

***GRANTED EXCEPTION DUE TO THE NEGATIVE
STATEMENT IN PETITION AS AN EFFORT TO
ENSURE LEGAL CERTAINTY IN INDONESIA
EKSEPSI SEBAGAI AKIBAT DARI PERNYATAAN
NEGATIF DALAM PERMOHONAN SEBAGAI UPAYA
UNTUK MENJAMIN KEPASTIAN HUKUM DI
INDONESIA***

¹Ajeng Aditya Listyani; ²Antonius Sidik Maryono; ³Sanyoto

¹Universitas Jenderal Soedirman, Indonesia; ²Universitas Jenderal Soedirman, Indonesia; ³Universitas Jenderal Soedirman, Indonesia

Article Info

History:

Submitted: 2025-10-02

Revised: 2025-11-10

Accepted: 2025-11-12

Keywords:

Exception, Form of Petition, Lawsuit;

Kata Kunci:

Kecuali, Bentuk Permohonan, Gugatan;

Corresponding Author:

Ajeng Aditya Listyani

ajeng.aditya@unsoed.ac.id

Abstract

Dispute resolution through the courts is carried out by filing a lawsuit against the party. The lawsuit is filed with the intention of obtaining legal protection for the rights of one party and forcing the other party to fulfill their obligations after the mediation process has failed. The lawsuit has to fulfill the formal and material requirements, including the formulation of the petition. The petition should not have a negative sentences structure and have to meet the formal requirements for the drafting of a petition. A negative petition gives the other party the opportunity to file an exception of lawsuit. This research was normative juridical research with analytical descriptive specifications. This research used a statutory approach and a case approach. The data used was secondary data with primary and secondary legal materials obtained from literature studies. The primary legal material is laws and regulations. Secondary legal materials are in the form of literature. The data was collected by the literature study method. The data was presented with normative text and analyzed with qualitative normative methods to obtain conclusions. The results of the study show that for petition that have negative sentences structure, the defendant can file an exception to the lawsuit and the legal consequence is that the lawsuit is declared Niet Onvankelijke Verklaard.



ADHAPER: Jurnal Hukum Acara Perdata © 2025 by - is licensed under [CC BY-NC 4.0](https://creativecommons.org/licenses/by-nc/4.0/)

Introduction

Humans are social beings, so in their lives, they interact with one another. However, these interactions can cause friction that potential to lead to disputes because one party feels that their rights have been violated. Issues regarding legal substance, particularly civil procedural provisions within the General Courts, are complex issues that hinder the efficient and effective administration of justice in accordance with the principles of simplicity, speed, and low cost.¹ The existence of such disputes requires dispute resolution efforts. Dispute resolution is first attempted through out-of-court settlement (non-litigation process), including mediation. Non-litigation channels such as mediation and deliberation are considered effective in maintaining social relations, even though the results are not binding.² The mediation process tends to be faster than litigation in court, which can often take months or years.³ The parties have greater control over the final outcome because they directly involved in the discussion. Effective mediation can help resolve disputes peacefully without the need for a long court process.⁴ However, non-litigation process often unsuccessful, so it needs a legal mechanism that utilizes institutions with the authority to execute and enforce applicable laws that are binding on all legal subjects. This mechanism is necessary to prevent vigilante justice (*eigenrichting*).⁵

The legal mechanism of using institutions is carried out by judicial institutions. The main benefit of litigation is the legal clarity and certainty offered by court decisions. This provides a clear roadmap throughout the legal process, outlining the direction, objectives, and anticipated outcomes.⁶ Anyone who feels aggrieved can file a lawsuit against the other party caused the harm through the court of competent jurisdiction.⁷ Lawsuit is a claim of rights filed by the plaintiff against the defendant through the court.⁸ A lawsuit is filed with the intention of obtaining legal protection of the rights of a party and forcing the other party to fulfill their obligations after the mediation process failed. In many cases, plaintiffs rely on the assistance of lawyers to prepare and file lawsuits.

¹ Gunawan, Happy Yulia Anggraeni, Rani Lailatul Fitri, "Permasalahan Substansi Hukum Acara Perdata Di Peradilan Umum Dan Penyelesaiannya," *Jurnal Wajah Hukum* 7, no. 2 (2023): 389–95, <https://doi.org/DOI 10.33087/wjh.v7i2.1261>.

