
Summoning Absent Defendants in Divorce Cases: Fast, Simple, and Low-Cost Justice

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Abstract

This study analyzes the application of Article 27 of Government Regulation Number 9 of 1975 concerning the Implementation of the Marriage Law related to the procedure for summoning defendants whose whereabouts are unknown in divorce cases in the District Court. This study uses a normative juridical method with a regulatory and conceptual approach to assess its conformity with the principles of simple, swift, and inexpensive justice. The results of the study show that Article 27 normatively serves to maintain legal certainty and prevent the obstruction of judicial proceedings due to the defendant's absence. However, regulations that rely on summonses through conventional mass media reflect a legal framework that is no longer fully relevant to developments in information technology and the digitization of the judiciary. This includes the lengthy summons period, which can take months, slowing down the court proceedings. In the context of modern justice, which is characterized by the implementation of e-Court and e-Litigation systems, a progressive interpretation or regulatory update is needed so that the summons procedure remains effective, efficient, and in line with the principles of access to justice and procedural justice.

INTRODUCTION

Law is binding, possessing the power to command, prohibit, and oblige. Law displays power not in relation to physical force but in the power to prohibit and command legally, as well as morally.¹ In practice, to apply these laws, there needs to be a distinction between substantive law and procedural law. Substantive law covers the substance of what actions are regulated and prohibited. Procedural law, on the other hand, is how to implement or enforce substantive law. Procedural law is often referred to as procedural law, whether criminal or civil.

In a legal relationship, especially in civil law, there are rights and obligations attached to each legal subject. For example, in the case of an agreement, there are rights and obligations for those bound by the agreement. When one party violates the terms of the agreement, in order to enforce the violated law, an instrument commonly referred to as civil procedure law is needed, which is a legal regulation that governs how to ensure compliance with substantive

¹ Agustinus W. Dewantara, *Moral Philosophy: Ethical Struggles in Everyday Human Life*, Yogyakarta: Kanisius Publishers, 2017, p. 37.

civil law through a judge. In other words, civil procedure law is a legal regulation that determines how to ensure the implementation of substantive civil law.²

One of the disputes within the scope of civil law is the dissolution of marriage. Marriage, as defined in Article 1 of Law Number 1 of 1974 concerning Marriage (Marriage Law), is "*a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family (household) based on belief in One God.*" The above definition of marriage contains at least five important components, namely: a) a physical and spiritual bond; b) between a man and a woman; c) one man and one woman; d) with the aim of forming a happy and lasting family; and e) based on belief in One God.³

Article 38 of the Marriage Law states that a marriage can be dissolved for three reasons: death, divorce, and a court decision.

Divorce is the termination of the marriage bond between husband and wife based on a court decision and there are sufficient grounds for them that the husband and wife can no longer live together as husband and wife. Divorce is one of the causes of the dissolution of marriage. Article 39 Paragraph (1) of the Marriage Law states that "*Divorce can only be granted in court after the court has attempted and failed to reconcile the two parties.*" Meanwhile, Paragraph (2) states that "*To grant a divorce, there must be sufficient grounds that the husband and wife will not be able to live together harmoniously as husband and wife.*" The reasons for divorce as stipulated in Article 19 of Government Regulation of the Republic of Indonesia Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage (Government Regulation concerning Marriage) states that divorce can occur for the following reasons:⁴

- a. *"One party commits adultery or becomes an alcoholic, drug addict, gambler, or other such behavior that is difficult to cure;*
- b. *One party abandons the other for two (2) consecutive years without permission and without a valid reason or due to circumstances beyond their control;*
- c. *One party is sentenced to 5 (five) years imprisonment or a heavier sentence after the marriage has taken place;*
- d. *One party commits cruelty or severe abuse that could endanger the other party;*

² Achmad Ali and Wiwie Heryani, *Principles of Civil Evidence Law*, Jakarta: Kencana, 2012, p. 7.

