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Exploring the barriers on civil execution's stage in three government agencies: A study in Indonesia

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Summary: 1. Introduction. 2. Civil Execution Practice in Indonesia. 3. Method. 4. Results and Discussions. 4.1 Civil Execution Procedure in Indonesia. 4.2 Obstacles to Civil Execution from the Police Agency. 4.3 Obstacles to Civil Execution From the Office of State Wealth and Auction Services. 4.4 Obstacles of Civil Execution From the Regional Land Office. 5. Conclusion. 6. References.

Abstract: Civil dispute resolution is an important issue in providing guarantees for law enforcement in terms of contracts and investments. The end of dispute resolution in court is civil execution, which often encounters problems. Business actors and investors must be assured that the Indonesian government has a legal tool that can ensure the governance of dispute resolution when there is a violation of contracts or investments. Therefore, the problem that will be solved in this study is what the obstacles are in the model of implementing civil execution in court and how the obstacles are based on the role of other institutions involved. The goal is to analyze the obstacles to execution from inside and outside the court to overcome the long and difficult execution. The obstacles to execution that were successfully identified involved security obstacles at the police, the implementation of auctions at the auction office, and the checking of ownership documents at the land office. Based on the findings, a policy framework that can optimize the governance of dispute resolution services and ensure the success of the implementation of civil execution is necessary.

Keywords: Civil, Court, Dispute, Execution, Resolution

Resumo: La resolución de disputas civiles es un tema importante para garantizar a las fuerzas del orden en cuanto a contratos e inversiones. El final de la resolución de disputas en los tribunales es la ejecución civil, que a menudo se encuentra con problemas. Esto es lo que debe asegurarse a los actores empresariales e inversores: que el gobierno indonesio dispone de una herramienta legal capaz de garantizar la gobernanza de la resolución de disputas cuando se incumpla contratos o inversiones. El problema que se resolverá en este estudio es cuáles son los obstáculos en el modelo de implementación de la ejecución civil en los tribunales y cómo estos obstáculos se basan en el papel de otras instituciones implicadas. El objetivo a alcanzar es analizar los obstáculos para la ejecución tanto desde dentro como fuera de la pista para superar la larga y difícil ejecución de la ejecución. Los obstáculos para la ejecución que se identificaron con éxito incluyeron obstáculos de seguridad en la policía, la realización de subastas en la oficina de subastas y la revisión de los documentos de propiedad en la oficina de tierras. A partir de los hallazgos, es necesario contar con un marco político que optimice la gobernanza de los servicios de resolución de disputas y garantice el éxito de la implementación de la ejecución civil.

Palabras clave: Civil, Tribunal, Disputa, Ejecución, Resolución

1. Introduction

Social interactions between individuals, groups, and institutions can often cause problems because of the assumption that they are violating each other's rights.

Violations of rights that often cause complicated conflicts are related to civil matters concerning the ownership of an object. Therefore, civil conflict problems seek to be resolved legally by referring to applicable laws and regulations. Based on data from the OECD survey in Indonesia in 2024, 88% of respondents were satisfied with educational services, 84% were satisfied with healthcare services, and 75% were confident in judicial

services.⁹ This shows that public trust in legal services is lower than that in education and health services. Lower levels of public satisfaction with legal services can be caused by complicated court procedures that take a long time. The data below show the large number of execution applications in the first-level general justice environment.

As shown in Table 1, the number of execution applications generally increases every year. Then, the amount that can be executed in the field is less than the execution request that comes in. This shows that not all applications can be executed in the field in the same year, so it becomes a burden on the case in court. This is because, after there is a legal decision, there is no guarantee that every civil execution request by the winning party will be realized immediately.¹⁰ In fact, a legal decision should be implemented without obstacles.¹¹

Table 1. Data on civil execution in the general district court.

Year	Execution Submission	Reprimand (<i>Aanmaning</i>)	Execution
2022	3404	79	2665
2023	3356	160	2520
2024	3414	351	3974
2025	4316	1219	3330

Source: <https://eksekusi.badilum.mahkamahagung.go.id> (accessed June, 25th 2026).

In Indonesia, the time required for the dispute resolution process related to contracts takes an average of 498 days, with costs reaching 139.4% of the total claims, and 40 steps must be passed.¹² In addition, from the development of indicators of settlement of commercial cases (bankruptcy and postponement of debt payment obligations) it takes an average of between 1 and 2 years if the process runs smoothly.¹³ Meanwhile, if there are many obstacles, especially in the process of executing civil cases, the process will take longer and cannot be determined.

Usually, at the stage of implementing the decision, the losing parties want to avoid implementing the decision's content. If this happens, the winning party can resubmit an application called execution for a civil case. Execution for civil cases can be interpreted as an attempt by the winning party to compel the losing party to legally implement the court decision. In some jurisdictions, execution agencies have extraordinary authority to

⁹ OECD. Government at a Glance: Southeast Asia 2025. 2025. <https://doi.org/10.1787/bc89cb32-en>

¹⁰ SAID, R., PRADANA, V. G., LATIFIANI, D., and NOVITA, Y. D. "A natureza e a existência de jurisprudência nos tribunais administrativos estaduais na Indonésia [The nature and existence of jurisprudence in state administrative courts in Indonesia]". *Law and Justice*, v. 10, n. 1, 2025, pp. 40-52. <https://doi.org/10.23917/laj.v10i1.3660>

¹¹ WULANTRISNA, A. A. S. Y., WIRATNY, N. K., and SIHOTANG, E. "Effectiveness of civil judgment execution in the semarapura district court". *JOSS: Journal of Social Science*, v. 4, n. 9, 2025, pp. 521-533. <https://doi.org/10.57185/joss.v4i9.492>

¹² MANSYUR, R., and WITANTO, D.Y. *Simple lawsuit: Theory, practice and problems*. Jakarta: Pustaka Dunia, 2017.

¹³ CITRAWAN, F. A. "Konsistensi Putusan Perkara Komersial sebagai Instrumen Pendorong Daya Saing Nasional dan Kemudahan Berusaha [Consistency of commercial case decisions as an instrument to boost national competitiveness and ease of doing business]". Dandapala: Penjaga Keadilan. Jakarta, v. IX, 2023, pp. 26. Available at: <https://badilum.mahkamahagung.go.id/berita/majalah-dandapala/4123-majalah-dandapala-volume-ix-edisi-55-september-oktober-2023.html> (accessed on 3 May 2026).

supervise and order the execution of court decisions.¹⁴ Meanwhile, in practice, there are no particular institutions or officers to perform civil executions in Indonesia. Civil execution is still the court's authority, and criminal execution is the prosecutor's office's task. As government institutions, courts must be able to perform their duties in a transparent and accountable manner.¹⁵

In practice, many civil execution applications occur in the district court due to the broad scope of authority on civil matters. The high number of execution applications will impact the length of the process of civil case execution services in court. Ginting et al. (2023) explained that the consequences of hampering the execution for the court are as follows: (1) the principles of simple, fast, precise, and low-cost justice of the court can not be implemented, and (2) the protracted execution process and lack of clarity reduce the authority of the court. Said et al. (2025) explained that the main obstacles in execution include unpaid costs, resistance by third parties, problems in the wording of the judge's decision, the inability of the execution applicant to show assets, the objects not being found, and difficulties in carrying out the court decision's execution.¹⁶ In addition, obstacles in civil execution can be divided into structural obstacles that come from the courts, the legal substance, and the cultural nature of the norms and values that apply in society.¹⁷

In addition, the consequences for parties who do not want to comply with the court's execution order can affect the party's image and reputation, which has become alarming in society.¹⁸ Another impact of delayed execution is that it consumes time, money, and energy.¹⁹ Therefore, the court must make every effort to ensure that the civil execution can be successfully carried out to provide justice to the applicant. The court also encourages the public to use legal force to comply with court decisions.