² Muhammad Amara Thalia, Bima Janggo Bintoro, Gerald Jovan Esfandiary and Farahdinny Siswajanty Rizal Aji Bahtiar, Siti Lailatul Qomariyah, "Analisis Hukum Acara Perdata Dalam Penyelesaian Sengketa Hak Atas Tanah Akibat Tumpang Tindih Sertifikat Di Wilayah Perkotaan (Studi Kasus Putusan Pengadilan Dan Implikasi Terhadap Kepastian Hukum Dan Perlindungan Hak Masyarakat)," *Al Zayn* 3, no. 3 (2025): 2063–2072, <https://doi.org/10.61104/alz.v3i3.1522>.

³ Safira Putri Zakia, "Tinjauan Yuridis Terhadap Pemanfaatan Mediasi Sebagai Alternatif Penyelesaian Sengketa Dalam Hukum Acara Perdata Di Indosenia" 2, no. 1 (2025): 69–76.

⁴ Lia Oktavia, "Pengenalan Proses Gugatan Dalam Hukum Acara Perdata" 2, no. 4 (2024): 801–810. <https://doi.org/10.5281/zenodo.14307286>

⁵ Sugeng, Bambang and Sujayadi, *Hukum Acara Perdata & Dokumen Litigasi Perkara Perdata*, (Surabaya: Kencana, 2009). 3

⁶ Hari Hendarman, Deni Kamaludin Yusuf and Tatang Astarudin, "Penyelesaian Sengketa Gugatan Perjanjian Bisnis Akibat Perbuatan Melawan Hukum Menurut Hukum Perdata dan Hukum Islam", *PUBLIC SPHARE: Jurnal Sosial Politik, Pemerintahan dan Hukum*, Vol. 4, No. 2, (2025) : 11-16 DOI: 10.59818/jps.v4i2.1844

⁷ Enjang Nursolih, "Analisis Penyusunan Surat Gugatan", *Jurnal Galuh Justisia* Vol. 7 No. 1 (2019) : 87-97 DOI: <http://dx.doi.org/10.25157/jig.v7i1.2142>

⁸ Sarwono, *Hukum Acara Perdata Teori dan Praktik*, (Jakarta: Sinar Grafika, 2012). 31

Lawyers' expertise in understanding civil procedure law, as well as their ability to construct convincing arguments before the judge, can determine the course of the lawsuit.⁹

During court process, it is common to encounter the filing of unclear lawsuit exceptions. One case in which the defendant filed an unclear lawsuit exception is a case concerning Unlawful Acts with Registration Number 25/Pdt.G/2020/PN.Pbg between Ali Mahfulan as Plaintiff I and Akh Muhajir as Plaintiff II against PT. BPR Bank Surya Yudha Pusat cq. PT. BPR Bank Surya Yudha Cabang Purwonegoro as the Defendant, the Kementerian Keuangan Republik Indonesia (Ministry of Finance of the Republic of Indonesia), cq. Kantor Pelayanan Kekayaan Negara dan Lelang Purwokerto (State Property and Auction Service Office Purwokerto), which was included as Co-Defendant I, Kementerian Agraria dan Tata Ruang Republik Indonesia (Ministry of Agrarian Affairs and Spatial Planning of the Republic of Indonesia), cq. Kantor Wilayah BPN Provinsi Kanwil Jawa Barat (BPN Regional Office West Java) cq. Kepala Badan Pertanahan Nasional Kabupaten Purbalingga (Head of the National Land Agency of Purbalingga Regency) as Co-Defendant II, Chairman of Ketua Dewan Komisioner Otoritas Jasa Keuangan di Jakarta (Board of Commissioners of the Financial Services Authority in Jakarta) cq. Regional Office (Branch) Purwokerto as Co-Defendant III. In the Defendant's response, the Defendant filed an exception of unclear lawsuit. The lawsuit filed by the Plaintiff contains a discrepancy between the fundamentum petendi and the petitum or petition, which is reflected in the form of the petition being formulated with negative sentences. It breaks the rules that the identities of the parties, the fundamentum petendi, and the petition must be clear, reasonable, and relevant. It also has legal consequences for the filing of the lawsuit. This research will discuss about how an error in the formulation of the petition affect the lawsuit and what are the legal consequences of granted exception to an error in the formulation of the petition.

Methods

This research was normative juridical research with analytical descriptive specifications. This research used a statutory approach and a case approach. The data used was secondary data with primary and secondary legal materials obtained from literature studies. The primary legal material is law and regulations. Secondary legal materials are in the form of literature. The data was collected by literature study method. The data was presented with normative text and analyzed with qualitative normative methods to obtain conclusions.

