

An Analysis of the Legal Effectiveness of Summons via Registered Mail Following the Enactment of Supreme Court Circular Letter No. 1 of 2023

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Abstract

Cooperation between the Supreme Court and PT. Pos Indonesia regarding summons and notification via registered mail with a period of three years, namely from May 22, 2023 to May 22, 2026 so that all courts below it implement the results of the agreement with the implementation procedures stated in SEMA Number 1 of 2023. This study aims to determine how the implementation of summons via registered mail and the obstacles and efforts in Case Number 1990/Pdt.G/PA.Amb. This study uses the analysis of the theory of legal effectiveness. This type of research is qualitative, with an empirical legal research approach, which is reviewed with case studies, documents and websites related to this study. The analysis method used is qualitative descriptive analysis. The results of this study indicate that: The implementation of the Summons of Registered Letters cannot be said to be running well because there is still ineffectiveness in terms of legal factors and law enforcement factors, there is still a legal vacuum and the implementation of SEMA Number 1 of 2023 has not been realized properly. The Supreme Court should improve the regulations on summons and notifications via registered mail and each head of the branch post office ensures that postal officers have a complete understanding of the procedures for sending court summons via registered mail and the public is expected to be more active with the latest regulations in the court environment.



KEYWORDS: *Court Summons; Tracking Post; Legal Effectiveness.*

Introduction

The Supreme Court ensures that all courts in various regions uphold the principles of transparency, accountability, and accessibility to support the achievement of fast, simple, and low-cost justice in accordance with the needs of the public.¹ Public services must, of course, take into account the legal system in force within the community, which embodies the legal ideals upheld by that society.²

The process carried out by justice seekers in the stages of examination in court and proof involves a number of stages in procedural law, where the relevant parties are first summoned to attend the trial. This summons can be carried out directly or electronically. Along with the development of technology and information, the process of case registration in courts has undergone significant updates. Rapidly advancing technology has driven changes in the procedures for summoning parties to attend hearings, as well as notifying court decisions. Currently, summons and notifications are no longer done manually, but rather through a more efficient and modern system, such as electronically, in order to save time and costs.³ In the previous manual registration process, court bailiffs were responsible for summoning and notifying the parties involved in the case about the court's decisions. However, since 2022, the Supreme Court has established the use of delivery service providers, namely PT. Pos Indonesia (Persero), to carry out summons and notifications of court decisions. The collaboration

¹ Hanapi, R. A. (2019). Rekonstruksi Mekanisme Rekrutmen Hakim dalam Rangka Penguatan Lembaga Peradilan di Indonesia. *Legislatif*, 69.

² Latifiani, D. (2021). Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court). *Journal of Indonesian Legal Studies*, 6(1), 171 <https://doi.org/10.15294/jils.v6i1.44450>

³ Dewantoro. (2023). Efektivitas Pemanggilan Surat Tercatat Dalam Menciptakan Peradilan Yang Sederhana, Cepat, Dan Biaya Ringan(Pasca Peraturan Mahkamah Agung Nomor 7 Tahun 2022).

between the Supreme Court and PT. Pos Indonesia was signed and will be effective for three years, from May 22, 2023, to May 22, 2026.⁴ The procedures for summons and notifications via registered mail, as stipulated in the Supreme Court Circular Letter (SEMA) Number 1 of 2023, aim to create uniformity in the application of the norms contained in the Supreme Court Regulation (Perma) Number 7 of 2022. The regulation stipulates that summons and notifications to the parties, including third parties who do not have electronic domiciles, in the electronic court proceedings, must be conducted through registered mail. The delivery of this registered mail is also accompanied by a receipt that serves as proof that the letter has been legally received by the concerned party.⁵ However, in the implementation of summons by registered mail, several obstacles were encountered. For example, in case Number 1990/Pdt.G/2023/PA.Amb, issues arose in carrying out the summons through registered mail. The details of the problems are as follows: 1) Repeated deliveries; 2) Return of the letter (undelivered mail); and 3) Delay in the defendant's receipt of the summons.

