tercatat Via Pos Dalam Penyelesaian Perkara Secara E-Court Di Pengadilan Agama Padang Kelas IA', *Jurnal Sakato Ekasakti Law ...*, 2024, <https://doi.org/https://doi.org/10.31933/v8jh4w97>.

The authority of the Bailiff is obtained through the order of the Chairman (Panel of Judges) as outlined in the determination of the day of the hearing or the determination of notification, Article 121 paragraph (1) HIR 1848 states, after the pleadings so entered or the notes so made have been entered by the clerk in the register provided for that purpose, the chairman shall fix the day and hour when the case shall be heard before the Court, and he shall summon the parties to appear at that time, together with such witnesses as he may desire to examine, and shall bring such papers as he may intend to use. The letter referred to in Article 121 paragraph (1) of 1848 above is a summons or in civil procedural law called "Relaas Call." The summons is an authentic deed, according to Article 1868 of the Civil Code of 1847 Book IV concerning Proof and Expiration in Chapter II Regarding Proof by Writing states that what is meant by an authentic deed is: "An authentic deed is a deed made in the form prescribed by law by or before a public official authorized to do so in the place of the deed". That is, "everything contained in the summons must be considered true unless it can be proven otherwise, thus the summons can be used and used as a means of proof".

Over time by utilizing information technology to take part in trials can be done directly or electronically (e-litigation), this change began to occur since the promulgation of Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, the process of registering and hearing cases in court, especially civil cases, is carried out electronically.⁴ In the electronic trial process, there are several new policies that are different from the civil litigation process before the enactment of Perma Number 1 of 2019, namely there are changes in registration, payment and electronic summons.⁵ In electronic case registration through the application or website ecourt.mahkamahagung.go.id, after electronic case registration, payment of case fees is made electronically through a virtual account for third party money at a bank that cooperates with the local court. After the case is registered, the parties will be summoned, in accordance with Supreme Court Regulation No. 7 of 2022 concerning Amendments to Supreme Court Regulation No. 1 of 2019 concerning Case Administration and Trial in Court Electronically, the summoning of the Plaintiff will be carried out electronically, namely the Plaintiff's email address or whatsapp, while the Defendant will be summoned by registered mail in accordance with the procedures for summons and notifications applicable in Sema No. 1 of 2023, which will be carried out by the service provider of registered mail delivery services determined by the Supreme Court and in this case by PT Pos Indonesia (Persero).⁶

The stages of the application of summoning the parties using postal services at the Painan Religious Court are first the case is registered electronically, the Court Bailiff will make a summons for the hearing. The summons is then submitted to PT Pos Indonesia Painan Branch Office. PT Pos Indonesia Painan Branch Office will send the summons to the address of the parties listed in the lawsuit. If the summons cannot be received by the intended parties, the letter will be returned to the Painan Religious Court.⁷ But in fact in the implementation of party summons there are obstacles experienced by the Painan Religious Court with PT Pos Indonesia Painan branch, this can be seen based on the following report, based on the above report, the implementation of summons is often not in accordance with SEMA No. 1 of 2023 concerning Procedures for Summons and Notification by Registered Mail, this can be seen from the summons of parties that are late and not directed or received directly by the party concerned, this is certainly very contrary to the principle of summons that must be carried out legally and properly, where a summons can be declared valid if the summons is carried out by an authorized official, based on point 2

⁴ A G Fasya, *Implementasi Aplikasi E-Court Berdasarkan Peraturan Mahkamah Agung Nomor 1 Tahun 2019 Di Pengadilan Tata Usaha Negara Yogyakarta* (dSPACE.uin.ac.id, 2023).

⁵ Alya Septira Nur Aini, Sri Maharani Mardiananingrum T.V.M, and Eko Wahyudi, 'Legal Implication on Relaas: Conventional Court Summons by Registered Letters', *Yustisia Tirtayasa: Jurnal Tugas Akhir*, 4.1 (2024), 69, <https://doi.org/10.51825/yta.v4i1.24475>.

⁶ M Rihdo, I M Sudur, and A R Suardi, 'Kedudukan Surat Edaran Mahkamah Agung (SEMA) Dalam Perspektif Akademisi: Kekuatan Hukum, Ketetapan Dan Konsistensi, Pengaruh Terhadap Putusan Hukum', *USRAH: Jurnal Hukum Keluarga Islam*, 2023, <https://doi.org/https://doi.org/10.46773/usrah.v4i2.791>.