Discussion

1. Exception as a Consequence of an error in the Formulation of the Lawsuit

⁹ Rusydi, B. A. "Problem Kehadiran Dan Upaya Hukum Tergugat Dalam Putusan Verstek Perkara Perceraian Pada Pengadilan Agama Bandung". *Muslim Heritage*, Vol. 5 No. 2 (2020) : 393-393
DOI:[10.21154/muslimheritage.v5i2.2362](https://doi.org/10.21154/muslimheritage.v5i2.2362)

The main thing is civil law is private law that protects individual interests (bijzondere belangen).¹⁰ The settlement of civil disputes requires civil procedural law. There is no consensus among experts or doctrines regarding the definition of civil procedural law itself.¹¹ Civil procedural law is also known as formal civil law, which refers to all legal rules that determine and regulate how to ensure compliance with substantive civil law through judges.¹² The process of filing a lawsuit under civil procedural law in Indonesia is not limited to the submission of a complaint, but also includes formal procedures that must be followed by the plaintiff. Before filing a lawsuit, the plaintiff must ensure that the lawsuit does not conflict with applicable regulations, both in terms of the time limit for filing a lawsuit (statute of limitations) and other formal requirements.¹³ The petition must be complete and clear, as it is the most important part of the lawsuit.¹⁴ If these formal requirements are not met, the defendant may file an exception.

An exception is a defense raised by the plaintiff.¹⁵ The exception does not make concern at the matter of the case. Exceptions raised by the defendant generally contain demands for the dismissal of a lawsuit and for the court to terminate the examination process without examining the subject matter of the case or for the judge to issue a ruling that the lawsuit is inadmissible (niet otvankelijk verklaard). The existence of an exception in a civil case has been established as a requirement for the defendant to do so because the existence of this exception is in fact the second event after the plaintiff reads their lawsuit before the court, therefore, the defendant's opportunity to raise an exception to the lawsuit is the same as the defendant's attempt to neutralize the lawsuit if it is clear and obvious what is being sued for.¹⁶ The judge will consider whether to accept or reject an exception. The judge will also consider whether to grant or reject the plaintiff's petition if the exception is rejected or the defendant does not file an exception. The judge's consideration becomes the basis for everyone to assess whether a decision has objective reasons or not.

In Decision Number 25/Pdt.G/2020/PN.Pbg, the Plaintiffs filed a lawsuit related to Unlawful Acts to the Purbalingga District Court through a Letter of Lawsuit dated October 19, 2020, which was received and registered on October 20, 2020, in

¹⁰ Lidia Henitapulungan and Indra Perdana, "Penyelesaian Gugatan Sederhana Dalam Perkara Perdata Di Pengadilan," *Jurnal Tectum LPPM Universitas Asahan* 1, no. 1 (2019), <https://doi.org/10.55129/jph.v8i2.956>.

¹¹ Kuswandi Kuswandi and Mohammad Nasichin, "Penyelesaian Gugatan Sederhana Dalam Perkara Perdata Di Pengadilan," *Jurnal Pro Hukum : Jurnal Penelitian Bidang Hukum Universitas Gresik* 8, no. 2 (2020): 236–61, <https://doi.org/10.55129/jph.v8i2.956>.

¹² Hasmin, Sufirman Rahman and Fahri Bachmid, "Pencabutan Gugatan Dalam Praktik Peradilan Umum Menurut Hukum Acara Perdata", *Journal of Lex Philosophy (JLP)* Vol. 5, No. 2, (2024) : 715-731. <https://pasca-umi.ac.id/index.php/jlp/article/view/1830>

¹³ Lia Oktavia, "Pengenalan Proses Gugatan Dalam Hukum Acara Perdata, Media Hukum Indonesia (MHI)" *Yayasan Daarul Huda Krueng Mane* Vol. 2, No. 4 (2024) : 801-810 <https://ojs.daarulhuda.or.id/index.php/MHI/index>

¹⁴ Retnowulan Sutantio and Iskandar Oeripkartawinata, *Hukum Acara Perdata Dalam Teori dan Praktek Edisi Revisi*, (Bandung: Mandar Maju 2019), 16

¹⁵ Harahap Yahya, *Hukum Acara Perdata*, (Jakarta : Sinar Grafika, 2014), 418

¹⁶ Muhammad Faisa, Fajar Fadly, and Anwar Sulaiman Nasution, "Pentingnya Melakukan Eksepsi Terhadap Surat Gugatan Dalam Perkara Perdata di Persidangan Pengadilan Negeri Padangsidimpuan", *Jurnal Ilmiah Muqoddimah* Vol. 7 No. 1 (2023) : 125-131

DOI <https://doi.org/10.31604/jim.v7i1.2023.125-131>

Register Number 25/ Pdt.G/2020/PN.Pbg. The Defendant then filed a response to the lawsuit. In their response, the Defendants raised an exception of unclear lawsuit (obscur libel). An exception of unclear lawsuit (obscur libel) is a defense caused by a formal defect in the complaint because it does not meet the requirements outlined in Article 8 Rv.

