

Reconstructing the Enforcement Power of Civil Judgments through a National Enforcement Officer to Achieve Effective Judicial Enforcement

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Abstract

*This study examines the crisis of enforcement efficacy in the Indonesian civil justice system—a structural irony in which the coercive power of state bailiffs has proven ineffective. Even when a judicial decision has attained the status of *inkracht van gewijsde* (final and binding), empirical evidence reveals a stagnation in the realization of rights, thereby fundamentally undermining the essence of legal protection for litigants. Employing a normative legal research methodology grounded in conceptual, statutory, and cross-jurisdictional comparative approaches, the study utilizes primary legal sources (legislation and relevant legal instruments), secondary sources (scholarly journals from the last decade, legal doctrine or *communis opinio doctorum*, and official reports), and tertiary sources; data were collected via documentation techniques and analyzed using a deductive-qualitative method. The findings indicate that reconstructing enforcement power through a "National Enforcement Officer" model is essential to bridge the gap between court judgments and the actual realization of the prevailing party's rights. This model enhances the professionalism of enforcement officials, inter-agency coordination, and the oversight of enforcement proceedings, ensuring they operate effectively and proportionately. Consequently, enforcement ceases to be merely an administrative stage and becomes an integral component of effective judicial enforcement, guaranteeing the actual implementation of court rulings.*

Keyword: *Coercion, Effective Judicial Enforcement, National Enforcement Officer*

Abstrak

Kajian ini menelisik krisis kemanjuran eksekutorial dalam ranah peradilan perdata Indonesia, sebuah ironi struktural di mana daya paksa (*coercive power*) aparatur juru sita negara terbukti tumpul. Kendati sebuah produk

yudisial telah menyandang status *inkracht van gewijsde*, empirisme di lapangan menunjukkan stagnasi realisasi hak yang secara absolut mendegradasi esensi perlindungan hukum para pencari keadilan. Melalui metode penelitian hukum normatif yang berpijak pada pendekatan konseptual, perundang-undangan, dan komparasi lintas yurisdiksi, Sumber bahan hukum terdiri dari bahan hukum primer (peraturan perundang-undangan dan instrumen hukum terkait), bahan hukum sekunder (jurnal ilmiah 10 tahun terakhir, doktrin sarjana/*communis opinio doctorum*, laporan resmi), dan bahan hukum tersier, data dikumpulkan dengan teknik dokumentasi dan kemudian di analisa dengan teknik deduktif-kualitatif. Hasil penelitian ini menjelaskan bahwa Rekonstruksi daya paksa eksekusi melalui *National Enforcement Officer* diperlukan untuk menjembatani putusan pengadilan dengan realisasi hak pihak yang menang. Model ini memperkuat profesionalitas aparatur, koordinasi antarlembaga, serta pengawasan eksekusi agar berjalan efektif dan proporsional. Dengan demikian, eksekusi tidak lagi sekadar tahap administratif, tetapi menjadi bagian integral dari *effective judicial enforcement* yang memastikan putusan pengadilan benar-benar terlaksana.

Kata Kunci: Daya Paksa, Effective Judicial Enforcement, National Enforcement Officer

A. Pendahuluan

The civil justice system aims to protect and restore rights through judgments that have attained final and binding legal force (*inkracht van gewijsde*). However, a gap persists between formal truth established in court proceedings and the actual restoration of rights on the ground. A law enforcement landscape often perceived as "blunt toward the powerful yet sharp toward the weak" highlights the need for a Pancasila-based reform of the law enforcement system—one that guarantees genuine, non-discriminatory protection to restore public trust.¹

A court ruling, however compelling its *ratio decidendi* may be, becomes a "paper tiger" without the power of actual enforcement. This situation creates a crisis of effective judicial enforcement, undermining legal certainty and the judiciary's authority.² Under the principle of equality before the law, all parties must be treated equally; thus, economic and political power must not serve as a means to evade the execution of a judgment.³

At a deeper level, obstacles to civil judgment enforcement reflect the state's failure to guarantee the certainty of rights. From a doctrinal perspective, enforcement is an integral component of legal protection, as it

¹ Appludnopsanji et al., "Reformasi Sistem Peradilan Pidana Indonesia Berwawasan Pancasila," *Kertha Wicaksana: Sarana Komunikasi Dosen dan Mahasiswa* 15, No. 1 (2021): hlm. 4.

