

ANALYSIS OF THE DETERMINATION OF CIVIL CASE FEES IN THE DISTRICT COURT OF BANDA ACEH CITY A Study of Supreme Court Decision No 03 of 2012

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

Abstract

This research uses an empirical juridical approach. This study aims to evaluate the implementation of civil case fee provisions based on PERMA No. 03/2012 and identify factors that influence the high or low cost of case determination. The data collection method used was field research, which involved direct observation and interviews with relevant parties at the District Court of Banda Aceh City. In this study, it was found that the Banda Aceh City District Court has implemented the provisions of PERMA No. 03/2012 well. The management of case costs is conducted in a transparent and accountable manner, with clear details of costs provided to the parties. In addition, the mechanism for refunding costs for cases that were canceled or terminated was also applied in accordance with the provisions. The fee-setting process was conducted by considering various factors affecting the level of fees, including administrative and operational costs. The results of the study indicate that the costs of determining civil cases in the District Court of Banda Aceh City are in accordance with the provisions of PERMA, which supports the achievement of fair and transparent justice. This research confirms the importance of compliance with PERMA in ensuring that the fees charged are fair and in accordance with the applicable provisions, as well as providing the necessary protection for litigants.

Keywords: Banda Aceh, Judicial Case Fees, Islamic Economic Law, Supreme Court Regulation

Abstrak

Penelitian ini menggunakan pendekatan yuridis empiris. Penelitian ini bertujuan untuk mengevaluasi implementasi ketentuan biaya perkara perdata berdasarkan PERMA No. 03 Tahun 2012 dan mengidentifikasi faktor-faktor yang mempengaruhi tinggi atau rendahnya biaya penetapan perkara. Metode pengumpulan data yang digunakan adalah penelitian lapangan, yang melibatkan observasi langsung dan wawancara dengan pihak-pihak terkait di Pengadilan Negeri Kota Banda Aceh. Dalam penelitian ini, ditemukan bahwa Pengadilan Negeri Kota Banda Aceh telah menerapkan ketentuan PERMA No. 03 Tahun 2012 dengan baik. Pengelolaan biaya perkara dilakukan secara transparan dan akuntabel, dengan rincian biaya yang jelas diberikan kepada pihak-pihak yang berperkara. Selain itu, mekanisme pengembalian biaya untuk perkara yang dibatalkan atau dihentikan juga diterapkan sesuai ketentuan. Proses penetapan biaya dilakukan dengan memperhatikan berbagai faktor yang mempengaruhi tinggi atau rendahnya biaya, termasuk beban administrasi dan biaya operasional. Hasil penelitian menunjukkan bahwa biaya penetapan perkara perdata di Pengadilan Negeri Kota Banda Aceh sudah sesuai dengan ketentuan PERMA, yang mendukung tercapainya keadilan yang adil dan transparan. Penelitian ini menegaskan pentingnya kepatuhan terhadap PERMA dalam memastikan bahwa biaya yang dikenakan adil dan sesuai dengan ketentuan yang berlaku, serta memberikan perlindungan yang diperlukan bagi pihak-pihak yang berperkara.

Kata Kunci: Biaya Perkara, Hukum Ekonomi Islam, PERMA No. 03 Tahun 2012, Pengadilan Negeri Kota Banda Aceh

INTRODUCTION

One of the principles of the Indonesian State has been emphasized in the 1945 Constitution, Article 1 paragraph (3) that Indonesia is a State based on law (*rechtsstaat*), the State has enormous power. The power possessed by the State comes from every citizen's gift. The power is given not without intent and purpose, but the power is given on the basis of an agreement called a social contract. The social contract obliges the State to use power to achieve the goals of the State, which are none other than the goals of the Indonesian people.¹

¹ Soehino, *Science State* (Yogyakarta: Liberty, 1998). 180

The purpose of the Indonesian State has been outlined in the constitution, especially in the fourth paragraph of the Preamble of the 1945 Constitution which states: "Furthermore, in order to establish an Indonesian State government that protects all the people of Indonesia and the entire territory of Indonesia, as well as to improve the general welfare, educate the nation's life, and participate in creating a world order based on independence, lasting peace, and social justice."² To realize these goals, the existence of State institutions that function as the executor of State power is required. These institutions are established by the State through its power. As a State of law, the establishment and granting of authority to these institutions must be based on the constitution as the supreme law. Therefore, law plays a very important role in achieving the objectives of the State.³