⁷ Hartika Nurfaizah and Miftahus Sholehudin, 'Legal Defect of Verstek Decision with Invalid and Proper Summons in the Context of Civil Procedure Law', *Al-Bayyinah*, 7.2 (2023), 242–60, <https://doi.org/10.30863/al-bayyinah.v7i2.5464>.

of SEMA No. 1 of 2023 that the registered letter as referred to in point 1 is sent by the court using the registered letter delivery service provider determined by the Supreme Court.⁸

From the point of view of competence, the Bailiff already has the capability to send relaas according to the law of summoning procedures, this will probably be difficult for the "courier" from PT Pos because the couriers are not required to come from law graduates and have never had experience in delivering summons to litigants, while the relas themselves are the most important thing in the trial process.⁹ Meanwhile, a summons is declared appropriate if the summons is carried out and must be received by the party at least 3 (three) days before the trial, as regulated in article 122 HIR. and based on reports of obstacles experienced by the Painan Religious Court there are summonses that are carried out more than 3 (three) days before trial. This is certainly a problem that needs attention, because whether or not the summons and notification are valid determines the examination process in the trial.

To find how this article has novelty, it is important to look at similar articles that have been done before. Some articles that can be used as a comparison are. First, the author conducted a search through *Open Knowledge Maps* with the keyword Implementation of SEMA Number 01 of 2023. The author found that what was previously researched was the implementation of interfaith marriages after SEMA number 01 of 2023.

This study aims to evaluate and analyze the implementation of Sema No. 01 of 2023 which regulates the use of registered mail as a summons notification medium in the Religious Courts. The main focus of the research is to identify the effectiveness, constraints, and impact of the implementation of the policy on the trial process and the rights of the parties involved. The novelty of this research lies in the direct assessment of the implementation of the latest policy in the Religious Courts which has not been studied much before. In addition, it examines the practical and administrative aspects of the use of registered letters, as well as revealing the factors that influence the success or obstacles in its implementation. Previous research on notification in the Religious Courts has tended to focus on general procedures or the use of conventional notification media such as regular mail and oral notification. This study differs in that it specifically examines the effectiveness of registered mail as a method of notification under the latest policy, and integrates a study of compliance and party perceptions of this method. The benefits of this research are expected to the relevant parties, to do the best possible summons by registered letter to the litigants, so that no party is harmed. so that the implementation of justice is in accordance with the objectives set by the regulations.

2. Method

This research uses a qualitative case study design to explore the implementation practices of registered summons delivery in the Painan Religious Court.¹⁰ The units of analysis include the procedures for court summons as well as the roles and interactions of bailiffs, postal officers, and litigants.¹¹ Participants were selected using purposive sampling, focusing on individuals directly involved in the implementation of SEMA, including court officials and postal service staff.¹² Interviews were conducted with court bailiffs, clerks, and postal officers. Observations focused on summons procedures, and documents reviewed included internal court reports and delivery receipts.¹³ Data collection instruments included semi-

⁸ M Farhan, 'Implementasi Surat Edaran Mahkamah Agung Nomor 3 Tahun 2015 Pada Pengadilan Agama Sawahlunto', *Juris Jurnal Ilmiah Syariah*, 19.2 (2020), 245–63, <https://doi.org/10.31958/juris.v19i2.2234>.

⁹ Novritsar Hasintongan Pakpahan, 'Legal Punctuality in Analyzing Serve Through E-Summons and Registered Mailing', *Primagraha Law Review*, 1.2 (2023), 125–38, <https://doi.org/10.59605/plrev.v1i2.567>.

¹⁰ Ibnu Amin et al., 'The Concept of Baligh Perspective of Fiqh and Positive Law', *Al-Istinbath : Jurnal Hukum Islam*, 7.2 (2022), 455, <https://doi.org/10.29240/jhi.v7i2.5268>.

¹¹ Afrikal Candra et al., 'Fiqh Siyasa Review of Social Welfare in Padang City: How Is It Implemented', *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum*, 18.2 (2024), 195–218, <https://doi.org/10.24239/blc.v18i2.3323>.

¹² A Hafizh and F Efendi, 'Legal Case Linking Divorce Proceedings to Development of Schizophrenia: Court's Ruling Number 675/Pd. G/2021. Pa. Pn', *WARAQAT: Jurnal Ilmu-Ilmu Keislaman*, 2023, <https://doi.org/https://doi.org/10.51590/waraqat.v8i2.564>.