² M. Yahya Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata* (Jakarta: Sinar Grafika, 2017); hlm. 48.

³ Suhendar dan Rino Dedi Aringga, "Equality Before the Law in Law Enforcement in Indonesia," *Sinergi International Journal of Law* 2, No. 1 (2024): hlm. 43.

transforms a written judgment into the actual restoration of rights.⁴ The reliance on bailiffs who are civil servants—constrained by limited budgets and restricted asset-tracing authority—reveals a discrepancy with fair trial standards, which position the execution of judgments as an element of effective judicial guarantees. This is reinforced by Lytvyn et al. (2022), who demonstrate that the efficiency of the enforcement system is a crucial guarantee for the fulfillment of citizens' rights.⁵

The Annual Report of the Supreme Court of the Republic of Indonesia reveals a disparity between the high productivity of case resolution and the effectiveness of judgment enforcement at the court of first instance. In 2024, the case resolution productivity ratio reached 99.26%, yet a backlog of issues persisted at the enforcement stage.⁶ The execution of condemnatory judgments remains contingent upon the good faith of the losing party. When the formal warning (*aanmaning*) proves unsuccessful, bailiffs must proceed with executory seizure and auctions; however, as civil servants within the court hierarchy, bailiffs face limitations regarding operational independence, cross-institutional asset tracing, and funding support. This situation highlights the need to strengthen the enforcement institution through a more professional and adaptive model.

Given this state of the art, the idea of remedying this structural weakness through the institutionalization of a National Enforcement Officer (NEO) becomes crucial. The NEO concept represents a paradigm shift from a state-subordinated bailiff to an independent public officer—akin to the *Gerechtsdeurwaarder* in the Netherlands or the *Huissier de justice* in France.⁷ A comprehensive study of this institutional transformation lies at the heart of modern civil procedural law discourse—a subject that has yet to be fully explored within the architecture of the Indonesian legal system.⁸

B. Research Methods

This study is a normative legal research project focusing on the examination of legal principles, legal systematics, and the synchronization of legislation regarding the execution of civil judgments. The research employs three approaches: the statute approach to identify normative and structural weaknesses within the HIR/RBg, the Law on Judicial Power, and Supreme

⁴ Ismayil Garibli, "The Procedure for the Enforcement of Court Decisions in Civil Cases," *Global Spectrum of Research and Humanities* 2, No. 5 (2025): hlm. 209.

⁵ Nataliia Lytvyn et al., "Enforcement of Court Decisions as a Social Guarantee of Protection of Citizens Rights and Freedoms," *Prawo i Więź* 39, No. 1 (2022): hlm. 102.

⁶ Merujuk pada data resmi dari Kepaniteraan Mahkamah Agung RI mengenai rasio penyelesaian perkara tingkat kasasi dan peninjauan kembali yang menyentuh angka 99,26%, berbanding terbalik dengan stagnasi rasio eksekusi pengadilan tingkat pertama. Diolah dari rilis publik Laporan Tahunan Mahkamah Agung Republik Indonesia Tahun 2024.

⁷ Natalie Fricero, "The Judicial Officer: A Profession for the Future," *International Union of Judicial Officers (UIHJ)* (Paris, 2020), hlm. 18.

⁸ Eryanto Nugroho, Asfinawati, dan Estu Dyah Arifianti, *Panduan Eksekusi Putusan Perdata di Indonesia* (Jakarta: Pusat Studi Hukum dan Kebijakan Indonesia - PSHK, 2019), hlm. 33.

Court regulations and policies; the conceptual approach to analyze the concepts of effective judicial enforcement, the coercive power of execution, and the professional independence of execution officers; and the comparative approach to examine the *gerechtsdeurwaarder* model in the Netherlands and the *huissier de justice* model in France as points of comparison for formulating an institutional model for a National Enforcement Officer in Indonesia.

The legal materials utilized consist of primary legal materials—comprising legislation and legal instruments related to the execution of civil judgments; secondary legal materials—comprising scholarly journals, legal doctrine, books, and official reports; and tertiary legal materials serving as supporting data. Data collection was conducted through documentary research and literature reviews. Subsequently, the legal materials were analyzed using a deductive-qualitative method based on Lawrence M. Friedman's legal system theory, which encompasses legal substance, structure, and culture. This analysis serves to identify issues within the prevailing civil execution system and to formulate legal prescriptions regarding the institutionalization of a National Enforcement Officer as a model for strengthening the coercive power of execution to achieve effective judicial enforcement.