³ Moh. Ali Wafa, *Marriage Law in Indonesia: A Study in Islamic Law and Substantive Law*, South Tangerang: YASMI (Yayasan Asy-Syariah Modern Indonesia), 2018, pp. 34-35.

⁴ Dwi Atmoko and Ahmad Baihaki, *Marriage and Family Law*, Malang: Literasi Nusantara Abadi, 2022, p. 87.

- e. *One party has a physical disability or illness that results in their inability to fulfill their obligations as a spouse;*
- f. *There are continuous disputes and arguments between the husband and wife, and there is no hope of living harmoniously in the marriage;*
- g. *A change of religion or apostasy that causes discord within the household; If one of these reasons is fulfilled, it is considered sufficient by the judge or court clerk to grant the divorce petition from the relevant party.*⁵

The termination of marriage due to death, as stated in Article 493 of the Civil Code, which states, *"If one of the spouses, other than leaving the residence with malicious intent, has been absent from their residence for ten full years without any news of their life or death, the abandoned spouse has the authority to summon the absent person three times consecutively, in accordance with the procedures specified in Articles 467 and 468, with the permission of the District Court in the place where they lived together."*⁶

Furthermore, according to Lili Rasjidi, Article 467 of the Civil Code referred to in the above article refers to provisions relating to the presumed death of a person, which requires, among other things, that there has been no news of the person for at least five (5) years or more, which is the last period during which the person was known to be alive. the court will summon the person who made the statement through a public announcement to appear within three months. This summons will be repeated three times. If the first and second summonses are not responded to, the court will then issue a ruling on the presumed death of that person.⁷

M. Yahya Harahap explained that summons are the beginning of the examination process at the first instance, appeal, and cassation levels, and in order for the examination process to proceed according to the prescribed procedures, it is highly dependent on the validity or legality of the summons and notifications issued by the bailiff.⁸

The process of summoning the parties to the case is one of the stages whose implementation is regulated in various legal regulations. If this summons process is not in accordance with existing procedural laws, it can have a significant impact on the resolution of the case. Usually, when a civil case is registered with a district court, the panel of judges

⁵ M. Shofwan Taufiq, Betha Rahmasari, Edy Ribut Harwanto, "Juridical Analysis of Verstek Decisions In Divorce Cases," *Justice Law: Law Journal*, Volume 2, Number 2, (2022), p. 42.

⁶ Tinuk Dwi Cahyani, *Marriage Law*, Malang: Muhammadiyah University Press, Malang, 2020, p. 74.

⁷ Lili Rasjidi, *Marriage and Divorce Law in Malaysia and Indonesia*, Bandung: Alumni, 1982, p. 291.

⁸ M. Yahya Harahap, *Civil Procedure Law*. Jakarta: Sinar Grafika, 2005, p. 213.

appointed to examine the case must set the date for the first hearing and order the court clerk to summon the parties involved in the case. The summons to the parties involved to appear at the hearing determined by the panel of judges is commonly referred to as a summons or subpoena. This summons or subpoena will be delivered by the bailiff or substitute bailiff along with a copy of the lawsuit to be given to the other party.⁹

The summons must be delivered directly to the individual concerned. Therefore, the address of the individual concerned must be listed in full to facilitate the summons. However, in divorce cases brought before the court, when there is a dispute between husband and wife, sometimes one party leaves the home for years without their address being known, or leaves the home without a dispute and their whereabouts are also unknown. In such cases, the party will be summoned by public summons.¹⁰

People whose whereabouts are unknown will still be summoned by other means, namely through the mass media in accordance with applicable regulations. The summons will be issued twice. The mass media is basically divided into two types, namely print media and electronic media. Print media is media that uses printing facilities such as newspapers and magazines. Meanwhile, electronic media is media that uses electronic devices as a means of disseminating information, such as radio and television.¹¹

Based on the above description, this journal will discuss the procedure for summoning defendants whose whereabouts are unknown in divorce cases in district courts and the relevance of the summons procedure in divorce cases to the principles of swift, simple, and inexpensive justice.