¹³ N Yusuf, 'Feminism Analysis of Judges' Considerations for Post-Divorce Domestic Violence Victims in Medan and Banda Aceh Religious Courts', *Al Adalah*, 20.2 (2023), 283–308, <https://doi.org/10.24042/adalah.v20i2.16177>.

structured interview guides and an observation checklist based on court procedural standards.¹⁴ All participants provided informed consent, and ethical approval was obtained from the relevant institutional review board to ensure confidentiality and ethical standards. Primary data came from interviews and direct observations at the Painan Religious Court, while secondary data included legal texts, court regulations, and cooperation agreements with PT Pos Indonesia. The sociological approach was chosen because it enables a deeper understanding of how legal rules operate in daily institutional contexts, which is essential for analyzing the effectiveness of procedural regulations like SEMA.¹⁵ Fieldwork was conducted from January to March 2025, involving eight key informants and document analysis at the Painan Religious Court and PT Pos Indonesia's local office.¹⁶

3. Result and Discussion

3.1. Implementation of Sema No. 1 of 2023 concerning Procedures for Summons and Notices by Registered Mail in Painan Religious Court

Painan Religious Court is one of the judicial institutions that applies the renewal of these rules. SEMA Number 1 of 2023 contains a rule stating that the summons and notification process for litigants who do not have electronic domicile is carried out by registered mail. Standard communication systems, such as email, do not offer the same level of reliability as traditional registered or certified mail.¹⁷ A summons is a legal document issued in duplicate, requiring a person to appear in court in connection with a particular case—whether as a defendant or a witness—on a specific date and for a specific purpose, under the threat of legal sanction.¹⁸ The E-Summons system is considered less effective due to occasional system errors in the e-court platform and its perceived complexity, particularly for justice seekers who are not yet technologically literate.¹⁹ The deliverability of summonses depends on the accuracy of jurisdictional database updates and the stability of residential areas. Accounting for neighborhood stability largely mitigates, although may not fully eliminate, the issue of undelivered summonses as a contributing factor to low compliance or appearance rates.²⁰

As information obtained by the researcher from the informant, Deza Amira, as a Judge at the Painan Religious Court. The new electronic system, cases registered by e-court must be summoned by e-litigation, namely by registered mail. E-court cases are filed from registration administration to payment only. When it comes to the answer and so on, it is called e-litigation. The registered letter sent by postal employee is intended for defendants who do not have an email address or do not have an account.²¹ In the implementation of summons by registered letter the bailiff of the court must follow the standard operating procedures as stated by M. Jimmy Kurniawan as bailiff of the Painan Religious Court. In electronic cases (e-court) the summons is different from manual cases, if the electronic trial is called by registered letter, and the bailiffs must follow the SOPs that have been designed by the Painan Religious Court.²² The process of summoning and notification by registered letter through the intermediary of a postal employee remains under the control of a Bailiff. Indeed, the postal employee is only an intermediary for mail delivery. The Bailiff has the duty to make a trial notice, then the Bailiff conveys an order to the

¹⁴ W Sulastri et al., 'Zakat And Maqasid Shari'ah: Ensuring Effective Support For The Needy', *Kanun Jurnal Ilmu Hukum*, 2024, <https://doi.org/https://doi.org/10.24815/kanun.v26i2.38605>.

¹⁵ Muchimah, 'Legal Culture and the Dynamics of Religious Interaction in Ritual Practices among Interfaith Marriage', *Al Manahij Jurnal Kajian Hukum Islam*, 18.2 (2024), 333–48. <https://doi.org/10.24090/mnh.v18i2.11659>.

¹⁶ F Efendi et al., 'Factors That Influence Consumer Interest in Choosing Online Transportation Services', *Jurnal Hukum Islam Dan Ekonomi*, 2024, <https://doi.org/https://doi.org/10.47766/syarah.v13i2.4704>.

¹⁷ Arne Tauber, Peter Kustor, and Bernhard Karning, "Cross-Border Certified Electronic Mailing: A European Perspective," *Computer Law & Security Review* 29, no. 1 (February 2013): 28–39, <https://doi.org/10.1016/j.clsr.2012.11.002>.

¹⁸ Barwa J et al., "Admissibility of Serving Summons and Warrant by Electronic Media: An Indian Perspective," *Journal of Indian Academy of Forensic Medicine* 44, no. 2 (June 2022): 109–10, <https://doi.org/10.5958/0974-0848.2022.00052.5>.

¹⁹ Dian Latifiani et al., "Implementation of Simple, Fast and Low-Cost Principles in E-Summons with the E-Court System," *Diponegoro Law Review* 8, no. 1 (April 30, 2023): 107–23, <https://doi.org/10.14710/dilrev.8.1.2023.107-123>.

