

Legal Counseling on Fast Procedural Law for Business and Investment in the Public Dialogue on the Draft Civil Procedure Law

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Abstract

Introduction: National economic growth requires a responsive and efficient legal system, particularly in the field of business and investment. The Draft Bill on Civil Procedure Law is expected to provide legal certainty and accelerate the resolution of business and investment disputes.

Purposes of The Devotion: This article aims to provide understanding of fast-track civil procedure for business and investment through public dialogue.

Method of The Devotion: The method applied was lecture and interactive discussion, using an empirical approach based on stakeholder participation in public dialogue.

Results Main Findings of the Devotion: The community service activity revealed that participants gained broader knowledge of business dispute resolution through both litigation and non-litigation, fast-track proceedings in civil procedure law, and academic aspects of the Draft Bill. The enthusiasm of the participants highlighted the urgent demand for a faster and more efficient civil procedure system. These findings emphasize the importance of reforming civil procedural law to foster a favorable investment climate and ensure legal protection for business actors.

Keywords: Community Service; Fast Track Procedure; Business; Investment.

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INTRODUCTION

The growth of the economy drives the need for an effective and efficient legal system in business and investment activities. According to the Central Bureau of Statistics in 2024, Indonesia's economy showed a growth of 5.11% from the previous quarter, and in the investment sector, there was an increase of 3.79%, mainly supported by building investments in line with ongoing infrastructure development.¹ The challenges encountered due to legal aspects in the field of business and investment are as follows: legal uncertainty, complicated bureaucratic procedures, inconsistencies between national and local regulations, and issues related to the protection of investors' rights.² Civil Procedure Law that is still in effect today largely originates from Dutch colonial regulations such as HIR, Rbg, Rv, and BW. In order to advance the era of business and investment, the

¹ Fadjar Majardi, "Pertumbuhan Ekonomi Indonesia Triwulan 1 2024 Meningkat," 2024, https://www.bi.go.id/id/publikasi/ruang-media/news-release/Pages/sp_269424.aspx.

² M Musmulyadi et al., "Tantangan Regulasi Hukum Investasi Di Indonesia Dalam Mendorong Pertumbuhan Ekonomi," *Jurnal Pendidikan* ... 7 (2023): 32380-84, <https://jptam.org/index.php/jptam/article/view/12296%0Ahttps://jptam.org/index.php/jptam/article/download/12296/9473>.

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implementation of a fast procedural law becomes very important. This responsive procedural law is expected to provide solutions to existing problems, especially concerning upcoming regulations, namely the Draft Civil Procedure Law. It is hoped that this Draft Law, which will be prepared by the legislative body, can provide legal certainty in the field of business and investment. Therefore, the resolution of civil procedures quickly for the business and investment sector is highly needed.

Legal counseling with material on the expedited legal procedures for business and investment covers civil procedural law for business and investment and provides further knowledge and insights on resolving business disputes both through litigation and non-litigation, examination of proceedings in Civil Procedure Law, as well as the content of academic manuscripts on Civil Procedure Law and investment and business from a legal perspective. This Community Service Program aims to strengthen the formulation of norms that represent the need for law that is just, efficient, and effective in the Public Dialogue on the Draft Law on Civil Procedure Law for stakeholders in the House of Representatives.

METHOD OF THE DEVOTION

The method used in this Community Service activity is a lecture and discussion between the presenter and the participants. This Community Service activity was held at Prime Plaza Hotel Sanur Bali, Jl. Hang Tuah Number 46, Sanur Kaja, South Denpasar, Denpasar City, Bali on Tuesday, May 21, 2024, from 08.00 WITA until finished. The participants attending this Community Service activity were stakeholders related to the Draft Civil Procedure Code in the House of Representatives and the public as a form of public participation. The participants appeared enthusiastic and were able to engage in interactive discussions with the presenter, resulting in positive outcomes. Community Service activities are carried out well with several stages implemented before the Community Service execution stage. The first stage is the preparation stage, during which the selection of the Community Service implementation team members is conducted to match the topic related to the outreach material. At the preparation stage, the implementation team also conducts research on topics related to the outreach material. The research is carried out by literature review both through the internet and visits to the Trisakti University library. The Community Service execution stage begins with the delivery of material to the participants by the speaker using the lecture method, followed by interactive discussions with the participants. If detailed, the stages of activities carried out by the Trisakti University Community Service implementation team include: 1) Formation of the Community Service implementation team with team members that match the material of the Community Service outreach; 2) Preparation of outreach materials through literature review both on the internet and visits to the Trisakti University Faculty of Law library, with outreach materials in the form of PowerPoint slides; 3) Implementation of Community Service activities starting with the presenter giving greetings and delivering the material through a lecture method, followed by interactive discussions between the presenter and the participants; 4) Closing of Community Service activities with an evaluation conducted with the Community Service implementation team regarding the Community Service activities that have been carried out.

