

Between Legal Certainty and Judicial Inconsistency: An Analysis of the Legal Consequences of Default Judgments in Simplified Sharia Economic Litigation

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Abstract

The application of *verstek* (default) judgments in the resolution of simple Sharia economic lawsuits still raises issues regarding the consistency of applying the legal consequences of a defendant's failure to appear. These inconsistencies in application have the potential to create legal uncertainty and affect the consistency of judicial practice in economic cases of sharia. This study aims to analyze the application of the legal consequences of default judgments in simple Islamic economic lawsuits and identify the factors causing inconsistencies in their application through an analysis of Magetan Religious Court Decisions No. 49/Pdt.G.S/2025/PA.Mgt and No. 102/Pdt.G.S/2025/PA.Mgt. This study employed a normative legal method with a juridical approach. The data were analyzed descriptively and comparatively by comparing judges' reasoning in both decisions, utilizing the concept of recognition in civil procedure law, the theory of legal discovery, and the theory of legal certainty. The results indicate that both decisions based their reasoning on Article 125 of the HIR (Dutch Civil Code), yet differed in applying the legal consequences of a default judgment. Judgment No. 49/Pdt.G.S/2025/PA.Mgt still conducted a substantive review of the legal relationship between the parties, resulting in the claim being granted in part, whereas Judgment No. 102/Pdt.G.S/2025/PA.Mgt granted the entire claim after the evidence was deemed sufficient to support the plaintiffs' arguments. These differences indicate the absence of a uniform standard in interpreting the relationship between the defendant's absence, admission, and the burden of proof. This study concludes that the lack of clear guidelines regarding the application of the legal consequences of default has the potential to lead to inconsistent rulings and undermine legal certainty in the resolution of Islamic economic disputes.

Keywords: *Verstek, Simple Lawsuit, Sharia Economics, Legal Certainty, Legal Discovery*

Abstrak

Penerapan putusan *verstek* dalam penyelesaian gugatan sederhana ekonomi syariah masih menyisakan persoalan terkait konsistensi penerapan akibat

hukum dari ketidakhadiran tergugat. Perbedaan penerapan tersebut berpotensi menimbulkan ketidakpastian hukum serta memengaruhi konsistensi praktik peradilan dalam perkara ekonomi syariah. Penelitian ini bertujuan untuk menganalisis penerapan akibat hukum putusan *verstek* dalam gugatan sederhana ekonomi syariah serta mengidentifikasi faktor-faktor yang menyebabkan inkonsistensi penerapannya melalui analisis terhadap Putusan Pengadilan Agama Magetan Nomor 49/Pdt.G.S/2025/PA.Mgt dan Nomor 102/Pdt.G.S/2025/PA.Mgt. Penelitian ini menggunakan metode hukum normatif dengan pendekatan yuridis normatif. Data dianalisis secara deskriptif-komparatif melalui perbandingan pertimbangan hakim dalam kedua putusan dengan menggunakan konsep pengakuan dalam hukum acara perdata, teori penemuan hukum, dan teori kepastian hukum. Hasil penelitian menunjukkan bahwa kedua putusan sama-sama mendasarkan pertimbangannya pada Pasal 125 HIR, namun berbeda dalam menerapkan akibat hukum *verstek*. Putusan Nomor 49/Pdt.G.S/2025/PA.Mgt tetap melakukan pengujian substantif terhadap hubungan hukum para pihak sehingga gugatan dikabulkan sebagian, sedangkan Putusan Nomor 102/Pdt.G.S/2025/PA.Mgt mengabulkan seluruh gugatan setelah alat bukti dinilai cukup mendukung dalil penggugat. Perbedaan tersebut menunjukkan belum adanya standar yang seragam dalam memaknai hubungan antara ketidakhadiran tergugat, pengakuan, dan pembuktian. Penelitian ini menyimpulkan bahwa ketiadaan pedoman yang jelas mengenai penerapan akibat hukum *verstek* berpotensi menimbulkan inkonsistensi putusan dan mengurangi kepastian hukum dalam penyelesaian sengketa ekonomi syariah.

Kata kunci: *Verstek, Gugatan Sederhana, Ekonomi Syariah, Kepastian Hukum, Penemuan Hukum*

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Introduction

The Islamic finance industry has experienced significant growth at the global level over the past two decades.¹ A report by the Islamic Financial Services Board (IFSB)

¹ I. Alam and P. Seifzadeh, "Marketing Islamic Financial Services: A Review, Critique, and Agenda for Future Research," *Journal of Risk and Financial Management* 13, no. 1 (2020), Scopus, <https://doi.org/10.3390/jrfm13010012>; M. Y. B. Z. Kepli, "Islamic Finance in Hong Kong," *Hong Kong Law Journal* 42, no. 3 (2012): 809–37, Scopus; A. C. Worthington, *Contemporary Issues in Islamic Finance: Principles, Progress and Prospects*, in *Contemp. Issues in Islam. Financ.: Princ., Prog. and Prospect.*, Contemporary Issues in Islamic Finance: Principles, Progress and Prospects (Nova Science

indicates that global Islamic financial assets continue to grow, driven by the Islamic banking sector, Islamic capital markets, and Islamic non-bank financial institutions.² This growth has led to increasingly complex legal relationships among Islamic economic actors, which, in turn, raises the potential for disputes in the implementation of Islamic contracts.³ In the Indonesian context, the rise in Islamic economic activity has also driven an increased need for a dispute resolution system that is effective, swift, and capable of providing legal certainty to the parties involved.⁴ Therefore, a simple and efficient dispute resolution mechanism has become indispensable in supporting the stability of Islamic economic transactions.