²⁰ Ralph B. Taylor et al., "Roles of Neighborhood Race and Status in the Middle Stages of Juror Selection," *Journal of Criminal Justice* 35, no. 4 (July 2007): 391–403, <https://doi.org/10.1016/j.jcrimjus.2007.05.004>.

²¹ Deza Amira, "Personal Interview" (Pesisir Selatan, 2024).

²² Zakiyah Ulya, "Personal Interview" (Pesisir Selatan, 2024).

postal employee to carry out the summoning process to the party concerned at the address of his residence or place of residence. The difference lies in the role of the Bailiff who does not go directly to the field to carry out the summoning process.²³

So that the mechanism for delivering the trial relaas carried out by the Bailiff with a registered letter by post has a difference. The mechanism for delivering the trial relaas through postal employees was conveyed by informant Zakiyah Ulya as a postal employee working at the Painan Religious Court. Relaas from e-courts are delivered from the registrar's office, they already have the name of the recipient, the case number, and the full address. Not only is the summons given to the post office, but there is also a liaison sheet containing the signature of the recipient from the post office who is responsible for the entry of the letter. The letter is then sent to the post office for processing, then sent to the recipient before the deadline date that is already on the relaas. For the procedure, the courier must later find the person concerned directly. If, for example, the person concerned is not in the location, it must be conveyed to the RT RW or directly to the village head. If the courier has asked the village head and it turns out that the village head does not have the name of the resident, it will be returned to the Court, returned. However, most of the people who received it directly from the person concerned.²⁴

The mechanism for delivering court proceedings by registered mail with the intermediary of postal employees can be grouped into several stages. Packaging, Pick up and Delivery, Delivery, Return.²⁵ The implementation of Sema Number 1 of 2023 concerning the procedures for implementing summons and notifications by registered mail Painan Religious Court compiled a standard operating procedure that can be applied by postal couriers this aims to make the implementation of Sema Number 1 of 2023 in Painan Religious Court can run effectively. However, to achieve a high level of effectiveness is certainly not easy, because in the implementation of Sema Number 1 of 2023 concerning the procedures for implementing summons and notifications by registered mail Painan Religious Court still experiences several challenges or obstacles faced in its implementation, as conveyed by Sovia Sartika, Summons by registered letter is a good innovation, but there are still obstacles, one of which is caused by some case parties (plaintiffs / applicants) who do not fill in completely the identity / address of the defendant / respondent. So that the delivery service (POS) of the registered letter is constrained by the delivery of the registered letter.²⁶

But in contrast to what was conveyed by Jacky Efrizon, the implementation of summons by registered letter is effective. So if it is effective, it is effective because there is already something that regulates it, which has been stipulated by the Supreme Court in Supreme Court Regulation Number 1 of 2022 concerning Amendments to Supreme Court Regulation Number 1 of 2019 concerning Case Administration and Trial in Court Electronically, and Supreme Court Circular Letter Number 1 of 2023 concerning Procedures for Summons and Notification by Registered Mail. Indeed, there are obstacles during the process of sending the registered letter, but this is still effective because there are regulations governing it.²⁷

The implementation of Supreme Court Circular (SEMA) No. 1 of 2023 concerning the Procedures for Summons and Notifications by Registered Mail at the Painan Religious Court has, in general, been carried out effectively as part of the broader effort to reform procedural law and improve access to justice, especially for litigants who do not yet have an electronic domicile. This implementation reflects the institution's adaptability in embracing regulatory changes aimed at simplifying judicial procedures. However, despite the progress made, there remain several aspects that require improvement, such as the consistency and accuracy of address data, the timely updating of domicile information, the coordination with postal service providers, and the enhancement of public understanding regarding the new system. In addition, challenges still persist in ensuring the deliverability and traceability of summons, which

²³ M. Jimmy Kurniawan, "Personal Interview" (Pesisir Selatan, 2024).

²⁴ Ulya, "Personal Interview."

²⁵ Rizka Anugrah Azhari and Rosdiana Saleh, 'Perbandingan Sistem Hukum Indonesia Dan Malaysia Tentang E-Court', *Syntax Literate ; Jurnal Ilmiah Indonesia*, 9.9 (2024), 5065–73. <https://doi.org/10.36418/syntax-literate.v9i9.17292>.

²⁶ Sovia Sartika, "Personal Interview" (Pesisir Selatan, 2024).