DISCUSSION

Procedures for Summoning Defendants Whose Whereabouts Are Unknown in Divorce Cases in District Courts

⁹ Alya Septira Nur Aini, Sri Maharani Mardiananingrum T.V.M, Eko Wahyudi, "Legal Implications and Protection Regarding Summons Sent by Registered Mail: Legal Implication on Relaas: Conventional Court Summons by Registered Letters," *Yustisia Tirtayasa*, Volume 4, Number 1, (2024), p. 71.

¹⁰ Nuzula Ulfa, Jamaluddin, Zulfan, "The Existence of Summons of Absent Divorce Defendants via Radio (A Study at the Meureudu Sharia Court)," *Jurnal Ilmiah Mahasiswa (JIM-FH)*, Volume 7, Number 4, (2024), p. 461.

¹¹ Dewi Wahyuni Mustafa, Aprilia and Winda, "Legal Analysis of the Implementation of Summons in Absentia Cases Conducted by the Sengkang Religious Court," *Legal: Journal of Law*, Volume 2, Number 1, (2023), pp. 34-42.

The main duty of the court, which exercises judicial power, is to receive, examine, adjudicate, and resolve every case submitted to it. The jurisdiction of the District Court in civil cases covers all disputes concerning property rights or rights arising therefrom or other civil rights, unless the law stipulates that another court shall examine and decide on them, for example, divorce cases for those of the Islamic faith fall under the jurisdiction of the Religious Court, while for non-Muslims, they fall under the jurisdiction of the District Court.¹²

Summoning the parties formally and appropriately is a fundamental element that cannot be carried out carelessly. Failure to summon the parties may result in the cancellation of the examination and decision, even if the parties are present at the trial. The purpose of the summons is to convey the necessary messages or information to the parties involved so that they can prepare themselves for the trial.¹³

Article 390 Paragraph 1 of *the Herzien Inlandsch Reglement* (HIR) or 781 Paragraph 1 of *the Rechtsreglement voor de Buitengewesten* (RBg) stipulates that the summons of the parties to the hearing shall be carried out by a bailiff by delivering a written summons (*exploit*) along with a copy of the complaint to the plaintiff and defendant personally at their place of residence. If the summoned party is not present, the summons shall be delivered to the village head for forwarding.¹⁴

There are two principles that must be observed in summonses for court hearings: (a) Summonses must be issued officially, i.e., they must be issued in accordance with the procedures specified by the applicable laws and regulations; (b) Summonses must comply with the appropriate time limit, taking into account the distance (far or near) between the places of residence of the parties to the case. The time limit for the summons must not be less than three (3) days before the trial begins.¹⁵

In summoning the parties, the bailiff must fulfill the official and proper requirements. There are several requirements for a valid and proper summons: a) Who is summoning? In this case, the authority to summon is given to the Bailiff or Deputy Bailiff based on Article 388 HIR Paragraph (1)/ 716 Paragraph (1) RBg; b) How is the summons made? This is done by ordinary summons (meeting the summoned party in person or summoning them through the village

¹² Laila M. Rasyid and Herinawati, *Introduction to Civil Procedure Law Module*, Lhokseumawe: Unimal Press, 2015, p. 25.

¹³ Aldy Darmawan and Nurul Izzati, "Implementation of Summons in Absentia Divorce Cases at the Pariaman Class IB Religious Court," *Sakena: Family Law Journal*, Volume 7, Number 2, (2022), p. 120.

¹⁴ M. Khoirur Rofiq, *Religious Court Procedure Law*, Semarang: CV Rafi Sarana Perkasa, 2022, p. 154.