C. Discussion and Research Results

Issues and Weaknesses Regarding the Compulsory Enforcement Powers of Civil Execution Institutions in Indonesia

Under Article 195 of the HIR (or Article 206 of the RBg), enforcement of civil judgments is carried out under the direction and authority of the Head of the Court of First Instance, with the Court Clerk and Bailiff serving as the executing officers. However, the system's enforcement capability faces structural weaknesses because Bailiffs are Civil Servants (ASN) bound by bureaucratic constraints and relatively rigid DIPA budgets. In contrast, execution often requires dynamic operational expenditures—such as for property clearance, security, demolition, and the investigation of the seized assets. This lack of financial flexibility, particularly when facing resistance in the field, can lead to delays in execution and create room for negotiations that potentially compromise judicial integrity.⁹

A second weakness lies in the absence of "cross-institutional authority." Bailiffs in Indonesia possess only passive authority; they lack the right to directly access information regarding the movement of the judgment debtor's assets from banking institutions, the Financial Transaction Reports and Analysis Center (PPATK), or the National Land Agency. The party seeking execution is required to personally locate the assets subject to seizure (asset

⁹ Geofanny M.C. Runtu, dkk., "Prosedur Pelaksanaan Eksekusi Putusan Pengadilan Dalam Perkara Perdata," *Lex Administratum* 12, No. 4 (2024): hlm. 8.

tracing)—a significant shortcoming resulting from the lack of mechanisms to compel the disclosure of confidential data regarding the debtor's wealth.¹⁰

Table 1.

Typology and Analysis of Obstacles in the Execution of Civil Judgments

No	Classification of Obstacles	Explanation of Obstacles / Problem Indicators	Juridical and Operational Impact
1	Institutional Status of Bailiffs	As civil servants with fixed salaries subject to bureaucracy, bailiffs lack progressive incentives and logistical independence.	Slow mobility; low motivation; convoluted bureaucracy regarding the disbursement of tactical funds for field operations.
2	Absence of Asset Tracing Authority	The law does not grant bailiffs the authority to compel the disclosure of bank secrets or the assets subject to execution.	The assets were freely diverted (rendering the transaction subject to *actio pauliana*), and the object of the seizure could not be located (rendering the judgment non-executable).
3	Non-Transparent Execution Costs	The SKUM (Payment Authorization Letter) mechanism does not cover mass conflict mitigation, and police costs are not standardized.	Applicants are burdened with "hidden costs" for security. Economic legal certainty collapses.
4	Third-Party Objection (Derden Verzet)	A legal loophole in which the party subject to enforcement utilizes a nominee to file a fictitious objection..	Forced stay of execution by the Chief Judge; legal proceedings reset to square one..
5	Non-Legal Intervention	There is no guarantee of security protection for Bailiffs when facing thuggery or mass mobilization.	Final and binding court rulings have languished for years due to officials' fears for their physical safety.

Source: Comprehensive study based on data from the 2024 Annual Report of the Supreme Court of the Republic of Indonesia, Jurnal Surya Kencana (2024), and the PSHK Civil Procedural Law Assessment Report (2021).

The table above confirms that the weakness in the coercive power of civil judgments lies not in judicial reasoning, but in institutional limitations regarding bailiffs—specifically, the disparity between their capacity and their enforcement workload. Viewed through the lens of Lawrence M. Friedman's framework, the legal structure for enforcement—still anchored in the HIR/RBg—grapples with a shortage of bailiffs, inadequate infrastructure, and public resistance; consequently, it fails to keep pace with the complexities of modern disputes and strategies for asset concealment. This imbalance ultimately undermines the state's coercive power and impacts legal culture, manifesting as increased non-compliance with judgments andThe failure to execute a portion of enforcement requests.¹¹

When petitioners seek a seizure order, they often face the obstacle of bailiffs lacking the authority to trace assets across different agencies, forcing the petitioners to locate the assets themselves. This difficulty is compounded when third parties also lay claim to the assets. The situation becomes even

¹⁰ Budi Santoso, "Studi Kasus Hambatan Pelaksanaan Eksekusi Akibat Kesalahan Pengetikan Amar Putusan Perdata," *Jurnal Hukum Lex Generalis* 5, No. 10 (2025): hlm. 25.

