

Civil Litigation Costs and Access to Justice in Indonesia: An Empirical Assessment of Supreme Court Regulation No. 3 of 2012 at Banda Aceh District Court

Putri Deva Sari*

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: 200102101@student.ar-raniry.ac.id

Syarifah Rahmatillah

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: syarifah.rahmatillah@ar-raniry.ac.id

Jamhuri

Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: jamhuri@ar-raniry.ac.id

*Corresponding author

Abstract

This article examines the implementation of Supreme Court Regulation (PERMA) No. 3 of 2012 on the costs of case processing and their management at the Banda Aceh District Court. Using an empirical-juridical and qualitative approach, the study combines analysis of the regulatory framework with field evidence obtained through observation, documentation, and interviews with court bailiffs and substitute bailiffs. The findings indicate that the court applies an advance-cost mechanism in civil litigation, provides information on relevant cost components, records expenditures, adjusts deposits when additional procedural steps are required, and returns unused balances after the case is completed. Interview evidence also indicates that execution-related costs vary according to the procedural acts required in a particular case, including service, summons, evidentiary needs, and execution measures. The article argues that the significance of

PERMA No. 3 of 2012 lies not merely in accounting control but in its relationship to access to justice: predictable, traceable, and refundable litigation costs reduce uncertainty for court users and support the constitutional and statutory ideal of simple, speedy, and low-cost justice. At the same time, the study cautions against treating all expenses incurred by a successful litigant as recoverable court costs, because regulated case-processing costs must be distinguished from private litigation expenditure. On the available evidence, the Banda Aceh District Court demonstrates substantial procedural conformity with the transparency and accountability objectives of PERMA No. 3 of 2012, although the single-court design and reliance on a limited number of interviews require cautious generalization.

KEYWORDS: civil litigation costs; access to justice; court administration; PERMA No. 3 of 2012; Banda Aceh District Court; transparency

Introduction

Access to courts depends not only on formal jurisdiction and procedural rights but also on whether litigants can understand and bear the financial consequences of bringing a case. Indonesian procedural law recognizes this concern through the ideal of justice that is simple, speedy, and low-cost. The management of litigation expenses therefore has a dual character: it is an administrative matter of court finance and a rule-of-law issue affecting the practical accessibility of judicial remedies.¹

In civil proceedings, parties are generally required to advance a deposit for procedural expenses before the case can proceed. The deposit is an estimate rather than a final charge. If actual expenditure exceeds the deposit, additional payment may be requested; if expenditure is lower, the unused balance should be returned to the entitled party. The source study identifies registration, summons and notification, evidentiary acts, and execution-related measures among the procedural activities that can affect the amount ultimately spent.²

¹Constitution of the Republic of Indonesia of 1945, art. 1(3); see also M. Yahya Harahap, *Hukum Acara Perdata tentang Gugatan, Persidangan dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2016).

²N. F. Shoffa and L. Kushidayati, “Analisis Daluarsa Sisa Panjar Biaya Perkara Perspektif Hukum Positif dan Hukum Ekonomi Syariah (Studi Kasus Pengadilan Agama Kendal),” *Jurnal ICCoLaSS* 2, no. 1 (2022).

Supreme Court Regulation (Peraturan Mahkamah Agung, PERMA) No. 3 of 2012 concerning Case-Processing Costs and Their Management at the Supreme Court and Courts Under It provides the central regulatory framework examined in this article. The regulation seeks to strengthen transparency, accountability, recording, reporting, and control in the management of case-processing funds. These objectives are particularly important because uncertainty over litigation expenses can discourage court users, generate distrust, and create opportunities for informal or non-transparent charging.³

The original study of the Banda Aceh District Court finds that the court has implemented PERMA No. 3 of 2012 in a generally consistent manner. Interviewees described a structured process of estimating and collecting costs, informing litigants, recording expenditure, and refunding unused balances. The study also identifies factors that influence the amount required in particular cases, including the procedural complexity of a case and the measures necessary for service and execution.⁴

This revised article strengthens that empirical contribution by framing court fees as an access-to-justice issue and by drawing a clearer distinction between regulated court-processing costs and private expenses incurred by litigants, such as lawyers' fees. The research asks two questions: first, how are civil case-processing costs determined and managed at the Banda Aceh District Court; and second, to what extent does the observed practice correspond to the transparency and accountability objectives of PERMA No. 3 of 2012?