The general court is one of the organizers of judicial power under the Supreme Court which in its implementation is authorized to hear criminal cases and civil cases other than civil cases concerning Islamic law which are the authority of the Religious Courts.⁴ Examination of criminal and civil cases in general court regarding the sitting of the case (*judex facti*) is carried out in 2 (two) levels, unless the law determines otherwise.⁵ Examination of the first level is carried out by the District Court and examination of the appeal level is carried out by the High Court. Examination of the cassation level by the Supreme Court is not a third level court because in cassation, what is examined is not the case but the law (*judex juris*). Courts adjudicate according to the law with no distinction of persons in accordance with the principle of *equality before the law* (Law No. 4 of 2004 concerning Judicial Power State Gazette No. 8 of 2004 Article 5 paragraph (1)). Courts assist justice seekers and try to overcome all obstacles and obstacles to achieve simple, fast, and low cost justice (Law No. 4 of 2004 Article 5 paragraph (2)). The act of adjudicating in a court institution is carried out by a Judge or Panel of Judges in a trial process.

In court cases, court fees are usually charged as court fees (*voorschot*). The amount of court costs that must be paid is only an estimate or estimation

² 1945 Constitution paragraph 4

³ Chairul Fahmi, "THE EU AND PEACE BUILDING IN ACEH-INDONESIA: A Lesson-Learned for Strengthening Security Policy in Civilian Mission Approach," *Journal of Political Research*, no. Vol 9, No 2 (2012): Aceh Politics on Trial (2012): 11, <http://ejournal.politik.lipi.go.id/index.php/jpp/article/view/231/105>.

⁴ Elisabeth Nurhaini Butarbutar, "The One-Stop Judicial System and the Realization of the of Rule *Journal of Gajah Mada University Law Forum* 22, no. 1 (2010).

⁵ Chairul Fahmi, "Revitalizing the Implementation of Sharia Law din Aceh (A Study of Law No.11/2006)," *TSAQAFAH* 8, no. 2 (November 30, 2012): 295-310, <https://doi.org/10.21111/tsaqafah.v8i2.27>.

of the Chairman of the District Court in each jurisdiction so that when the case is decided and the details of court costs have been calculated, there is a possibility that the costs will remain or be insufficient. If it happens that the costs are insufficient then the Registrar can ask the plaintiff to pay the shortage of case costs, while if there are remaining case costs then the plaintiff takes the remaining case costs.⁶

The amount of court costs has been determined by each District Court in a list containing court costs and applies equally to everyone. Court costs are regulated in Article 121 Herzien Indonesis Reglement (HIR) and Article 145 Rechtsreglement Buitengewesten (RBG), namely registrar fees and processing costs.⁷ Registry fees include the cost of recording the registration of the case and the redaction or leges collected at the time the case is decided, while process costs include the cost of summoning witnesses, summoning the defendant, the cost of oaths, and other costs by order of the President of the Court. These court costs are paid in advance as a court fee (*voorshot*).⁸

In the District Court of Banda Aceh, the panel of judges will determine the costs of the case, including the costs of executing the disputed object, which is a cost component that is not borne by the State. In this case, the panel of judges will usually determine the decision on costs in the decision they make, usually charged to the losing party in the legal decision and the panel of judges.⁹

The government has an important role in overseeing the setting of court fees to ensure that the legal process is fair and transparent. Through regulations and oversight mechanisms, the government seeks to prevent corruption, collusion and nepotism in the setting of court fees. One of the concrete steps taken is the implementation of Supreme Court Regulation (Perma) No. 03/2012 which regulates transparency and accountability in the

⁶ Susanto, et al. -Implementation of E-Court in the Registration of Lawsuits and Requests at the Tigaraksa Religious Court in the Context of Realizing Fast, Simple, and Low Cost Justice Supported by Technology. *Proceedings of the Humanist National Seminar 2*, no. 1 (2019): 28.

⁷ NF Shoffa and L Kushidayati, "Analysis of the Expiration of the Remaining Panjar Case Fee from the Perspective of Positive Law and Sharia Economic Law (Case Study of Kendal Religious Court)," *ICCoLaSS Journal 2*, no. 1 (June 2022).

⁸ Syofia and Nisra, "*Execution of Payment of Case Costs to Defeated Defendants by the Registrar in West Sumatra*" (West Sumatra, Andalas University, 2015).