Several previous studies on civil execution have provided explanations related to various obstacles in execution implementation. Muliasari and Abu Bakar (2020) stated that execution obstacles consist of juridical and non-juridical factors. Juridical factors include unclear verdicts and other legal remedies from the opposing party to postpone execution.²⁰ Non-juridical factors include the inaccuracy of the clerk and bailiff in studying the case history and the lack of court supervision during the execution. Other

¹⁴ GINTING, Y. P., IKBAR, A. F., SUNGKAR A. H., and Clarisa, P. H. "Sosialisasi pelaksanaan lelang eksekusi melalui media sosial untuk mendukung sistem transparansi di Indonesia". *Jurnal Pengabdian West Science*, v. 2, n. 10, 2023, pp. 943-958. <https://doi.org/10.58812/jpws.v2i10.693>

¹⁵ EMBA. "Indonesia's expanding bureaucracy erodes civil service integrity". *East Asia Forum*, 2025. <https://doi.org/10.59425/eabc.1738447200>

¹⁶ SAID, R., PRADANA, V. G., LATIFIANI, D., and NOVITA, Y. D. "A natureza e a existência de jurisprudência nos tribunais administrativos estaduais na Indonésia [The nature and existence of jurisprudence in state administrative courts in Indonesia]". 2025. Ibid.

¹⁷ WULANTRISNA, A. A. S. Y., WIRATNY, N. K., and SIHOTANG, E. "Effectiveness of civil judgment execution in the semarapura district court". 2025. Ibid.

¹⁸ UTAMI, T. R., APRILIANDI, G., AKBAR, F. M., WANDONO, H., and DESTIA, I. W. "Eksekusi putusan dan implikasi hukum bagi pihak yang tidak patuh dalam perkara perdata [Execution of judgments and legal implications for non-compliant parties in civil cases]". *Jurnal Serambi Hukum*, v. 16, n. 01, 2023, pp. 144-151. <https://doi.org/10.59582/sh.v16i01.924>

¹⁹ GAYO, A. A. "Problematic in the civil decision execution process in Indonesia in order to realize court excellence". *Jurnal Penelitian Hukum De Jure*, v. 22, n. 4, 2022, pp. 551-560. <https://doi.org/10.30641/dejure.2022.V22.551-560>

²⁰ MULIASARI, C. E., and ABUBAKAR, M. "Studi kasus putusan mahkamah agung nomor: 1931/K/PDT/2009 tentang pelaksanaan eksekusi riil terhadap objek sengketa bangunan rumah toko". *Jurnal Ilmiah Mahasiswa*, v. 4, n. 1, 2020, pp. 77-87. Available at: <https://garuda.kemdiktisaintek.go.id/documents/detail/2040429> (accessed on 3 May 2026).

non-juridical elements in the previous research stated that physical resistance and ruler intervention factors are another obstacle in the execution process.²¹ Physical resistance often occurs because the losing party tries various methods, such as mobilizing the masses or using weapons to fight the execution officers. The intervention factor of the ruler can occur when there is an indication of an approach by government officials who influence the process by delaying or complicating it.

Seeing the level of risk in the execution process can cause physical and mass resistance. Therefore, security forces are always needed during execution. This security force comprises police officers who maintain the security and smooth execution of the riots. However, the need for security officers increase the cost of conducting executions. The additional cost of securing the execution is an obstacle for the applicant to continue the execution process.²² This is because the court does not have a special officer for security in the field, so inevitably, the applicant must ask the police to obtain security personnel at several additional costs. In addition to the high execution cost, the other problems are weak supervision and a slow execution process.²³ The high cost of the execution process arises because the component costs include not only the cost of the court process but also the cost of security and other costs, according to the need identification in the execution.

Furthermore, previous research explained the obstacles to execution regarding the availability of supporting facilities, infrastructure, and human resources in the court as the executor.²⁴ The supporting infrastructure for this execution is closely related to the availability of storage facilities for the confiscated goods that are the object of execution. Then, the limited resources to execute it are based on the limited number of court officers. In this case, bailiffs are not balanced with a high number of execution requests. The administrative and bureaucratic process of document collection, trial preparation, and court procedures, which takes a long time, is another area for improvement that hinders execution.²⁵ To reduce non-juridical obstacles, steps can be taken to increase transparency in the execution process and educate the parties involved to understand

²¹ RUNTU, G. M. C., SOEKROMO, D., and KASENDA, V. D. D. "Prosedur pelaksanaan eksekusi putusan pengadilan dalam perkara perdata [Procedure for the execution of court decisions in civil cases]". *Lex Administratum*, v. 12, n. 4, 2024. Available at: <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/55736> (accessed on 3 May 2026).

²² ARISTEUS, S. "Eksekusi ideal perkara perdata berdasarkan asas keadilan korelasinya dalam upaya mewujudkan peradilan sederhana, cepat dan biaya ringan [The ideal execution of civil cases is based on the principle of fairness and correlation in an effort to realize simple, fast and low-cost justice]". *Jurnal Penelitian Hukum De Jure*, v. 20, n. 3, 2020, pp. 379-390. <https://doi.org/10.30641/dejure.2020.V20.379-390>

²³ SHAPOVALOVA, Y., and BRADAUTANU, V. "Enforcement of court decisions and the way forward to digital." *Law in Transition Journal*, 2022, p. 37-43. Available at: <https://2022.lit-ebrd.com/wp-content/uploads/2022/10/enforcement-of-court-decisions.pdf> (accessed on 3 May 2026).

²⁴ SUPRIYONO, and Putri F. A. J. "Sistem eksekusi perkara perdata yang efektif dan menjamin kepastian hukum [An effective civil case execution system and guarantees legal certainty]". *Jurnal Ilmiah Hospitality*, v. 12, n. 2, 2023, pp. 729-736. <https://doi.org/10.47492/jih.v12i2.3099>

²⁵ NOOR, A., SOLIHAN, I. N., DEWATA, M. I., WIDYAHASTUTI, M., and NAJMI, N. "Kompleksitas pelaksanaan eksekusi hak tanggungan: Analisis kesulitan eksekusi, ketidakseimbangan informasi, birokrasi & kepemilikan properti [Complexity of execution of dependent rights: Analysis of execution difficulties, information imbalances, bureaucracy & property ownership]". *Innovative: Journal Of Social Science Research*, v. 3, n. 5, 2023, pp. 8218-8232. Available at: <https://j-innovative.org/index.php/Innovative/article/view/4037> (accessed on 3 May 2026).

and comply with court decisions, enabling the execution to be carried out efficiently and relatively.²⁶

Based on the results of previous research, the complexity of the civil execution process can create obstacles due to the unwillingness to implement the court decision, or it can be said to be non-compliant with the law. The involvement of other institutions in the execution process is another complexity. For example, police security officers need to ensure a smooth execution process despite the possibility of physical resistance or the mass. Another example is the auction execution implementation, which requires the role of the local auction office. The land office also plays a role when the object of execution is in the form of houses/buildings and land. However, the complexity and obstacles from the perspective of institutions other than the courts have not been studied. Thus, the research questions that will be discussed in this paper are as follows: What are the problems at the stages of the civil execution model in court? Moreover, what obstacles in the execution process are based on the role of institutions other than the court?