The constitutional conception of Indonesia as a state governed by law requires an institutional framework capable of delivering effective judicial protection. Within that framework, the principle of simple, speedy, and low-cost justice functions as an important standard for court administration. The principle does not mean that all litigation must be cost-free; rather, procedural expenses should be legally grounded, proportionate to necessary

³Supreme Court of the Republic of Indonesia, Supreme Court Regulation (PERMA) No. 3 of 2012 concerning Case-Processing Costs and Their Management at the Supreme Court and Courts Under It.

⁴Interviews with Saifullah, Bailiff, Banda Aceh District Court, January 8, 2024; Baihaqi, Substitute Bailiff, Banda Aceh District Court, January 8, 2024; and Budiwansyah, Substitute Bailiff, Banda Aceh District Court, August 12, 2024.

judicial acts, and managed in a manner that does not create arbitrary barriers to adjudication.⁵

Court-cost transparency also serves equality before the law. If litigants cannot predict the financial requirements of proceedings, formally equal procedural rights may operate unequally in practice. Clear information about deposits, additional payments, and refunds therefore contributes to procedural fairness by allowing parties to make informed decisions about litigation.

The source manuscript describes the civil case deposit as a voorschot, or advance against anticipated procedural expenditure. This reflects the practical reality that the final amount cannot always be known at filing because it depends on events occurring during the case. Indonesian civil procedure has long recognized procedural costs under the HIR and RBg, while PERMA No. 3 of 2012 provides a more specific framework for case-processing costs and their management.⁶

A necessary analytical distinction must be maintained between court-processing costs administered by the judiciary and private litigation expenses borne independently by a party. The empirical interviews refer to lawyers' fees and other expenses incurred by the successful party, but such expenses should not automatically be treated as components of the court-administered deposit. For purposes of evaluating compliance with PERMA No. 3 of 2012, the central focus is on official procedural costs collected, spent, recorded, adjusted, and refunded by the court.

Three principles are particularly important. First, transparency requires litigants to receive understandable information about the components and amount of the deposit. Second, accountability requires official recording of receipts and expenditures and the use of authorized payment channels. Third, refundability requires the return of an unused balance when actual procedural expenditure is lower than the amount advanced. Together these

⁵Harahap, Hukum Acara Perdata; Elisabeth Nurhaini Butarbutar, "Sistem Peradilan Satu Atap dan Perwujudan Negara Hukum RI Menurut UU No. 4 Tahun 2004," *Jurnal Mimbar Hukum Universitas Gadjah Mada* 22, no. 1 (2010).

⁶See HIR art. 121 and RBg art. 145 as discussed in the source manuscript; Supreme Court Regulation No. 3 of 2012.

principles transform cost management from a purely internal accounting function into an element of procedural protection for court users.⁷

Research Method

The study adopts an empirical-juridical approach. The normative component examines the rules governing civil case-processing costs, particularly PERMA No. 3 of 2012 and the procedural principles referred to in the source manuscript. The empirical component investigates implementation at the Banda Aceh District Court through field research. A qualitative design is used because the research seeks to explain institutional practice, decision-making, and administrative procedures rather than measure them statistically.⁸

Primary evidence consists of observation, documentary materials, and open interviews with court personnel involved in service and execution. The source identifies interviews with Saifullah, a bailiff, and Baihaqi and Budiwansyah, substitute bailiffs at the Banda Aceh District Court. Saifullah and Baihaqi were interviewed on 8 January 2024, while Budiwansyah was interviewed on 12 August 2024. Secondary materials include procedural law books, academic literature, and relevant regulations.⁹

The evidence is analyzed by comparing the practices described by the interviewees with the regulatory objectives of transparency, accountable management, and proper adjustment or refund of case-processing funds. Because the research is limited to one district court and a small number of institutional informants, the findings should be understood as a focused case study rather than a national assessment of Indonesian court-fee administration.

⁷Supreme Court Regulation No. 3 of 2012; Shoffa and Kushidayati, “Analisis Daluarsa Sisa Panjar Biaya Perkara.”

⁸Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2017).

⁹Interview with Saifullah, January 8, 2024; interview with Baihaqi, January 8, 2024; interview with Budiwansyah, August 12, 2024.

Determination and payment of the advance deposit

The field evidence describes a sequential administrative process. A civil case begins with filing and the identification of procedural acts likely to be required. Court officers calculate an initial estimate that may include registration, service and summons, notifications, and other procedural expenses. The claimant then pays the amount through the official payment mechanism and retains proof of payment. The deposit is subsequently used for the procedural acts actually performed in the case.