In response to this need, the Supreme Court developed a simplified litigation mechanism, a small-claims court, through Supreme Court Regulation (PERMA) No. 2 of 2015, as amended by PERMA No. 4 of 2019.⁵ This mechanism is designed to realize the principles of simple, swift, and low-cost adjudication in the resolution of civil cases involving claims of a certain value.⁶ In Islamic economic cases, the authority to resolve disputes lies with Religious Courts, as stipulated in Article 49(i) of Law No. 3 of 2006 on Religious Courts and reinforced by PERMA No. 14 of 2016 on the procedures for Islamic economic cases.⁷ The existence of these regulations demonstrates that the resolution of Islamic economic disputes is not only required to ensure substantive justice based on

Publishers, Inc., 2014), 177, Scopus, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84953372905&partnerID=40&md5=31c21f89407e2535ab2f4dab6bdbaf32>; T. Al-Rifai, "The Evolution of Shari'ah-Compliant Indexes and Why They Outperform Conventional Indexes over the Long Term," in *Contemp. Islamic Finance: Innovations, Appl., and Best Pract.* (John Wiley and Sons, 2013), 195–201, Scopus, <https://doi.org/10.1002/9781118653814.ch11>; H. G. Rammal et al., "The Institutional Development of Islamic Finance in the Middle East: A Post-Colonial Comparative Perspective," *Business History* 67, no. 2 (2025): 395–412, Scopus, <https://doi.org/10.1080/00076791.2023.2233429>.

² Islamic Financial Services Board, *Islamic Financial Stability Report 2026* (Kuala Lumpur, Malaysia, 2026).

³ Renny Supriyatni and Andi Fariana, "Model Penyelesaian Sengketa Ekonomi Syariah Yang Efektif Dikaitkan Dengan Kompetensi Di Peradilan Agama Dalam Rangka Pertumbuhan Ekonomi Nasional," *Jurisprudence* 7, no. 1 (2017): 68–79.

⁴ Syifa Khoerunnisa, "Efektivitas Penyelesaian Sengketa Ekonomi Syariah Melalui Gugatan Sederhana Di Pengadilan Agama Garut," *Jurnal: Riset Ekonomi Syariah Dan Hukum Al-Falah* 1, no. 2 (2023): 87.

⁵ Nurul Badriyah, "Disparitas Putusan Hakim Dalam Penggunaan Sumber Hukum Pada Sengketa Ekonomi Syariah," *Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syariah* 6, no. 4 (2025): 1406–20.

⁶ Andri Halim and Oyo Sunaryo Mukhlas, "Implementasi Prinsip Sederhana Dalam Penyelesaian Sengketa Di Indonesia," *Ekasakti Legal Science Journal* 2, no. 1 (2025): 28–37, <https://doi.org/https://doi.org/10.60034/hc2n7e50>.

⁷ Hasbi Hasan, *Kompetensi Peradilan Agama Dalam Penyelesaian Sengketa Ekonomi Syariah* (Depok: Gramata Publishing, 2010).

Sharia principles, but also legal certainty through effective and consistent procedural mechanisms.⁸

In the practice of resolving simple Sharia economic lawsuits, the enforcement of default judgments remains an issue that raises legal problems, particularly when the defendant fails to appear in court despite having been duly and properly summoned.⁹ Provisions regarding default judgments are set forth in Article 125 of the *Herzien Indonesisch Reglement (HIR)* and Article 149 of the *Rechtsreglement voor de Buitengewesten (RBg)*.¹⁰ However, neither of these provisions explicitly states whether the defendant's absence can be construed as an admission of all the plaintiff's claims.¹¹ This regulatory gap leaves room for judicial interpretation in determining the legal consequences of the defendant's absence, meaning that the application of a default judgment involves not only procedural aspects, but also relates to the construction of evidence and the limits of granting the claim.¹²

This issue is evident in the Magetan Religious Court's Decision No. 49/Pdt.G.S/2025/PA.Mgt and decision No. 102/Pdt.G.S/2025/PA.Mgt, as rendered by the Magetan Religious Court in 2025. Both decisions stem from simple Sharia economic lawsuits that were adjudicated by default because the defendant failed to appear after being officially and properly summoned.¹³ Interestingly, in both decisions, the judge employed the same legal reasoning, namely that the defendant's absence could be deemed an admission of the plaintiff's claims. However, their legal implications differ. In Decision No. 49/Pdt.G.S/2025/PA.Mgt, the judge granted only a portion of the plaintiff's claim, specifically, Rp 37,200,000.00, out of the claimed amount of Rp 40,800,000.00.¹⁴ Meanwhile, in Judgment No. 102/Pdt.G.S/2025/PA.Mgt, the entire claim of Rp

⁸ Darmawati and Asriadi Zainuddin, "Penerapan Keputusan Verstek Di Pengadilan Agama," *Al-Mizan* 11, no. 1 (2015): 90–101.

⁹ Wantjik Saleh, *Hukum Acara Perdata* (Jakarta: Ghalia Indonesia, 1977).

¹⁰ Abdul Manan, *Penerapan Hukum Acara Perdata Di Lingkungan Peradilan Agama* (Jakarta: Kencana, 2006), hlm. 212.

¹¹ Ning Adiasih, "Penemuan Hukum Oleh Hakim Dalam Perkara Waris Sesuai Asas Keadilan," *Jurnal Adhaper* 4, no. 4 (2018): 36.

¹² Ferdiansyah Nugroho and Niru Anita Sinaga, "Mekanisme Upaya Verzet Terhadap Putusan Verstek Dalam Hukum Acara Perdata," *Lex Laguens: Jurnal Kajian Hukum Dan Keadilan* 3, no. 1 (2025): 188–203.

¹³ Roihan A. Rasyid, *Hukum Acara Peradilan Agama* (Jakarta: PT Rajagrafindo Persada, 2001), hlm. 163.

¹⁴ Pengadilan Agama Magetan, "Putusan Nomor 49/Pdt.G.S/2025/PA.Mgt," preprint, Magetan: Direktori Putusan Mahkamah Agung Republik Indonesia, 2025.

197,517,788.00 was granted without any reduction.¹⁵ This discrepancy indicates inconsistency in the application of the legal consequences of a default judgment despite the use of identical legal constructs.

