

Meaning and Limitations of the Phrases “Valid” and “Appropriate” in Electronic Summons from the Perspective of the Principle of Legal Certainty

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Abstract. Supreme Court Regulation (PERMA) Number 1 of 2019 regulates the mechanism of electronic administration and trials, including provisions regarding electronic summons as stated in Article 18. However, the phrases “valid” and “appropriate,” which are requirements for the validity of electronic summonses, do not yet have clear conceptual boundaries, giving rise to potential differences in interpretation and legal uncertainty in judicial practice. This study aims to analyze the meaning and normative limitations of the terms “valid” and “appropriate” in the context of electronic summons by reviewing the construction of regulations, doctrines, judicial principles, and their application in court. Using a normative juridical method through a regulatory, conceptual, and case-based approach, this study finds that the validity of electronic summons must be understood as the fulfillment of formal procedures and authentication of the identity of the summoned party, while appropriateness relates to the accuracy of the electronic address, the deadline for delivery, and the accessibility of information by the party concerned. From the perspective of the principle of legal certainty, a clear interpretation of these two terms is an important prerequisite for ensuring the protection of the rights of the parties and preventing procedural disputes in the electronic trial process. Therefore, it is necessary to formulate more detailed guidelines so that the implementation of electronic summons meets the standards of legal certainty, effectiveness, and fairness.

Keywords: electronic summons, valid and appropriate, Article 18 PERMA 1/2019, legal certainty, electronic court administration.

1 Introduction

The development of information technology has brought significant changes to judicial practices in Indonesia, particularly through the implementation of e-Court as an electronic administration and trial system. These changes have not only accelerated the administrative process of cases, but also required adjustments to procedural law norms, including those concerning the mechanism for summoning parties. Article 18 of PERMA No. 1 of 2019 introduces the use of electronic summons while maintaining the requirement that such summons must be carried out in a “valid and proper” manner. Although this term has long been known in conventional civil procedural law, its application in a digital context raises new issues regarding the meaning, limitations, and objective measures that can be used to assess the validity and propriety of electronic summons. Therefore, a study of the phrase “valid and proper” is increasingly relevant

to ensure that the digitization of the summons process does not create legal uncertainty but rather strengthens the protection of the procedural rights of the parties in the modern judicial process.

Valid and proper standards in the context of electronic summons also need to be analyzed in terms of how far they are in line with the principles of summons in conventional procedural law, which must be carried out in a manner that ensures the parties actually receive them. The transition to an electronic system raises questions: Are the standards of validity and propriety for electronic summons the same as for physical summons? How does the court ensure that the parties' right to defend themselves is not prejudiced by the non-fulfillment of the element of propriety? What are the implications for decisions, including the possibility of *verzet*, appeals, or other legal remedies? As of now, there are no detailed regulations regarding the objective indicators of the phrases "valid" and "appropriate" in the electronic context, either in PERMA or other technical regulations. This raises the potential for legal uncertainty, which contradicts the principles of modern justice that demand effectiveness as well as accountability and protection of the rights of the parties. Therefore, an in-depth study of the meaning, application, and implications of the phrase "valid and appropriate" in Article 18 of PERMA No. 1 of 2019 is important to strengthen legal certainty and provide recommendations for regulatory improvements.

Thus, this research is important to provide normative clarity and a solid theoretical basis regarding the meaning and limitations of the terms "valid" and "appropriate," so that the application of electronic summons can be carried out consistently, fairly, and in line with the principle of legal certainty.

