The Legal Review about Sudden Decision (Uit voerbaar voorrad) in Civil Case Connected to Article 180 HIR Juncto SEMA Number 3 Year 2000 and SEMA Number 4 Year 2001

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ABSTRACT

Indonesia is one of developing countries that continuously improve society's life quality and nation in every life aspects, according to purpose of national development that written in fourth paragraph of constitution 1945. The national development process covers politics, economic, social, culture, law, religion, security that related to policy goal that written in nation rules TAP MPR No. IV/MPR/1999. The reality, law enforcement process in Indonesia faces obstacles in the implementation. This case is not only caused by the overlapping of regulation but also the less quality of human resources and society's attitude especially law enforcer that is not appropriate to regulation. The cause of overlapping regulation to another makes the obstacles the accomplishing process in various legal case, such as about the sudden decision in civil case as ruled in article 180 chapter (1) HIR, this case is caused by the supreme court form bill (SEMA) no 3 year 2000 and SEMA no 4 year 2001. The problem appear from this condition is how to implement the sudden decision (Uit voerbaar bij voorraad) refers to article 180 HIR *Juncto* SEMA no 3 year 2000 and SEMA no 4 year 2000, and legal efforts that can be done by petitioner sudden decision to solve obstacles in implementation sudden decision (Uit voerbaar bij voorraad).

The method used in this study is descriptive analytic with juridical normative approach, then analyzed in juridical qualitative.

The implementation of sudden decision that can be done is the petition to the head of court from winning side from one of decision stated sudden (uitvoerbaar bij voorraad), where the decision has not the static of law force. Then if the case is still in memory of appeal, the decision has not run yet, it is necessary to get permission from head of court, if the case is in cassation, therefore the permission of the implementation decision is from head of Supreme Court. After the permission granted the execution can be conducted as the rules. In the execution sudden decision and the requirement needed like the guarantee giving that the same value with the object and do not harm the other side if the decision is declined in the following day. The legal efforts that can be done to face obstacles in implementation sudden decision such as court appeal, cassation and legal review. However, the execution implementation of sudden decision need requirement namely the guarantee giving upon the same value with the object, therefore do not harm the other side if the following day the decision is declined.