¹¹ A.A. Sagung Yuni Wulantrisna et al., "Effectiveness of Civil Judgment Execution in the Semarang District Court," *JOSS: Journal of Social Science* 4, No. 9 (2025): hlm. 661.

more complex in cases of overlapping seizures (*vergelijkende beslag*). Furthermore, when the disputed property is encumbered by a security right held by a separatist creditor (such as a bank), bailiffs struggle to carry out actual execution, and the seizing petitioner's claim can only be satisfied if there are surplus proceeds from the auction.¹²

Existing procedural law still allows the losing party to obstruct enforcement—for instance, by filing an objection (*verzet*) against a default judgment; while this constitutes a legitimate right of defense, in practice, it can be misused to delay execution.¹³ Non-compliance also occurs on the part of the government, where judgments that have attained final and binding legal force are not promptly implemented due to administrative reasons or the existence of rulings from other institutions. This situation highlights the need for a more effective enforcement mechanism to ensure compliance with court judgments.¹⁴

Attempts to substitute the remedy with financial penalties have also proven ineffective. The imposition of administrative enforcement measures—specifically the *dwangsom* (coercive fine) ordered by a judge to exert psychological pressure on the defendant—often fails to yield optimal results. Enforcement of the *dwangsom* is ancillary in nature and still requires an executory seizure, a process prone to deadlock if assets have been concealed.¹⁵ These shortcomings underscore the systemic failure of the current bailiff system.

A Critical Analysis of the Bailiff Institution within the Civil Judgment Enforcement System

The bailiff has a strategic position in the execution of civil decisions because he is the link between the court decision and the realization of the rights of the winning party. Decisions with legal force still do not provide concrete benefits without effective implementation, which is carried out through the courts with the help of court clerks and bailiffs.¹⁶ Execution also faces various factual obstacles, such as the transfer of the object, the

¹² Iin Winarni dan Harjono, "Studi Kajian Tentang Pelaksanaan Sita Persamaan (*Vergelijkende Beslag*) Dalam Perkara Perdata," *Jurnal Verstek* 9, No. 1 (2021): hlm. 127.

¹³ Fauziah Lubis et al., "Analisis Verzet Terhadap Putusan Verstek dalam Hukum Acara Perdata," *Jurnal Riset Rumpun Ilmu Sosial, Politik dan Humaniora* 4, No. 2 (2025): 729-731.

¹⁴ Rahmah Mutiara M. dan Anna Erliyana, "Hambatan Eksekusi Putusan Peradilan Tata Usaha Negara Studi Kasus Putusan Penetapan Calon Anggota DPD," *Justisi* 7, No. 1 (2021): 42-45.

¹⁵ Dewi Oktavia et al., "Analisis Putusan Nomor 792/Pdt.G/2018/PA.Kla Tentang Pelaksanaan Putusan *Dwangsom* dan Kontribusinya dalam Pembaruan Hukum Keluarga Islam di Indonesia," *Jurnal Hukum Keluarga Mabahnya* 6, No. 1 (2025): 102-105.

¹⁶ Geofanny M. C. Runtu, "Prosedur Pelaksanaan Eksekusi Putusan Pengadilan Dalam Perkara Perdata," *Lex Administratum* 12, no. 4 (2024): hlm. 8.

existence of a third party, an unclear object, and resistance to execution, which can cause the decision not to be carried out effectively.¹⁷

The execution process is fundamentally carried out under the orders and leadership of the Head of the Court, while the clerk and the bailiff perform executory actions in accordance with their granted authority. This structure demonstrates that the bailiff is not an independent actor but rather part of the court's institutional system, operating under the supervision of the Head of the Court.¹⁸

From the perspective of effective judicial enforcement, this situation indicates that bailiffs need to be positioned as part of a more professional and integrated judgment enforcement system. Obstacles to enforcement are not merely legal in nature but also technical and structural, including limited resources for bailiffs and weak inter-agency coordination.¹⁹

Various studies on obstacles to enforcement indicate that the issue of executing judgments relates not only to procedure but also to institutional factors and factual conditions on the ground.²⁰ Based on this, a critical analysis of the bailiff institution reveals that the challenge of enforcing civil judgments in Indonesia is a matter of institutional design, not merely one of procedure.