⁹ Chairul Fahmi and Wira Afrina, "ANALYSIS OF LEGAL ASPECTS ON DEBT TRANSFER FROM CONVENTIONAL BANK TO SHARIA BANK POST THE APPLICATION OF QANUN ACEH NO. 11 OF 2018," *Al-Mudharabah: Journal of Islamic Economics and Finance 4*, no. 1 (July 23, 2023): 28-39, <https://www.journal.ar-raniry.ac.id/index.php/mudharabah/article/view/3047>.

management of case fees. In addition, the government also conducts periodic audits and unannounced inspections to check the conformity between the fees charged and the applicable provisions. With strict supervision, it is hoped that case fees set by the courts will reflect fairness and accountability, and increase public confidence in the justice system in Indonesia.¹⁰

Supreme Court Regulation (Perma) No. 03/2012 discusses the costs of the case settlement process and its management at the Supreme Court and its subordinate judicial bodies. This regulation aims to regulate transparency and accountability in the management of case fees and to ensure that the fees charged to litigants are reasonable and in accordance with applicable regulations.

Based on the Regulation of the Supreme Court of Indonesia No. 03/2012 on Case Settlement Fees and Their Management at the Supreme Court and the Judicial Bodies under it, Articles 1 and 2 state that case settlement fees are used to process civil cases, state administrative cases, and judicial review rights at the Supreme Court and related Judicial Bodies. This fee is charged to the party or parties to the case. The provision also stipulates that the amount of processing fees at the Supreme Court varies, depending on the type of legal remedy such as appeal, cassation, and judicial review, as well as the type of case being tried, which will affect the value of fees determined by the panel of judges.

Based on interviews with parties at the Banda Aceh District Court, the implementation of a cost award is the process of executing or implementing a court decision related to the aspect of costs that must be paid by one of the parties in a case. The process of determining costs in the execution of disputed objects in the District Court of Banda Aceh City involves several stages, after a court decision is issued and the winning party requests execution, the process of determining costs can usually involve the winning party submitting a request for execution to the court to execute the decision that has been issued. Then, the judge will consider the request for execution, including the determination of the costs that need to be paid by the losing party.¹¹

The prevailing party in a dispute can usually file a claim or request for reimbursement of legal costs as part of the execution process of the disputed

¹⁰ Nabilah Anika, Nabila Indah Chairunnisa, and Aditya Wahyu Saputro, "Potential Monopolistic Practices in the Merger of Indonesian Islamic Banks: A Review of Islamic Economic Law and the Law of Monopoly Prohibition," *Journal of Law Lex Generalis* 2, no. 2 (February 22, 2021): 174–94, <https://doi.org/10.56370/jhlg.v2i2.22>.

¹¹ Interview with Saifullah, Bailiff of the District Court of Banda Aceh City (on January 08, 2024/10.43 WIB) at the District Court of Banda Aceh City.

object at the District Court. The steps that a prevailing party can take to make a claim or request for reimbursement of legal costs include an execution application, where the prevailing party can include a claim or request for reimbursement of legal costs in the execution application that they submit to the court. In this application, the prevailing party can detail the costs they incurred during the proceedings. It is important for the prevailing party to include evidence to support their legal costs claim. This could include invoices from lawyers, payment receipts, or other documents that show the amount and nature of the costs incurred. If a claim or application for reimbursement of legal costs is not included in the execution application, the prevailing party may also submit such a claim separately once the execution proceedings have commenced.¹²

The types of costs that can be included in the determination of the execution of the disputed object in the District Court can involve various aspects. Some types of costs that may be included include, lawyer's honorarium or legal service fees that have been incurred by the winning party during the trial. Costs related to the conduct of the trial such as court administrative costs, transportation costs, and lodging costs. Costs related to evidence including expert fees, costs of obtaining documents, costs of drafting evidence. Costs related to legal procedures such as the cost of filing a petition for execution, and administrative costs related to the cost of executing a judgment. Costs incurred in the process of executing a court judgment include the cost of implementing the law or the cost of executing a court judgment.¹³ Judgment in the process of executing a court judgment refers to a provision that stipulates the amount of money or costs to be paid by the losing party to the winning party. After the court decides a dispute, the prevailing party may apply to the court for execution of the judgment.¹⁴

Many members of the public are unaware of the mechanisms by which court fees are determined, so those involved in legal proceedings often have no clear idea of how much they will have to pay. This ignorance can lead to confusion and uncertainty, which in turn can impede their access to justice. The lack of transparent and easily accessible information on the details of court

¹² Interview with Saifullah, Bailiff of the Banda City District Court (on January 08, 2024/10.43 WIB) at the Banda Aceh City District Court.

¹³ Interview with Baihaqi, Substitute Bailiff of the District Court of Banda Aceh City (on January 08, 2024/11.28 WIB) at the District Court of Banda Aceh City.