The current study provides a guarantee of legal certainty to the applicants for execution. It also clarifies the execution process to be successfully implemented, reducing the burden of court-ordered execution applications. The success of the execution is also highly dependent on the role and support between the involved authorities.²⁷ Several previous studies have normatively and empirically analyzed various problems from the perspective of the court and the parties. Meanwhile, this paper will explore the problem from the perspective of institutions other than the court in the model of civil execution in Indonesia. This study will contribute in three ways. First, this study will provide the results of an analysis of problem identification from each stage of the execution process involving the courts and other institutions. Second, the complexity of execution problems will be determined from the perspective of the court and other related institutions. Third, a policy framework must be provided to support successful court executions. Thus, to provide justice and ensure legal certainty to the community, conducting an in-depth study to explore various challenges and obstacles and possible solutions in the civil execution process in court is necessary.

2. Civil execution practice in Indonesia

The civil execution process in Indonesia's legal system is carried out by the court and by the bailiff based on the chief justice's order. Australia is another country that also has bailiffs as executors of civil executions. However, Australia has a website for bailiff services. Another example of a civil executioner in the United States is called the Marshall Service. The Marshall's duties and responsibilities include securing federal justice, handling fugitives, witness security, asset seizure, and detainee management issues. It resembles the duties of bailiffs in Indonesia.²⁸

As a country that upholds the rule of law, the implementation of court decisions in Indonesia is carried out with reference to the Civil Procedure Law HIR (Herzien Inlandsch Reglement), RBg (Rechtreglement voor de Buitengewesten), and dan Rv (Wetboek op

²⁶ UTAMI, T. R., APRILIANDI, G., AKBAR, F. M., WANDONO, H., and DESTIA, I. W. "Eksekusi putusan dan implikasi hukum bagi pihak yang tidak patuh dalam perkara perdata [Execution of judgments and legal implications for non-compliant parties in civil cases]". 2023. Ibid.

²⁷ WULANTRISNA, A. A. S. Y., WIRATNY, N. K., and SIHOTANG, E. "Effectiveness of civil judgment execution in the semarapura district court". 2025. Ibid.

²⁸ SYAHR, Z. H. A., SALLY, N. U., and ALBANA, M. Z. "The bailiff's services in the electronic judicial era in Indonesia". *Transforming Government: People, Process and Policy*, v. 17, n. 3, 2023, pp. 317-327. <https://doi.org/10.1108/TG-01-2023-0014>

de Burgerlijke Rechtsvordering). The authority of the Court, which can implement court decisions in civil cases under the Judicial Power Law, strengthens it. However, legal certainty is needed to provide guarantees to people who seek justice in the implementation of executions.

The concept of legal certainty can be understood as legal clarity for a person to obtain what he or she is entitled to through the consequences of the application of a legal product.²⁹ Thus, in the context of civil execution, legal certainty for the community is reflected in the content of court decisions that must be clear and not cause multiple interpretations. Therefore, legal certainty is also part of strengthening the law where the maker of legal norms must be able to predict the impact of words or sentences used in a regulation or written norm that has legal force.³⁰ Thus, judges in Indonesia, as decision-makers with legal force guaranteed by the law of judicial power, have an important role in the national legal system in providing legal certainty to justice-seeking communities. Efforts to increase legal certainty can be carried out through regular training for judges to always follow legal developments in society, so that they can produce court decisions that are consistent and able to provide legal certainty.³¹

It is inseparable from efforts to realize effective legal protection in ensuring legal certainty. A state that has the rule of law as its foundation, then legal certainty as the guide of its substance, and effective legal protection as an instrument for law enforcement. In the law enforcement process, it must be able to ensure that everyone has access to justice equally and impartially in the law, has the right to pursue legal remedies, and has the right to oppose unlawful actions. Effective legal protection is important in the litigation process. The goal is to prevent abuse of power by the court apparatus and to avoid potential corruption in the handling of cases in court. Therefore, the implementation of civil execution by the court is the spearhead of the realization of legal certainty from the decisions of judges that have legal force.

Although execution is said to be a forced effort, in its implementation, there are things that hinder execution. Herri Swantoro explained several factors that can hinder execution, including³²: (a) legal factors, (b) cost absence factor, (c) object factors of ambiguous matters, d) the object of the matter has changed hands to another party, and e) community and cultural factors.

Based on the description of some factors that hinder execution implementation, legal factors must be considered more carefully. The legal factors that hinder the execution are based on laws and regulations, so they are often used by the execution respondent to delay the execution process. After the execution respondent receives a reprimand (Aanmaning) and is not satisfied during the specified warning period, the execution will be immediately performed. In this process, the execution respondent often resists in the form of filing other legal remedies, such as appeals to review. Such an execution process becomes ineffective and can have adverse consequences for litigants in terms of disrupting economic activities due to legal uncertainty.³³

²⁹ SHCHERBANYUK, O., GORDIEIEV, V., and BZOVA, L. "Legal nature of the principle of legal certainty as a component element of the rule of law". *Juridical Tribune*, v. 13, n. 1, 2023, pp. 23-31. <https://doi.org/10.24818/TBJ/2023/13/1.02>

³⁰ RAZAK, A., PERDANA, T., RAHMAN, A., and THALIB, H. "The nature and existence of jurisprudence in state administrative courts in Indonesia". *Revista de Gestão Social e Ambiental*, 2024, pp. 1-11. <https://doi.org/10.24857/rgsa.v18n7-044>

³¹ RAZAK, A., PERDANA, T., RAHMAN, A., and THALIB, H. "The nature and existence of jurisprudence in state administrative courts in Indonesia". 2024. *Ibid.*

³² SWANTORO, H. *Execution dilemma*. Jakarta: Rayyana Komunikasindo, 2018.

³³ WULANTRISNA, A. A. S. Y., WIRATNY, N. K., and SIHOTANG, E. "Effectiveness of civil judgment execution in the semarapura district court". 2025. *Ibid.*

In practice, the execution respondent who submits a resistance effort sends a letter to the Chief Justice of the Supreme Court to report to the chief justice or ask for legal protection if the execution is still carried out. This form of legal remedy as a resistance to execution is what often delays execution. If the execution is suspended, the execution applicant will send a letter of complaint to the Chief Justice of the Supreme Court of the Republic of Indonesia.³⁴ This causes the court chairman to be confused and prolongs the execution process. On the one hand, the chairman of the court receives complaints from the applicant, but on the other hand, the court must also process other legal remedies submitted by the opposing party. Thus, the Chief Justice has an important role in determining whether the application for execution can be implemented or not in accordance with the authority and jurisdiction of his territory.³⁵

There are several principles in the postponement of execution. The first is that the postponement of execution is casuistic so that there is no decisive delay. Another principle is that the execution delay is exceptional, meaning that the execution delay is an exception from the general rule of execution.³⁶ The results of the study by the Institute for the Study and Advocacy of Judicial Independence show that the problem of delayed execution is related to execution implementation itself, which can be divided into three main factors.³⁷ The first factor is the chief justice's amount of responsibility. The task of presiding over the execution is assigned to the chief justice of the first instance, which has a direct impact on the increased responsibility of the chief justice in addition to deciding cases and presiding over the court. This is because the success of a chief justice in carrying out his duties is not only seen from how he makes quality decisions but also how he manages the court and provides public services to the community, including the number of civil dispute executions that he has successfully carried out. This makes the focus of the chief justice in working vulnerable to division.