The judges stated in its legal considerations that the Judges would examine the formal requirements of the lawsuit filed by the Plaintiff so that the process in the court would not become unclear. This was reinforced by the submission of an exception or response outside the subject matter of the case by the Defendant, which was also considered by the Judges. Therefore, the judge must be able to consider all aspects from both the plaintiff and the defendant's perspective, so that when the judge renders a verdict, the losing party does not become even more disadvantaged, and the verdict does not impose an excessively high or burdensome sentence on the losing party.¹⁷

The exception of an unclear lawsuit filed by the Defendant was due to formal defects in the lawsuit. Formal defects occur when the formal requirements of a lawsuit are not met. Based on Article 8 of the Civil Procedure Code, the formal requirements of a lawsuit consist of the identities of the parties, the fundamentum petendi or posita, and the petition. The petition is the conclusion of a lawsuit containing the matters requested by the Plaintiff based on the arguments outlined in the fundamentum petendi. The Judges considered the inconsistency in deciding on the exception raised by the Defendant. The Judges further considered the posita or fundamentum petendi and petition as the basis for examination in the court proceedings. A complete lawsuit must show consistency or a close relationship between the fundamentum petendi and the petition.

The fundamentum petendi must contain an explanation of the facts or events directly related to the legal relationship between the plaintiff and the defendant, there must be a close relationship between the subject matter of the lawsuit and it must contain an explanation of the lawsuit filed and the object of the dispute. Meanwhile, the petition must clearly state what rights the plaintiff is claiming in the lawsuit based on the matters described in the fundamentum petendi. In Civil Case Number 25/Pdt.G/2020/PN.Pbg, the Plaintiffs submitted the following petition:

PRIMAIR

1. Accept and grant the claims of PLAINTIFF I and PLAINTIFF II in their entirety;
2. Order the DEFENDANT not to re-auction the collateral belonging to PLAINTIFF II, namely:

SHM No. 1140, Land Area 427 m² Building Area 625 m². Muhamdijir, located in Karanggedang Village RT.13 RW.05, Bukateja Subdistrict, Purbalingga Regency, and SHM No. 1141, Land area 1,870 m² an. Achmad Muhamdijir, located in Karanggedang Village, Bukateja Subdistrict, Purbalingga Regency;

3. Declare the auction conducted by the Defendant null and void;

¹⁷ Pandu Dewanto, "Rekonstruksi Pertimbangan Hakim Terhadap Putusan Sengketa Perdata Berbasis Nilai Keadilan," *Ius Constituendum* 5, no. 2 (2020): 303-23, <https://doi.org/10.26623/jic.v5i2.2307>.

4. Ordering CO-DEFENDANT I not to transfer or sell through AUCTION all collateral belonging to PLAINTIFF II as collateral to the DEFENDANT, until this decision has permanent legal force;
5. Ordering CO-DEFENDANT II not to provide SKPT as an AUCTION requirement to the DEFENDANT and CO-DEFENDANT I without approval or through a Special Power of Attorney when requesting the day, date, month, and year from PLAINTIFF I and PLAINTIFF II until this decision has permanent legal force;
6. Declaring that the DEFENDANT has committed an Unlawful Act (Onrechtmatige Daad) because in the process of conducting the auction, the DEFENDANT violated several provisions in laws and regulations and/or propriety, customs, and norms that exist in society;
7. Ordering the DEFENDANT to pay compensation in the amount of
 - 7.1 Material Losses (Materiele schade) amounting to: IDR 128,155,000 (One Hundred Twenty-Eight Million One Hundred Fifty-Five Thousand Rupiah);
 - 7.2 Immaterial Losses (Immateriele schade) amounting to: IDR 1,000,000,000 (One Billion Rupiah);
8. Declares the auction schedule for the collateral of PLAINTIFF II, which has been determined by the Bandung State Property and Auction Service Office in the letter regarding the Determination of the Auction Schedule, to be LEGALLY VOID;
9. Declares and stipulates that this decision is enforceable immediately (uitvoerbaar bij voorad) even if there are attempts to the judges' decision;
10. Imposes all costs incurred in the case on the Defendant in accordance with applicable laws and regulations;

SUBSIDIARY

If the Honorable Chairman of the Purbalingga District Court, c.q. the Honorable Panel of Judges examining and adjudicating this case, has a different legal opinion, please render a decision that is as fair as possible (Ex Aequo Et Bono).