²⁷ Jacky Efrizon, "Personal Interview" (Pesisir Selatan, 2024).

directly impacts the punctuality of case handling and the legal certainty for parties involved. Therefore, a more comprehensive approach involving administrative optimization, technological support, and public education is needed to strengthen the overall efficiency and effectiveness of the summons process, so that the objectives of a simple, fast, and low-cost judiciary as mandated by the principle of procedural justice can be fully realized.

3.2. Impact of the implementation of Sema No. 1 of 2023 in Painan Religious Court

One of the positive impacts of the implementation of Sema No. 1 of 2023 is an increase in the quality of judicial services in the Religious Courts.²⁸ With clear guidelines, judges and court officials can work more efficiently and effectively in handling cases. This will, of course, speed up the process of resolving cases in court and provide legal certainty for justice seekers. In the latest regulation on registered letters, registered letters must be sent at least 6 days before the hearing.²⁹ This is also the same reference to the provisions in Article 122 HIR and Article 146 RBg, which must have been received at least 3 days before the trial, so the Panel of Judges or Judges when determining the schedule of court days must pay attention to these provisions.

Based on the author's interview with the court bailiff, an officer from the Post Office will come to the court every working day at 3pm to check whether there is a document summoning a hearing or notification of a decision to be delivered to the litigant and at that time the Post Office officer will deliver proof of registered mail regarding the summons for hearing and notification of the decision or determination that has been delivered by the Post Office officer to the litigant. Sema No. 1 of 2023 regulates more systematic and structured procedures in the judicial process, including case registration, trial, and decision-making. Thus, the court will find it easier to manage cases and avoid potential procedural irregularities or errors.

The implementation of this SEMA also has the potential to increase accountability and transparency in case management in the Religious Courts. Clearer and more organized procedures will facilitate supervision of the judicial process, both by internal court parties and by the public at large. Reducing the Potential for Abuse With traceable proof of delivery, this SEMA can also reduce the potential for abuse in the notification system, such as data manipulation or improper delivery.

Case processing fees prior to the enactment of SEMA No. 1 of 2023 on registered mail were adjusted to the Supreme Court of the Republic of Indonesia Regulation (Perma) No. 2 of 2009 on case processing fees and management at the Supreme Court and the judicial bodies under it. The determination of case processing costs is divided into several radii including the following:

²⁸ P P Penasthika, 'Relevansi The HCCH 1965 Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters Untuk Indonesia', *Researchgate.Net*. <https://doi.org/https://doi.org/10.38035/jihhp.v5i2>.

²⁹ I Kadek Ramadana Vikram Desta Saputra, 'Upaya Hukum Terhadap Putusan Verstek Akibat Pemalsuan Identitas Tergugat Perkara Cerai Gugat', *Wijaya Putra Law Review*, 2.1 (2023), 1–24. <https://doi.org/10.38156/wplr.v2i1.81>.