The interview material indicates that the amount can change if the case requires additional procedural measures. This is consistent with the nature of an advance estimate: the deposit is intended to finance necessary procedural activities, not to operate as an inflexible flat fee. When additional expenditure becomes necessary, the parties are informed of the need for an additional amount; when less is spent, the remaining balance is subject to refund.¹⁰

The source study identifies several practical factors affecting the amount required in a civil case. These include the number and type of procedural acts, the need for summons and notifications, evidentiary activity, and execution measures. Execution can generate significant variation because the acts required depend on the object of enforcement, the location of the parties or property, and the procedural steps necessary to implement the judgment.

Interviewees also referred to complexity, duration, and the conduct of parties as factors that may indirectly affect the resources used in litigation. These observations should be interpreted carefully. The legally relevant cost is not a discretionary penalty for difficult behavior; rather, prolonged or complicated proceedings may require more official procedural acts, which in turn increase actual expenditure. This distinction is important to preserve the principle that court costs must remain linked to authorized judicial processes rather than informal assessments of a party's conduct.

A central empirical finding is that the Banda Aceh District Court records case-related receipts and expenditures and provides information to litigants concerning the costs that must be paid. The source further reports that, once

¹⁰Interview with Saifullah, Bailiff, Banda Aceh District Court, January 8, 2024.

a case is completed, the court conducts a final reconciliation and returns any unused balance to the party entitled to receive it. This practice is significant because a deposit that exceeds actual expenditure becomes a financial obligation owed back to the litigant rather than income of the court.¹¹

The study also reports that the court disseminates information concerning litigation costs through available information channels. Such disclosure supports procedural predictability and may reduce public uncertainty about the amount and purpose of court fees. The importance of this function is evident from the source manuscript's observation that members of the public often lack knowledge of how case costs are calculated.

Substantial conformity with PERMA No. 3 of 2012

On the evidence available, the Banda Aceh District Court demonstrates substantial conformity with the principal administrative objectives of PERMA No. 3 of 2012. The observed system involves itemized estimation, official payment, recording of expenditure, disclosure to litigants, adjustment where necessary, and refund of unused funds. Budiwansyah reported that the mechanism operates consistently and that the court has not encountered significant obstacles in applying the regulation.¹²

This conclusion, however, should be stated with appropriate evidentiary restraint. The interviews provide institutional testimony, not an independent financial audit. The article therefore does not claim to verify every ledger, payment record, or individual civil file. Rather, it finds that the procedures described by the informants are broadly consistent with the transparency and accountability model established by the regulation.

The practical importance of cost administration extends beyond formal regulatory compliance. Uncertain or opaque court charges can operate as barriers to litigation, especially for individuals and small businesses with limited resources. A transparent advance-deposit system reduces this

¹¹Interview with Baihaqi, Substitute Bailiff, Banda Aceh District Court, January 8, 2024; Supreme Court Regulation No. 3 of 2012.

¹²Interview with Budiwansyah, Substitute Bailiff, Banda Aceh District Court, August 12, 2024.

uncertainty by enabling litigants to understand what they are paying for and by ensuring that unused funds are returned.

The concept of low-cost justice should therefore be understood in qualitative as well as quantitative terms. A system may still impose necessary procedural charges while satisfying the principle if those charges are lawful, predictable, proportionate, and auditable. Conversely, even a relatively modest fee can undermine access to justice if its basis is unclear or if litigants cannot verify how funds have been used.

One aspect of the source material requires conceptual refinement. Some interview passages discuss lawyers' fees and other expenses incurred by the successful party alongside official court costs. For international legal analysis, these categories should not be merged. Attorney fees are ordinarily private expenditure arising from the party's choice of representation, whereas court-processing costs are funds administered by the judiciary for official procedural acts. The present study's assessment of PERMA No. 3 of 2012 therefore concerns the latter category.

This distinction improves both legal accuracy and policy analysis. It prevents the regulatory framework on court-cost management from being evaluated against expenditures it does not necessarily govern, and it makes clearer which forms of financial burden are directly within the court's administrative responsibility.