2 Research Method

This study uses a normative juridical method with a focus on the legal interpretation of the phrases "valid" and "appropriate" in Article 18 of PERMA Number 1 of 2019, which is analyzed through a legislative approach, a conceptual approach, and a case approach. The regulatory approach is used to identify the conformity of electronic summons provisions with civil procedural law norms, judicial administrative law, and general principles of good governance. The conceptual approach was used to explore the meaning, scope, and limitations of the terms "valid" and "appropriate" based on doctrine, legal certainty theory, the principle of procedural justice, and the principles of legal validity. Meanwhile, a case approach is taken by examining court decisions, electronic correspondence practices in the judicial environment, and empirical issues that arise in the implementation of electronic summons, particularly those related to notifications, email addresses, and proof of summons. The primary legal materials used include regulations related to the electronic court system, PERMA Number 1 of 2019, and relevant court decisions; secondary legal materials include legal literature, journals, expert commentary, and doctrines related to procedural law and legal certainty; while tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources. All of these legal materials were analyzed using qualitative analysis techniques through interpretation.

3 Results and Discussion

Interpreting the phrase “valid” in legislation requires an appropriate method of legal interpretation. The interpretation of the phrases “valid” and “appropriate” in Article 18 of Supreme Court Regulation (PERMA) No. 1 of 2019 requires a shift from a purely textual reading toward a normative and functional analysis. This is particularly necessary because the regulation introduces electronic summons (e-summons) as a procedural mechanism that replaces conventional summons, while retaining terminology originally developed within a physical and manual procedural framework[1].

From a grammatical perspective, the term “valid” generally refers to conformity with formally prescribed legal procedures. In the context of procedural law, validity is traditionally associated with compliance with procedural requirements stipulated by legislation, including the authority of the issuing body, the prescribed method of delivery, and compliance with statutory time limits. However, limiting the interpretation of “valid” in electronic summons solely to grammatical meaning risks oversimplifying its legal implications, as procedural law does not merely regulate formality but also safeguards the procedural rights of the parties[2].

A systematic interpretation of Article 18 of PERMA No. 1 of 2019 demonstrates that “validity” in electronic summons is closely linked to the structure of the e-Court system itself. Electronic summons are deemed valid when they are delivered through the official electronic domicile registered by the parties and recorded within the judicial information system.[3] In this sense, validity is no longer dependent on physical delivery by a bailiff, as regulated under Articles 390–393 of the HIR, but rather on the integrity of the electronic system, including account verification, system logs, timestamps, and proof of delivery. This represents a paradigmatic shift from physical certainty to system-based certainty in determining procedural legality[4].

Nevertheless, the transformation of validity from physical to digital mechanisms raises a critical normative issue. System-based delivery does not necessarily guarantee that the summoned party has actually become aware of the summons[5]. Unlike conventional summons, where bailiffs are required to ensure direct delivery and provide written reports, electronic summons rely heavily on the assumption that registered electronic domiciles are actively monitored and accessible by the parties. Consequently, procedural validity risks being reduced to administrative compliance, rather than functioning as an instrument to ensure the effective exercise of procedural rights.

The concept of “appropriate,” as used alongside “valid,” introduces an evaluative and corrective dimension within procedural law.[6] Unlike validity, which emphasizes formal legality, appropriateness concerns whether a procedural action is carried out in a manner that is reasonable, fair, and capable of fulfilling its intended purpose. In the context of court summons, appropriateness is inseparable from the principle of *audi et alteram partem*, which guarantees the right of each party to be informed of proceedings and to present a *Défense*[7].

In electronic summons, appropriateness must therefore be assessed based on whether the method and timing of delivery reasonably enable the party to access the summons and prepare for trial. Factors such as the accuracy of the registered electronic address, the functionality of the e-Court system, the timing of delivery relative to the hearing date, and the actual accessibility of the summons by the party become decisive. Appropriateness cannot be presumed merely because a notification has been successfully

transmitted by the system; it must be evaluated in light of whether the summons provides a real and effective opportunity for participation in the judicial process.

This distinction reveals a crucial normative tension within Article 18 of PERMA No. 1 of 2019. While the regulation equates system-recorded delivery with a “valid and appropriate” summons, procedural justice requires more than technological confirmation. A summons that is formally valid but practically inaccessible undermines due process of law and risks depriving parties of their right to be heard.[8] Accordingly, the element of appropriateness functions as a safeguard against the rigidity of system-based formalism, ensuring that procedural efficiency does not override substantive fairness.