¹⁵ Harahap, *Civil Procedure Law (Regarding Lawsuits, Trials, Seizures, Evidence, and Court Decisions)*, p. 277.

head/sub-district head) based on the provisions of Article 390 H.I.R, and public summons made in the media or announcements at the Regent's office, and c) What is the summons period? The notification period for the hearing summons is no later than 3 (three) days before the hearing date based on Article 122 HIR.¹⁶

The procedure for summoning the parties is regulated in Article 390 in conjunction with Articles 389 and 122 of the HIR. Summons to the parties to the case shall be made officially and in accordance with the provisions, with the following details:

- a. The summons is carried out by a bailiff or substitute bailiff who is legally appointed based on a Decree (SK) and has been sworn in for the position, in accordance with Article 40 Paragraphs (1) and (2) of Law of the Republic of Indonesia Number 49 of 2009 concerning General Courts (Law concerning General Courts). The bailiff or substitute bailiff carries out their duties in the jurisdiction of the relevant district court.¹⁷
- b. If the address of the party to the case is clearly known, the court summons can be delivered directly by the bailiff/substitute bailiff in accordance with the applicable procedural law, whereby the bailiff delivers the summons directly to the party to the case at the address stated in the lawsuit/petition.¹⁸ If it is not possible to meet the person concerned directly at their place of residence (permanent residence), the summons or summons notice shall be delivered to the village head, who is obliged to immediately notify the party concerned of the summons. The delivery of the summons to the village head is considered valid even if it does not reach the relevant party, even if the village head is negligent in delivering the summons, and there are no sanctions for the village head. If the place of residence of the summoned party is unknown or they do not have a clear place of residence anywhere in Indonesia, the summons shall be carried out through the local regent/mayor by posting the summons on a notice board.¹⁹

In a situation where the defendant in a divorce case is unknown or their whereabouts are unknown, Article 20 Paragraph (2) of the Government Regulation on Marriage explains that if the defendant's residence is unclear or unknown or they do not have a permanent

¹⁶ Heru Setiawan, "Legal Protection for Defendants or Respondents Who Do Not Receive Direct Notification," *Scientific Journal of the World of Law*, Volume 4, Number 1, (2019), p. 22.

¹⁷ Fadhilah, "The Effectiveness of Summons via Radio Broadcasts and Registered Letters (A Study at the Bireuen Sharia Court)," *Al-Mizan Journal: Journal of Islamic Law and Sharia Economics*, Volume 11, Number 2 (2024), pp. 337-338.

¹⁸ Fitriani Lundeto, "The Effectiveness of Summons in the Settlement of Divorce Cases at the Bitung Religious Court," *Itisham: Journal of Islamic Law and Economics* Volume 1, Number 2 (2021), p. 122.

¹⁹ Fadhilah.

residence, the divorce suit shall be filed with the court where the plaintiff resides.

Then how are parties summoned in civil divorce cases at the District Court? We can see this in Articles 26 to 28 of the Government Regulation on Marriage, which explains the obligation to deliver the summons to the parties involved at their addresses. If the parties cannot be found or are known to have been given to the Village Office or the Village Head's Office, or if the person concerned has died, it is given to the heirs. if there are no heirs, it is submitted to the local Village Office or Village Head Office, or if the defendant's place of residence is unknown, it is submitted to the local civil servant or regent or by posting the lawsuit on the district court's notice board or through newspapers or mass media, or if the defendant is abroad, through the local representative of the Republic of Indonesia.

When is the defendant's place of residence legally unknown? This is based on the following factors: (a) The lawsuit itself clearly states in the defendant's identity that their place of residence or domicile is unknown; (b) Or, the defendant's identity clearly states their place of residence, but when the bailiff conducts a summons, the defendant is not found at that location, and according to the explanation of the relevant village head, they have left that place without providing a new residential address.