RESULTS AND DISCUSSION

This legal counseling was attended by participants who have an interest related to the Draft Civil Procedure Law in the future. This activity aims to provide comprehensive information regarding the speedy legal resolution for business and investment. This urgency aligns with Yahya Harahap's view, which emphasizes that civil procedure law serves as the primary means to effectively enforce civil rights, so the faster and simpler the resolution mechanism, the higher the level of legal certainty felt by the public and business actors.³

The material discussed includes comments or evaluations of previous Civil Procedure Law regulations, issues or obstacles as well as their implementation and solutions, the choice between repealing, revising, or maintaining them, and their relation to Supreme Court Regulations and Supreme Court Circulars. This is relevant to research showing that the reform of civil procedure law through new regulations, such as simplified lawsuits, can improve the ease of doing business and reduce the case burden in courts.⁴

The legal basis and considerations for the Draft Civil Procedure Code are stipulated in Article 24 paragraph (5) of the 1945 Constitution. The background underlying the draft Civil Procedure Code includes philosophical, sociological, juridical, economic, visionary, and responsive aspects. The formation of the law involves clarity of formulation, transparency, invitation by the leadership of institutions, relevance to institutions, public input, stakeholders, and public participation.

The content of the academic manuscript on Civil Procedure Law required includes claims of rights, lawsuits/petitions, bailiffs, granting of power of attorney, court competence, resignation and denial of rights, efforts to secure rights, trial proceedings, absence of the defendant, court sessions, and others. Business dispute resolution can be settled either through litigation or non-litigation. In brief, the difference is that an expedited trial is conducted when there are sufficiently urgent interests of the plaintiff that must be inferred from the reasons in their petition, whereas a summary proceeding is conducted against an opposition.⁵

Dispute resolution is a very important aspect in the business world, where the existence of credible judicial institutions and dispute resolution bodies is highly expected by investors. The OECD emphasizes that legal certainty and the speed of dispute resolution are important indicators in creating a healthy investment climate.⁶ Therefore, the government is striving to make improvements to the civil procedural law system.⁷ During the outreach activity, the participants' enthusiasm was clearly filling the room. The Community Service activity lasted for 120 minutes and was followed by a discussion between the presenters and the participants. The implementation team successfully carried out the legal outreach to completion, as documented in the Community Service results as follows:

³ M. Yahya Harahap, *Hukum Acara Perdata Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, Dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2017).

⁴ W.D.R. Febriyanti and A. Sulistyono, "Pembaharuan Hukum Acara Perdata Melalui Gugatan Sederhana Guna Meningkatkan Kemudahan Berusaha Di Indonesia," *Privat Law* 12, no. 1 (2024): 58–68.

⁵ (Azrianti, et.al, 2021)

⁶ OECD Publishing, *OECD Investment Policy Reviews: Indonesia*, 2021.

⁷ (Febriyanti, et.al, 2024)



Figure 2. Dr. Asep Iwan Iriawan, SH., MH Receiving an Award

CONCLUSION

The Community Service Program in the form of a legal counseling activity with the theme of expedited legal proceedings for business and investment was carried out by the Community Service Implementation Team of the Faculty of Law, Trisakti University at Prime Plaza Hotel Sanur, Jl. Hang Tuah Number 46, Sanur Kaja, South Denpasar, Denpasar City, Bali. It was conducted due to a public dialogue on the Draft Law on Civil Procedure by the Directorate General of Legislation with the aim of strengthening norms that represent legal needs that are fair, efficient, and effective. This legal counseling provides understanding regarding expedited legal proceedings for business and investment from a legal perspective, both theoretically and practically, in a comprehensive and effective manner, so that the material can provide participants with greater knowledge and insight.

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Harahap, M. Yahya. *Hukum Acara Perdata Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, Dan Putusan Pengadilan*. Jakarta: Sinar Grafika, 2017.

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