This phenomenon raises significant academic issues because it relates to consistency in the application of civil procedural law. In the modern judicial system, consistency in rulings is a key indicator of legal certainty.¹⁶ Differences in approach when adjudicating cases with similar characteristics raise questions regarding the limits of a judge's discretion in interpreting the legal consequences of a default judgment, particularly concerning the relationship between the defendant's absence, the burden of proof, and the grounds for granting the claim.¹⁷ This issue has become increasingly important in the resolution of Islamic economic disputes, which require legal certainty to ensure the stability of contractual relationships and business transactions.

Extensive studies on default judgments have been conducted, focusing on procedural aspects, protection of the defendant's rights, and legal consequences of the parties' absence. Research by Nurfitriani et al. indicates that judges still have an obligation to examine evidence, even when a case is decided by default judgment. This finding confirms that a default judgment does not eliminate the judge's role as an arbiter of the truth of the claims in the lawsuit.¹⁸ However, this study focused solely on a single judgment within the district court system and, thus, did not examine the consistency of default judgment application across similar rulings. Pasla et al. also found that default judgments in breach-of-contract cases still provide legal protection for the defendant through an objection (*verzet*). Nevertheless, this study focused more on the legal consequences following the judgment and did not examine how judges construct the relationship between the defendant's absence, presentation of evidence, and granting of

¹⁵ Pengadilan Agama Magetan, "Putusan Nomor 102/Pdt.G.S/2025/PA.Mgt," preprint, Magetan: Direktori Putusan Mahkamah Agung Republik Indonesia, 2025.

¹⁶ Himliah Hasibuan, "Kepastian Hukum Dalam Putusan Hakim: Studi Terhadap Inkonsistensi Yurisprudensi Mahkamah Agung," *YUDHISTIRA Jurnal Yurisprudensi, Hukum Dan Peradilan* 2, no. 3 (2024): 76–84, <https://doi.org/10.59966/yudhistira.v2i3.1670>.

¹⁷ Aprina Chintya, "MENERJEMAHKAN KEMASLAHATAN DALAM PUTUSAN (Studi Terhadap Putusan Verstek Ekonomi Syariah Di Pengadilan Agama Sijunjung)," *Jurnal Integrasi Ilmu Syariah* 4, no. 2 (2023): 263–72.

¹⁸ Febri Nurfitriani et al., "ANALISIS YURIDIS TERHADAP PUTUSAN PENGADILAN NEGERI SERANG TENTANG VERSTEK (Studi Putusan Nomor 60/Pdt.G/2025/PN.Srg)," *WASAKA Critical Law Journals* 14, no. 1 (2026): 99–109.

the claim.¹⁹ Thus, the issue of consistency in judges' reasoning when applying the legal consequences of default judgments warrants further research.

Meanwhile, a study by Siagian and Bahiya addresses the need to reconstruct the law on default judgments in the era of e-courts, as the digitization of the judiciary has altered the patterns of party attendance in court proceedings.²⁰ This study offers a theoretical contribution regarding the need to reform civil procedure law but does not conduct a concrete analysis of actual court rulings. Consequently, how judges apply default judgment in real-world cases has not been explained. Pratama compared the mechanisms of simplified lawsuits with those of ordinary lawsuits and found that simplified lawsuits are more effective in realizing the principles of swift and simple justice.²¹ However, that study focused more on the procedural aspects of simplified lawsuits and did not discuss the implications of *verstek*s on the evidentiary process. Unlike previous studies, this research not only examines the application of *Verstek* in Islamic economic cases, but also compares two rulings from the same court to identify consistency in the application of the legal consequences of *Verstek*.

Based on the above discussion, this study seeks to answer two main questions: how are the legal consequences of default applied in simple Sharia economic lawsuits at the Magetan Religious Court, and why is there inconsistency in the application of the legal consequences of default between Judgment No. 49/Pdt.G.S/2025/PA. Mgt and Judgment No. 102/Pdt.G.S/2025/PA.Mgt, as well as implications for legal certainty. This study assumes that the differences in judgments are not solely due to differences in the facts of the cases but also to differences in the judges' legal reasoning regarding the significance of the defendant's absence within the evidentiary framework. To test this assumption, this study employs the concept of legal certainty as the primary analytical framework, combined with the theory of legal discovery, to explain the process by which judges formulate their reasoning. Through this approach, this study aims to make a theoretical contribution to the development of research on civil procedural law and

¹⁹ Gratio Justitio Pasla, Grace Henni Tinangon, and Edwin Neil Tampongangoy, "TINJAUAN YURIDIS PENERAPAN PUTUSAN VERSTEEK DALAM PERKARA WANPRESTASI (Studi Kasus No 11/Pdt.G.S/2024/PN Ktg)," *Lex Crimen Jurnal Fakultas Hukum UNSRAT* 13, no. 4 (2025): 1–13.

²⁰ Fahri Gunawan Siagian and Almas Sidda Bahiya, "RECONSTRUCTION OF VERSTEEK IN INDONESIAN CIVIL PROCEDURAL LAW: JUSTICE CHALLENGES IN THE E-COURT ERA," *Journal of Court and Justice Pengadilan Agama Karangasem*, 2, no. 1 (2026): 1–18.

²¹ Ridwan Pratama, "Comparison Study Between Simple Lawsuits in Small Claim Court and Usual Claims," *Indonesia Private Law Review* 4, no. 2 (2023): 77–90.

Islamic economics, while also providing practical insights for religious courts in ensuring consistency in the application of procedural law in default judgment cases.