In judicial practice, the aspect of connectivity or close relationship between two grounds of claim is an important factor considered by the judge.¹⁸ The judges' consideration essentially focused on and referred to the formulation of the petition. The formulation of the petition that formed the basis for granting the defendant's exception of obscure libel was points 2, 4, and 5 of the petition. The formulation of the petition using the phrases "not to reauction" "not to transfer or sell," and "not to provide" uses negative wording in the form of the word "not" before the verb, which results in the actions formulated in the petition being unclear or vague, so that it is unclear what rights the Plaintiffs are claiming.

¹⁸ Elfa Awalnia Moenek, Florentia Febyandani Titu, and Sabrina Adelia Febriyanti, "Klaim Kumulatif Atas Perbuatan Melawan Hukum Dan Wanprestasi Dalam Studi Hukum Acara Perdata Di Indonesia," 2025, 2347-53. DOI: <https://doi.org/10.61104/alz.v3i3.1600>

The Supreme Court jurisprudence that was taken into consideration by the judge in deciding the exception in this case was Supreme Court Jurisprudence Number 1380 K/ Sip/1973 dated November 11, 1975, which states that the Supreme Court ruled that the Plaintiff's claim, which reads: "To punish the Defendant for not taking actions that are destructive to the buildings," cannot be granted because it is negative in nature.¹⁹ The application of the principle in Supreme Court Jurisprudence Number 1380 K/Sip/1973 on November 11, 1975, which was practiced by the judge in Civil Case Number 25/Pdt.G/2020/PN. Pbg. due to the similarity of the issues faced, the solution to the first issue that arose can then be used as a consideration by the judge in deciding a subsequent case with the same issue.

Achmad Fauzan and Suhartanto state that a lawsuit must be perfectly drafted. A perfect lawsuit means that it fulfills the formulation and requirements specified in the section on the identity of the parties, the fundamentum petendi, and the petition. Therefore, in drafting the petition, the following matters must be taken into consideration: ²⁰

- 1) Consistency with the posita, meaning that the reasons outlined in the posita must be used as the basis for submitting the request.
- 2) No contradictions, meaning that the petition must not contradict the posita or other parts of the petition.
- 3) The persons named in the petition must be parties to the case.
- 4) The petition must be clear and explicit, meaning that what is requested must be clear and explicit so as not to confuse the judge.
- 5) The petition must not be negative in nature, meaning that it must not contain an order not to do something.
- 6) The petition must be coherent and structured in accordance with the points of the posita, and numbered sequentially.

Experts have discussed what is meant by a negative petition. A negative petition is one that contains an order not to do something. A negative petition is characterized by the use of negative sentences in its formulation. Negative sentences are sentences that contain elements of negation or words of denial.²¹ These elements of negation are found in every sentence marked by the use of the words "not," "not yet," and "do not." The use of these words causes the rights being claimed to become unclear, vague, and open to multiple interpretations, so they are not used in the formulation of the petition. In other words, the expert's opinion implies that the formulation of the petition should use positive sentences. As previously explained, legal regulations are needed to provide legal certainty that is clear, firm, and fair.²²

2. Legal Consequences of the Acceptance of the Exception

¹⁹ Supreme Court Jurisprudence No 1380 K/Sip/1973 on 11 November 1975

²⁰ Achmad Fauzan dan Suhartanto, *Teknik Menyusun Gugatan Perdata di Pengadilan Negeri*, (Bandung : CV. Yrama Widya, 2006), 62

²¹ Dian Noviani Syafar, "Negasi Dalam Bahasa Indonesia dan Bahasa Inggris", *Jurnal Arbitrer*, Vol. 3, No 1, (2016) : 1-11 <https://arbitrer.fib.unand.ac.id/index.php/arbitrer/article/view/34/22>

²² Balqis Nurdiniasari Afrihassa, Muhammad Khoidin, Ainul Azizah, "PRINSIP KEPASTIAN HUKUM PEMBERHENTIAN SEMENTARA NOTARIS YANG DINYATAKAN PAILIT," *Syntax Idea* 5, no. 5 (2023): 542-53, <https://doi.org/10.36418/syntax- idea.v3i6.1227>.

