

Abstract

A decision will be said to be good if the decision contains legal objectives, namely justice, certainty and expediency. In principle, the implementation of the decision (execution) can be carried out after the decision has permanent legal force, which means that there are no more legal remedies, either appeal or cassation. The purpose of this writing is to find out and inform the legal provisions on the return of the object of execution which are not complete as well as to observe the court which has the authority to approve the execution immediately if the case is at the Supreme Court stage. Meanwhile, the benefits are for theoretical benefits Providing benefits for the renewal of civil procedural law in Indonesia, while for practical purposes, namely to provide answers to the problems researched by the author, namely related to legal provisions regarding the return of the object of execution which is not immediately complete. The approach method used in this research is a statutory approach (statute approach) and a conceptual approach. Based on the assessment by means of this approach method, the result is that the demands for recovery to the original state are physically at a level of absolute impossibility or impossibility, like it or not, physical recovery must be eliminated. Rational and realistic remedies are carried out according to alternatives. The execution of decisions is immediately carried out by the head of the District Court, where the implementation must be with the permission of the High Court, and the chairman of the District Court can ask for a guarantee of money or goods as an anticipation in the event of rejection (cancellation) at the appeal or cassation level.

Keywords: *Judgement, Uitvoerbaar bij voorraad, District Court*

Abstrak

Suatu putusan akan dikatakan baik apabila putusan tersebut telah memuat tujuan hukum, yakni keadilan, kepastian, dan kemanfaatan. Pada dasarnya pelaksanaan putusan (eksekusi) dapat dijalankan setelah putusan berkekuatan hukum tetap, yang artinya sudah tidak terdapat upaya hukum lagi, baik banding maupun kasasi. Tujuan penulisan ini adalah untuk mengetahui dan menginformasikan ketentuan hukum terhadap pengembalian objek eksekusi serta merta yang tidak utuh serta meninjau pengadilan yang memiliki wewenang melakukan persetujuan eksekusi serta merta jika perkaranya pada tahap Mahkamah Agung. Sementara itu, manfaatnya secara teoritis adalah memberikan pembaharuan hukum acara perdata di Indonesia, sedangkan untuk kepentingan praktis yaitu untuk memberikan jawaban atas masalah yang diteliti oleh penulis, yaitu terkait ketentuan hukum terhadap pengembalian objek eksekusi serta merta yang tidak utuh. Metode pendekatan yang digunakan dalam penelitian ini adalah pendekatan perundang-undangan (*statute approach*), dan pendekatan konsep (*conceptual approach*). Berdasarkan pengkajian melalui metode pendekatan tersebut kemudian diperoleh hasil dalam keadaan tuntutan pemulihan kepada keadaan semula secara fisik.

Kata Kunci: Putusan, Putusan Serta Merta, Pengadilan Negeri