¹⁴ Chairul Fahmi, "THE DUTCH COLONIAL ECONOMIC POLICY ON NATIVES LAND PROPERTY OF INDONESIA," *PETITA: JOURNAL* 5, no. 2 (November 1, 2020): 105–20, <https://doi.org/10.22373/petita.v5i2.99>.

fees can also lead to people feeling pressured and uncertain in the face of legal proceedings. It is therefore important that authorities provide education and clear, easy-to-understand information on the determination of court fees, so that people can be well prepared and go through the legal process with greater confidence.

Based on this, the researcher conducted further research on what factors influence the high or low cost determination process in the District Court and whether the process of determining the cost of Civil Cases at the Banda Aceh District Court is in accordance with PERMA No. 03/2012 so that the cost determination is in accordance with what it should be?

RESEARCH METHODS

This research uses an empirical juridical approach, namely a research method based on an analysis of the law regarding the enactment and implementation of legal provisions directly on every event that occurs in society.¹⁵ This research is qualitative research and what is used in this research is a descriptive method, which is a method that aims to explain, describe, and describe based on phenomena so that it can be easily understood and concluded regarding the facts that occur.¹⁶

The data collection method in this study uses the Field Research method (*field research*) by interviewing respondents and informants. The primary data used by the author in this study is to discuss in general terms related to the object of research by asking several questions directly with the bailiffs at the Banda Aceh City District Court. Then also use the Library method (*library research*) by reading books, journals, previous research that has relevance to the problems that the author examines.

The data collection technique used is by means of observation of the situation and conditions of the field, then with open interview techniques with informants, namely the bailiffs at the Banda Aceh City District Court, and also with documentation techniques sourced from archives, letters needed in research and documents or data related to research data.

¹⁵ Muhammad Siddiq-Armia, *Penentuan Metode dan Pendekatan Penelitian Hukum*, ed. oleh Chairul Fahmi (Indonesia: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022).

¹⁶ Moleong, Lexy J. *Qualitative Research Methodology*. (Bandung: Remaja Rosdakarya, 2017).

A. RESULTS AND DISCUSSION

1. Overview of the process of determining civil case costs in the provisions of PERMA No. 03/2012

Supreme Court Regulation of the Republic of Indonesia No. 03/2012 on Case Settlement Costs and Management is an effort to create transparency and accountability in the determination and management of court costs. This regulation aims to provide legal certainty regarding the amount of costs that must be paid by litigants, as well as ensuring that the management of these costs is carried out honestly and responsibly. The regulation sets out the various components of court costs, including registration fees, summons fees and execution fees, so that parties can know in detail what their financial obligations are during the judicial process. In addition, the regulation establishes a mechanism for monitoring and controlling the use of court costs, to prevent misuse and ensure that funds received are used in accordance with their intended purpose. Supreme Court Regulation No. 03/2012 is expected to increase transparency and public confidence in the justice system in Indonesia.¹⁷

Supreme Court Regulation of the Republic of Indonesia No. 03/2012 not only regulates the components and amount of case fees, but also provides guidelines on how to manage these funds. The management of court costs must be carried out by an appointed treasurer, with due regard to sound financial principles and in accordance with applicable laws and regulations. In this regard, the treasurer is responsible for recording all receipts and expenditures of court costs in a detailed and transparent manner, so as to facilitate supervision and auditing by the authorities. This regulation also requires the court to provide periodic reports on the management of case fees, which will be audited to ensure that no irregularities occur.¹⁸

In addition, Supreme Court Regulation No. 03/2012 also introduces a mechanism to recover costs if the case is dismissed or terminated before the final decision. This mechanism is a form of protection for litigants, so that they do not feel financially disadvantaged if the case is not continued to

¹⁷ Chairul Fahmi et al., "The Role of Local Government in Maintaining Coffee Prices Volatility in Gayo Highland of Indonesia," *PETITA: Journal of Law and Sharia Studies (PJKIHdS)* 8 (2023): 40, <https://heinonline.org/HOL/Page?handle=hein.journals/petita8&id=48&div=&collection=>

¹⁸ Supreme Court Regulation (PERMA) RI, "03 Year 2012, Settlement and Management Fees at the Supreme Court and its Subordinate Bodies", (April 10, 2012).

completion. The procedure for the refund of costs is explained in detail in this regulation, including the requirements and documents that must be fulfilled by the party entitled to the refund. This shows the Supreme Court's commitment to maintaining justice and legal certainty in every aspect of case settlement.