Article 27 of the Government Regulation on Marriage states the following:

- (1) *If the defendant is in the circumstances referred to in Article 20 paragraph (2), the summons shall be served by posting the lawsuit on the notice board at the Court and announcing it through one or more newspapers, magazines or other mass media designated by the Court.*
- (2) *The announcement through newspapers or other mass media as referred to in paragraph (1) shall be made twice with an interval of one month between the first and second announcements.*
- (3) *The interval between the final summons as referred to in paragraph (2) and the trial shall be at least three (3) months.*
- (4) *In the event that a summons has been issued as referred to in paragraph (2) and the defendant or his representative still fails to appear, the lawsuit shall be accepted without the defendant's presence, unless the lawsuit is without merit or unfounded.*

Article 27 of the Government Regulation on Marriage regulates the procedure for summoning the defendant in a marriage case if their whereabouts are unknown or they are in certain circumstances as referred to in Article 20 Paragraph (2). This provision embodies the

principles of legal certainty and procedural justice, particularly in the context of divorce cases, which often face factual obstacles in the form of defendants who are missing.

Summons through announcements on court notice boards and in the mass media as referred to in Paragraph (1) is a form of *substituted service* that deviates from the principle of direct summons, but is still legally valid. This mechanism is based on the legal presumption (*fictie van kennis*) that the defendant is deemed to have been aware of the lawsuit after the formal procedures have been fulfilled. The provisions requiring two announcements with a one-month interval (paragraph 2) and a minimum of three months prior to the trial (paragraph 3) demonstrate the efforts of the regulators to provide the defendant with adequate time to exercise their right of defense.

Furthermore, Paragraph (4) allows for the examination of cases without the presence of the defendant (*verstek*), but still limits the authority of the judge with the condition that the lawsuit cannot be granted if it is unfounded or without rights. This confirms the active role of judges in marriage cases, where judges not only function as *passive arbitrators*, but also as guardians of substantive justice and broader legal interests. Thus, Article 27 reflects the *lex specialis* character of matrimonial procedural law, which places the protection of the rights of the parties and the value of justice above mere procedural formalities.

The Relevance of Court Summons Procedures in Divorce Cases with the Principles of Fast, Simple, and Low-Cost Justice

Global influences and developments in the digital age have brought about major changes to the Indonesian legal system. This transformation has not only affected regulations and the legal system, but also the manner in which the law is enforced and the public's access to justice.²⁰

The principle of speedy justice is that civil proceedings, from registration, summons, trial, to the judge's decision or court ruling, must be carried out within a reasonable and measurable time frame in accordance with the law. The principle of simple justice means that the judicial process is conducted in a simple manner and under simple conditions that do not burden parties who are economically disadvantaged or live far from court offices. The principle of low-cost justice means that the costs incurred by the parties involved in court proceedings,

²⁰ Wan Ferry Fadli, Irna, Ferdricka Nggeboe, Lenny Verawaty Siregar, Micael Jeriko Damanik, Indrawan, Feby Adriani, and Susanto, *Introduction to Indonesian Law*, West Sumatra: Tri Edukasi Ilmiah Foundation, 2025, p. 32.

starting from the registration process, summons, trial, reading of the verdict, to the execution or enforcement of the verdict, must be affordable, measurable, have a clear legal basis, while still providing state funding for parties involved in the case who are poor or economically disadvantaged.²¹

In realizing the principles of swift, simple, and inexpensive justice, the Supreme Court of the Republic of Indonesia is in the process of changing its paradigm from conventional methods, such as delivering letters by hand, which is costly, time-consuming, and takes a long time, to something more convenient, namely digital methods. Various initiatives continue to be developed, not only to provide convenience to those seeking justice, but also to assist judicial officials in carrying out their duties, so that case handling processes can be carried out more quickly, efficiently, and modernly. For the administration of justice to be carried out simply, quickly, and at low cost, it is necessary to reform the administration and court proceedings in order to overcome obstacles and barriers in the administration of justice.²²