Conceptualizing the National Enforcement Officer (NEO) Towards Effective Judicial Enforcement

The functional paralysis of bailiffs in enforcing court judgments highlights the need to institutionalize a National Enforcement Officer (NEO) as a more professional and autonomous model for executing judgments. The NEO shifts the paradigm from an executor fully embedded within the judicial bureaucracy—a state-subordinated bailiff—to an independent legal profession exercising public authority, mirroring models prevalent in Europe.²¹ Thus, the NEO represents not merely a privatization of the enforcement function, but a delegation of public authority to an independent profession aimed at enhancing the effectiveness of judgment enforcement and addressing the issue of non-performing judgments. This model also aligns

¹⁷ Ralang Hartati dan Syafrida Syafrida, "Hambatan Dalam Eksekusi Perkara Perdata," *ADIL: Jurnal Hukum* 12, no. 1 (2021): hlm. 95., <https://doi.org/10.33476/ajl.v12i1.1919>.

¹⁸ M. Tanzil Aziezi dkk., *Kertas Kebijakan Penguatan Sistem Eksekusi Sengketa Perdata di Indonesia, 2019*. (Lembaga Kajian dan Advokasi Independensi Peradilan, 2019), hlm. 121.

¹⁹ Adinda Septiani dkk., "Analisis Hambatan Pelaksanaan Eksekusi Putusan Hakim Perdata Dan Upaya Penyelesaiannya Di Indonesia," *Causa: Jurnal Hukum dan Kewarganegaraan* 16, no. 6 (2026): hlm. 59., <https://doi.org/https://doi.org/10.6679/ns10hr64>.

²⁰ Uswatun Hasanah dkk., "Hambatan Pelaksanaan Eksekusi Perkara Perdata," *Jurnal Penelitian Multidisiplin Terpadu* 9, no. 5 (2025): hlm. 325.

²¹ CEPEJ, "Guidelines for a better implementation of the existing Council of Europe's recommendation on enforcement," *European Commission for the Efficiency of Justice*, CEPEJ (2009) 11REV2 (Strasbourg, 2009), 10. Lihat juga standar globalnya pada: UIHJ, *Global Code of Enforcement* (Paris, 2015), Article 1.

with CEPEJ and UIHJ guidelines regarding the strengthening of judgment enforcement systems.²²

Conceptually, the NEO does not operate under the structural command of the Chief Judge of the court of first instance; instead, it functions as an independent public official (an executive state official) possessing autonomy. Representing the concept of "effective judicial enforcement" (EJE), the NEO operates based on principles of prudence, proportionality, and the full coercive power of the state. Court judgments are viewed as state-recognized debt instruments demanding compulsory satisfaction (enforcement orders).

The coercive nature of the NEO, when compared to conventional bailiffs, is truly revolutionary. First is financial independence: the NEO operates based on standardized professional service rates (such as the flat-fee model in Australia or a statutory tiered percentage-based success fee system). Furthermore, if police security is required, the police are legally mandated to provide it without imposing additional, illicit costs on the party seeking justice.²³

*Secondly, the power to access assets. In the Netherlands, through the Gerechtsdeurwaarder institution, and in France, through the Huissier de justice, these officers are digitally interconnected (via interoperability) with tax authorities, civil registries, and financial service institutions. This enables these enforcement officers to unilaterally block, seize, and transfer funds from the losing party's account directly to the winning party, bypassing convoluted bureaucratic court processes.*²⁴

Table 2.
Conceptual Comparison of the Status, Authority, and Capacity of Conventional Bailiffs versus National Enforcement Officers (NEOs)

No	Comparative Dimensions	Court Bailiff (Current System)	National Enforcement Officer (EJE/UIHJ Model)
1	Professional Status	Civil Servants (ASN) under the Supreme Court.	Independent Professional Public Official (Liberal Profession).
2	Financial Responsibility	Dependent on the DIPA and Court Case Cost Advances.	Independently managed with a flat rate or official percentage based on the law..