Through this PERMA, the Supreme Court and its subordinate judicial bodies are instructed to implement systematic procedures in every stage of the determination of case fees. This process starts from the submission of a fee application by the litigant, to the management and reporting of fees paid. Each of these stages is important to ensure that no party is disadvantaged, either materially or procedurally, during the legal process. The process of determining the costs of civil cases includes several important stages as follows:¹⁹

a. Application for Determination of Case Costs

The process begins with the litigant, either the plaintiff or the defendant, applying to the court for a determination of costs. This application is an important first step as it provides the basis for the court to calculate and determine the costs necessary to conduct the judicial process. The application should include details of the case to be heard, including the type of claim, the number of parties involved, and an estimate of other costs that may be incurred during the trial process.

b. Calculation of Court Costs

Upon receipt of the petition, the court clerk is tasked with calculating the estimated costs of the case. This calculation takes into account the various cost components that may be required during the trial process. These components include the cost of registering the case, the cost of summoning the parties involved, the cost of examining witnesses, court administration costs, as well as other costs associated with the settlement of the case. The court clerk must ensure that the calculation of costs is done accurately and in accordance with the applicable regulations, in order to avoid errors that could harm one of the parties.

c. Determination of case fee by the President of the Court

After the court clerk completes the cost estimation calculation, the results of the calculation are submitted to the President of the Court. The President of the Court has the authority to review the calculations made by the court clerk. During this review process, the President of

¹⁹ Supreme Court Regulation (PERMA) RI, "03 Year 2012, Settlement and Management Fees at the Supreme Court and its Subordinate Bodies".

the Court will ensure that all components of the costs have been calculated correctly and in accordance with the law. Once satisfied that the calculations are correct, the President of the Court then formally determines the costs of the case. This determination becomes the basis for the court to collect costs from the parties.

d. Notification of court costs to the parties

Once the court costs have been determined by the President of the Court, the court is obliged to notify the parties of the costs. This notification is usually made by way of an official letter setting out details of the costs to be paid, together with an explanation of the components of the costs. In this notice, the court also provides information on the procedure for payment and the deadline for payment. Transparency in this notice is essential to ensure that the parties understand their financial obligations and can prepare themselves to meet these payments.

e. Payment of Case Fees

Upon receipt of the notice, the parties are required to pay the court costs in accordance with the stipulated amount. Payments must be made through a designated official court account. The use of an official account is aimed at preventing misuse and ensuring that every payment made is properly recorded in the court administration system. Payment of court costs is a mandatory requirement before a case can proceed to trial, so it is important for parties to fulfill this obligation on time.

f. Case Cost Management

The fees paid by the parties are then managed by the court in accordance with the procedures set out in PERMA No. 03/2012. This management includes the recording of any financial transactions relating to court costs, as well as the preparation of transparent and accurate financial reports. These reports are important to ensure that the court acts with accountability in the use of the funds it has received. In addition, these financial reports also form the basis for the court to conduct internal and external audits to ensure that there is no misuse of funds.

g. In some cases, it is possible that the amount of costs paid by the parties exceeds the costs actually required to settle the case. If this occurs, the court is obliged to return the overpayment to the rightful party. It is important that these refunds are made promptly and appropriately, in

order to maintain public confidence in the integrity of the court. Refunds can also be made if the case is settled early, so that not all of the prescribed costs are required.

Each stage in the process of determining civil case costs is designed to ensure that no party is disadvantaged, and to support the principles of fairness and accountability in the Indonesian justice system. Thus, PERMA No. 03/2012 plays an important role in creating a fair and transparent mechanism in the handling of case costs, which ultimately aims to maintain public confidence in the justice system.

This regulation also emphasizes the importance of socialization and education to the public regarding the determination and management of case fees. The Supreme Court encourages courts throughout Indonesia to actively provide information to the public, either through print, electronic or social media, regarding the applicable case fee provisions. By doing so, it is hoped that the public can better understand their rights and obligations in the judicial process, and reduce the uncertainty and confusion often experienced by those unfamiliar with legal procedures. This transparency and education is expected to increase public confidence in the justice system and encourage active participation in efforts to realize justice in Indonesia.²⁰

Supreme Court Regulation No. 03/2012 is an important step in creating transparency, accountability and legal certainty in the determination and management of court costs. This regulation provides clear guidelines on the components and amount of court costs, as well as the mechanism for managing them, which must be conducted in accordance with sound financial principles. In addition, the existence of a case fee refund mechanism demonstrates a commitment to protecting the financial rights of litigants. The socialization and education efforts required by this regulation are also very important to increase public understanding of the judicial process and reduce the confusion and uncertainty that often occurs. With proper implementation, Supreme Court Regulation No. 03/2012 is expected to increase public confidence in the justice system in Indonesia and encourage active participation in the realization of justice.