The second factor is the imbalance of bailiff authority with bailiff conditions and competencies. The bailiff's duties have an equally important role with other officials in the court, considering that their function has been needed since the trial has not yet started to help the smooth running of the trial and case administration, until the verdict is implemented. However, bailiffs are often physically and psychologically threatened while performing their duties.³⁸ The task of execution is one of the many duties of the bailiff, as well as the toughest task that requires the bailiff to face the respondent who often performs certain resistances in the field. The third factor is the limited number of bailiffs in the court. When the summons is being carried out to the respondent who is located far from the court or is in an archipelago or mountainous area with limited transportation access and uncertain geographical conditions, the bailiff faces a challenge. This limitation also makes the summons late to the respondent. Therefore, a strategy that can be carried out by the court to anticipate the applicant's distance and geographical barriers is to use digital technology. In particular, for the administrative

³⁴ GAYO, A. A. "Problematic in the civil decision execution process in Indonesia in order to realize court excellence". 2022. Ibid.

³⁵ SAID, R., PRADANA, V. G., LATIFIANI, D., and NOVITA, Y. D. "A natureza e a existência de jurisprudência nos tribunais administrativos estaduais na Indonésia [The nature and existence of jurisprudence in state administrative courts in Indonesia]". 2025. Ibid.

³⁶ Zulkarnaen. *Seizure and execution*. Bandung: Pustaka Setia, 2017.

³⁷ CENTER FOR LEGAL AND POLICY STUDIES. "Penguatan sistem eksekusi sengketa perdata di Indonesia [Policy paper on strengthening the civil dispute execution system in Indonesia]". Jakarta, 2019. Available at: <https://leip.or.id/kertas-kebijakan-penguatan-sistem-eksekusi-sengketa-perdata-di-indonesia/> (accessed on 3 May 2026).

³⁸ WULANTRISNA, A. A. S. Y., WIRATNY, N. K., and SIHOTANG, E. "Effectiveness of civil judgment execution in the semarapura district court". 2025. Ibid.

execution process. Digital transformation in public services can increase transparency, efficiency, and public trust.³⁹

3. Method

This research uses a qualitative method with in-depth interviews with various actors involved in the execution process. The actors targeted by this primary data collection are government institutions that play a role in the execution of executions, namely: first-level courts in the general and religious courts, city/district level police, city-level land offices, and provincial-level State Property and Auction Service Offices.

The court in the general and religious judicial environment was chosen because it is the institution authorized to perform civil execution. For cases related to Islam, such as Islamic divorce, inheritance, and sharia economics, the authority of the religious courts. Religious courts were specifically formed in Indonesia to deal with the issue of the Islamic community, because Islam is the majority religion. Then, the general court has the authority to handle civil and criminal cases in general. Additionally, have additional authority to handle divorce for non-Muslim communities. Thus, in relation to execution, religious courts handle executions for Sharia economic cases, and general courts handle executions for civil cases in general.

Then, the city/district level police was chosen because it is an institution in charge of ensuring security during the execution process. In addition, data collection is carried out at the city-level land office considering the role of the institution in terms of measuring and determining the object of dispute's boundaries. The Office of State Wealth and Auction Services is another agency that will collect data considering its role as an institution authorized to conduct the auction process.

Secondary data collection is carried out by literature studies of primary and secondary legal materials, as well as tracing case procedural documents in each court. Data collection will be conducted in Bandung, Medan, and Denpasar. The jurisdictions of Bandung, Medan, and Denpasar were chosen because they have the highest number of applications and executions based on data from the Supreme Court's General Judicial Agency in 2024.

Data collection was carried out by in-depth interviews, with the number of informants in each institution being 3 (three) people, so that the number per province there were 15 (fifteen) informants, with a total of 45 (forty-five) informants in all provinces. Informants are purposively selected according to the following criteria: (1) the person in charge or who has the authority to lead the civil execution process; (2) civil execution enforcement officers; and 3) the person in charge/who has authority in the procedure for submitting civil execution.

The collected primary data will be analyzed using qualitative data analysis techniques.⁴⁰ The data analysis technique consists of the stages of data collection, reduction, presentation, and conclusion. The obtained secondary data were then analyzed by content analysis to support the results of the relationship analysis between the document study and the research problem. After that, the validity is checked by triangulation of data between the results of interviews, literature studies, and reviews of applicable regulations and laws. This triangulation process will show the consistency of

³⁹ WERANG, N. P. L., WERANG, M. L. F., and RIZKI, M. "Exploring govtech practices in Indonesia: Potential, barriers and lesson learned." *JURNAL Transformative*, v. 11, n. 1, 2025, pp. 72-88. <https://doi.org/10.21776/ub.transformative.2025.011.01.4>

⁴⁰ MILES, M. B., and HUBERMAN, A. M. *Qualitative data analysis: An expanded sourcebook*. 2nd ed. USA: Sage Publications, 1994. Available at: <https://vivauniversity.wordpress.com/wp-content/uploads/2013/11/milesandhuberman1994.pdf> (accessed on 3 May 2026).

field findings with applicable regulations and relevant references.

4. Results and discussions

4.1 Civil execution procedure in Indonesia

In Indonesian courts, the implementation of civil execution refers to the Civil Procedure Law, namely HIR (Revised Native Regulations), RBg (Regulations of Law for the Outer Regions), and Code of Civil Procedure (Code of Civil Procedure). In the HIR, there are two types of executions: (1) real execution to perform certain acts in the form of emptying, handing over, distributing, dismantling, doing or not doing something, and ordering or stopping an act, and (2) execution in the form of payment of a sum of money through an auction mechanism. The execution can begin at the end of the trial process, marked by a decision with permanent legal force, and if the losing party does not want to voluntarily implement the verdict.⁴¹ In civil cases, execution is carried out by court officials, the clerk, and the bailiff, who are supervised by the head of the court.

In practice, the head of the court leads the execution by issuing a determination, which the clerk or bailiff then executes. Challenges in the execution process can be identified at each stage. The stages for real execution from stage (1) begin with the application for execution to the court. At this stage, the applicant's ability to prepare a lawsuit for execution is needed. Often, the public needs to understand the procedures for handling various legal documents, so they need legal consultation or advice.⁴² Therefore, when applying for execution, the applicant is always accompanied by a lawyer who better understands the procedures in court. The existence of a lawyer as the applicant's legal representative certainly adds costs beyond the cost of execution in court.

In stage (2), a review of documents is carried out by the junior clerk of law and the clerk, and then the head of the court approves the review. At this stage, the document is checked for completeness, the type of execution is identified, and a case resume is prepared. The difficulty in stage (2) that needs to be considered is the meticulousness and clarity in making a case resume, so the execution process is needed. The bailiff, clerk, and head of the court will use the case resume to develop plans and strategies for execution. After the document is declared eligible, it will proceed to stage (3), which is to calculate the cost of the case based on the decision of the head of the court regarding the cost of the case. After calculating, a letter of determination of the case cost is made in stage (4).