The Supreme Court only recognizes three alternatives for a verdict, namely granting, rejecting, and declaring inadmissible (Niet Ontvankelijke).²³ An inadmissible verdict is a verdict that states that the lawsuit is inadmissible because it contains formal defects. The inadmissibility of a plaintiff's lawsuit may also be caused by an exception (objection or rebuttal) from the defendant, which is then accepted and justified by the panel of judges in examining the plaintiff's lawsuit, so that the exception can be taken into consideration by the panel of judges in deciding that the lawsuit is inadmissible.²⁴ If the lawsuit does not meet the necessary formal requirements, the legal consequence is that the lawsuit will be declared inadmissible, or abbreviated as Niet Ontvankelijke Verklaard (NO).²⁵ There are two rights for parties to a case whose case is declared not admissible (niet ontvankelijke verklaard) by the court of first instance: 1) to re-file with a new lawsuit, and 2) to pursue legal appeal.²⁶

The filing of an unclear lawsuit exception can be one of the considerations and background for the judge to make a decision. If the exception is granted, the decision is negative and the judge will declare that the lawsuit is inadmissible. Thus, the decision is based solely on formal defects in the lawsuit, while the substance of the case is not considered by the judge. The fact that the subject matter of the case is not adjudicated means that there is no object of the lawsuit to be executed, so that the legal status of the Plaintiff and Defendant with regard to the object of the dispute remains the same as before the lawsuit was filed. A lawsuit that is declared inadmissible also has legal consequences for the plaintiff. The legal consequence in question is that it places the plaintiff as the losing party. Based on Article 181 HIR, which stipulates that, in principle, court costs are borne by the losing party, the costs incurred in Case Number 25/Pdt.G/2020/PN. Pbg are borne entirely by the Plaintiffs.

The decision cannot be accepted, resulting in consequences for the plaintiff to file a new lawsuit or appeal. The filing of a new lawsuit is possible because a decision that is ruled as unacceptable does not adhere to the principle of *ne bis in idem* even though it has permanent legal force. This is because the judge has not considered the merits of the case, so the legal status of the parties and the subject matter of the dispute remain the same as before the lawsuit was filed. A new lawsuit can be filed by correcting the formal defects in the previous lawsuit without any time limit. The mechanism for filing a new lawsuit is the same as for filing the previous lawsuit. Meanwhile, an appeal is a right possessed by the parties to the case to be submitted to the High Court if they are dissatisfied with the decision given at the first level or the District Court. An appeal can be filed 14 days after the verdict is handed down. If the

²³ Jordan Marciano Makalew, Revy Korah, and Carlo A. Gerungan, "Analisis Yuridis Gugatan Niet Ontvankelijke Verklaard (NO) Pada Sengketa Tanah Dalam Hukum Acara Perdata", *Lex Administratum* Vol.11 No.2 (2023) : 1-11 <https://ejournal.unsrat.ac.id>

²⁴ Jordan Marciano Makalew, Revy Korah, and Carlo A. Gerungan, "Analisis Yuridis Gugatan Niet Ontvankelijke Verklaard (NO) Pada Sengketa Tanah Dalam Hukum Acara Perdata", *Lex Administratum* Vol.11 No.2 (2023) : 1-11 <https://ejournal.unsrat.ac.id>

²⁵ Raynaldo Handojo Putra and Mia Hadiati, "Analisis Dasar Pertimbangan Hakim Dan Akibat Hukum Dalam Menolak Gugatan Cerai Yang Tidak Dapat Diterima (Niet Ontvankelijke Verklaard) Di Pengadilan Dilihat Dari Perspektif Hukum Acara Perdata" 6, no. 2 (2023): 4843-4856. DOI: <https://doi.org/10.31933/unesrev.v6i2>

²⁶ M. Yahya Harahap, *Hukum Acara Perdata tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan*, (Jakarta : Sinar Grafika, 2012), 891

appeal is filed more than 14 days later, the right to appeal is lost and the verdict will have permanent legal force.

Lawsuit in Case Number 25/Pdt.G/2020/PN. Pbg. contains an inconsistency between the fundamentum petendi and the petition, which is manifested in the formulation of the petition, particularly in points 2, 4, and 5, which begin with the word "not" in front of the verb, thereby causing the rights claimed by the Plaintiffs to be unclear and making the lawsuit filed considered unclear or vague. It is one of legal action to ensure legal certainty in Indonesia by prioritizing good faith and fair treatment. In Indonesia, interpretations of the principles of good faith and fair treatment still tend to be normative and subjective.²⁷ It is important to build legal certainty based on clear and unambiguous sentences in the petition. Therefore, before filing a new lawsuit, the Plaintiffs must correct this error.