With the issuance of PERMA No. 03/2012, it is hoped that the process of determining civil case costs in Indonesia can be more transparent, accountable and efficient, so that every litigant can experience justice without

²⁰ Harahap, Yahya. *Civil Procedure Law on Lawsuits, Trials and Court Decisions*. (Jakarta: Sinar Grafika, 2016)

being burdened by unclear or excessive costs. This regulation not only protects the rights of litigants, but also strengthens the integrity and public confidence in the justice system. Through consistent and proper implementation, this PERMA becomes an important foundation in realizing a clean, fair and accessible judiciary for all levels of society.

2. Factors affecting the determination of civil case fees at the Banda Aceh City District Court

The process of determining civil case fees at the District Court of Banda Aceh involves several stages designed to ensure that the fees charged are legally compliant and transparent to all parties involved. The process begins with the filing of a lawsuit by a disputing party, in which the plaintiff submits a letter of claim along with supporting documents and receives information regarding the case registration fee. Upon receipt of the lawsuit, the court clerk makes an initial calculation of the costs of the case which includes the registration fee, the cost of summoning the parties, and other administrative costs.²¹

The plaintiff is then required to pay the court fee, which is paid at the court's cashier with a receipt to be retained for further proceedings. The court fees paid cover several stages of the trial process, such as hearing fees and witness summons fees, and if additional fees are required, the court will inform the parties. During the trial process, the court makes adjustments to the fees if there are changes or additional needs related to the settlement of the case, and all adjustments are recorded and reported transparently to the parties. After the final decision is rendered, the court conducts a final audit of the court costs and returns any unspent costs to the parties in a transparent manner in accordance with applicable regulations.²²

Based on an interview with the bailiff of the District Court of Banda Aceh City the determination of costs for disputed objects in the District Court is usually determined by the judge based on legal considerations, costs incurred by the winning party, and other factors. This determination can involve the costs of lawyers, evidence, and other aspects related to the trial process. the judge considers several factors to determine and charge it to the

²¹ Dwi Santika, Mekanisme Pembiayaan Pada BSI Cabang Banda Aceh, 2022.

²² Fahmi, "Revitalisasi Penerapan Hukum Syariat Di Aceh (Kajian Terhadap UU No.11 Tahun 2006)."

losing party. Some considerations involve legal costs incurred by the prevailing party, including attorney's fees, trial costs, and evidentiary costs.²³

In addition, the judge may also take into account the behavior of the losing party, such as if there is a lack of cooperation or if there is an attempt to unnecessarily complicate the judicial process. The award for the losing party in a trial has a certain legal basis and principle, to provide incentives for each party to act prudently and cautiously in filing or defending lawsuits. If the losing party is not required to pay, the financial risk they may incur may be low, which may lead to the filing of claims without due consideration. In addition, imposing the burden on the losing party is considered a way to offset the financial burden experienced by the winning party, who has expended resources and costs to defend their rights or defend themselves. This principle is expected to create a fairer legal system and encourage more careful dispute resolution.²⁴

The specific considerations regarding the amount and type applied in the execution of the disputed object may vary depending on the legal jurisdiction, type of dispute, and court policy. District Courts usually have policies and guidelines that provide a basis for determining. However, specific considerations may involve several factors i.e. costs incurred by the prevailing party the court may consider the amount of costs that have been incurred by the prevailing party during the trial, including attorney fees, trial costs, and evidentiary costs.

These considerations may include attorney's fees, trial costs, and other costs incurred during the judicial process, the losing party is usually given formal notice of the amount of costs they are required to pay, they may be given a certain amount of time to pay. If the losing party does not pay the stipulated costs, the court may order execution, which involves the sale or seizure of the losing party's assets to satisfy the stipulated costs.²⁵

If the dispute itself is complex or difficult, the court may consider such difficulty and complexity in determining the amount to be charged to the losing party. The losing party's behavior during the proceedings, such as uncooperative actions or attempts to slow down the process, may also be taken into consideration. The court may consider factors of fairness and economic

²³ Interview with Baihaqi, Substitute Bailiff of Banda Aceh City District Court (On January 08, 2024/11.28 WIB) at the Banda Aceh City District Court.