In practice, summonses are issued in the conventional manner. This means in writing through a summons letter sent directly to the place or domicile of the parties or through mass media/print media. There are also summonses regulated in Article 390 Paragraph (3) of the HIR concerning general summonses. However, with the modernization of life, summonses to the parties have evolved, and summonses are no longer required to be in written form and delivered directly to the parties. but can be done electronically as regulated in Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Amendments to Regulation of the Supreme Court Number 1 of 2019 concerning Case Administration and Court Proceedings Electronically, which divides electronic summons (electronic domicile) and registered letters.²³

In conducting public summons, Perma Number 7 of 2022 regulates changes to public summons, namely the obligation to announce public summons on the website of the court

²¹ Puspa Pasaribu, Rafi Aulia Ibrahim, and Zenitha Syafira, "Application of the Principle of Speedy Justice After Mediation Failure," *Pakuan Law Review*, Volume 7, Number 2, (2021), p. 429.

²² Herlinca Nababan, Mustaqim, and Hotma P. Sibuea, "Analysis of Court Summons to Parties Through Electronic Domicile and Registered Mail Based on Perma No. 7 of 2022 Concerning Amendments to Perma No. 1 of 2019 Concerning Case Administration and Court Proceedings Electronically," *Journal of Law, Humanities and Politics (JLHP)*, Volume 4, Number 4, 2024, p. 645.

²³ Herlinca Nababan, *Ibid.*

concerned or on the announcement board of the local government or in print or electronic media, which is optional.²⁴

Radio, once popular, is now experiencing a decline in popularity, with people tending to use social media and smartphones to obtain information. This phenomenon raises questions about the effectiveness of ghost calls via radio in today's era, which tends to have few takers. These factors involve the extent to which the law can achieve its objectives, the level of public acceptance and appreciation of the law, the ease of public access to legal institutions, and the extent to which law enforcement agencies can fairly enforce and uphold the law. Therefore, the effectiveness of the law depends not only on the text of the law itself, but also on its implementation in society and whether it can deliver the expected justice.²⁵

The Supreme Court, as one of the judicial authorities in Indonesia, has the duty and responsibility to provide services to people seeking justice in order to achieve justice.³ In light of the globalization of information, the Supreme Court has also made efforts to establish and implement an electronic information and transaction management system. In addition to being affected by the globalization of information, this has been done by the Supreme Court because it has a main principle in serving justice, namely to make the trial process simple, accessible, fast, and inexpensive for the public.⁴ This principle is regulated in Article 2 Paragraph (4) of Law Number 48 of 2009 concerning Judicial Authority, which states that trials shall be conducted based on the principles of simplicity, speed, and low cost.²⁶

The procedure for summoning a hearing in divorce cases based on Article 27 of the Government Regulation on Marriage is, in principle, intended to ensure legal certainty and protect the rights of defendants whose whereabouts are unknown. However, when linked to the principles of swift, simple, and inexpensive justice, the provisions regarding public summons in this article raise their own problems, particularly in relation to the length of time that summons can take, which can be months. The provisions requiring two announcements with a one-month interval and a minimum of three months before the hearing cumulatively cause the case resolution process to be slow and inefficient.

²⁴ Anin Pancaristi Tugapae, Mohamad Tohari, Irfan Rizky Hutomo, "The Effectiveness of the Mechanism for Summoning Parties to a Case with Registered Letters (POS) in Civil Proceedings at the Ungaran District Court," *Ranah Research: Journal of Multidisciplinary Research and Development*, Volume 7, Number 4, (2025), p. 2915.

²⁵ Fadhilah.

²⁶ Ihsan Saputra, Darmini Roza, and Zennis Helen, "The Effectiveness of Registered Mail Summons in E-Court Case Settlements at the Padang Class IA Religious Court," *Sakato Ekasakti Law Review Journal*, Volume 3, Number 2, (2024), p. 100.