Conclusion

There was a discrepancy between the fundamentum petendi and the petition on the lawsuit in Case Number 25/Pdt.G/2020/PN. Pbg, which was reflected in the negative sentences in the petition. This caused uncertainty regarding the rights claimed by the Plaintiffs, resulting an unclear lawsuit. Based on this, the judge's consideration in granting the Defendant's exception and declaring the lawsuit inadmissible was appropriate and reasonable.

The legal consequence of granting the exception of unclear lawsuit in Civil Case Number 25/Pdt.G/2020/PN. Pbg is that the Judges stated that the lawsuit was inadmissible, which has the following consequences, namely: all costs incurred in the case are borne entirely by the Plaintiffs, there was no subject matter of the lawsuit to be executed so the legal status of the parties regarding the subject matter of the dispute remains the same as before the lawsuit was filed and regarding the decision that the lawsuit is inadmissible, the Plaintiffs may file a new lawsuit or appeal.

References

Amara Thalia, Bima Janggo Bintoro, Gerald Jovan Esfandiary, Muhammad, and Farahdinny Siswajanthy Rizal Aji Bahtiar, Siti Lailatul Qomariyah. "Analisis Hukum Acara Perdata Dalam Penyelesaian Sengketa Hak Atas Tanah Akibat Tumpang Tindih Sertifikat Di Wilayah Perkotaan (Studi Kasus Putusan Pengadilan Dan Implikasi Terhadap Kepastian Hukum Dan Perlindungan Hak Masyarakat)." *Al Zayn* 3, no. 3 (2025): 2063-72. <https://doi.org/DOI: https://doi.org/10.61104/alz.v3i3.1522>.

Achmad Fauzan dan Suhartanto, *Teknik Menyusun Gugatan Perdata di Pengadilan Negeri*. Bandung : CV. Yrama Widya. 2006

Balqis Nurdiniasari Afrihasa, Muhammad Khoidin, Ainul Azizah. "PRINSIP KEPASTIAN

²⁷ Amara Thalia, Bima Janggo Bintoro, and Gerald Jovan Esfandiary, "Penerapan Prinsip Good Faith Dan Fair Dealing Dalam Hukum Kontrak Nasional Dan Internasional : Membangun Kepercayaan Dan Kepastian Hukum Bisnis Global," 2025, 2301-2307 DOI: <https://doi.org/10.61104/alz.v3i3.1611>.

HUKUM PEMBERHENTIAN SEMENTARA NOTARIS YANG DINYATAKAN PAILIT.” *Syntax Idea* 5, no. 5 (2023): 542–53. <https://doi.org/10.36418/syntax-idea.v3i6.1227>.

Dian Noviani Syafar, “Negasi Dalam Bahasa Indonesia dan Bahasa Inggris”, *Jurnal Arbitrer*, Vol. 3, No 1, (2016) : 1-11 <https://arbitrer.fib.unand.ac.id/index.php/arbitrer/article/view/34/22>

Enjang Nursolih, “Analisis Penyusunan Surat Gugatan”, *Jurnal Galuh Justisia* Vol. 7 No. 1 (2019) : 87-97 DOI: <http://dx.doi.org/10.25157/jigi.v7i1.2142>

Gunawan, Happy Yulia Anggraeni, Rani Lailatul Fitri. “Permasalahan Substansi Hukum Acara Perdata Di Peradilan Umum Dan Penyelesaiannya.” *Jurnal Wajah Hukum* 7, no. 2 (2023): 389–95. <https://doi.org/DOI 10.33087/wjh.v7i2.1261>.

Harahap Yahya, *Hukum Acara Perdata*, (Jakarta : Sinar Grafika, 2014), 418

Hari Hendarman, Deni Kamaludin Yusuf and Tatang Astarudin, “Penyelesaian Sengketa Gugatan Perjanjian Bisnis Akibat Perbuatan Melawan Hukum Menurut Hukum Perdata dan Hukum Islam”, *PUBLIC SPHARE: Jurnal Sosial Politik, Pemerintahan dan Hukum*, Vol. 4, No. 2, (2025) : 11-16 DOI: 10.59818/jps.v4i2.1844

Hasmin, Sufirman Rahman and Fahri Bachmid, “Pencabutan Gugatan Dalam Praktik Peradilan Umum Menurut Hukum Acara Perdata”, *Journal of Lex Philosophy (JLP)* Vol. 5, No. 2, (2024) : 715-731. <https://pasca-umi.ac.id/index.php/jlp/article/view/1830>

Jordan Marciano Makalew, Revy Korah, and Carlo A. Gerungan, Analisis Yuridis Gugatan Niet Ontvankelijke Verklaard (NO) Pada Sengketa Tanah Dalam Hukum Acara Perdata”, *Lex Administratum* Vol.11 No.2 (2023) : 1-11 <https://ejournal.unsrat.ac.id>

Kuswandi Kuswandi and Mohammad Nasichin. “Penyelesaian Gugatan Sederhana Dalam Perkara Perdata Di Pengadilan.” *Jurnal Pro Hukum : Jurnal Penelitian Bidang Hukum Universitas Gresik* 8, no. 2 (2020): 236–61. <https://doi.org/10.55129/jph.v8i2.956>.