Method

This normative legal study aims to analyze the application of the legal consequences of default in simple Sharia economic lawsuits and to identify inconsistencies in the application of the law in religious court practice. A normative approach was chosen because the focus of this study lies on legal norms, legal concepts, and judicial reasoning, as reflected in legislation and court decisions.²² This study employs a normative juridical approach that integrates statutory, case, and conceptual approaches.²³ The statutory approach is used to examine various regulations related to default judgments and summary proceedings, including Article 125 of the HIR, Article 149 of the RBg, Law No. 3 of 2006 on Religious Courts, PERMA No. 2 of 2015 (as amended by PERMA No. 4 of 2019) on procedures for resolving simple claims, and Supreme Court Regulation No. 14 of 2016 on procedures for resolving economic cases of sharia.²⁴

A case study approach was used to examine Judgment No. 49/Pdt.G.S/2025/PA.Mgt and Judgment No. 102/Pdt.G.S/2025/PA.Mgt. These two decisions were selected because they share relatively similar characteristics: both are simple Sharia economic lawsuits decided by default by the Magetan Religious Court and employ the same legal reasoning regarding the defendant's absence, which is deemed an admission of the plaintiff's claims. Nevertheless, the two decisions resulted in different dispositions, making them relevant for analysis to identify consistency in the application of the legal consequences of default judgments in judicial practice. A conceptual approach was used to examine various legal concepts related to default judgments, admissions, evidence, consistency of rulings, and legal certainty. This approach is necessary to establish an analytical framework for assessing the alignment between legal norms, civil procedural doctrines, and their practical application in court rulings.

²² Febri Nurfitriani et al., "Analisis Yuridis Terhadap Putusan Pengadilan Negeri Serang Tentang Verstek (Studi Putusan Nomor 60/Pdt.G/2025/PN.Srg)," *Jurnal Riset Multidisiplin Edukasi* 2, no. 12 (2025): 1136–46.

²³ Chintya, "MENERJEMAHKAN KEMASLAHATAN DALAM PUTUSAN (Studi Terhadap Putusan Verstek Ekonomi Syariah Di Pengadilan Agama Sijunjung)." Hlm. 267.

²⁴ Badriyah, "Disparitas Putusan Hakim Dalam Penggunaan Sumber Hukum Pada Sengketa Ekonomi Syariah." Hlm. 1410.

The subjects of this study were Judgment No. 49/Pdt.G.S/2025/PA.Mgt and Judgment No. 102/Pdt.G.S/2025/PA.Mgt, both of which were rendered by the Magetan Religious Court. These two judgments were selected as the primary objects of the study because they demonstrate the use of the same legal framework regarding the legal consequences of default, yet result in different rulings. The research was conducted in several stages, including identifying legal issues related to the application of the legal consequences of default in simple Sharia economic lawsuits; conducting a search and collection of relevant legal materials, including legislation, court decisions, and scholarly literature; analyzing both decisions to identify patterns in the application of the legal consequences of default; and conducting a comparative analysis to identify the forms and causes of inconsistencies in legal application, as well as their implications for legal certainty.

The legal materials used included primary and secondary sources.²⁵ Primary legal materials include laws and regulations related to the research subject, as well as Judgment No. 49/Pdt.G.S/2025/PA.Mgt and No. 102/Pdt.G.S/2025/PA/Mgt. Secondary legal sources include books, journal articles, and other scholarly works discussing civil procedural laws, default judgments, simplified lawsuits, Islamic economics, and the theory of legal certainty. The research instrument consists of a document analysis sheet used to identify and compare key aspects of both decisions, including the legal basis for the judges' reasoning, patterns of evidence, interpretation of the legal consequences of default judgments, and the operative part of the decision.

Legal materials were collected through library research by identifying, cataloging, classifying, and reviewing various relevant legal materials to the research focus.²⁶ These materials were selected based on their relevance to the research problem. Data analysis was conducted qualitatively using a descriptive-comparative analytical model. The data analyzed included the judges' legal reasoning, legal facts established, evidence used, and rulings. The analysis was conducted in three stages: first, identifying the legal constructs used by judges in interpreting the legal consequences of default in each judgment; second, comparing the legal reasoning, patterns of evidence, and scope of the claims granted in

²⁵ Faizatun Nikmah and Shofiatul Jannah, "Analisis Mekanisme Hukum Putusan Verstek Dalam Perkara Cerai Gugat Di Pengadilan Agama Kabupaten Purbalingga," *KNHI: Konferensi Nasional Hukum Islam*, 2025, 287–307.

²⁶ Burhan Bugin, *Metodologi Penelitian Sosial* (Surabaya: Universitas Airlangga, 2011).

both judgments; and third, evaluating the level of consistency in the application of the legal consequences of default using the concept of recognition in civil procedure law and Gustav Radbruch's theory of legal certainty as analytical tools. The results of this analysis explain the form, causes, and implications of inconsistencies in the application of the legal consequences of default in simple Sharia economic lawsuits.

Results and Discussion

Application of the Legal Consequences of Default in the Ruling of the Magetan Religious Court

Religious court practices show that the default mechanism, as stipulated in Article 125 of the HIR, is often applied when the defendant fails to appear in court, despite having been duly and properly summoned.²⁷ The application of this mechanism can be found in Magetan Religious Court Decisions No. 49/Pdt.G.S/2025/PA.Mgt and No. 102/Pdt.G.S/2025/PA.Mgt, both of which addressed Sharia economic disputes. These two decisions are worth examining because they demonstrate differences in the application of the legal consequences of default.²⁸ Although both rulings are based on the premise that the defendant's absence may be viewed as admission to the plaintiff's claims, their legal implications differ. In one decision, the judge still conducted a substantive review, resulting in the claim being granted only in part, whereas in the other decision, the claim was granted in full after the evidence was deemed sufficient to establish facts. This difference indicates that there is not yet a uniform standard for interpreting the relationship between the defendant's absence, admission, and burden of proof in default judgment cases.²⁹

Table 1. Comparison of the Application of Default Judgments in Decisions

Aspect	Decision No. 49/2025	Decision No. 102/2025
Type of case	Breach of a <i>murabahah</i> contract	Breach of Sharia-compliant time deposits and savings accounts
Procedure	Summary proceedings	Summary proceedings
Defendant's appearance	Absent (default judgment)	Absent (default judgment)
Legal basis for default judgment	Article 125 of the HIR	Article 125 of the HIR

²⁷ Maswandi, "Putusan Verstek Dalam Hukum Acara Perdata," *MERCATORIA* 10, no. 2 (2017): 160–79.