The issues in carrying out the summons in case Number 1990/Pdt.G/2023/PA.Amb indicate shortcomings in implementing the provisions stipulated in Supreme Court Circular Letter (SEMA) Number 1 of 2023 concerning Procedures for Summons and Notifications via Registered Mail. Based on Article 8 of the Circular Letter, the following steps must be taken to address the situation:

- a. Photograph of the house – If delivery of the letter has been attempted twice and the house is unoccupied, the officer must attach a

⁴ Mahkamah Agung Republik Indonesia, Mahkamah Agung Dan PT Pos Indonesia Tanda Tangani Perjanjian Kerjasama, <https://www.mahkamahagung.go.id/id/berita/5764/mahkamah-agung-dan-pt-pos-indonesia-tanda-tangani-perjanjian-kerja-sama>

⁵ Nursobah, Asep. "Inilah Ketentuan Panggilan Melalui Surat Tercatat yang Disebut Ketua MA Sebagai Bentuk Terobosan dan Pembaruan Hukum Acara". <https://kepaniteraan.mahkamahagung.go.id/registry-news/2219-inilah-ketentuan-panggilan-melalui-surat-tercatat-yang-disebut-ketua-ma-sebagai-bentuk-terobosan-dan-pembaruan-hukum-acara> diakses pada tanggal 1 April 2024.

photograph of the house as evidence and include the GPS coordinates.

- b. Submission to the nearest local authority – If the second delivery attempt is unsuccessful, the summons and/or notification must be delivered through the local administrative officials, such as the village head or sub-district head, to ensure the information reaches the concerned party. If the nearest local authority is unable to receive it, the postal officer must record this circumstance.

Method

The research approach refers to the methods or ways used to conduct the research. In this study, the applied approach is qualitative, involving an examination of the application of law in society, public behavior towards the law, legal effectiveness, public compliance, and the implementation of law in the field. According to Moleong, there are several aspects that need to be considered for the qualitative data analysis process to run smoothly, as follows: (1) Recording the results of the field study and coding the data to ensure the sources can still be traced; (2) Collecting, sorting, classifying, synthesizing, summarizing, and indexing the data; (3) Thinking by ensuring that data categories are meaningful, searching for and identifying patterns and relationships, and formulating general findings.⁶ This research employs a field research method, where the researcher goes directly to the field to observe the phenomena occurring in society.⁷ To obtain accurate research results, the researcher uses data collection methods through interviews. An interview is a conversation conducted with a specific purpose, involving two parties: the interviewer, who asks the questions, and the interviewee, who

⁶ Moleong, Lexy J, *Metode Penelitian Kualitatif*, (Bandung : PT. Remaja Rosdakarya Offset 2014) hlm 248

⁷ Suharsimi Arikunto, *Prosedur Penulisan Suatu Pendekatan Praktek* (Jakarta:Rineka Cipta, 2013) hlm 121

provides answers to the questions.⁸ The type of research used by the author is empirical legal research. Empirical legal research examines the applicable legal provisions and the public's compliance with the implementation of those laws. This allows for an assessment of the effectiveness of the law based on legal events that occur in the country.

Result and Discussions

Summons for Hearings Before Supreme Court Circular Letter Number 1 of 2023

A summons itself is defined as a notification from the court by a bailiff to the parties involved in the proceedings regarding their rights and obligations to do something or to be aware of something based on a direct delivery, recorded in the form of a minutes of meeting as accountability to the court.⁹ A summons can be said to be fulfilled if the summons was carried out properly and legally. A worthy calling and legally referring to the provisions of Article 390 paragraph (1) HIR and Articles 6 to 7 Rv are The call is delivered directly or in-person, made within 3 (three) days before the trial day (Article 122 HIR) after 06.00 am and before 06.00 am 18.00 pm.¹⁰ The summons is hindered by the reception of the summons itself, whether due to the short notice of the summons, incorrect address of the summoned party, the summoned party not being present, or the party refusing to appear or sign the notification or minutes of the summons.¹¹

In order to implement a fast, simple, and low-cost judicial process, the Supreme Court of the Republic of Indonesia utilizes information technology

⁸ Moleong, Lexy J, Metodologi penelitian kualitatif, Edisi Revisi, (Bandung : PT.Remaja Rosdakarya, 2016) hlm. 186

⁹ Rachman, P., Nurhasanah, N., & Rojak, E. A. (2022). Analisis Hukum Islam terhadap Prosedur Pemanggilan

¹⁰ Het Herzine Indonesische Reglement (HIR/RIB) for Java and Madura. Rechtsreglement Buitengewesten (RBg/Reglement) for outside Java and Madura. Reglement op de Burgerliojke Rechtsvordering (Rv Reglement) for the European group.