²⁴ Interview with Baihaqi, Substitute Bailiff of the District Court of Banda Aceh City (on January 08, 2024/11.28 WIB) at the District Court of Banda Aceh City.

²⁵ Supriyadi. *Basics of Civil Law in Indonesia*. (Kudus: Kiara Science, 2015).

sustainability when making its determination. This could include a balance between incentivizing the winning party and preventing an unfair burden on the losing party. Settlements based on certain aspects may involve negotiations between the parties involved or mediation to reach an agreement on the amount and type to be applied. Meanwhile, the court may also allow the prevailing party to present arguments regarding their proposed costs.²⁶

3. Analysis of the application of PERMA No. 03/2012 on the determination of civil case fees at the District Court of Banda Aceh City

Based on the explanation that has been discussed in the previous discussion regarding Perma No. 03/2012 and how the determination of case fees at the Banda Aceh District Court, it can be seen that the Banda Aceh District Court has implemented the Perma as it should.

The implementation of Supreme Court Regulation (PERMA) No. 03/2012 on Case Settlement Costs and Management of Civil Case Costs in the District Court of Banda Aceh reflects efforts to ensure transparency and accountability in the justice system. In the District Court of Banda Aceh, the implementation of this PERMA is carried out by establishing clear and detailed components of case fees, including registration fees, summons fees, and execution fees. Every fee charged to litigants is informed openly, so that they can know exactly how much they have to pay.²⁷

Based on the author's interview with Mr. Budiwansyah, a substitute bailiff at the Banda Aceh City District Court, he said that the process of determining civil costs at the Banda Aceh District Court is running well and in accordance with the provisions stipulated in Supreme Court Regulation (Perma) No. 03 of 2012. This regulation has proven effective in regulating the costs of determining cases, by providing clear and detailed guidelines regarding the components of costs that must be taken into account. The Banda Aceh District Court has faced no significant obstacles in implementing this regulation, as the well-structured mechanism allows for consistent application. In addition, the determination of costs in the Banda Aceh District Court is done transparently, so there is no difference between what is

²⁶ Nurul Maghfirah dkk., "UNDERSTANDING INTELLECTUAL PROPERTY RIGHTS IN THE INDONESIAN TRADING BUSINESS," *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 3, no. 2 (2022): 89-103, <https://doi.org/10.22373/al-mudharabah.v4i2.3384>.

²⁷ Wahyu Akbar dkk., "Optimization of Sharia Banking Regulations in Developing the Halal Cosmetic Industry in Indonesia," *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (2024): 1-12, <https://journal.iain-manado.ac.id/index.php/JIS/article/view/2611>.

stipulated in the regulation and its application in the field. Thus, Perma No. 03/2012 is considered to be in line with current needs and does not require revision or improvement.²⁸

Based on these interviews, it can be seen that in the District Court of Banda Aceh, the process of determining civil case costs has been carried out carefully, following every procedure mandated by the PERMA. This includes transparency in the calculation and provision of information to the parties involved, ensuring that there is no discrepancy between the regulation and its application in the field. The Banda Aceh District Court has also established internal mechanisms that enable each costing process to be carried out consistently and accurately.²⁹

In addition, the District Court of Banda Aceh was also active in conducting socialization and education on court costs. Information on court costs is conveyed through various media, including print, electronic and social media, to ensure that the public has an adequate understanding of the provisions of court costs. A mechanism for refunding court costs was also implemented in accordance with PERMA, providing protection for parties whose cases were dismissed or terminated before the final decision. Thus, the implementation of PERMA No. 03/2012 in the District Court of Banda Aceh City aims to create a more transparent, accountable and equitable justice system for all levels of society.³⁰

Supreme Court Regulation (PERMA) No. 3/2012 on Case Settlement Costs and Management includes several important provisions that are in accordance with the determination of civil case costs in the District Court of Banda Aceh City including:³¹

1. This PERMA regulates the components of case fees, which include registration fees, summons and notification fees, as well as examination and execution fees. The court is obliged to provide clear and

²⁸ Interview with Budiwansyah, Substitute Bailiff of the District Court of Banda Aceh City (on August 12, 2024/10.30 WIB) at the District Court of Banda Aceh City.

²⁹ NF Shoffa dan L Kushidayati, "Analisis Daluarsa Sisa Panjar Biaya Perkara Perspektif Hukum Positif dan Hukum Ekonomi Syariah (Studi Kasus Pengadilan Agama Kendal)."