The Banda Aceh experience suggests three practical implications. First, courts should continue to publish cost components and payment procedures in clear language. Second, reconciliation and refund of unused deposits should occur promptly and be documented. Third, information systems should allow litigants to trace significant adjustments to their deposit throughout the proceedings. These measures strengthen public confidence because they enable litigants to connect each financial obligation with a recognizable procedural act.

The empirical findings also support continued public education. The source manuscript identifies lack of public knowledge as a recurring problem. Cost transparency is therefore not achieved merely by having an internal rule; information must also be accessible to litigants before and during the proceedings.

Table 1. Analytical assessment based on the regulatory framework and field evidence reported in the source manuscript.

Dimension	Regulatory objective	Reported practice at Banda Aceh District Court	Assessment
Initial deposit	Predictable funding of procedural acts	An advance estimate is calculated at filing and paid through the court mechanism.	Consistent with an advance-cost model.
Transparency	Litigants should know the basis of charges.	Cost components and additional requirements are communicated to parties.	Supports informed participation.
Accountability	Receipts and expenditure should be recorded and controlled.	Court personnel report structured recording and financial reconciliation.	Broadly consistent, subject to absence of independent audit.
Adjustment	Costs should reflect actual procedural needs.	Additional deposits may be requested when further acts are required.	Compatible with the estimated nature of the initial deposit.
Refund	Unused funds should return to the entitled party.	Remaining balances are reported as refundable after final reconciliation.	Strong procedural protection for litigants.
Access to justice	Costs should not become arbitrary barriers.	Publication and disclosure reduce uncertainty; public understanding remains important.	Positive, but continued education and accessible information are necessary.

Conclusion

This study finds that civil case-processing costs at the Banda Aceh District Court are administered through an advance-deposit system in which official procedural expenses are estimated, collected, recorded, adjusted as necessary, and reconciled at the conclusion of the case. The field evidence

indicates that litigants receive information concerning relevant costs and that unused balances are returned. These practices are broadly aligned with the transparency and accountability objectives of PERMA No. 3 of 2012.

The study further shows that the amount required in a particular case is influenced by the procedural work actually needed, including service, summons, evidentiary measures, and execution. Complexity and duration matter to the extent that they generate additional authorized procedural activity. For analytical clarity, private litigation expenses such as lawyers' fees should be distinguished from official court-processing costs governed by the court's administrative framework.

The wider significance of PERMA No. 3 of 2012 lies in its contribution to access to justice. Predictable, traceable, and refundable litigation costs support the principle of simple, speedy, and low-cost justice by reducing uncertainty and limiting opportunities for arbitrary financial burdens. Future research should compare several district courts, examine financial records and case files directly, and include litigants' experiences in order to evaluate not only formal compliance but also the actual affordability of civil justice.

References

- Constitution of the Republic of Indonesia of 1945.
- Supreme Court of the Republic of Indonesia. Supreme Court Regulation (PERMA) No. 3 of 2012 concerning Case-Processing Costs and Their Management at the Supreme Court and Courts Under It.
- Harahap, M. Yahya. *Hukum Acara Perdata tentang Gugatan, Persidangan dan Putusan Pengadilan*. Jakarta: Sinar Grafika, 2016.
- Kansil, C. S. T. *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*. Jakarta: Balai Pustaka, 1980.
- Moleong, Lexy J. *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya, 2017.
- Shoffa, N. F., and L. Kushidayati. "Analisis Daluarsa Sisa Panjar Biaya Perkara Perspektif Hukum Positif dan Hukum Ekonomi Syariah (Studi Kasus Pengadilan Agama Kendal)." *Jurnal ICCoLaSS* 2, no. 1 (2022).

Soehino. Ilmu Negara. Yogyakarta: Liberty, 1998.

Supriyadi. Dasar-Dasar Hukum Perdata di Indonesia. Kudus: Kiara Science, 2015.

Susanto et al. "Implementasi E-Court pada Pendaftaran Gugatan dan Permohonan di Pengadilan Agama Tigaraksa dalam Rangka Mewujudkan Peradilan Cepat, Sederhana, dan Biaya Ringan dengan Didukung Teknologi." *Prosiding Seminar Nasional Humanis* 2, no. 1 (2019): 28.

Interview with Saifullah, Bailiff, Banda Aceh District Court, January 8, 2024.

Interview with Baihaqi, Substitute Bailiff, Banda Aceh District Court, January 8, 2024.

Interview with Budiwansyah, Substitute Bailiff, Banda Aceh District Court, August 12, 2024.