¹¹ Nur, D. U. H. (2021). Peranan Jurusita dalam Proses Pemanggilan Para Pihak di Pengadilan Agama. Jurnal Al Ahya Pemikiran Pendidikan Keagamaan Dan Transformasi Sosial, 7(1), 50–62.

to serve the public, saving time, costs, and effort. To meet the ever-evolving needs of society, the Supreme Court launched the E-Court application on March 29, 2018, as a judicial instrument in the form of a service that facilitates justice seekers in case administration, payments, and electronic summonses.¹²

Electronic administration and trials, or e-Court, are online services provided by the Supreme Court to allow parties to conduct legal proceedings online. This system became effective in Indonesia with the issuance of Supreme Court Regulation PERMA Number 3 of 2018 on Electronic Case Administration and Trials, hereinafter referred to as the Electronic Court Regulation or e-Court.¹³ A court summons is the official and proper notification to the parties involved in a legal case, requesting them to comply with and carry out the matters requested and ordered by the panel of judges or the court.¹⁴ In 2019, the Supreme Court implemented a renewal or modernization of the summons process through electronic summons facilities or e-Summons. E-Summons is a channel for delivering summonses electronically within the framework of virtual civil litigation, namely e-Court.¹⁵

Summonses in the e-Court system differ from conventional summonses as regulated in the *Herziene Inlandsch Reglement* (HIR) and the *Recht Reglement voor de Buitengewesten* (RBg).¹⁶ Article 1, paragraph

¹² Muhammad Jazil Rifqi, 2020, *Perkembangan dan Pemanfaatan Teknologi Informasi Pengadilan Agama*, Jurnal Al-Qadau, Vol.7

¹³ Mandovi, N. Y. (2022). *Efektivitas Penerapan E-Court Dalam Penyelesaian Perkara Perbuatan Melawan Hukum (Pmh) Di Pengadilan Negeri Sidoarjo*. Universitas Pembangunan Nasional "Veteran" Jawa Timur.

¹⁴ Harahap, M. Y. (2017). *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, Dan Putusan Pengadilan*. Sinar Grafika.

¹⁵ Al'Hamdah, D. A. (2023). *Tinjauan Yuridis Tentang Obstruction of Justice Oleh Advokat Dalam Perkara Pidana Korupsi (Studi Putusan Nomor: 9/Pid.Sus/TPK/2018/PN. Jakarta Pusat)*. Universitas Islam Sultan Agung.

¹⁶ Budirahmadi, A. K. (2021). *Implementasi Penyelesaian Perkara Perceraian Melalui Persidangan Elektronik (E-Court) Di Pengadilan Agama Surabaya Berdasarkan Perma Nomor 1 Tahun 2019 Tentang Administrasi Perkara Dan Persidangan Di Pengadilan Secara Elektronik*. Upn Veteran Jawa Timur.

1 of Supreme Court Regulation (PERMA) Number 7 of 2022 on Electronic Case Administration in Courts explains that disputes that can be resolved through e-Court include those settled in the Religious Court.¹⁷ The implementation process during the stage of summoning parties will inevitably incur case fees. These fees are referred to as advance case fees, which are based on the transportation costs of the Bailiff or Substitute Bailiff to the location of the relevant party. These costs are then calculated based on the distance; the farther the distance from the competent court to the residence of the litigation party, the higher the advance case fees imposed. Thus, these fees will be charged to the losing party in the case.¹⁸

Therefore, society needs the latest regulations governing the summons of parties in court proceedings without meeting in person. The Supreme Court, as the apex of the state judiciary, issued PERMA No. 7 of 2022 and SK KMA 363/KMA/SK/XII/2022. This PERMA regulates that the process of court summons and notification of decisions can be carried out through electronic domicile in the SIP. If the party concerned does not have an electronic domicile, then court summonses and notifications of decisions can be carried out using registered mail. The emergence of these series of Supreme Court Regulations (Perma) is an innovation as well as evidence of the Supreme Court's commitment to improving the face of the judiciary and realizing judicial reform in Indonesia by synergizing the role of information technology with procedural law in the court.¹⁹

Summons for the Hearing after Supreme Court Circular Number 1 of 2023

¹⁷ Sugondo, T., & Sukresno, S. (2022). Pemanfaatan E-Court Dalam Penyelesaian Perkara Perdata, Dalam Mewujudkan Peradilan Sederhana, Cepat, Dan Biaya Ringan Di Pengadilan Negeri Jepara.