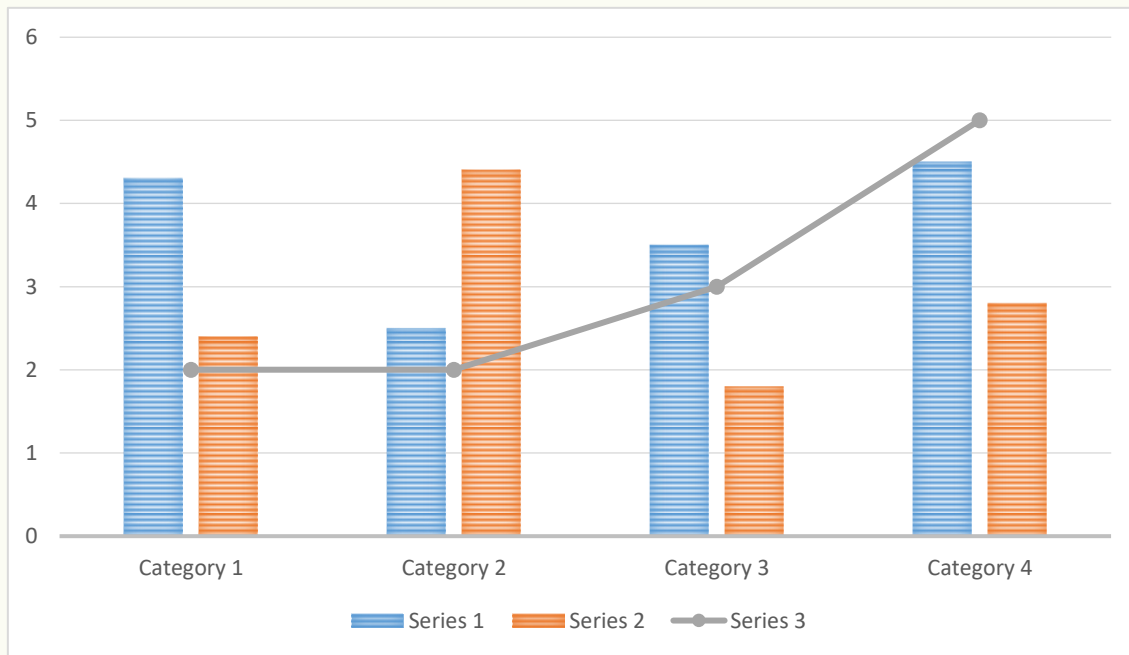


Figure 1. Registered Mail Delivery Rates Based on Regional Radius

Source: Painan Religious Court Registry

Since the Painan Religious Court switched its method of summoning and notifying parties by using registered mail services provided by the Painan branch of PT Pos Indonesia, the costs incurred in the process have become more efficient compared to the previous method carried out by court bailiffs, as the postage fees set by PT Pos are adjusted based on the radius or distance to the delivery destination—starting from Radius I at Rp100,000, Radius II at Rp120,000, Radius III at Rp150,000, Radius IV at Rp160,000, Radius V at Rp180,000, Radius VI at Rp200,000, Radius VII at Rp220,000, and Radius VIII which is stated as Rp2,500,000 (which is likely a typographical error and should be Rp250,000)—thus, with this more standardized and transparent pricing system, the summoning process becomes more accountable, reduces the litigation costs borne by the public, and supports a more orderly, effective, and efficient judicial administration in terms of time, labor, and budget, without compromising the legal certainty and formal requirements necessary for the execution of summons and notifications in legal proceedings within the religious court system.

Table 1. Painan Religious Court Radius Fee by Registered Mail

No	Radius	Tarif
1.	I	Rp. 32.000
2.	II	Rp. 32.000
3.	III	Rp. 32.000
4.	IV	Rp. 32.000
5.	V	Rp. 32.000
6.	VI	Rp. 32.000
7.	VII	Rp. 32.000
8.	VIII	Rp. 32.000

Source: Painan Religious Court Registry

The use of PT Pos Indonesia in summoning and notifying litigants of decisions can also reduce the intensity of meetings between court officials and litigants, thereby strengthening the core value of integrity, which is one of the eight core values espoused by the Supreme Court. Bailiffs are an important part of the judicial system in Indonesia, acting as the court's duty bearers in the delivery of legal documents, execution of decisions, and other administrative tasks. In the context of justice, the workload

of bailiffs is very influential on the smooth and successful implementation of legal processes. The burden held by a bailiff involves many aspects that must be managed carefully so as not to cause problems in the legal process itself.

Previously, the bailiff's task of delivering summons or notices was often time-consuming and labor-intensive. With registered mail, this process becomes easier and more practical, as it does not require physical travel or visits to the address of the relevant party. It can also reduce errors and omissions in the delivery of notices. A bailiff is an official in charge of executing court orders, which includes the delivery of summonses, notices, judgments, and other legal documents to the parties involved in the case. In addition, bailiffs are also responsible for carrying out the execution of court decisions, which can include confiscation of goods, auctioning of goods, and other actions related to the execution of court decisions. as conveyed by M. Jimmy Kurniawan, in the delivery of summons and trial notices, bailiffs must be physically and mentally strong, because it is not uncommon for bailiffs to face obstacles on the way such as accidents or anarchic actions from parties who do not accept trial summons.

Based on the findings in the research, the postal officer did not provide information on the status of the party receiving the summons and what is the family relationship between the party receiving the summons at the house and the defendant to whom the summons is addressed, the absence of this information can have legal consequences in the trial, namely whether the person receiving the summons is a legitimate party and is entitled to receive it or even if it is not the direct defendant who receives it, whether the other party who receives it has a family relationship with the defendant so that the summons can be handed over to that person. In several court documents, it was also found that postal officers who did not find anyone at the house or address immediately wrote on the summons, that the person addressed was not in the place or the house was unoccupied, even though according to civil procedural law and Supreme Court Regulation Number 7 of 2022, if the address is empty or unoccupied, the postal officer must still submit a summons document to the village head or village head or village apparatus whose government area covers the address. The necessity for postal officers to deliver the village head also faces time constraints and the busyness of the postal officers themselves who must adjust between the postal delivery workload, which of course has a postal delivery target with the opening hours or service hours of the post office or village office, so that according to the author this can result in the activities of postal officers to deliver or deliver summons documents to village or kelurahan officials being hampered, which of course will affect the timeframe for delivering summons and trials in court.