²² CEPEJ, "Guidelines for a better implementation of the existing Council of Europe's recommendation on enforcement," *European Commission for the Efficiency of Justice*, CEPEJ (2009) 11REV2 (Strasbourg, 2009), 10. Lihat juga standar globalnya pada: UIHJ, *Global Code of Enforcement* (Paris, 2015), Article 1.

²³ A. Supriyadi, "Kendala Yuridis Eksekusi Lelang Pada Pengadilan Negeri Tingkat Pertama," *Jurnal Keadilan Sipil* 11, No. 2 (2020): hlm. 135.

²⁴ R. Setiawan, "Strategi Hukum dalam Pelaksanaan Eksekusi Putusan Hakim di Indonesia," *Jurnal Ilmu Hukum* 9, No. 1 (2021): hlm. 112.

3	Asset Tracing Authority	Passive; Waiting for the applicant's initiative.	Active; holds a direct mandate to access banking, OJK, and BPN data.
4	Institutional Coercive Power	It required lengthy negotiations with security forces (the National Police).	The authorized state executioner; security personnel are required to dutifully escort the execution without exercising discretion..
5	Court Caseload	It becomes an administrative burden for the head of the court of first instance, delaying new rulings..	Freeing the court (judges/presiding judges) to focus purely on adjudication rather than debt collection..

Source: Conceptually developed based on a comparison of UIHJ practices and literature from the *International Law Journal* (Kusuma, 2021) and *Jurnal RechtsVinding* (2018).

From sociological and philosophical perspectives, the institutionalization of NEO embodies the rule of law by positioning the law not merely as "law in the books" but also as "law in action." NEO serves as an instrument of "law as a tool of social engineering," fostering a culture of compliance through the force of tangible execution. Consequently, the threat of effective execution can actually encourage the losing party to comply with the judgment voluntarily, thereby realizing effective judicial enforcement.²⁵

The failure of the existing system prompted the conceptualization of the National Enforcement Officer (NEO) as an independent legal profession—endowed with public authority and financial independence, and capable of bypassing bureaucratic hurdles—to achieve Effective Judicial Enforcement (EJE). The private enforcement agent model has proven effective in Ukraine, where private agents have successfully enforced asset recoveries valued up to 25 times higher than those handled by state bailiffs, highlighting the importance of professional autonomy and incentives.²⁶ Furthermore, NEOs possessing specialized expertise are essential for commercial and Intellectual Property Rights (IPR) disputes to accelerate rights enforcement, ensure legal certainty, and foster a favorable investment climate.²⁷

For NEO to operate optimally, its institutional framework requires the integration of modern technologies—including Artificial Intelligence (AI)—to strengthen asset monitoring and tracking while minimizing opportunities for

²⁵ A. Fikri, "Dinamika Pelaksanaan Eksekusi Putusan Pengadilan Perdata Yang Telah Memiliki Kekuatan Hukum Tetap," *Journal of Innovative and Creativity* 3, No. 1 (2025): hlm. 115.

²⁶ Vasyl Omelchuk dan Mykola Berdar, "Legal Framework for the Development of an Effective System of Enforcement in Ukraine," *Visegrad Journal on Human Rights* No. 5 (2023): hlm. 64.

²⁷ Dona Loedi Ellizabeth et al., "Tantangan Perlindungan Hukum Desain Industri dalam Penyelesaian Sengketa di Indonesia," *Jurnal Pemberdayaan: Publikasi Hasil Pengabdian Kepada Masyarakat* 4, No. 1 (2025): hlm. 128.

interference and corruption.²⁸ However, as an independent legal profession, NEO must also adhere to rigorous ethical standards grounded in principles of integrity, honesty, and social responsibility to prevent the manipulation of data or documents during the execution process.²⁹

Design for the Transition and Reconstruction of Civil Procedural Law for the Institutionalization of NEO

The institutionalization of the NEO is not merely an administrative policy achievable through a Supreme Court Regulation (PERMA); rather, it requires a more fundamental basis through the enactment of a national Civil Procedural Law to replace the existing HIR/RBg. This reconstruction encompasses at least three aspects: institutional structure and licensing, enforcement authority, and oversight and accountability. Regarding institutional structure and licensing, the NEO could be designed as a specialized profession involving appointments by the Minister of Law and the Supreme Court, requiring specialized education in civil enforcement and an internship at an enforcement office. To ensure professionalism and proper governance, the NEO also requires a national professional body to serve as an instrument for professional development and oversight, drawing lessons from the Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders (KBvG) model in the Netherlands.³⁰ This body would ensure standardized competence and ethical conduct for all enforcement officers in Indonesia.