²⁸ Pengadilan Agama Magetan, "Putusan Nomor 49/Pdt.G.S/2025/PA.Mgt."

²⁹ Pengadilan Agama Magetan, "Putusan Nomor 102/Pdt.G.S/2025/PA.Mgt.,"

Judge's Regarding Consequences Default	Statement the of	The defendant is deemed to have admitted the claims	The defendant is deemed to have admitted the claims
Evidence		ID card, minutes of the Extraordinary General Meeting of Shareholders, murabahah agreement, land certificate, SKMHT, installment card, warning letters, and other supporting documents	ID card, time deposit certificate, and savings book
Findings of Fact		The defendant has never made any installment payments; the agreement remains in effect until September 2026 and has not yet matured	The time deposit has matured; the KSPPS office has closed and is no longer operating, and the funds cannot be withdrawn
Judge's Rationale		Continues to examine the merits and limits the claims	Links the absence of a defense to the establishment of the claim
Judgment		Partially Granted	Granted in Full
Legal Consequences of Default Judgment		Relative in nature and subject to further examination through evidence	Has a stronger influence on the granting of the claim

Source: Compiled by the author from the Magetan Religious Court's decision

Based on Table 1, both decisions share similarities in procedural aspects and in the legal reasoning employed by judges. They were examined through a simplified lawsuit mechanism, decided by the default judgment pursuant to Article 125 of the HIR and based on the reasoning that the defendant's absence may be deemed an admission of the plaintiff's claims. Thus, normatively, both decisions are based on relatively similar legal foundations and reasoning lines. Nevertheless, the application of the legal consequences of a default judgment to the two decisions yielded different results. In Decision No. 49/Pdt.G.S/2025/PA.Mgt., the judge did not treat the defendant's absence as an absolute basis for granting the entire claim. The judge still examined the substance of the legal relationship between the parties and found that the financing agreement was still in effect, so the plaintiff's claims could not be fully granted. Conversely, in Judgment No. 102/Pdt.G.S/2025/PA.Mgt., the defendant's absence, supported by the plaintiff's

evidence, led to the granting of the entire claim without any limitations on the claims filed. This difference indicates that the inconsistency does not lie in the application of Article 125 of the HIR or in the initial interpretation of the default judgment.

Rather, the inconsistency lies in how the judge positions the legal consequences of the defendant's absence within an evidentiary framework. In Judgment No. 49/Pdt.G.S/2025/PA.Mgt., the admission resulting from *verstek* is treated as a relative admission, thus still requiring further examination of the substance of the claim. Conversely, in decision no. 102/Pdt.G.S/2025/PA.Mgt, the recognition of the consequences of the *verstek* has a stronger influence on the evidentiary process, thereby contributing to the granting of the claim in its entirety. This situation indicates that the legal consequences of *verstecks* in judicial practice are not yet uniformly understood by judges. The results of this study align with the research by Nurfitriani et al., which emphasizes that a default judgment does not eliminate the judge's obligation to examine and evaluate evidence submitted by the plaintiff.³⁰ From this perspective, the defendant's absence only results in procedural consequences, namely, the loss of the right to file a defense, while evidence remains the primary basis for determining whether the claim should be granted in full or in part.

However, the results of this study also indicate that, in judicial practice, the defendant's absence may carry a different weight in the evidentiary process. In Decision No. 102/Pdt.G.S/2025/PA.Mgt, the absence of a defense from the defendant had a stronger influence on the granting of the claim than Decision No. 49/Pdt.G.S/2025/PA.Mgt. This expands upon previous research by demonstrating that differing interpretations of the legal consequences of a default judgment can occur even in cases heard by the same court and based on identical legal grounds.

Thus, the primary cause of inconsistency is not a difference in the legal norms applied, but rather the absence of clear standards regarding the status of admission resulting from a default judgment within the evidentiary process. Article 125 of the HIR only regulates the judge's authority to render a judgment when the defendant fails to appear after being duly and properly summoned but does not explicitly stipulate whether such an absence must be interpreted as a lack of objection to the allegations in the

³⁰ Nurfitriani et al., "ANALISIS YURIDIS TERHADAP PUTUSAN PENGADILAN NEGERI SERANG TENTANG VERSTEK (Studi Putusan Nomor 60/Pdt.G/2025/PN.Srg)." hlm. 105.

complaint. This lack of a clear standard allows for differing interpretations in judicial practice, resulting in legal consequences that are not always uniform, even when the same legal framework is applied.

Inconsistencies in the Application of the Legal Consequences of Default in Simple Sharia Economic Lawsuits

The application of the legal consequences of default in court decisions is an important aspect of civil procedure law because it is directly related to legal certainty and the protection of parties' rights.³¹ In default cases, the defendant's absence does indeed give rise to certain procedural consequences; however, it does not automatically relieve the judge of the obligation to assess the legal basis and truth of the claims in the complaint.³² Therefore, consistency in the application of the legal consequences of a default is essential to ensure that cases with similar characteristics receive relatively equal legal treatment.

To identify consistency in the application of the legal consequences of the default, a comparison must be made between Decision No. 49/Pdt.G.S/2025/PA.Mgt and Decision No. 102/Pdt.G.S/2025/PA.Mgt. The two decisions have several fundamental similarities. These are simple claims in Islamic economic law that were heard by a single judge at the Magetan Religious Court, were based on Article 125 of the HIR, and included the reasoning that the defendant's absence could be considered a form of acknowledgment of the plaintiff's claims. Nevertheless, the two decisions resulted in different rulings, making them worth examining from the perspective of consistency in the application of law.

Table 2. Comparison of Default Judgments in Sharia Economic Cases

Aspect	Decision No. 49/2025	Decision No. 102/2025
Type of case	Breach of a <i>murabahah</i> financing agreement	Breach of Sharia-compliant time deposits and savings accounts
Defendant's presence	Absent (<i>verstek</i>)	Absent (<i>verstek</i>)
Number of summonses	2 official and proper summonses	3 official and proper summonses

³¹ R. Soepomo, *Hukum Acara Perdata Pengadilan Negeri* (Jakarta: Pradnya Paradita, 1980)., hlm 33.