In stage (5), the applicant must pay the fee. At this stage, the difficulty experienced by the applicant is whether the fee that must be paid is large enough. Many cost components must be added to the costs beyond the scope of the case for execution. Cost components for case management include the following:⁴³ (1) stamp duty fees; (2) determination redaction fees; (3) the cost of recording the determination of the execution order; (4) security coordination costs; (5) the cost of bailiffs' wages; (6) the

⁴¹ DEVY, S., and SUCI, D. M. "The implementation of verdict execution on providing madiyah maintenance following divorce according to islamic law (Case study in Syar'iyyah Court banda aceh)". *Samarah*, v. 4, n. 2, 2020, pp. 416-442. <https://doi.org/10.22373/sjkh.v4i2.6179>

⁴² PHIRERI, P., RAHMAN, M. S., PALUARAN, D., and MAK MUR, A. F. "Analisis terhadap pelaksanaan putusan (eksekusi) perkara perdata". *Jurnal Litigasi Amsir*, v. 10, n. 1, 2022, pp. 43-46. Available at: <https://journalstih.amsir.ac.id/index.php/julia/article/view/143/108> (accessed on 3 May 2026).

⁴³ DIRECTORATE GENERAL OF THE GENERAL JUDICIARY. *Pedoman Eksekusi Pada Pengadilan Negeri [Guidelines for execution in district courts]*. Jakarta: Supreme Court of the Republic of Indonesia, 2019. Available at: <https://drive.google.com/file/d/1HFrmvFnDzLj3YxKK1Hj10LZLb32nLGft/view> (accessed on 3 May 2026).

cost of 2 witnesses; (7) execution costs; (8) transportation costs; and (9) non-tax revenue fees.

After the applicant pays the registration fee, the officer will provide a registration number in stage (6) to execute the application. The bailiff will then write a letter of reprimand or relais canmaking to the respondent at stage (7). Stages (6) and (7) are not difficult to perform because there are already provisions for the case registration number and the format of the warning letter. In stage (8), the bailiff sends a letter of reprimand directly to the respondent. At this stage, the execution process becomes more difficult. At this stage, the challenge is that when the bailiff sends a letter of reprimand directly to the respondent's house, he often experiences physical, violent, and verbal swearing rejection.⁴⁴ In addition, bailiffs often have difficulty finding the respondent's address if the respondent is in different geographical conditions.

After sending a letter of reprimand or relais canmaking, they are followed by stage (9), namely the canmaking trial, which presents the plaintiff and the defendant. The canmaking trial aims to resolve disputes amicably and avoid execution that could be harmful to both parties.⁴⁵ Stage (9) of the trial seeks to make the respondent voluntarily comply with the court decision. It is often difficult to reach a settlement agreement at the canmaking trial. This is because when viewed from a psychological perspective, the defendant will feel reluctant to hand over property or anything that belongs to him to someone else. In addition, public compliance with the law remains low. Thus, court decisions that already have legal force often cannot be implemented factually. Compliance with court decisions can increase if the parties agree to litigate a dispute and the law enforcement mechanism does not harm both parties.⁴⁶ Therefore, at the stage of canmaking the trial, the court plays an essential role in seeking parties' compliance with the court decision.

At the canmaking trial, the stage brings the parties together to be facilitated by the judge. The importance of complying with court decisions that have the force of law and providing additional information necessary for reaching a settlement agreement was explained again at the canmaking trial.⁴⁷ Thus, at stage (10), if the two parties reach a settlement agreement, the execution can be done voluntarily within a set period. However, if at stage (10) the respondent refuses to comply with the content of the decision, then the court will forcibly execute. This forced execution process then proceeds to the next stage, which differs from real execution and auction.

Then, stage (11) is to match the object between the verdict and the facts in the field, often referred to as constating. Bailiffs, parties, village government officials, and land office officers attended this process for re-measurement, if needed.⁴⁸ If the object in the field is not determined by the verdict, the execution cannot be continued. The difficulty

⁴⁴ SYAHR, Z. H. A., SALLY, N. U., and ALBANA, M. Z. "The bailiff's services in the electronic judicial era in Indonesia". 2023. Ibid.

⁴⁵ RAEHANA, S., LISNAWATI, L., and HASIBUDDIN, M. "Peace analysis at the aanmaning hearing on the application for execution of joint property in decision number 1841/PDT.G/2022/PA.MKS". *Jurnal Kritis Studi Hukum*, v. 9, n. 2, 2024, pp. 62-68.

⁴⁶ HUNEEUS, A. V. "Compliance with international court judgments and decisions". In *The Oxford Handbook of International Adjudication*. Oxford: Oxford University Press, 2013, 437-463. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2198595 (accessed on 3 May 2026).

⁴⁷ CREMERS, K., and SCHLIESSLER, P. "Patent litigation settlement in germany : why parties settle during trial". *European Journal of Law and Economics*, v. 40, 2015, pp. 185-208. <https://doi.org/10.1007/s10657-014-9472-x>

⁴⁸ SUN S., and PERBAWA K.S.L.P. "Implementation of the execution of collateral after the auction of dependent rights at Balai Mandiri Prasarana Bali." *Jurnal Hukum Mahasiswa*, v. 3, n. 1, 2023, pp. 754-768. <https://doi.org/10.36733/jhm.v1i2>

in this stage (11) is that the objects in the field that need to be clarified differ from the verdict in terms of differences in boundaries, size, and control. If this happens, the bailiff must obtain information from the surrounding environment and the village government where the object is located. Then, the results will be reported to the chief justice so that the applicant can return the execution application. On the other hand, if appropriate, it will be continued to stage (12), which is an inter-agency coordination meeting.

At this stage (12), execution planning is discussed in depth between the court and other related institutions. This coordination meeting will discuss four main topics: analysis of situations and conditions (12a), security (12b), socialization of execution (12c), and identification of needs that must be prepared during execution (12d). In real executions, the police, who provide security support, are often involved. In addition, there is the land office, whose role is to check the correctness of the object of dispute's certificate. This coordination meeting was held several times until all the execution needs were ready; therefore, it could not be held only once.

The most challenging stage for real execution implementation is stage (12), especially in preparing security. In preparing a security team, the applicant must submit a letter of introduction from the court to the police. Then, the police will conduct their procedures to determine the number of troops needed during the execution. After that, the police will convey the necessary security costs to the applicant that must be paid. The cost of this security is often considered relatively high for the applicant. The number of troops dispatched for execution is at least one platoon, based on the Regulation of the Chief of the Indonesian National Police Number 16 of 2006 concerning crowd control, containing 30-50 people. Therefore, the applicant must pay for consumption and transportation costs for a minimum of 30 people. Therefore, if the applicant cannot pay the security fee and other supporting costs, the execution process cannot be continued, and the applicant must wait for the fee to be paid. This is a reason why the execution process does not have a straightforward time standard; it depends on the applicant's financial readiness.