³⁰ Chairul Fahmi, *Politics of the Rebel: A Collection of Political, Legal and Humanitarian Essays in Aceh* (Yogyakarta: Deepublish, 2014), https://books.google.co.id/books/about/Politik_sang_pemberontak.html?id=pEknjwEACAAJ&redir_esc=y.

³¹ Susanti Adi Nugroho, *Penyelesaian Sengketa Arbitrase dan Penerapan Hukumnya* (Jakarta: Kencana, 2017).

transparent information about the amount of costs to litigants, so that they can know exactly how much costs must be paid. Based on the interviews conducted by the author, it can be concluded that the Banda Aceh District Court has clearly and transparently informed the parties about the determination of case fees.

2. The management of court fee funds should be carried out by a designated expenditure treasurer, recording all receipts and expenditures in detail and transparently. Financial reports on the receipt and expenditure of court costs must be prepared periodically and audited to ensure that no irregularities occur. This is in accordance with the management of funds at the Banda Aceh District Court.

Based on this, it can be seen that the implementation of PERMA No. 03/2012 on the determination of civil case fees at the Banda Aceh City District Court has been well implemented. The court has managed to regulate the components of case costs in detail and transparently, as well as providing clear information to litigants regarding the amount of costs that must be paid. The management of case fee funds is conducted with high accountability by a responsible treasurer, accompanied by transparent record keeping and periodically audited financial reports to prevent irregularities. In addition, the mechanism for refunding costs to parties whose cases are dismissed or terminated before the final decision has also been well implemented. The District Court of Banda Aceh is active in socializing and educating the public, ensuring that they understand the provisions of court fees. With this good implementation, public confidence in the justice system has increased, and active participation in realizing justice can continue to be encouraged.³²

From the results of the analysis, it can be seen that the implementation of PERMA No. 03/2012 in the District Court of Banda Aceh City has met the standards set, without any significant obstacles. This regulation is considered adequate in regulating and guiding the determination of civil case costs, so it does not require further revision or improvement. This successful implementation demonstrates the Banda Aceh District Court's commitment to maintaining integrity and professionalism in carrying out its duties.

³² Chairul Fahmi, "The Snouck Hurgronje's Doctrine in Conquering the Holy Revolts of Acehese Natives," *Heritage of Nusantara: International Journal of Religious Literature and Heritage* 10, no. 2 (December 20, 2021): 248–73, <https://doi.org/10.31291/hn.v10i2.628>.

CONCLUSIONS

The conclusion of the factors affecting the determination of costs for disputed objects in the District Court includes several key elements that influence each other. First of all, legal reasoning by judges is a major factor in determining fees. Judges evaluate cases based on the substance of the law and the applicable regulations, so the fees set reflect the legal complexity of the case. Secondly, the costs incurred by the prevailing party are an important factor in setting fees. This includes expenditure on lawyer fees, evidentiary costs, and other costs associated with the trial process. Attorneys' fees include fees paid for legal services, while evidentiary costs include expenses for witnesses, experts, and other evidence needed to support a claim or defense. In addition, other factors such as the duration of the trial, the intensity of the dispute, and administrative requirements also influence the determination of costs. A longer trial duration will usually result in higher costs, while the intensity of the dispute may require more resources and effort in the trial process. Administrative requirements, such as court filing and file management costs, also play a role in determining the total costs. Overall, the determination of costs for disputed matters in the District Court is a process that takes into account various aspects, both legal and practical. All of these factors work together to ensure that the fees set are fair and proportionate to the complexity and resources required in the proceedings. By considering all of these elements, the District Courts endeavor to set fees that reflect the substance and process of the law as a whole.³³

Then based on the results of the author's analysis, it can be seen that the process of determining civil case fees at the Banda Aceh City District Court shows that all procedures have been applied very carefully and in accordance with the provisions stipulated in the Supreme Court Regulation (PERMA) No. 03/2012. The Banda Aceh City District Court not only followed the procedures mandated by the PERMA, but also implemented them with full transparency, ensuring that all parties involved in the case were provided with clear and accurate information regarding the fees charged. This includes the calculation of fees being done openly, thus avoiding any potential uncertainty or unfairness. Overall, this conclusion confirms that the Banda Aceh Municipal Court has been successful in properly implementing the regulations and maintaining the integrity of the legal process. The setting of court fees is done in compliance with the applicable regulatory standards and ensures that there

³³ Anika -, Chairunnisa -, dan Saputro, "Potensi Praktik Monopoli dalam Merger Bank Syariah Indonesia."

are no discrepancies between what is set out in the regulations and how it is implemented on the ground. This success reflects the court's commitment to the principles of fairness and transparency in the legal process.

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