³² Abdulkadir Muhammad, *Hukum Acara Perdata Indonesia* (Bandung: Citra Aditya Bakti, 2000)., hlm. 86.

Defendant's status	No information regarding impediments	Held at the Magetan Police Station detention center
Legal basis for default judgment	Article 125 of the HIR	Article 125 of the HIR
Amount in dispute	Rp 40,800,000.00 (principal + interest)	Rp 197,517,788.00 (accumulated savings)
Evidence Review	Active and thorough	Relatively more linear
Evidence Submitted	ID card, minutes of the Extraordinary General Meeting of Shareholders, murabahah agreement, land certificate, SKMHT, installment card, warning letter	ID card, time deposit certificate, savings book
Findings of Fact	The defendant has never made any installment payments; the agreement remains in effect until September 2026	The time deposit has matured; the KSPPS office has closed and is no longer operating
Considerations Regarding Breach of Contract	Pursuant to Articles 36–37 of the KHES and Article 1238 of the Civil Code	Pursuant to Articles 36–37 of the KHES and Article 1238 of the Civil Code
Judgment	Partially Granted	Granted in Full
Relationship between the admission and the judgment	Not determinative	Tends to be determinative
Amount awarded	Rp 37.200.000,00	Rp 197.517.788,00
Difference from the prosecution's demand	Rp 3,600,000.00 lower	No difference
Other claims dismissed	The petition to install banners/signs on the collateral and to auction the collateral was dismissed	No part of the complaint was dismissed

Source: Compiled by the author from the Magetan Religious Court's decision

Based on Table 2, the two decisions share similarities in procedural aspects and the legal basis applied. However, these similarities do not extend to the dispositive portion of the rulings. Ruling No. 49/Pdt.G.S/2025/PA.Mgt granted the claim only in part, whereas Ruling No. 102/Pdt.G.S/2025/PA.Mgt granted this claim in its entirety. This difference indicates that the same legal framework regarding the legal consequences of a default judgment results in different legal outcomes. This finding aligns with the research

by Nurfitriani et al., who state that a default judgment does not eliminate the judge's obligation to examine and evaluate evidence submitted by the plaintiff.³³ From this perspective, the defendant's absence merely results in procedural consequences—namely, the loss of the right to file a defense—while evidence remains the primary basis for determining whether the claim should be granted in full or in part.

However, the findings of this study also revealed a different trend. In Judgment No. 102/Pdt.G.S/2025/PA.Mgt, the absence of a defense from the defendant had a stronger influence on the granting of the claim after the evidence was assessed as supporting the plaintiff's arguments. This situation indicates that in judicial practice, there are still differing interpretations regarding the relationship between the defendant's absence, admission, and presentation of evidence. Thus, the results of this study expand upon previous research findings by demonstrating that such differing interpretations can occur even in cases heard by the same court, and by employing relatively similar legal bases and reasoning frameworks.

In civil procedure law, a default judgment cannot, in principle, be interpreted as an automatic victory by a plaintiff.³⁴ The defendant's absence merely deprives them of the right to file a defence, whereas the judge remains obligated to assess whether the claim has a legal basis and is supported by sufficient evidence.³⁵ This view aligns with the opinion of M. Yahya Harahap, who states that a default judgment does not mean that the judge must grant the plaintiff's entire claim, but rather must still examine the truth of the arguments and evidence presented.³⁶ Thus, the legal effect of a default judgment is more accurately understood as a procedural consequence than as an absolute acknowledgment of all the plaintiff's claims.

This view is consistent with various previous studies that conclude that the judge retains the obligation to examine the substantive truth of the claim, even if the defendant is absent from the hearing.³⁷ From this perspective, the judge's role does not end with

³³ Nurfitriani et al., "Analisis Yuridis Terhadap Putusan Pengadilan Negeri Serang Tentang Verstek (Studi Putusan Nomor 60/Pdt.G/2025/PN.Srg)." hlm. 1143.

³⁴ Baharudin Baharudin, Indah Satria, and M. Ariq Gumilang As, "Pertimbangan Hakim Terhadap Putusan Verstek Pada Perkara Perceraian Nomor 1916/Pdt.G/2022/PA.Tnk," *ALJ : AMSIR Law Journal* 4, no. 2 (2023): 246–53, <https://doi.org/10.36746/alj.v4i2.190>.

³⁵ R. Soeroso, *Hukum Acara Perdata HIR, Rbg, Dan Yurisprudensi* (Jakarta: Sinar Grafika, 2011), hlm. 66.

³⁶ M. Yahya Harahap, *Hukum Acara Perdata* (Jakarta: Sinar Grafiika, 2006), hlm. 383-384.

³⁷ Darmawati and Zainuddin, "Penerapan Keputusan Verstek Di Pengadilan Agama." Hlm. 93.

fulfilling the formal requirements of a default judgment, but continues to include an examination of the legal relationship, evidence, and alignment of the claims with the facts revealed during the hearing.³⁸ Therefore, an admission resulting from a default judgment cannot be treated as standalone evidence without further examination.

When considering the two decisions under review, decision no. 49/Pdt.G.S/2025/PA.Mgt demonstrates a tendency that is more in line with this doctrine. Although the judge stated that the defendant's absence could be considered a form of admission regarding the substance of the legal relationship between the parties, the examination findings revealed that the *murabahah* contract underlying the dispute had not yet reached its expiration date. This fact was subsequently used as the basis for limiting the grant of the claim, such that not all of the plaintiff's claims were granted.

In contrast, Decision No. 102/Pdt.G.S/2025/PA.Mgt followed a different pattern. The judge stated that the defendant's absence could be considered a form of acknowledgment of the plaintiff's claims. However, in this decision, the relationship between the absence of a defense and granting of the claim appears more linear. After the evidence was deemed sufficient to support the plaintiff's claims, all the plaintiffs' claims were granted without any limitations, unlike in Decision No. 49/Pdt.G.S/2025/PA.Mgt. This situation indicates that admission resulting from a default holds a stronger position in influencing the outcome of the decision.