In addition to security difficulties, there was an attempt to resist the respondent, who carried out tricks to thwart the execution. For example, when the execution was carried out, the location of the object was used as a gathering place for the masses under the pretext of religious activities. Therefore, the execution officer had to think of a way to disperse the crowd peacefully. Therefore, to anticipate the respondent's deception, the village officials must monitor the community to determine if there is a movement related to the execution object.

After the coordination meeting of all needs and the execution team is ready, the execution date is determined in stage (13), and the real execution is carried out in the field in stage (14). Even after careful preparation, real execution difficulties still exist on the day of implementation. For example, a mass gathered by the respondent to occupy and control the object of the dispute can lead to chaos and anarchy.⁴⁹ Therefore, the challenge in this real execution is the respondent's resistance to terrorizing the court officers, both in the form of violence and deception.

Then, the auction execution type has the same flow as the real execution and confiscation in stages (1)–(10). If the auction must be executed forcibly, it will continue to stage (11), namely, assessing the object's value. Another institution, the Public Valuation Service Office, conducted this assessment. The obstacle in this process is that the applicant has to assess the Public Valuation Service Office, so he must pay additional

⁴⁹ GARWAN, I. "Ideal execution of civil, cases based on principles of justice to create a simple and low-cost judiciary". *Journal of Humanities and Social Sciences Studies*, v. 6, n. 2, 2020, pp. 70-77. <https://doi.org/10.32996/jhsss.2020.2.6.8>

costs. This is because the government-owned auction office can only assess state-owned inventory items and loot for the state. This assessment provides a price limit value for the auction object to encourage competitive bidding, thereby reducing the risk of no auction enthusiasts.⁵⁰

After the auction object's estimated value, the court applies to the auction office in stage (12). Then, the auction office will review the required documents in stage (13). The obstacle here is that the auction requirements documents are often unsuitable. For example, the format of the court minutes does not match the provisions at the auction office; therefore, it cannot be processed further. In addition, waiting for an auction permit from the Public Valuation Service Office is also very long; it can take months or even years.⁵¹

Then, if the documents have been declared eligible, the auction office in stage (14) will determine the auction date, and the court will make an auction announcement in stage (15). At this stage of the announcement, the obstacles that arise are the high cost of advertising in print media and the lack of interested parties. If there are no interested parties, it will be announced two more times. When there are already interested parties, the auction process can be continued at stage (16) until a winner is identified. At this stage, the auction official can certify the highest bidder as the auction winner if the submitted bid has reached the specified limit price.⁵² After that, in stage (17), the auction winner pays the object's price, and in stage (18), the auction fee at the predetermined bank is also paid.

4.2 Obstacles to civil execution by the police agency

In some regions, the security conditions for execution processes have specific characteristics. Therefore, the police must adjust their security strategy based on the situation in the field. Many execution processes involve public and community organizations. Considering this condition, the security element for the execution process involves not only the police but also the military and local government security forces. The involvement of military soldiers in the execution is essential because it is assumed that military soldiers are more respected and obeyed than police officers. Therefore, for the execution process to run smoothly, military soldiers are needed in the field. This is conveyed in the following statement from the officer.

The applicant can also ask for help from the national army, even though security issues are our responsibility.

The above statement shows that the execution applicant can involve parties other than the police to ensure security in the field. Often, the military is involved, and this shows that public security services are supposed to be carried out by the police, but in their implementation, it involves soldiers who are supposed to be on duty in terms of

⁵⁰ MUMPUNI, Y., and ARLY, I. "Juridical study of liability execution auctions limit value below the value of loans". *Khazanah Hukum*, v. 4, n. 1, 2022, pp. 61-79. <https://doi.org/10.15575/kh.v4i1.17765>

⁵¹ LAKSAMANA, A. A., AND ABUBAKAR, M. "Tinjauan hukum tentang pelaksanaan putusan perdamaian dalam perkara perdata [Legal review of the implementation of peace judgments in civil cases]". *Jurnal Ilmiah Mahasiswa Bidang Hukum Keperdataan*, v. 3, n. 2, 2019. Available at: <https://garuda.kemdiktisaintek.go.id/documents/detail/2040397> (accessed on 3 May 2026).

⁵² CHRISTIAN, J. H. "Juridical Study of Unlawful Acts as Factors in Cancellation of Auctions on Guaranteed Objects". *Lex Scientia Law Review*, v. 3, n. 2, 2019, pp. 205-218. <https://doi.org/10.15294/lesrev.v3i2.35401>

national security. Then, the problem that often occurs in the big city is the delay in execution because there are significant events on a national and international scale, such as political activities in the form of national or regional elections, campaigns, and international conferences; the police unit will be prioritized to secure these activities. Thus, execution implementation in big cities is often delayed. This is conveyed in the following statement from the officer.

If there is a big event at the same time as the execution plan, the execution can be postponed because there are more important or larger activities.

The above statement shows that the length of the execution process depends on the availability of security apparatus by the police. If there is a big agenda in the community that is a priority, the execution can be delayed, which is harmful to the execution applicant. Because what should be his right can be obtained immediately in the execution process but must be delayed by the police as part of security. The problem often complained about related to the security of execution is the need for more clarity of regulations for security support from the police. Clear provisions on police regulations related to security technical procedures, the duration from the application stage to the implementation, and the security costs need to be provided. This is explained in the following statement from the officer.

Based on the 2009 Regulation of the Chief of Police of the Republic of Indonesia Number 1 of 2009. Regarding the use of force in police actions, it is clearly stated that there are stages in which executions will be carried out. How must the first stage be carried out, then how much force can be lowered by looking at the situation? Related to the execution, at least 30 personnel are needed.

Obstacles experienced by the police to secure the object of execution are:⁵³(1) lack of personnel, (2) limited budget and infrastructure, and (3) an anarchist society. Obstacles in terms of unclear regulations and other technical problems can result in the duration and procedures of security assistance for civil execution. The ability of the police to perform execution security is determined based on several stages of preparation, implementation, supervision, and control.⁵⁴ The preparation stage for the execution is critical to begin with intelligence activities that are useful for identifying and assessing potential disturbances in various aspects of people's lives, so that these potentials do not appear to be real disturbances.⁵⁵ Preparatory activities by the intel and security unit

⁵³ WINEDRI. "Mechanism of land execution safety by Satuan Samapta Bhayangkara Police Resort in Padang Panjang [Mekanisme pengamanan eksekusi tanah oleh Satuan Samapta Bhayangkara Kepolisian Resor Padang Panjang]". *Unes Journal of Swara Justisian*, v. 3, n. 3, 2019, pp. 360-371. Available at: <https://swarajustisia.unespadang.ac.id/index.php/UJSJ/article/view/123> (accessed on 3 May 2026).

⁵⁴ PARTA, I. W., and REMAJA, I. N. G. "Peranan kepolisian dalam pengamanan pelaksanaan putusan pengadilan perdata yang bersifat condemnatoir di wilayah hukum kepolisian resor buleleng". *Kertha Widya Jurnal Hukum*, v. 8, n. 1, 2020, pp. 67-96. <https://doi.org/10.37637/kw.v8i1.639>

⁵⁵ JUFRI, H., TUMUHULAWA, A., and KASIM, R. "Efektivitas pengamanan intelijen kepolisian negara republik Indonesia dalam eksekusi obyek sengketa studi di wilayah hukum polsek bataan polres mandailing natal polda sumatera utara [The effectiveness of intelligence security of the national police of the republic of indonesia in the execution of study dispute objects in the jurisdiction of the bataan police, mandailing natal police, north sumatra police]". *Jembatan Hukum: Kajian Ilmu*

are conducted by assessing the situation from the administrative data collection and observing briefly using a disguise (cover). The undercover activity is carried out by: (1) tracking or surveillance of the travel route plan of the target (mass, group, or individual), (2) determining the disturbance threshold area, (3) determining potential areas of disturbance, (4) determining shortcuts to escape safely, (5) checking the environmental conditions of the community in the target area, (6) identifying problems that can pose threats, (7) identifying vital object places in support of activity goals, (8) identifying the number and type of mass (community organization/community elements) that will be the target, (9) identifying places/areas that are mass gathering points, and 10) collecting observation data.