The limitations of electronic summons further illustrate this tension. First, electronic validity presupposes that the electronic domicile has been properly established and actively maintained by the party. If an account is inactive, outdated, or inaccessible, the assumption of effective notification becomes questionable. Second, technical disruptions—such as system errors, delayed notifications, or cybersecurity issues—may render an otherwise valid summons procedurally improper. Third, disparities in digital literacy and access to technology raise concerns about equal access to justice, particularly for litigants who may be formally registered in the system but lack the practical ability to engage with it effectively[9].

Comparatively, under the HIR, the validity and propriety of summons are ensured through physical delivery mechanisms that prioritize direct notification and human verification by bailiffs. While this approach is slower and less efficient, it provides a clearer assurance that the summoned party has been informed. PERMA No. 1 of 2019 and PERMA No. 7 of 2022 seek to modernize this process by emphasizing efficiency and administrative integration, yet they simultaneously shift the burden of procedural awareness onto the parties themselves. This shift necessitates a recalibration of the meaning of “appropriate” to prevent procedural disadvantage arising from technological dependency.

Thus, the interpretation of “valid and appropriate” in electronic summons should not be confined to administrative or technical compliance. Instead, it must be grounded in a rights-oriented approach that aligns procedural modernization with constitutional guarantees of legal certainty, fairness, and access to justice. Without clearer normative criteria and judicial guidance, the implementation of electronic summons risks prioritizing procedural efficiency at the expense of procedural justice.

Table 1. Comparison of Court Summons Procedures (HIR vs PERMA)

ASPECT	HIR	PERMA (1/2019 & 7/2022)
LEGAL BASIS ARTICLE	Articles 390–393 HIR	PERMA No. 1 of 2019; PERMA No. 7 of 2022
METHOD OF DELIVERY	Directly by bailiff Electronicall	Electronically via e-Court/e-Summons
PROOF OF SUMMONS	Bailiff's summons report	Proof of delivery & read receipt on the system

VALIDITY REQUIREMENTS	Delivered 3 days before the hearing	Accordance with Article 18 PERMA: valid & appropriate
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Table 2. Comparison of the Meanings and Definitions of ‘Valid and Appropriate’ (HIR vs PERMA)

Category	HIR	PERMA No. 1/2019 & 7/2022
Meaning of ‘Valid’	The summons is carried out in accordance with formal procedures & deadlines HIR	Electronic summons are considered valid if sent through a registered account on e-Court
Meaning of ‘Proper’	Delivery is proper if the bailiff ensures that the recipient is clearly and reasonably notified	Proper if the notification meets standards of legibility, accessibility, and account validity
Limitations of ‘Valid’	Bound by physical mechanisms and bailiff intermediation	Bound by electronic systems, sent and read status
Limitations of ‘Proper’	Depends on the social conditions and control of the party's address	Depends on the validity of the electronic account, data updates, and user compliance

Table 3. Meaning and Limitations of the Phrase ‘Valid and Appropriate’ in HIR and PERMA

Analysis Category	HIR (Herzien Inland-sch Reglement)	PERMA No. 1 of 2019 & PERMA No. 7 of 2022
Normative Basis	Articles 390–393 of HIR regulate summons by bailiffs, including formal requirements, notices, and a minimum period of 3 days before the trial	Article 18 of PERMA No. 1 of 2019 (amended by PERMA No. 7 of 2022) regulates electronic summons (e-Summons) as part of digital case administration.
Meaning of ‘Valid’	‘Valid’ means that the summons complies with the formal procedures of the HIR: it is delivered directly by the bailiff, recorded in the writ, and complies with the deadline.	‘Valid’ means that the electronic summons has been sent through the official account of the party in the e-Court system and is recorded in the log as delivered..
Meaning of ‘Proper’	‘Proper’ refers to the adequacy of the notification: the bailiff must ensure that the address is	‘Proper’ indicates the adequacy of electronic access: the account is active, the data is up to date, and notifications can be opened reasonably by the party..