While registered mail is considered more efficient, postal delivery does not always take place as scheduled. Delays in the delivery of registered mail or problems related to postal services can cause delays in legal proceedings, potentially to the detriment of the parties involved. The provision of proof of summons in the form of a registered letter in the form of a postal receipt by the post office is often late in reaching the religious court. On the day of the hearing that has been determined when the Panel of Judges or the Judge looks at the proof of summons whether the summons has been made legally and properly, they find that the proof of summons of registered mail has not arrived back to the court which results in the judge not being able to examine whether the defendant has been legally and properly summoned. This resulted in the judges having to make another summons through the post office and this resulted in the length of time of the trial increasing because the summons had to be made again or postponing the trial to wait for the proof of the summons to be returned or received by the court. The repeated and unnecessary summons will certainly increase the cost of the case, which if it exceeds the cost of the case that has been paid by the plaintiff or applicant at the time of case registration will result in the plaintiff or applicant having to add to the shortage of the cost of the case to pay for the post office summons service, so that the cost of the case becomes not cheap, so that one of the principles of justice, namely light costs, is difficult to achieve.

Painan Religious Courts in some areas may still face limitations in terms of infrastructure and technology that can support the implementation of Sema Number 1 of 2023. The lack of good facilities and digital systems can be an obstacle to optimal implementation, especially in relation to electronic case

management or e-courts, it is not uncommon for parties not to know about court summons due to inadequate internet signals, while the postal service itself sometimes has difficulty carrying out summons and notifications to parties due to poor road infrastructure and the absence of the summoned party's cellphone number that can be contacted.

3.3. Technology-Based Registered Mail Optimization for Effective Court Summons at the Painan Religious Court

The importance of implementing a system that supports the effectiveness of court summons through registered mail at the Painan Religious Court.³⁰ One of the key points was the development of a digital information system capable of monitoring and tracking mail delivery accurately and in real-time. With this system in place, the delivery process can be controlled transparently and efficiently, so that the court can ensure that the notification letter has reached the relevant party. In addition, the integrated system also makes it easier for the court to manage data and reduce the possibility of administrative errors. Education and socialization aspects are key to improving public understanding of the court summons service through registered mail.³¹ Many people may not understand the benefits and procedures of this system, so socialization through various media such as radio, television, social media, and community forums is needed. Through this education, the public is expected to be able to understand their rights and obligations, and feel confident that the notification process is carried out officially and legally according to the provisions.³² The success of this measure depends not only on technology and education, but also on collaboration with community leaders, village institutions and religious organizations. They can act as agents of change to disseminate information and ensure the public has the right understanding. With these steps, it is hoped that the court summons system through registered mail will become more effective, efficient, and able to increase public confidence in the judicial process at the Painan Religious Court. This will also contribute to a more orderly and timely trial process.

The important role of postal officers in improving the effectiveness of court summons delivery through registered mail at the Painan Religious Court. Postal officers as the spearhead in the mailing process must be able to carry out their duties efficiently and responsively so that the summons arrives on time and in good condition to the party concerned. One of the main points is the need for training and increasing the competence of postal officers in the management of registered mail delivery. They must understand delivery procedures carefully, including the importance of ensuring that the letter reaches the recipient and gets a receipt as proof of delivery. In addition, the use of technology such as digital tracking systems can assist postal officers in monitoring delivery status in real-time, so that they can immediately overcome obstacles or obstacles that arise during the delivery process. The responsiveness of postal officers is also very important in dealing with the needs of the parties involved. For example, if there are urgent delivery requests or schedule changes, postal officers must be able to respond quickly and provide appropriate solutions. This will increase public confidence in the summons delivery system and ensure the legal process runs smoothly on schedule. In addition, good coordination between the courts and postal officers needs to be improved so that mail delivery can be carried out in a timely and accurate manner. Thus, strengthening the role of postal officers through training, use of technology, and effective communication can significantly improve the effectiveness of sending summonses by registered mail, supporting a more transparent legal process that is responsive to the needs of the community.³³

The importance of active participation of case parties in improving the effectiveness of the summons

³⁰ M Solikhudin, 'Political-Legal Strategies in Regulating Interfaith Marriage: An Analysis of Supreme Court Circular Letter in Indonesia', *Jurnal Ilmiah Al Syir Ah*, 22.2 (2024), 262–73. <https://doi.org/10.30984/jis.v22i2.3237>.