The results of the intelligence activities were then made into a security estimate letter based on a letter requesting security assistance from the court's head. This security estimate letter is the primary basis for the police to approve the application letter submitted by the head of the court or justice seekers. The large number of activities and the time required by the intelligence unit to assess the situation caused the time to approve security support to be long. The length of time required by the intel and security unit is due to the limited personnel and budget.

After the intelligence unit issues a Security Estimate Letter containing information to proceed with the execution, other stages must be passed. After a Security Estimate Letter exists, the resort police chief or the Head of the Operations Section (Ops) must prepare a schedule and then coordinate with the relevant units. For example, suppose the execution security object is on the side of a highway crowded with motorized traffic. In that case, the Head of Ops must coordinate with the police traffic unit. Then, suppose that the Security Estimate Letter mentions a mass mobilization. In that case, the Head of Ops must also coordinate with the Brigadier Mobile (Brimob) or write to the regional police to ask for instructions, permits, and crowd control support. The threat of mass mobilization caused the Head of Ops to coordinate with the Investigation and Crime Unit and the Samapta Bhayangkara Unit. Then, suppose the execution, some women and children try to obstruct the execution so that the execution fails or is postponed. A female police officer from the Women and Children Service Unit is needed in that case. If all needs have been identified and the team is ready, the execution will proceed to the implementation stage after the security fee has been paid.

At the supervision and control stage, the police also dispatched personnel from the Community Development Unit to provide socialization to the community around the execution site. The purpose of the Community Development Unit is to maintain security and coordinate with local security parties, which sometimes involve the Army Military Unit, Urban Village, or Customary Security. The involvement of various units from the police troops for one execution object with a size that is not so wide will bring one police personnel platoon, containing 30-50 people. Based on this explanation, the police procedure for providing security support for implementing court executions has a long stage and high costs. However, the police institution does not have a special regulation that regulates the execution cost. Costs incurred in the execution process, such as transportation and food costs, are borne by the execution applicant. This is conveyed in the following statement from the officer.

Regarding costs, if we do not list costs in the police. If necessary costs exist, they are discussed in the coordination meeting. For example, the execution

will take a day and require food costs, which are then borne by the execution applicant.

Based on the above statement, the police do not yet have regulations that are the standard for security costs for execution. This can be a gap in the increase in execution cost components for security because there are no clear regulations. These security costs often cost a considerable amount of money. This is because the minimum number of troops sent to the field for execution is 30-40 people. The execution applicant must at least bear the food of the security personnel, transportation costs, and other costs that arise during security in the field. Therefore, the process of securing execution by the police requires clear standards and regulations to support the success of the civil execution process.

4.3 Obstacles to civil execution from the office of state wealth and auction services

The role of the Office of State Wealth and Auction Services in this case is as a court partner in performing the execution process as an auction office. The court makes the auction execution application through a bailiff or clerk, so the auction office does not directly deal with the auction execution applicant. The auction office serves as an intermediary between buyers and sellers and performs the publicity function for the auction object. Obstacles in the auction process in determining prices and emptying objects.⁵⁶ Auction winners often experience problems during the formal and material transfer of ownership rights.⁵⁷ Obstacles in the transfer of rights can be due to the object of the auction that has been won becoming the object of dispute in other legal remedies to resist creditors.⁵⁸

The problem with auctions often occurs because the requirements do not meet the standards and regulations applicable at the auction office. In addition, many verdicts cannot be auctioned because the object is not the same and is not registered with the land and village offices. The other obstacle often encountered in the auction process is the unclear verdict in appointing the object of execution, causing buyer uncertainty. The impact of this object's obscurity is that it causes no auction enthusiasts to buy. Even if there is a buyer, the problem is that the object cannot be acquired because the confiscation process is properly completed before the auction.

The other problem is that the auction process is often only technically implemented without any normative inspection. Therefore, many auction processes have no interest, which causes bidding once the auction is declared unsuccessful. The problem continues after the auction object is sold. The auction winner cannot acquire the auction object that he has purchased because it has not been confiscated, it is still in the possession of another party, or there are other legal remedies for the same object. The statement of obstacles in the execution of the auction is submitted by the officer as follows.

⁵⁶ OCTAVIAN, V. "Legal protection of auction winners against the execution of dependent rights". *Advance in Social Humanities Research*, v. 2, n. 6, 2024, pp. 798-813. <https://doi.org/10.46799/adv.v2i6.251>

⁵⁷ MARGASARI, A. R., WANTU, F. M., and ISMAIL, D. E. "Mechanism of execution on land and building auction objects proposed by the auction winner at the district court". *Journal of Law, Policy and Globalization*, v. 98, 2020, pp. 108-110. <https://doi.org/10.7176/JLPG/98-15>

⁵⁸ HERWASTOETI. "Resistance to the cancellation of auction execution on the collateral right". *KnE Social Sciences*, 2024, pp. 962-974. <https://doi.org/10.18502/kss.v8i21.14811>

When auctioning, we only focus on the legality and may be able to guarantee that the buyer can arrive safely, but not with physical mastery. Because of the problem of physical mastery later, we will facilitate it again, there is another way there. That is the execution of the emptying. It can go through the court again with a different case, i.e., execution.

Once an auction object was destroyed. This mistake can occur due to the negligence and carelessness of the auction buyer, who does not directly check the condition of the goods before the auction. If this happens, the buyer of the auction object cannot ask the auction official for responsibility. This is implicitly conveyed by the officer in the following statement.

The auction office is only an intermediary. We do not know their location and position, especially for items that do not move. We only look at the submitted certificate and photo. We are not obliged to check where the location is.

This is because the auction official is only an auction implementer and an intermediary between sellers and buyers, while things outside the auction process are not his responsibility. The problem of auctioning moving objects such as cars and motorcycles During the auction process, no regulations govern where and in whose control and maintenance the object is, whether it is the auction office or the court. In Indonesian practice, not all regions have special facilities or buildings for storing confiscated goods. The benefit of this storage facility is that when auction execution is required, the economic value of confiscated goods is still well maintained and can reduce the budget to take care of confiscated goods that can potentially exceed the state's budget.⁵⁹

Several efforts can be made to support the smooth auction process based on these obstacles. The Supreme Court, as the institution that oversees the court, must conduct education and training activities about confiscation and auctions. This is consistent with the following statement by the officer.

Between the auction office and the bailiff, a joint forum should be established to educate each other. For example, about the substance of the auction minutes how those do not meet the formal requirements, so that when it is auctioned there will be problems.