From the perspective of the principle of speedy justice, the length of time for a public summons has the potential to hinder the settlement of divorce cases, which should obtain legal certainty within a reasonable time. These procedural delays often prolong the psychological suffering of the parties, especially the plaintiff, and delay the resolution of other legal consequences such as marital status, child custody, and division of joint property. Thus, although intended as a form of protection for the rights of the defendant, an excessively long period of time may actually conflict with the main objective of the principle of expeditious justice.

From the perspective of the principle of simple justice, the general summons procedure as stipulated in Article 27 is still formalistic and conventional. The reliance on announcement mechanisms through mass media and court notice boards indicates that the summons process has not been fully adapted to the development of modern communication and information technology tools. As a result, the procedure that should facilitate the resolution of cases has instead become complex and less effective in reaching defendants in practice.

Meanwhile, in relation to the principle of affordable justice, the length of the public summons period often correlates with increased costs for the plaintiff. The costs of announcements in conventional mass media and ongoing case costs during the summons process can be a significant economic burden. This condition has the potential to limit access to justice, especially for people with financial constraints.

With the rapid development of technology today, innovation in court administration and legal breakthroughs in the interpretation of legal rules are necessary. For example, if a public summons to a defendant whose whereabouts are unknown is issued in accordance with Article 27 of the Government Regulation on Marriage through notice boards and mass media such as newspapers, innovation can be achieved by issuing the summons through the court's official website, official social media accounts such as Facebook, Instagram, TikTok, and YouTube, or other social media platforms. By announcing the general summons through several official court accounts, the announcement can reach a wider audience than if it were only announced on the court's notice board. This is also in line with the time frame that can be reduced if the official summons is announced on social media such as Facebook, Instagram, TikTok, YouTube, or other social media platforms.

Thus, although Article 27 of the Government Regulation on Marriage is still normatively relevant as the legal basis for summons, the provisions regarding the protracted period of

summons need to be critically evaluated. A progressive interpretation or renewal of procedural law policies is needed to adapt summons procedures to developments in modern judicial technology, so that the principles of swift, simple, and inexpensive justice can be effectively realized in the practice of divorce case resolution.

CONCLUSION

The procedure for summoning defendants whose whereabouts are unknown in divorce cases in the District Court is a fundamental part of civil procedure law that aims to ensure legal certainty and procedural justice. The provisions of Article 27 of Government Regulation Number 9 of 1975 provide a legal basis for substitute summonses through the mass media and court notice boards as an exception to the principle of direct summons, while still prioritizing the protection of the defendant's rights through the provision of an adequate grace period. However, this mechanism reflects the *lex specialis* character of matrimonial procedural law, which requires the active role of judges in assessing the validity and basis of the lawsuit, especially in default judgments. Thus, this summons procedure is not merely formal in nature, but contains a dimension of substantive justice that balances the defendant's right to defense, the plaintiff's interests, and the court's obligation to resolve cases legally and fairly.

The procedure for summoning a hearing in divorce cases, particularly general summons as stipulated in Article 27 of Government Regulation No. 9 of 1975, is essentially aimed at ensuring legal certainty and protecting the rights of defendants whose whereabouts are unknown. However, from the perspective of the principles of swift, simple, and inexpensive justice, the regulation regarding the duration of the summons, which can last for months, shows an imbalance between the protection of procedural rights and the effectiveness of case resolution. The length of the summons process has the potential to hinder the achievement of legal certainty, increase the psychological and economic burden on the parties, and prolong the settlement of the legal consequences attached to divorce. In addition, the reliance on conventional summons mechanisms through the mass media and notice boards reflects the nature of procedural law that is not yet fully adaptive to technological developments and the digitization of the judiciary. Therefore, although Article 27 still has normative legitimacy, a progressive interpretation and renewal of procedural law policies that integrate electronic- based summons are needed so that the administration of divorce proceedings can be more effective, efficient, and in line with the principles of swift, simple,

and inexpensive justice.

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