³¹ L A Yuni, 'Protection of Women's Rights After Divorce in Religious Courts: What Makes This Mission Difficult to Achieve?', *Mazahib Jurnal Pemikiran Hukum Islam*, 23.2 (2024), 595–630. <https://doi.org/10.21093/mj.v23i2.7958>.

³² K P Budi, 'Adjudicating Joint Property Dispute in Islamic Jurisprudence: Balancing The Best Interests of The Child With a Focus on Residency', *Syariah Jurnal Hukum Dan Pemikiran*, 23.2 (2023), 245–66, <https://doi.org/10.18592/sjhp.v23i2.12278>.

³³ K W Indrayanti, 'Questioning Human Rights, Looking for Justice: Analyzing the Impact of Supreme Court Circular Letter on Interfaith Marriages in Indonesia', *Journal of Indonesian Legal Studies*, 9.1 (2024), 835. <https://doi.org/10.15294/jils.vol9i1.4634>.

system through registered mail at the Painan Religious Court.³⁴ Case parties, which include plaintiffs, defendants and other related parties, have a key role in ensuring that the trial process runs according to the applicable schedule and procedures.³⁵ One of the main aspects is the awareness and activeness of the case parties in monitoring the summons sent. They must ensure that the registered address is correct and complete so that the letter can arrive safely and on time. In addition, litigants need to respond promptly to summonses, either through confirmation with the court or through direct communication if necessary, so that the trial process is not hampered by ignorance or indifference. In addition to participation in the handling of summonses, case parties are also expected to play a role in providing input and suggestions regarding the improvement of the existing system. For example, they can convey any obstacles encountered during the process of sending and receiving letters so that the court and postal officials can make the necessary evaluations and improvements. This active participation will create a system that is more adaptive and responsive to the needs of the community. Furthermore, education and socialization to case parties about the importance of their role in ensuring the success of the summons system is also necessary. With maximum participation from all relevant parties, it is hoped that the process of summoning hearings by registered letter will be more effective, efficient, and able to increase public confidence in the justice system at the Painan Religious Court. This in turn will support the creation of a fair and transparent legal process.

4. Conclusion

Summons and Notification by Registered Mail at the Painan Religious Court involves 2 parties, namely the Bailiff and the postal officer, in the implementation of summons and notifications by registered mail remain under the control of the Bailiff, the Bailiff of the Painan Religious Court sends a notice of summons for trial by registered mail to the postal service, then the postal service delivers a notice of summons for trial by registered mail to the litigant while still following operational standards. However, there are still obstacles and improvements need to be made in its implementation to increase the efficiency and effectiveness of the judicial process. The positive impact, especially in improving the judicial process, is the improvement of the quality of judicial services, the structuring of systematic judicial procedures, accountability and transparency, and the achievement of the principle of low-cost or low-cost justice, but it also has a negative impact, especially in the challenges of updating the latest system, as well as the risk of long delays in trials and the risk of invalid and improper summonses.

This research is limited to the Painan Religious Court area only, so the results cannot be generalized to the entire religious justice system or other courts outside the area. The research has not explored the utilization of digital technology and modern information systems that could improve process efficiency. Next research recommendations, conduct research in other religious courts to obtain a more comprehensive picture and compare the effectiveness of the systems in different regions. Study the use of digital technology and IT-based information systems to improve the speed and accuracy of the summons and notification process. Study the risks associated with delays, unauthorized summonses, and challenges in updating the system, and find innovative solutions to overcome them.

Declarations

Author Contribution Statement

Afrikal Candra and Faisal Efendi contributed to the conceptualization of the research topic, the design of the study, and the initial drafting of the manuscript. Nurlaila and Elpi Supardi were responsible for coordinating the research process, conducting the literature review, performing the data analysis, and finalizing the manuscript for submission. Fitra Mulyawan and Linda Sari Bulan Siregar contributed to the development of the theoretical framework, provided critical revisions to the legal analysis section, and

³⁴ L A Yuni, 'The Use of Ex Officio to Fulfill Women's Post-Divorce Rights at the Samarinda Religious Court', *Ijtihad Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 21.2 (2021), 135–54. <https://doi.org/10.18326/IJTIHAD.V21I2.135-154>.

³⁵ S C Van Huis, 'Creating Legal Unity in a Rapidly Changing World: Indonesia and the Netherlands Compared', *E3s Web of Conferences*, 426 (2023), <https://doi.org/10.1051/e3sconf/202342602111>.

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The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

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The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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