¹⁸ M. Yahya Harahap, Hukum Acara Perdata : Tentang Gugatan, Persidangan, Pembuktian, Dan Putusan Pengadilan (Jakarta: Sinar Grafika, 2019) 267.

¹⁹ Mujianto, D., Daim, N. A., & Aji, R. B. (2023). Urgensi Pelaksanaan Peradilan Perdata Secara Elektronik Ditinjau Dari Prinsip Good Governance. Law and Humanity, 1(1), 1-18.

Summons via registered letter can be conducted under several conditions, namely: if the defendant has been summoned electronically but does not appear, then the subsequent summons shall be conducted via registered letter. If the defendant does not have an electronic domicile, or if the defendant does not consent to electronic hearings, they may express their objection through a registered letter. Notifications of decisions to the defendant shall be made via registered letter after a proper and valid summons.²⁰ Previously, the administration and trial of cases were conducted manually; now, the administration and trial of cases are being implemented electronically, commonly referred to as e-Court (Electronic Court).²¹

A summons via registered mail is a summons that is not conducted by a bailiff but rather utilizes the services of registered mail delivery in accordance with the cooperation agreement between the court's working unit and the registered mail delivery service.²² PT. Pos Indonesia (Persero) has been appointed as the service provider for this purpose, and a cooperation agreement with the Supreme Court has been signed, which is valid for three years from May 22, 2023, to May 22, 2026.²³ This change aims to enhance the efficiency and effectiveness of the summons and notification processes in the courts, which will be implemented in the judicial institutions under the Supreme Court, namely:²⁴

²⁰ Interview with Sukarna, Registrar of the Ambarawa Religious Court, on May 31, 2024.

²¹ Hidayat, F. P., & Asni, A. (2020). Efektifitas Penerapan E-Court Dalam Penyelesaian Perkara Di Pengadilan Agama Makassar. Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam, 2(1), 104-118.

²² Marwah, L. (2023). Peran dan Profesionalitas Lembaga Pengadilan Agama dalam Menjawab Problematika Sengketa Waris (Studi Kasus Penanganan Waris Islam di PA Wates). Universitas Islam Indonesia

²³ Mahkamah Agung Republik Indonesia, Mahkamah Agung Dan PT Pos Indonesia Tanda Tangan Perjanjian Kerjasama, <https://www.mahkamahagung.go.id/id/berita/5764/mahkamah-agung-dan-pt-pos-indonesia-tanda-tangani-perjanjian-kerja-sama>

²⁴ Muyanto, Bambang. "Transformasi Persidangan Perkara Perdata Di Pengadilan" Dandapala Penjaga Keadilan Volume IX/edisi 52/Maret-April 2023. . Direktorat Jenderal

1. Supreme Court;
2. The General Courts, which include the High Court, District Court, Corruption Court, Commercial Court, Industrial Relations Court, Fisheries Court, and Human Rights Court;
3. The Religious Courts, which include the High Religious Court/Sharia Court of Aceh and the Religious Courts/Sharia Courts;
4. The Military Courts, which include the Main Military Court, High Military Court, and Military Court; and
5. The Administrative Courts, which include the High Administrative Court, Tax Court, and Administrative Court.

Based on point 1 of Supreme Court Circular Number 1 of 2023 regarding the Procedures for Summons and Notifications via Registered Letter, summons and notifications sent to the relevant parties through registered letters must be accompanied by proof of receipt from the recipient. The receipt must indicate the date of receipt. This also applies to summons in the context of hearings conducted electronically or via e-Court. With this provision, the process of summons and notifications in case administration at the courts can be carried out in a measurable and well-documented manner, even when conducted electronically.

In several cases, there are parties who claim not to have received the summons or e-summons, even though those parties cannot access e-Court because they forgot their e-Court account access. Another example is a party that can access e-Court but does not know where to find the page to access e-Summons.²⁵ If there are problems with the calling process via registered mail, such as the problems faced by registered postal officers who do not understand the flow of sending a summons for registered mail which requires writing a recipient's minutes whether the party receiving the

Badan Peradilan Umum - Majalah DANDAPALA Volume IX/Edisi 52 Maret-April 2023 (mahkamahagung.go.id)

²⁵ Ardiansyah, M. K. (2020). Pembaruan Hukum oleh Mahkamah Agung Dalam Mengisi Kekosongan Hukum Acara Perdata di Indonesia. *Jurnal Ilmiah Kebijakan Hukum*, 14(2), 361

summons is really an interested party or adults living in the same household.