Secondly, the aspect of coercive authority must be explicitly regulated in the Civil Procedural Law Bill through a clause granting "Executorial Information Access Authority," which provides the NEO with limited access to information regarding a debtor's assets based on a judgment possessing an executorial title. This provision could be drafted as **lex specialis**—taking precedence over banking secrecy laws—to expedite the execution process and eliminate redundant bureaucratic procedures³¹. Thirdly, the granting of coercive authority to the NEO must be balanced by a rigorous oversight and accountability system involving a tiered NEO Supervisory Board that includes the Supreme Court, the Ministry of Law, and professional organizations. Violations—such as executing beyond the scope of the court's ruling, abuse of

²⁸ I Nengah Gardhita Arsa Putra dan Jeremy Kevin Parlindungan Silaban, "Penerapan Kecerdasan Artifisial dalam Pengawasan Kekuasaan Kehakiman sebagai Upaya Mereduksi Disparitas Putusan Pidana di Indonesia," *Ma'mal: Jurnal Laboratorium Syariah dan Hukum* 5, No. 4 (2024): hlm. 314.

²⁹ Adi Fathurrozi, "Peran Etika Advokat dalam Penyelesaian Sengketa Manipulasi Data Pada Hukum Keluarga Islam," *Jurnal Ilmiah Global Education* 6, No. 2 (2025): hlm. 552.

³⁰ Jos Uitdehaag, "The Dutch Bailiff System: A Model of Liberal Profession," *International Journal of Court Administration* 3, No. 1 (2010): 25-28. Kedudukan KBvG sebagai wadah tunggal secara yuridis diatur eksplisit dalam *Gerechtsdeurwaarderswet* (Undang-Undang Eksekutor Pengadilan Belanda Tahun 2001) Pasal 56.

³¹ Retnowulan Sutantio dan Iskandar Oeripkartawinata, *Hukum Acara Perdata dalam Teori dan Praktek* (Bandung: Mandar Maju, 2005), hlm. 125.

authority, or intimidation—must be subject to strict sanctions, ranging from license revocation and liability for damages to criminal prosecution.

To prevent financial burdens on the poor, a "Pro Bono Execution" mechanism—subsidizing enforcement costs for small-value claims or indigent litigants via the NEO agency's budget—must be implemented to ensure continued access to justice. The institutionalization of the NEO within the Civil Procedure Law Bill rests on three pillars: authority to access data, independent licensing, and strict oversight. Asset-tracing authority requires robust identity authentication to prevent name discrepancies, identity manipulation, and errors regarding the identity of the person (error in persona) through the implementation of digital signatures and integrated biometric verification.³²

To prevent the abuse of power, the NEO's operational independence must be balanced by cross-sectoral professional oversight involving the Ministry of Law and the Supreme Court. The limits of the NEO's authority must be grounded in objectivity and valid asset-verification procedures, while remaining free from interference. Any procedural violation may serve as grounds to invalidate enforcement actions taken by the NEO.³³

Holistically, the systemic transition from traditional court civil servants to "Professional Public Officers" (NEO)—equipped with AI technology, integrated identity data, and rigorous professional ethics—will mark a milestone in the resurgence of civil justice in Indonesia, ensuring comprehensive redress for all seekers of justice, whether facing private entities or the arbitrary actions of state officials.

Ideal Model of Effective Judicial Enforcement

An ideal model of effective judicial enforcement must define judicial success not merely by the issuance of a final, binding judgment, but by the ability to actually realize the rights of the prevailing party. In Indonesian civil enforcement, obstacles such as resistance from the losing party, ambiguity regarding the subject matter of the execution, social resistance, and institutional limitations continue to impede the implementation of judgments.³⁴ Therefore, effective judicial enforcement needs to be established as a system that integrates case adjudication, judgment, and execution, ensuring that judicial effectiveness is measured by the actual realization of rights restoration, legal certainty, and justice.