This difference highlights the academic debate on the role of default in the evidentiary process. The first treats the defendant's absence as a form of implicit admission that strengthens the plaintiff's position, thereby making it easier to grant the claim, as long as it is supported by sufficient evidence. The second view asserts that default judgment relates solely to procedural aspects and must not diminish the judge's obligation to actively examine the substantive truth of the claim. The findings of this study tend to support the second view, as they indicate that interpreting absence as an admission too broadly risks shifting the judge's role from that of an active examiner to merely a recipient of uncontested arguments.

The inconsistency in the application of *verstek*'s legal consequences in these two decisions can be explained through the theory of judicial discovery. Judicial discovery is

³⁸ Maswandi, "Putusan Verstek Dalam Hukum Acara Perdata." Hlm.176.

both a fundamental necessity and practical solution to the problem of legal gaps.³⁹ This process constitutes the intellectual work of a judge in rendering a just decision, drawing on both written and unwritten sources of law. According to Sudikno Mertokusumo, a judge not only acts as a mouthpiece for law but also engages in the process of judicial discovery when existing legal norms fail to provide a clear answer to the concrete issue at hand.⁴⁰ In the context of default judgments, Article 125 of the HIR does indeed grant judges the authority to render a judgment when the defendant is absent, but it does not provide explicit guidance on the extent to which such an absence may be interpreted as an admission of the plaintiff's claims. The absence of detailed normative standards leaves room for judicial interpretation. According to Ahmad Rifai, the process of legal discovery is greatly influenced by the methods of interpretation, modes of reasoning, and argumentative frameworks employed by judges to understand a legal event.⁴¹

Therefore, even when applying the same legal norms, judges may reach different rulings due to differences in how they interpret the relationship between legal facts and applicable norms. In Decision No. 49/Pdt.G.S/2025/PA.Mgt, the judge engaged in a more substantive application of the law while still prioritizing evidence as the primary factor in determining the scope of the claim's grant. Conversely, in decision no. 102/Pdt.G.S/2025/PA.Mgt, the judge tended to adopt a more formalistic approach, placing greater weight on the defendant's failure to contest the claim. This difference in approach resulted in the same legal construction, yielding different legal implications.

Thus, the inconsistency in the application of the legal consequences of a default judgment in these two decisions does not lie in the differences in the norms applied but rather in the differences in how judges apply legal reasoning to the same norms. The absence of clear standards regarding the role of the acknowledgment of default judgment within the evidentiary framework grants judges broad interpretive discretion. Consequently, identical legal reasoning can result in different rules. This finding highlights the need to standardize the application of the legal consequences of default

³⁹ Reviana Mutiara Indah and Irwan Triadi, "Penemuan Hukum Sebagai Implementasi Teori Hukum Dalam Menjawab Kekosongan Norma," *Media Hukum Indonesia (MHI) Published by Yayasan Daarul Huda Krueng Mane* 3, no. 4 (2025): 108–20, <https://doi.org/https://doi.org/10.5281/zenodo.17333088>.

⁴⁰ Sudikno Mertokusumo, *Penemuan Hukum Sebuah Pengantar* (Yogyakarta: Cahaya Atma Pustaka, 2014).

⁴¹ Ahmad Rifai, *Penemuan Hukum Oleh Hakim: Dalam Perffakstif Hukum Progresif* (Jakarta: Sinar Grafika, 2018).

judgment to ensure consistency in rulings and legal certainty in the resolution of Islamic economic disputes through a simplified lawsuit mechanism.

Implications of Inconsistencies in the Application of the Legal Consequences of Default on Legal Certainty in Simple Sharia Economic Lawsuits

The inconsistency in the application of the legal consequences of the default in Judgment No. 49/Pdt.G.S/2025/PA.Mgt and Judgment No. 102/Pdt.G.S/2025/PA.Mgt does not lie in the difference in the legal norms applied, but rather in the difference in how judges applied the same norms in the evidentiary process. Both decisions based their examination on Article 125 of the HIR and employed the legal construction that the defendant's absence could be deemed an admission of the plaintiff's claims. However, this identical legal construction resulted in different legal consequences: a partial grant in Judgment No. 49/Pdt.G.S/2025/PA.Mgt, and a full grant in Judgment No. 102/Pdt.G.S/2025/PA.Mgt.

In terms of legal certainty, this situation indicates an issue regarding the consistency of legal applications. Legal certainty not only requires the existence of clear legal norms but also demands uniformity in the application of those norms to cases with similar characteristics.⁴² When two cases—both heard in absentia, based on the same legal grounds, and containing similar reasoning—result in different judgments, the law's ability to provide predictability diminishes. The parties will face difficulties in anticipating the legal consequences arising from the defendant's failure to appear, as the outcome depends heavily on how the judge interprets the relationship between the default judgment and the burden of proof.

This situation indicates that the primary issue does not lie in the existence of Article 125 of the HIR but rather in the absence of uniform standards regarding the status of admission resulting from the defendant's failure to appear. In Decision No. 49/Pdt.G.S/2025/PA.Mgt, the judge treated the admission resulting from the default as a factor that must still be tested through evidence, so not all of the plaintiff's claims were granted. In contrast, in Judgment No. 102/Pdt.G.S/2025/PA.Mgt, the admission resulting from the default had a stronger influence on the evidentiary assessment, leading to the granting of the entire claim. This discrepancy indicates that judges interpret the legal

⁴² Siti Halilah and Mhd. Fakhurrahman Arif, "Asas Kepastian Hukum Menurut Para Ahli," *Siyasah: Jurnal Hukum Tata Negara* 4, no. Desember (2021): 56–65.

consequences of default differently, resulting in disparity in judgments despite the application of the same legal norms.⁴³ The findings of this study align with the research by Nurfitriani et al., who found that default judgments within the judicial system exhibit variations in the extent to which judges scrutinize the grounds of the claim because there are no guidelines explicitly regulating the limits of a judge's adherence to the legal consequences of the defendant's absence.⁴⁴

Furthermore, this study is consistent with the research of Pasla et al., which states that inconsistencies in civil judgments are generally influenced by differences in judges' reasoning patterns when applying general procedural norms.⁴⁵ According to that study, disparities in judgments do not always arise from differences in legal facts, but can occur due to differences in judges' orientations when balancing procedural aspects and substantive justice. The same pattern was evident in the two decisions that were the subject of this study. Decision No. 49/Pdt.G.S/2025/PA.Mgt reflects an orientation that places greater emphasis on examining the substance of the claim, whereas Decision No. 102/Pdt.G.S/2025/PA.Mgt reflects an orientation that places greater emphasis on the procedural consequences of a defendant's absence.