In the summons procedure, the applicant will be summoned through the electronic domicile specified in the case registration file. For the defendant, the summons will be conducted through the address listed in the electronic domicile provided by the applicant during registration. If the summons to the defendant via electronic domicile is unsuccessful, the subsequent summons will be conducted through a registered letter. Thus, the electronic domicile will no longer be used if electronic summons are ineffective.²⁶ The Supreme Court has sought to address these challenges through the issuance of Supreme Court Circular Number 1 of 2023 concerning the Procedure for Summons and Notifications via Registered Mail, which regulates the follow-up actions when another person receiving the summons refuses to accept it, allowing for it to be conveyed to the village head or village chief. However, this regulation does not include provisions regarding the legal consequences if the registered mail service provider fails to carry out the procedures.²⁷

Supreme Court Circular Number 1 of 2023, issued on July 5, 2023, provides new guidelines regarding summons and notifications via registered letters. These guidelines aim to create uniformity in accordance with the norms established in Law Number 7 of 2022. Based on this circular, summons and notifications to the parties involved in the case or third parties who do not have an electronic domicile shall be conducted via registered letter. The registered letter must be sent no later than 6 calendar days before the hearing, and the receipt of the letter must be completed no later than 3 working days before the hearing. With the enactment of this

²⁶ Dewantoro. (2023). Efektivitas Pemanggilan Surat Tercatat Dalam Menciptakan Peradilan Yang Sederhana, Cepat, Dan Biaya Ringan (Pasca Peraturan Mahkamah Agung Nomor 7 Tahun 2022) 114-115.

²⁷ Al'Hamdah, D. A. (2023). Tinjauan Yuridis Tentang Obstruction of Justice Oleh Advokat Dalam Perkara Pidana Korupsi (Studi Putusan Nomor: 9/Pid.Sus/TPK/2018/PN. Jakarta Pusat). Universitas Islam Sultan Agung.

regulation, it is hoped that the process of summons and notifications will become more organized and in accordance with the applicable legal provisions.²⁸

Obstacles to the Implementation of Registered Mail Calls

Supreme Court Regulations, as regulatory products issued by the Supreme Court, are actually governed by Article 8, paragraph (1) of Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 and Law Number 13 of 2022 concerning the Formation of Legislation, which stipulates that regulations made by the Supreme Court in the form of Supreme Court Regulations have a legal standing below the Law but are on an equal level with Government Regulations.²⁹ Based on the author's research findings, there are several obstacles that hinder the implementation of calls through registered mail namely as follows :

- a. The lack of understanding among postal workers regarding the procedures for registered mail calls is caused by insufficient socialization, which hampers the delivery of registered mail. This socialization is crucial because calls and notifications for registered mail are relatively new concepts. In the author's research findings, postal workers only understand that the delivery process must be made directly to the intended recipient. If the summons letter cannot be delivered directly, it is returned to the court without including evidence that the intended address is unoccupied after two delivery attempts, resulting in the house being empty or uninhabited. Referring to SEMA Number 1 of 2023, the delivery of registered mail

²⁸ Nursobah, Asep. "Inilah Ketentuan Panggilan Melalui Surat Tercatat yang Disebut Ketua MA Sebagai Bentuk Terobosan dan Pembaruan Hukum Acara". <https://kepaniteraan.mahkamahagung.go.id/registry-news/2219-inilah-ketentuan-panggilan-melalui-surat-tercatat-yang-disebut-ketua-ma-sebagai-bentuk-terobosan-dan-pembaruan-hukum-acara>

²⁹ Ardiansyah, M. K. (2020). Pembaruan Hukum oleh Mahkamah Agung Dalam Mengisi Kekosongan Hukum Acara Perdata di Indonesia. *Jurnal Ilmiah Kebijakan Hukum*, 14(2)

does not necessarily have to be received directly by the intended recipient. Registered mail can be delivered to an adult residing in the same household, to the nearest officials (such as village or neighborhood officials), and if the intended address has limited access, such as an apartment or similar residence, the registered mail can be handed over to the receptionist or security personnel at that residence. Additionally, postal workers must always document the process of delivering registered mail.