The first component of effective judicial enforcement is the institutional strengthening of bailiffs, encompassing legal competence,

³² Dwanda Julisa Sistyawan et al., "Pengesahan Identitas Dalam Aspek Hukum Pada Penetapan Beda Nama Studi Kasus Perdata Nomor 43/Pdt.P/2024/PN.Tmg," *Justitia Et Pax Jurnal Hukum* 41, No. 1 (2025): hlm. 115.

³³ Tari Corisa Arina Putri et al., "Direksi Hakim atau Kepatuhan Hukum: Analisis Dasar Pertimbangan Putusan Bebas dalam Perkara Korupsi di Pengadilan Tipikor Bengkulu," *Qisthosia: Jurnal Syariah & Hukum* 6, No. 1 (2025): hlm. 47.

³⁴ Divani Tsamara Madiyya dkk., "Analysis Of The Civil Decision Execution Mechanism In The Indonesian Judicial System," *Multidisciplinary Indonesian Center Journal (MICJO)* 3, no. 1 (2026): hlm. 147., <https://doi.org/10.62567/micjo.v3i1.1531>.

administrative proficiency, the ability to identify assets, and preparedness to handle challenges encountered in the field. Research conducted at the Semarang District Court indicates that a shortage of bailiffs impacts the effectiveness of enforcement actions, while training and digitalization serve as part of the solution.³⁵ Consequently, there is a need for an adequate number of specialized bailiffs, established competency standards, and performance evaluations focused on successful enforcement and the protection of the parties' rights.

The second component of effective judicial enforcement is data integration and the digitalization of enforcement systems to accelerate the accurate identification and monitoring of assets subject to enforcement. Digitalization serves as supporting infrastructure for judges and bailiffs rather than a replacement for their authority. Research by Wulantrisna et al. indicates that the digitalization of administration can enhance enforcement effectiveness.³⁶ Therefore, integrating court data with institutions holding asset-related information—while respecting jurisdictional boundaries and data protection requirements—is essential to reduce uncertainty regarding the assets involved and expedite the execution of judgments.

The third component of effective judicial enforcement is the strengthening of inter-agency coordination and support. Enforcement actions facing physical resistance, land-related issues, third-party involvement, or administrative hurdles require cooperation among courts, bailiffs, the police, land agencies, local governments, and relevant institutions.³⁷ Structured coordination can enhance the effectiveness, efficiency, and fairness of enforcement, while maintaining the court as the center of judicial control to ensure that inter-agency support reinforces—rather than diminishes—judicial independence.

The final component focuses on results-orientation, accountability, and the protection of the parties' rights. The effectiveness of enforcement is measured not merely by speed, but also by certainty of execution, accuracy regarding the subject matter and parties involved, reasonable timeliness, and the protection of the rights of all affected parties. Consequently, the Integrated Effective Judicial Enforcement Model integrates enforceable judgments, professional bailiffs, digitalization, inter-agency coordination, and results-based oversight, thereby making enforcement an integral part of the judicial process in delivering tangible justice.

³⁵ A. A. Sagung Yuni Wulantrisna dkk., "Effectiveness Of Civil Judgment Execution In The Semarang District Court," *Journal of Social Science (JoSS)* 4, no. 9 (2025): hlm. 68., <https://doi.org/10.57185/joss.v4i9.492>.

³⁶ Wulantrisna dkk., "Effectiveness Of Civil Judgment Execution In The Semarang District Court," hlm. 71.

³⁷ Divani Tsamara Madiyya dkk., "Analysis Of The Civil Decision Execution Mechanism In The Indonesian Judicial System," hlm. 148.

D. Conclusion

Restructuring the enforcement mechanism for civil judgments through a National Enforcement Officer is crucial to bridging the gap between a final, binding court judgment and the actual realization of the prevailing party's rights. This model positions judgment enforcement as an integral part of the judicial system by enhancing the professionalism and authority of enforcement officials, integrating information systems and data regarding assets subject to enforcement, strengthening inter-agency coordination, and establishing measurable oversight and accountability mechanisms. The National Enforcement Officer is not intended to diminish the court's authority but rather to serve as an implementing instrument capable of translating the judicial mandate into enforcement actions that are effective, swift, and proportionate, while ensuring the protection of the parties' rights. Thus, this institutional restructuring aims to shift the enforcement paradigm from a mere post-judgment administrative phase to a mechanism of effective judicial enforcement, ensuring that the justice decreed by the court does not remain merely declarative but is truly realized in practice.

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