The goal is to educate court officials, especially bailiffs, regarding the correct confiscation procedures and other formal aspects that must be fulfilled. It also equalizes the standards for implementing confiscation between the court and auction office. Thus, no more documents do not comply with the provisions of the technical instructions for auction implementation.

4.4 Obstacles to civil execution from the regional land office

The role of the land office in the execution process is to perform field measurements, if necessary, while matching execution objects (*constatering*) in the form of land and

⁵⁹ SUPRIYONO, and PUTRI F. A. J. "Sistem eksekusi perkara perdata yang efektif dan menjamin kepastian hukum [An effective civil case execution system and guarantees legal certainty]". 2023. Ibid.

buildings. Problems often experienced in the land office regarding the execution process include checking certificates, making land registration certificates, and measuring objects in the field.

The problem is that double certificates or overlaps of execution objects registered with the land office are often found. Thus, the land office must wait for legal efforts to clarify the execution object's status. Another problem was that the defendant did not want to hand over the certificate of ownership of the execution object to the court bailiff, thus hindering the process of issuing the certificate to change the name of the ownership right. In addition, land office officers are often co-defendants in various court land cases. Land office officers are often involved in litigation processes related to the registration of land ownership certificates.⁶⁰ Land officers' involvement in the litigation process complicates the case process. It delays the execution process because other legal remedies must be completed before the execution can be carried out.

The other problem is the absence of a court application to check the object of execution's certificate. Thus, the land office cannot provide measurement data, coordinate determination, and ownership data during the execution preparation coordination meeting. Another problem is the limited number of surveyors who go to the field for *conducting surveys*. Thus, the land office has collaborated with the Licensed Surveyor Service Office to perform measurements by assigning licensed cadastral assistants. This is consistent with the following statement by the officer.

When it wants to determine the object, the court can ask the land office to provide certainty regarding the area and its limits. Especially for those whose lands have not been certified because customary objects must be coordinated with the village head, the village head, and the sub-district head.

Based on the obstacles and problems faced by institutions outside the court, synergistic efforts between government agencies are necessary to support the success of the execution process. Several efforts can be made to support execution, including:⁶¹ (1) eliminating regulations that can hinder the execution of court decisions; (2) strengthening the capacity of institutions that have the authority to execute court decisions; (3) integrating electronic-based service systems in the execution process; and (4) building professional institutions outside the courts to carry out executions. In line with this, the Indonesian judiciary must optimize court services by adding bailiff services for summonses/release, observation, and civil execution.⁶² The following statement by the officer explains that a clear pre-execution meeting is needed on what is needed in relation to the authority on the land office.

A pre-execution meeting was held before the execution was carried out. So we can cross check from the chairman of the court and ask the land office to prepare the measurement costs and all sorts of things.

⁶⁰ SYAHR, Z. H. A., HAKIM, R., M., UTOMO, N. A., WISMAYANTI, Y. F., ANDRI ANSYAH, R. H., and SALLY, N. U. "Land problems and legal impact for agrarian and spatial planning officers". *Jurnal Hukum Dan Peradilan*, v. 13, n. 1, 2024, pp. 123-146. <https://doi.org/10.25216/jhp.13.1.2024.123-146>

⁶¹ LYTVYN, N., ANDRUSHCHENKO, H., ZOZULYA, Y. V., NIKANOROVA, O. V., and RUSAL, L. M. "Enforcement of court decisions as a social guarantee of protection of citizens rights and freedoms". *Prawo i Więż*, v. 39, n. 1, 2022, pp. 80-102. <https://doi.org/10.36128/priw.vi39.351>

⁶² SYAHR, Z. H. A., SALLY, N. U., and ALBANA, M. Z. "The bailiff's services in the electronic judicial era in Indonesia". 2023. Ibid.

Then, for accurate execution to be successful and not cause obstacles, the things that must be considered are as follows:⁶³ (1) the object to be executed must be by the content of the determination of the Chief Justice both regarding the size and the limits so that mistakes in execution can be avoided; (2) providing an understanding of the legal impact of execution; and (3) careful preparation of the execution applicant by paying attention to human values. The human value referred to here is that the execution applicant seeks a temporary shelter for objects belonging to the executed party and temporary residence. Thus, the strategy to support the success of civil execution in Indonesia is to harmonize regulations between institutions and integrate the electronic-based execution application process between related institutions. The use of IT in the execution process can help coordination between institutions in increasing information exchange efficiency and speed.⁶⁴

5. Conclusions

Based on the above explanation, each stage of the execution process has obstacles that differ in difficulty and complexity. Generally, for real execution and auction at stages (1)–(10), the process involves only the court and the parties. The obstacles experienced at the stage of the process in court are related to the competence of court officers in compiling, reviewing, and preparing legal documents for the execution process. Meanwhile, the obstacles on the applicant's part are in terms of financial ability to pay all the necessary costs and the competence of their legal counsel in understanding and following the stages in the execution's implementation. After stage (10), the execution process begins to involve the role of other institutions, especially at the coordination meeting stage. Other institutions that are often involved are the land office, which participates in the object matching process (*constatering*), the auction office, and the police, which provides security support in the execution process.

Obstacles that often arise in terms of security are the need for a standard number of personnel that can be lowered in the field. No nominal standard cost is required to secure one execution object. Another obstacle is the readiness of the security team from the police, which is quite long because of the long flow of procedures from the analysis of the situation from intelligence to the issuance of a letter of security estimate and coordination with other police units as needed. There is a possibility of delays if a national or international agenda is prioritized for security. Therefore, regarding security, the main obstacle is the need for more clarity of time and cost.

Then, the obstacle from the auction office's point of view is the unequal seizure standards. Hence, documents confiscated from the court are not eligible to be submitted in the auction procedure. Another obstacle is the absence of a legal certainty guarantee for auction winners who have paid for the object. The auction winner often cannot acquire the object he has purchased because the court has not confiscated it or another party still controls it. Furthermore, the land office's problem is the lack of communication with the court. The lack of communication between the court and the land office is in terms of applications for checking object ownership certificates and preparing land registration certificate documents, which take a long time.

⁶³ ARISTEUS, S. "Eksekusi ideal perkara perdata berdasarkan asas keadilan korelasinya dalam upaya mewujudkan peradilan sederhana, cepat dan biaya ringan [The ideal execution of civil cases is based on the principle of fairness and correlation in an effort to realize simple, fast and low-cost justice]". 2020. Ibid.

⁶⁴ SAID, R., PRADANA, V. G., LATIFIANI, D., and NOVITA, Y. D. "A natureza e a existência de jurisprudência nos tribunais administrativos estaduais na Indonésia [The nature and existence of jurisprudence in state administrative courts in Indonesia]". 2025. Ibid.

Looking at the obstacles from the perspective of the courts and other institutions, cooperation and equalization of perceptions between institutions are needed to support the success of the execution process. In the police institution, preparing regulations that regulate the standard of execution time and costs by considering the applicant's financial ability is necessary. Then, the Supreme Court needs to have the same understanding as the auction office regarding standard confiscation procedures so that it meets the auction requirements and can provide legal certainty to the auction winner. Furthermore, problems in the execution process at the LO can be overcome by submitting a request for the necessary data before the coordination meeting is held. Therefore, during the coordination meeting, the need for data for the execution process was discussed. Efforts to support the execution process must be carried out to provide justice to the parties and ensure compliance with court decisions.

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