Lia Oktavia, “Pengenalan Proses Gugatan Dalam Hukum Acara Perdata, Media Hukum Indonesia (MHI)” *Yayasan Daarul Huda Krueng Mane* Vol. 2, No. 4 (2024) : 801-810 <https://ojs.daarulhuda.or.id/index.php/MHI/index>

Lidia Henitapulungan and Indra Perdana. “Penyelesaian Gugatan Sederhana Dalam Perkara Perdata Di Pengadilan.” *Jurnal Tectum LPPM Universitas Asahan* 1, no. 1 (2019). <https://doi.org/10.55129/jph.v8i2.956>.

M. Yahya Harahap, *Hukum Acara Perdata tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan*. Jakarta : Sinar Grafika. 2012

Moenek, Elfa Awalnia, Florentia Febyandani Titu, and Sabrina Adelia Febriyanti. “Klaim Kumulatif Atas Perbuatan Melawan Hukum Dan Wanprestasi Dalam Studi Hukum Acara Perdata Di Indonesia,” 2025, 2347–53.

Muhammad Faisa, Fajar Fadly, and Anwar Sulaiman Nasution, “Pentingnya Melakukan Eksepsi Terhadap Surat Gugatan Dalam Perkara Perdata di Persidangan Pengadilan Negeri Padangsidimpuan”, *Jurnal Ilmiah Muqoddimah* Vol. 7 No. 1 (2023) : 125-131 DOI <https://doi.org/10.31604/jim.v7i1.2023.125-131>

Oktavia, Lia. “Pengenalan Proses Gugatan Dalam Hukum Acara Perdata” 2, no. 4 (2024): 801–10.

Pandu Dewanto. “Rekonstruksi Pertimbangan Hakim Terhadap Putusan Sengketa Perdata Berbasis Nilai Keadilan.” *Ius Constituendum* 5, no. 2 (2020): 303–23. <https://doi.org/10.26623/jic.v5i2.2307>.

Putra, Raynaldo Handojo, and Mia Hadiati. “Analisis Dasar Pertimbangan Hakim Dan

Akibat Hukum Dalam Menolak Gugatan Cerai Yang Tidak Dapat Diterima (Niet Ontvankelijke Verklaard) Di Pengadilan Dilihat Dari Perspektif Hukum Acara Perdata" 6, no. 2 (2023): 4843–56.

Retnowulan Sutantio dan Iskandar Oeripkartawinata, *Hukum Acara Perdata Dalam Teori dan Praktek Edisi Revisi*. Bandung: Mandar Maju. 2019

Rusydi, B. A. "Problem Kehadiran Dan Upaya Hukum Tergugat Dalam Putusan Verstek Perkara Perceraian Pada Pengadilan Agama Bandung". *Muslim Heritage*, Vol. 5 No. 2 (2020) : 393-393 DOI:[10.21154/muslimheritage.v5i2.2362](https://doi.org/10.21154/muslimheritage.v5i2.2362)

Sarwono. *Hukum Acara Perdata Teori dan Praktik*. Jakarta: Sinar Grafika. 2012

Sugeng, Bambang and Sujayadi. *Hukum Acara Perdata & Dokumen Litigasi Perkara Perdata*, Surabaya: Kencana. 2009

Supreme Court Jurisprudence No 1380 K/Sip/1973 on 11 November 1975

Thalia, Amara, Bima Janggo Bintoro, and Gerrald Jovan Esfandiary. "Penerapan Prinsip Good Faith Dan Fair Dealing Dalam Hukum Kontrak Nasional Dan Internasional : Membangun Kepercayaan Dan Kepastian Hukum Bisnis Global," 2025, 2301–7.

Zakia, Safira Putri. "Tinjauan Yuridis Terhadap Pemanfaatan Mediasi Sebagai Alternatif Penyelesaian Sengketa Dalam Hukum Acara Perdata Di Indosenia" 2, no. 1 (2025): 69–76.