However, there are differing viewpoints in the literature on civil procedural law. Some experts argue that in default judgment cases, the judge must still actively examine the truth of the claims in the complaint because the defendant's absence cannot be equated with an absolute admission.⁴⁶ Meanwhile, another view emphasizes that the primary purpose of a default judgment is to maintain the efficiency and effectiveness of the judicial system; thus, an overly in-depth examination is unnecessary when allegations in the complaint are supported by sufficient evidence.⁴⁷ These differing viewpoints explain why the practice of default judgment varies across various courts in its application.

Based on the research findings, this inconsistency has a significant impact on legal certainty in the resolution of Islamic economic disputes; among other things, it reduces the predictability of rulings because the parties cannot accurately anticipate how the legal

⁴³ Nurfitriani et al., "ANALISIS YURIDIS TERHADAP PUTUSAN PENGADILAN NEGERI SERANG TENTANG VERSTEK (Studi Putusan Nomor 60/Pdt.G/2025/PN.Srg)." hlm. 106.

⁴⁴ Nurfitriani et al. hlm. 107.

⁴⁵ Pasla, Tinangon, and Tampongangoy, "TINJAUAN YURIDIS PENERAPAN PUTUSAN VERSTEK DALAM PERKARA WANPRESTASI (Studi Kasus No 11/Pdt.G.S/2024/PN Ktg)." Hlm. 11.

⁴⁶ Maswandi, "Putusan Verstek Dalam Hukum Acara Perdata." Hlm. 165.

⁴⁷ Darmawati and Zainuddin, "Penerapan Keputusan Verstek Di Pengadilan Agama." Hlm. 99.

consequences of default judgment will be applied in the cases they face, potentially leading to disparities in the treatment of litigants in relatively similar legal situations, and may undermine public trust in the judicial system, as differing rulings could be perceived as indicative of inconsistency in the application of the law.

Therefore, concrete steps are needed to strengthen consistency in applying the legal consequences of default in simple Islamic economic lawsuits. The Supreme Court needs to develop more detailed guidelines regarding the role of the defendant's absence in the evidentiary framework of default cases, particularly concerning the boundary between acknowledging the consequences of the absence of a defense and the judge's obligation to examine the merits of the claim. Furthermore, courts need to promote the use of a more uniform legal reasoning framework through the strengthening of case law and judicial technical forums. With clearer guidelines in place, judges will retain their independence in adjudicating cases, but within a framework that ensures consistency, legal certainty, and equal treatment for those seeking justice in Islamic economic disputes.

Conclusion

This study shows that the application of the legal consequences of default in simple Sharia economic lawsuits does not follow a completely uniform pattern. Although judges use the same legal basis and line of reasoning, a defendant's absence from default cases is not always treated equally in the evidentiary process. These findings indicate that the legal consequences of default in religious court practice are not yet understood as a concept with a standardized application. Furthermore, this study found that the inconsistency in applying the legal consequences of default does not stem from differences in legal norms, but rather from differences in judges' legal reasoning when interpreting the relationship between the defendant's absence, admission, and the burden of proof. The absence of guidelines explicitly regulating the status of admission resulting from default grants judges broad interpretive discretion in determining the limits of granting a claim. Consequently, the same legal norm can produce different legal consequences in cases with similar characteristics. This study demonstrates that such inconsistencies undermine legal certainty by reducing the predictability of judicial decisions and creating disparities in the treatment of those seeking justice. This situation underscores that legal certainty depends not only on the existence of legal norms but also on the consistent application of those norms by judges in judicial practice.

Based on these findings, this study recommends the need to develop clearer guidelines regarding the application of the legal consequences of a default judgment, particularly concerning the role of a defendant's absence in the evidentiary framework and the limits of judgment by default. Furthermore, strengthening case law and establishing technical training forums for judges are necessary to ensure uniformity in the application of procedural law in default judgment cases, thereby fostering greater legal certainty in the resolution of Islamic economic disputes. This study contributes to the development of research on civil procedural law and Islamic economics by demonstrating that inconsistencies in the application of the legal consequences of default are influenced more by differences in judges' legal reasoning than by differences in the norms applied. However, this study is limited to the analysis of two decisions from a single religious court and, therefore, cannot yet illustrate broader patterns in the application of the legal consequences of default. Therefore, future research should examine default judgment rulings across various religious courts or compare them with other judicial systems to obtain a more comprehensive picture of consistency in the application of the legal consequences of default judgments in Indonesia.

Declarations

Author contribution statement

All authors contributed to this study. AN designed and conducted the research, collected and analyzed the data, and drafted the article. FM, SM, and HJ contributed to the review process, provided feedback, and revised the manuscript.

Declaration of interests statement

The authors declare that there are no financial interests, personal relationships, or other affiliations that could influence the objectivity, conduct, analysis, or publication of this study.

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The authors used AI to a limited extent to assist with language editing and grammar correction and to improve the clarity and readability of the article. AI was not used in the formulation of research ideas, data analysis, interpretation of results, or drawing of conclusions. The content, analysis, and conclusions of this article are the sole responsibility of the authors. AI is not listed as an author or contributor to this research.

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