- b. Many documents for summons delivered via registered mail that have reached the court do not include proof of receipt, such as a photo of the recipient along with their identification card. This lack of documentation can render the summons via registered mail invalid, as it does not comply with SEMA Number 1 of 2023, which requires that the recipient be photographed along with their identification card.
- c. The parties do not include the correct address; the plaintiff or applicant, when registering the case in court through e-Court, fails to provide the electronic domicile of the respondent or defendant. As a result, the summons to the defendant through registered mail is sent to an address specified by the plaintiff. The author's research found instances where plaintiffs did not provide the correct address for the defendant, such as listing an unoccupied residence or even directing the address to a family member of the plaintiff. Failing to include the correct address and sending it to the plaintiff's own family violates existing regulations, causing the registered mail not to reach the intended party.

Efforts to Overcome Obstacles in the Implementation of Calls via Registered Mail

Socialization regarding the procedures for calls via registered mail is conducted by the court for postal officers who pick up the summons

documents to be sent to the intended party's address. Furthermore, PT Pos Indonesia headquarters provides instructions to all branch heads of Pos Indonesia to deliver training materials and ensure that all postal couriers understand the process flow for sending court summons through registered mail. Then, the court conducts regular monitoring and evaluation (monev) regarding the smoothness of the court summons notifications, including identifying any obstacles that arise and efforts to resolve these issues. This process is carried out in accordance with the applicable procedural law for summons via registered mail. With all the challenges, including the short notice of summons caused by the negligence of the bailiff or the distance of the location of the summoned party and the constraints on the development of summons facilities, it is important to understand that there needs to be a legal framework that more comprehensively regulates summonses, including the duration or time frame of the summons, summons via e-summons, and summons via registered mail.³⁰ The summons documents sent via registered mail in the court need to be examined to determine whether they comply with the regulations or not. This involves delivering them to the party directly or through an intermediary, as stipulated in SEMA Number 1 of 2023. This must be proven with a receipt from the recipient, including a photo of the recipient and their identification, along with the date of receipt, to ensure that the registered mail summons is delivered legally.

The justice-seeking public in the case registration process must include the correct address and refrain from any fraudulent actions that violate the law, such as providing an incorrect address for the opposing party or even listing the opposing party's address as that of the plaintiff's own family. This can result in the summons not being delivered to the intended party. In this regard, the court needs to be more diligent in

³⁰ Syarifah, D. A. (2023). Efektivitas PERMA Nomor 7 Tahun 2022 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik. Institut Agama Islam Negeri Ponorogo.

ensuring that the defendant's address is correctly recorded in the case registration.

Effectiveness of Registered Mail Summons

The three elements of the legal system from Lawrence M. Friedman's³¹ perspective include: legal substance, legal structure, and legal culture. Legal substance encompasses normative-prescriptive legal norms such as legislation and court decisions with legal force. Legal structure includes law enforcement apparatus consisting of law enforcement institutions according to their duties and authorities. Legal culture is the internal aspect of society, which includes the collective awareness and understanding of the law, so that the law is implemented in daily life as part of the routine activities in society. Therefore, based on Lawrence M. Friedman's perspective, a good legal system is one that can achieve optimal legal substance, structure, and culture. The applicability of law in society also requires a legal structure and legal culture, so that in its implementation, the law needs support from various aspects to achieve its objectives.³²

Effectiveness refers to the ability of an organization or entity to carry out its tasks without experiencing significant pressure in the process. In the context of law, legal effectiveness is a measure of the extent to which established goals or objectives can be achieved. It reflects how planned targets can be met according to the initial plan, thus indicating how well a legal system functions in achieving the desired outcomes.³³

There are five factors that influence the effectiveness of law according to Soerjono Soekanto, namely: (1) Legal Factors (2) Law Enforcement

³¹ Dicky Eko Prasetyo, "Inventarisasi Putusan Peradilan Adat Sendi Sebagai Upaya Memperkuat Constitutional Culture Dalam Negara Hukum Pancasila," *Jurnal Hukum Lex Generalis* 2, no. 3 (2021): 249–73.

³² Dominikus Rato, "Realisme Hukum: Peradilan Adat Dalam Perspektif Keadilan Sosial," *Jurnal Kajian Pembaruan Hukum* 1, no. 2 (July 31, 2021): 285, <https://doi.org/10.19184/jkph.v1i2.24998>.

