

ABSTRACT

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INTERNSHIP REPORT AT LUBIS SANTOSA & MARAMIS LAW FIRM ON ANALYSIS OF CIVIL PROCEDURAL LAW PROVISIONS IN INDONESIA REGULATING CONCERNING VOLUNTARY PETITION THAT STILL CONTAINING DISPUTE

(xiv + 200 pages, 6 appendix)

Procedural civil law in Indonesia regulates about claim of rights, which is defined as legal action taken by the party who feels aggrieved through court with intention to obtain protection of rights from the said court. Claims of rights could be differentiated into 2 (two) types. First, claim of rights containing dispute that is referred to as “Lawsuit”, which there is at least 2 (two) disputing parties and examined by the way of “Contentious Judiciary”. Second, claim of rights without any dispute that is referred to as “Petition”, which there is only 1 (one) party and examined by the way of “Voluntary Judiciary”. Verstek is a declaration that the defendant does not appear though by the procedural law, the defendant shall appear. In the topic of this writing, there is a chaos of law, mixture on concepts of law, and clash between concepts of law. Concept of “Voluntary Petition” that is examined by the way of “Contentious Lawsuit” resulted in legal product in form of “Verstek Stipulation”. This causes legal uncertainty with regards to legal remedy for the aggrieved party by the verstek stipulation. The final decision of voluntary petition is “Stipulation” and the legal remedy is “Cassation”. The final decision of contentious lawsuit is “Decision” and the legal remedy is “Appeal”. Verstek is a declaration on absence of defendant in the first hearing after being summoned lawfully and appropriately and does not order its attorney, which legal product is “Verstek Decision”, and the legal remedy is “Verzet” or “Challenge” or “Challenge Lawsuit”.

Keywords: Contentious Lawsuit, Verstek Decision, Voluntary Petition

References: 30 (1982-2016)