	correct and that the delivery is adequate for the party.	
Limitations of the Definition of ‘Valid’	Physical: must be delivered directly by the bailiff, dependent on the address, and cannot be done via electronic media.	Digital: dependent on the validity of the account and system records. Does not strictly follow the minimum limit of 3 days but refers to technological standards
Limitations of the Definition of ‘Appropriate’	Influenced by non-technical conditions such as the bailiff's ability to locate the party, geographical conditions, and address accuracy.	Influenced by digital aspects such as the party's ability to access their account, electronic data updates, and notification accuracy.

The normative ambiguity of the phrases “valid” and “appropriate” in Article 18 of PERMA No. 1 of 2019 carries important policy implications for the future of electronic judicial administration. As currently formulated, the regulation prioritizes administrative efficiency and system-based certainty without providing sufficient normative safeguards to ensure that electronic summons effectively protect the procedural rights of litigants. This creates a risk that procedural compliance may be assessed solely on the basis of system records, rather than on whether the summoned party has been afforded a genuine opportunity to be heard. To address this gap, the Supreme Court should consider issuing more detailed technical guidelines or interpretative circulars that define minimum substantive standards for electronic summons, including criteria related to account activation, accessibility, reasonable notice periods, and remedial measures in cases of technological failure. Such policy clarification would not undermine the efficiency goals of e-Court, but rather strengthen legal certainty by aligning digital procedural mechanisms with the principles of due process of law and access to justice that underlie Indonesian civil procedural law.

4 Conclusion

In conclusion, the shift in the regulation of the phrase “valid and proper” from the conventional summons mechanism in the HIR to the electronic summons regulation through PERMA No. 1 of 2019 and PERMA No. 7 of 2022 indicates a significant paradigm shift in Indonesian civil procedural law. In the HIR, the meaning of “valid and proper” is based on formalistic and physical standards that emphasize the role of bailiffs, bailiffs' assistants, and direct verification of the existence and eligibility of the recipient of the summons. Meanwhile, in PERMA, the meaning of the phrase has evolved in line with the needs of judicial administration digitization, so that the validity of the summons is determined by the recording of the delivery in the electronic system, while its propriety is measured by the fairness of access and the validity of the parties' electronic accounts. Although there are differences in characteristics between these two

legal regimes, both aim to guarantee the principle of legal certainty, namely providing clarity, predictability, and procedural protection for those seeking justice. Thus, the transformation of the meaning of “valid and appropriate” in the context of electronic summons is not only a form of technological adaptation, but also a strengthening of the legal structure of proceedings so that it remains responsive to developments without neglecting the principles of legitimacy and procedural justice.

In addition, the harmonization between HIR and PERMA in interpreting the phrase “valid and appropriate” shows that the modernization of the judicial system is not intended to eliminate the classic principles of procedural law, but rather to adapt legal instruments so that they remain relevant in the digital context. The main challenge ahead is not only to ensure the compatibility of technology with procedural norms, but also to ensure the readiness of the parties to update electronic data, understand the e-Court system, and maintain the accuracy and security of information. Therefore, even though PERMA has provided a legal framework that is more adaptive to digital developments, legal certainty can only be realized if the implementation of norms is carried out consistently, supported by reliable technological infrastructure, and accompanied by increased legal and technological literacy for judicial officials and the public seeking justice.

The modernization of court summons through electronic systems should not be understood merely as a technical innovation, but as a normative transformation of procedural law. The effectiveness of electronic summons must ultimately be measured not only by administrative efficiency, but by their ability to uphold legal certainty, procedural fairness, and equal access to justice within an increasingly digital judicial system.

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