³³ Sabian Usman, (2009) *Dasar-Dasar Sosiologi* Yogyakarta:Pustaka Belajar, hlm. 12

Factors (3) Facilities and Infrastructure Factors (4) Community Factors (5) Cultural Factors.³⁴ The Theory of Effectiveness (Soerjono Soekanto) views law as a norm that serves as a standard for appropriate conduct or behavior. The method of thinking used is deductive-rational, which leads to a dogmatic way of reasoning. On the other hand, some view law as a pattern of regular (consistent) behavior. The method of thinking used is inductive-empirical, seeing law as actions that are repeated in the same form, with a specific purpose.³⁵ Internal factors such as the attitude and professionalism of law enforcement officials, as well as external factors such as legal socialization and legal culture, play an important role in determining how effectively the law can be applied and accepted in society.³⁶

Achmad Ali emphasizes that the effectiveness of law is influenced by two perspectives, namely the individual perspective and the organizational perspective. The individual perspective views that the effectiveness of a law is related to personal compliance with the law.³⁷ At the beginning of 2023, the Supreme Court issued SEMA Number 1 of 2023 concerning Procedures for Summons and Notifications via Registered Mail. The Supreme Court also established a collaboration with PT Pos Indonesia. This collaboration includes the execution of summons and notifications via registered mail sent by officers or couriers from PT Pos Indonesia. Since the issuance of SEMA No. 1 of 2023 on July 5, 2023, and the collaboration with PT Pos Indonesia on May 22, 2023, the Ambarawa Religious Court has prepared for and started implementing registered mail summons in September 2023.³⁸

³⁴ Soekanto, Soerjono. (2008). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, Jakarta: PT. Raja Grafindo Persada, hlm. 8.

³⁵ Soerjono Soekanto, *Beberapa Permasalahan Hukum Dalam Kerangka Pembangunan di Indonesia* (Jakarta: Universitas Indonesia, 1976), hlm 45

³⁶ Romli Atmasasmita, *Reformasi Hukum, Hak Asasi Manusia dan Penegakan Hukum*, Bandung: Mandar Maju, 2001, hlm. 55

³⁷ Achmad Ali, *Menguak Teori Hukum & Teori Peradilan Termasuk Interpretasi Undang-Undang (Legisprudence) Volume 1 Pemahaman Awal*, 7th ed. (Jakarta: Kencana, 2017)

³⁸ Anam, Khoirul : Judge of the Ambarawa Religious Court, interview on July 10, 2024

The dimension of legal effectiveness in positive law in Indonesia always requires the socialization of a newly issued regulation. This is evidenced by the existence of state news and state sheets as part of the administrative aspects of legal instruments, especially written regulations. During the colonial era, state institutions were often referred to as *staatsblad* or *Het Staatsblad van Indonesie*. State news is a periodic numbering of a legal instrument that has a relationship such as legislation, policies, announcements, and other textual elements as published by local authorities as a form of publication. Meanwhile, explanations regarding regulations found in the state sheets are also included in the supplementary state sheets. Functionally, the supplementary state sheets are no different from the state sheets, which serve as a means of publication.³⁹

Conclusion

The summons sent via registered mail by postal officers is an innovation that previously was delivered by bailiffs at a lower cost. To establish the process for delivering registered mail, the Supreme Court issued SEMA Number 1 of 2023 concerning the Procedures for Summons and Notifications via Registered Mail. The delivery of registered mail by postal officers faces several obstacles, including a lack of understanding among postal officers, the absence of a receipt document that includes a photo of the recipient along with their identification, and a general lack of public awareness to comply with regulations, which leads to fraudulent practices that result in registered mail not being delivered to the intended party. In response to the existing obstacles, there is a need for socialization, as well as gradual monitoring and evaluation, to ensure that the delivery of registered mail summons can be carried out effectively and efficiently. Additionally, the public should be more active in adhering to the latest regulations within the court system. During the case registration process, the applicant/plaintiff must provide accurate addresses and information so that the legal proceedings can proceed smoothly.

³⁹ Sugeng Riyadi, "Efektifitas Undang-Undang Nomor 23 Tahun 2011 Tentang Pengelolaan Dan Pemberdayaan Zakat Dalam Rangka Mengentaskan Kemiskinan," *Jurnal USM Law Review* 2, no. 1 (May 20, 2019): 121, <https://doi.org/10.26623/julr.v2i1.2262>

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